



***Tuesday, June 8, 2010
Prior Lake City Hall
2:30 PM***

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

Members Absent: None

Staff Present: Michael Kinney, District Administrator
Amy Tucci, Administrative Assistant
Joshua Mankowski, District Technician
Stacy Sass, Water Resources Technician
Jason Naber, District Engineer, EOR
Chuck Holtman, District Attorney, Smith Partners

Others Present: Scott SWCD, Emily Javens
Scott SWCD and SCWEP, Dan Miller
City of Prior Lake, Mike Myser
City of Prior Lake, Ross Bintner
Resident, Greg Aamodt

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE:** Meeting called to order by President Craig Gontarek at 2:30 PM.
2. **PUBLIC COMMENT:** None.
3. **APPROVAL OF AGENDA:** Manager Kallberg requested to add ditch mowing to the agenda. In addition, Administrator Kinney requested to add an MOA item to the agenda. Manager Kallberg moved to accept the agenda as amended. Second by Manager Mueller. All ayes.
4. **CONSENT AGENDA:** Manager Kallberg moved to approve the claims and the May 11, 2010 minutes. Second by Mueller. All ayes.
5. **ITEMS REMOVED:** None.
6. **PUBLIC HEARING – MS4 AND SWPPP REVIEW:** President Gontarek recessed the regular meeting and opened a public hearing. Mr. Miller gave a presentation to the Board on the District's 2009 MS4 activities and an update on the Scott Clean Water Education Program (SCWEP) activities. President Gontarek opened the floor for public comment. After opportunity for public comment,

President Gontarek then closed the public hearing and resumed the regular Board meeting.

7. **TECHNICIAN'S REPORT:** District Technician Joshua Mankowski gave a brief update on permits and development activity within the District.

Mr. Mankowski briefed the Board on The Jehovah's Witnesses parking lot reconstruction which may be permitted by Scott County. Mr. Mankowski will be looking into this project to see if there are retrofit opportunities.

Mr. Mankowski presented permit 06.15 Paradise Acres. He recommended to the Board that a legal survey be done to obtain the easement. Manager Schmokel requested to get an estimate first on the survey. Mr. Kinney will obtain an estimate.

Lastly, Mr. Mankowski presented permit 06.05 City of Savage Twin Ponds. The City, not the District has all the buffers. The City also has City ordinance to protect the wetlands. President Gontarek and Manager Schmokel voiced the concern of long-term wetland protection under this regulation. Mr. Mankowski stated that the City ordinance covers the wetland and buffer preservation. Chuck Holtman, District Attorney, noted that even if the City has ordinances to protect the wetland and buffer, they are not enforceable by the District. President Gontarek requested Mr. Mankowski look into how strong the ordinance is and how it matches the District's needs. He also requested that District Attorney, Chuck Holtman look into it as well.

8. **OLD / NEW BUSINESS:**

Outlet Box Update

Administrator Kinney informed the Board that pipe placement is planned for Tuesday, June 8. Wednesday is planned to have the concrete blocks and sheet pile removed. Once removed, restoration including a rock wall and landscaping will begin. Monday, June 14 is planned for vegetation planting, with work finishing up between Tuesday and Wednesday.

Mr. Kinney informed the Board that he will work to find a new contractor to mediate the color issue on the concrete formed stone facing.

Mr. Kinney also explained that Chip Isaacson expressed concern with restoring the access road and to stop erosion. He met with Mr. Isaacson and the City of Prior Lake and the agreed solution will be approximately an additional \$5000 – 6000 cost that will be split equally between the District and the City of Prior Lake.

Administrator Kinney expressed interest in meeting in a closed session with Mr. Holtman and the Board after the regular meeting to discuss the Morlock condemnation hearings.

Channel Update

Mr. Kinney informed the Board that Minnesota Native Landscape and Inter-Fluve were out on Monday, June 7 doing planting work on Segments 3 and 7. Segment 2

appears to be in good condition while there are some concerns with Segment 5a that are being addressed with the permittee.

Lastly, Mr. Kinney updated the Board that a JPA/MOA technical meeting was held a few weeks ago with a full meeting planned sometime during late June or July.

SWCD Update

Emily Javens from Scott SWCD brought Mr. Art Schoot's lakeshore stabilization to the table. She indicated that the project does not meet BWSR funding criteria because Lower Prior Lake is not considered an impaired water body. There was discussion among the Board members with regards to funding without seeing a preliminary design. Manager Kallberg moved to accept the cost share project for Mr. Schoot. Second by Manager Mueller. Four ayes, 1 abstain by Manager Schmokel.

Lastly, Ms. Javens presented a cost share application to the Board for Mr. John Larson with a 15-year contract for 8.6 acres of non-harvestable filterstrips that is also part of the Conservation Reserve Program. Under the cost share docket, the rate would be \$250/acre/year for 15 years. There was discussion among the Board members, Mr. Kinney, and Ms. Javens with regards to the rate listed in the docket and what added benefits the District obtains from harvestable versus non-harvestable filterstrips. The discussion was tabled until Ms. Javens is able to obtain further information on whether Mr. Larson would be interested in harvestable filterstrips versus his current non-harvestable filterstrip application.

EOR Update

Jason Naber from EOR provided project updates. He informed the Board that he will be preparing to write the work scope for the Comprehensive Wetland Protection Plan soon. Mr. Kinney, per request of the Board, will follow-up with Kathy regarding working with Spring Lake Township on the TMDL Implementation Plan and the Low Impact Development review.

Buck Lake Proposal

Mr. Kinney informed the Board that there was no official approval for the Buck Lake proposal at the May Board meeting for the aquatic plant, sediment, and calcium surveys. Manager Mueller moved to accept the aquatic plan and sediment survey by Blue Water Science not to exceed \$1600. Second by Manager Schmokel. All ayes.

NEMO Correspondence

Mr. Kinney reported that a request was made for the District to support the Northland NEMO program in the amount of \$5000 for 2011. Mr. Kinney agreed to check with SCWEP on a joint membership for NEMO and watershed partners for 2011 versus having a separate membership.

Ditch Mowing

There was discussion among the Board members and Mr. Kinney regarding the benefits and consequences on ditch mowing from a water quality and buffer standpoint.

MOA

Mr. Kinney informed the Board that the existing Memorandums of Agreement (MOAs) with the Cities of Prior Lake and Savage and Scott County regarding permitting will expire with the pending approval of the District's Water Resource Management Plan. Mr. Holtman clarified the need and suggested the extension be for 2 years from the plan approval date as Local Water Plans will be updated at that time and the MOAs will likely be revised as well. Manager Kallberg made a motion for the Board president to be authorized to sign the extensions to extend the MOAs with City of Prior Lake, City of Savage, and Scott County per the terms agreed by the parties. Second by Manager Schmokel. All ayes.

9. **Administrator's Report**

Administrator Kinney highlighted Manager Wahl for his last nine years of committed service to the Prior Lake-Spring Lake Watershed District as a manager.

10. **Monthly Financial Report**

There were no questions regarding the financial report.

Manager Kallberg moved to adjourn the regular meeting and enter into an executive session to confer with legal council on active litigation and to discuss personnel matters regarding employee Liz Spande. Second by Manager Schmokel. Meeting adjourned at 5:00 PM.

Executive Session

Board reconvened in an open session and reported with respect to personnel matters that it has authorized the Administrator to discuss hiring Liz Spande.

Craig Gontarek, President

William Schmokel, Secretary