



Tuesday, May 12, 2009
Prior Lake City Hall Council Chambers

Members Present: Bill Schmokel, Roger Wahl, Craig Gontarek & Bill Kallberg & Larry Mueller

Members Absent: None

Staff Present: Mike Kinney, District Administrator
Amy Tucci, Administrative Assistant
Stacy Sass, District Water Resources Technician
Dean Gavin, District Attorney
Ed Matthiesen, District Engineer

Others Present: Emily Javens- Scott SWCD
Barbara Marschall- Scott County Commissioner
Ross Bintner – City of Prior Lake
Cara Rieckenberg – Jeffers Pond Elementary School

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE:** Meeting called to order by President Gontarek at 2:30 PM
2. **PUBLIC COMMENT:** None
3. **APPROVAL OF AGENDA:** President Kallberg moved to accept agenda. Second by Manager Gontarek. All ayes.
4. **CONSENT AGENDA:** Manager Kallberg moved to accept consent agenda. Second by Manager Mueller. All ayes.
5. **ITEMS REMOVED:** None
6. **TECHNICIAN'S REPORT:**

Mr. Kinney asked the Managers to look at the report Josh submitted. Josh was unable to attend the meeting and will be available to answer questions in the office or at the next meeting.

MAEE & Camp Eco Adventure

Cara Rieckenberg presented information for the upcoming MAEE conference and Eco-Adventure camps. These topics were discussed at last month's meeting and the Managers

requested further information. After Cara's presentation and some discussion, the Board decided to contribute \$10,000 to these events. Manager Kallberg made a motion to donate \$10,000 to ISD 719 for use in subsidizing local teachers' attendance at the MAEE Conference and to provide scholarships to students to attend the Eco-Adventure camps. Second by Manager Gontarek. All ayes. Cara will provide a summary of how the money was used at a future Board meeting.

Outlet Box Update

Attorney Dean Gavin updated the Board. He explained we are still waiting for some legal descriptions but we can move forward with the condemnation. Mr. Kinney stated that he will also be contacting some of the parties involved as it relates to the easement.

Manager Gontarek directed staff to continue moving forward with the condemnation.

Mr. Kinney shared that we found record of paying some of Mr. Isaacson's legal fees in the past. He reminded the Board that we need to maintain a reasonable cost to the taxpayers and that we need to be careful and communicate with Mr. Isaacson about where we stand.

Manager Mueller remembered the initial verbal agreement regarding that Mr. Isaacson was going to donate the easement and the District would pay the legal fees.

Mr. Kinney shared that he has clearly conveyed to Mr. Isaacson that we have an obligation to the taxpayers to maintain a reasonable cost and that Mr. Isaacson understands that. Mr. Kinney stated that he was confident that we can come to an understanding.

League of MN Liability Insurance

Mr. Kinney addressed the Board regarding MN Liability Insurance and that we need to annually waive or not waive the monetary limits.

Attorney Dean Gavin explained that historically the District has decided to not forego the statutory limitations on the liability, but we have to fill out this paperwork on an annual basis.

Manager Kallberg verified with Mr. Gavin that in the past we have not waived the limits but rather remained at the statutory limit.

Mr. Gavin recommended that the Board not waive the statutory limit.

Manager Mueller motioned to not waive the limit. Second by Manager Kallberg. All ayes. Motion carried.

Mr. Kinney stated that he will ask Mr. Lenz from the League of MN Cities to attend the June Board Meeting and go over some aspects of our insurance.

Smith Partners Agreement for Legal Services

Mr. Kinney showed an agreement we had for Smith Partners to work on the YMCA easement encroachment. He explained that we have a couple of landowners that have some history with the District in regard to the original Outlet Channel easements and that

they have concerns over both the legal representation that we still have as a district and compensation for obtaining corrected easements. Mr. Kinney stated that since staff was not making any progress with these property owners and one with that we particularly want to do some work in the next year; he recommended that we utilize Smith Partners legal services for easements on Segments 2 and 4. Mr. Kinney also stated that we will work with Valley Surveying to look at what the exact square footage of the existing easement is and what the potential corrected easement would be to see if we could come to agreement on what that value of the easement would be.

Mr. Kinney asked for Board approval to allow Smith Partners to extend their services beyond the YMCA project to easement work on Segment 2 & Segment 4 because these landowners have concern about our current legal representation and that this would show good faith on our part and that we want to bring this issue to a conclusion.

Final Payment Request – Bill Gartmann Well

Emily Javens presented a final payment request for Bill Gartmann's well decommission. The project came in under budget and the unused funds will be returned to our cost share balance. The applicant reduced their final request to \$463.00 which is 37.5% of the cost.

Manager Schmokel motioned to approve the payment. Second by Manager Mueller. All ayes. Motion carried.

TMDL Update

Mr. Kinney explained that the PCA has completed their review and made comments and suggested changes. The TMDL came back to us and we sent it to Joe Bischoff at Wenck and have asked him to consider the changes from PCA for one final review of the document. Mr. Kinney stated that it is close to completion.

Approval of Fund Transfers to JPA/MOA & to Curlyleaf Class

Mr. Kinney explained that these fund transfers are requested of our auditor to formerly identify board action for these transactions. It was stated that in the past have had these transfers on the general claims list, but the auditors would like it to be better defined and clear.

Manager Kallberg motioned to approve the JPA/MOA fund transfer. Second by Manager Wahl. All ayes. Motion carried.

Manager Schmokel motioned to approve the Curlyleaf fund transfer. Second by Manager Kallberg. All ayes. Motion carried.

MAWD Legislative Updates

Mr. Kinney attended a recent MAWD meeting on May 5th. Mr. Kinney presented an attachment showing bill status and legislative updates.

Zebra Mussel Assessment

Mr. Kinney shared that we've been having daily contact with Steve McComas regarding zebra mussels and the status of curlyleaf. Mr. McComas submitted a proposal to do an assessment for us and provide more detail on the zebra mussels in Prior Lake. The Board

discussed the benefit of completing an assessment and its benefit to planning for the new outlet structure.

Mr. Gontarek sees no appreciable value in doing the assessment and suggested that we keep in contact with the DNR when they do their assessment later this summer. It was also suggested that pending any other design changes to the outlet structure, a worst case scenario situation be modeled for zebra mussels.

Administrator's Report

Manager Mueller requested that the staff now start delivering Board books to their homes after assembly each month. Staff will make calls to verify whether each Manager can pick up their book or if staff should deliver.

Mr. Kinney briefly discussed additional items in the Administrator's Report. There were no questions or comments.

Monthly Financial Report

Manager Kallberg moved to accept. Seconded by President Gontarek. All ayes.

Craig Gontarek, President

William Schmokel, Secretary