



***Tuesday, August 18, 2009***  
***Prior Lake City Hall, Parkview Conference Room***

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

Members Absent: William Kallberg

Staff Present: Mike Kinney, District Administrator  
Joshua Mankowski, District Technician  
Stacy Sass, Water Resources Technician  
Ed Matthiesen, District Engineer  
Dean Gavin, District Attorney

Others Present: Emily Javens, Scott SWCD  
Daniel Jobe, Scott County Highway Department  
Ross Bintner, City of Prior Lake  
Theresa Peterson, Huemoeller, Bates & Gontarek PLC  
Reed Beckler, Shakopee Resident  
Barbara Marschall, Scott County Commissioner  
Gale Mord, Harbor Church representative

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE:** Meeting called to order by President Craig Gontarek at 2:34 PM
2. **PUBLIC COMMENT:** None
3. **APPROVAL OF AGENDA:** President Gontarek added legal services to the agenda. Manager Bill Schmokel moved to accept agenda. Second by Manager Roger Wahl. All ayes.
4. **CONSENT AGENDA:** Manager Schmokel questioned who should be responsible for some of the survey work that was done on Segments 4A and 5A of the Outlet Channel. He believed that some of the cost should be reimbursed by the developer on Segment 5A. Manager Schmokel moved to accept consent agenda. Second by Manager Wahl. All ayes.
5. **ITEMS REMOVED:** None
6. **TECHNICIAN'S REPORT:** District Technician Joshua Mankowski stated that there is a permit application from Scott County Highway Department for a culvert replacement in the Prior Lake Outlet Channel at Highway 101 to consider at this meeting. The permit is to replace the current undersized culvert that the Prior Lake

Outlet Channel flows through. Dan Jobe, representing the Scott County Highway Department, explained what the project was and took questions from the board.

Mr. Mankowski then stated that data looked at by Andy Selle of Inter-Fluve showed that the increase in culvert size will remove the backwatering effect that has kept this area of the channel stable.

A motion was made by Manager Schmokel to conditionally approve permit 09.01 for the replacement of the Highway 101 culvert adding a third action being taken to work with staff to find a suitable solution to the problem of channel destabilization with the approval of Inter-fluve.

Second by Manager Wahl. All ayes.

7. **OLD / NEW BUSINESS:**

**Channel Update**

Administrator Michael Kinney gave a brief update on all segments of the channel. Segment 4 has been pulled from the current channel work because it has the real ability to hold up all the channel work. Administrator Kinney will continue to work with property owners to obtain the necessary easements around the channel. It was decided that in the case of acquiring additional easement from the Klamm property, compensation for additional area will be offered at \$1/square foot. Administrator Kinney will contact the property owner with the offer.

**Outlet Box Update**

Attorney Dean Gavin updated the Board to the status of obtaining the necessary easements for the outlet box construction.

A motion was made by Manager Schmokel to make payment to the County court for acquisition of easement on the Morlock property for the Outlet Structure per the approved appraisal amount of \$23,000.00. Seconded by Manager Larry Mueller. All ayes.

Manager Mueller moved to accept Mr. Isaacson's counteroffer of \$13,162.50 for easement acquisition for the Outlet Structure project as presented. Seconded by Manager Wahl. All ayes.

Motion was made by Manager Schmokel and seconded by President Gontarek to accept Resolution 09-222 for approval of easement agreement with the Minnesota Valley Electric Cooperative for the Prior Lake Outlet project. All ayes.

**Data Practices**

Attorney Gavin conducted an annual review of the District's Data Practices pursuant to Minnesota Law. He recommended that the Board readopt its current policy and appoint the District Administrator as the responsible authority for policy.

Manager Mueller moved to accept the District's current data practices and appoint the Administrator as the responsible authority for the policy. Seconded by Manager Schmokel. All ayes.

### **County Road 12 Water Quality Retrofit**

Ross Bintner proposed some opportunities for cost share with the City of Prior Lake. These opportunities included installing a bioretention area at Northwood Park and an underground facility at Sunset Park to treat stormwater from County Road 12. There was discussion on the cost to benefit of the projects as well as who should be responsible for the overall cost of the project. It was requested by the board that additional information be brought to the next meeting and discussion will continue.

Mr. Bintner then proposed future cost share on a street sweeping study. The study would look to see the beneficial difference between the use of a brush street sweeper and regenerative street sweeper. Initial numbers show that there is a very low cost per pound of Phosphorus removal using the street sweeper versus other BMPs. The request is to help cover the cost of equipment and additional operations costs from increased street sweeping. More information will be presented at a future meeting.

### **Cost Share Applications/Payment/Summary**

Emily Javens requested payment for the decommissioning of two wells, one for Richard Grosklags and one for Steve Brehm. Manager Mueller moved to make the payments for the cost share for decommissioning the two wells. Seconded by Manager Wahl. All ayes.

Ms. Javens presented a cost share application from Harbor Church for gully stabilization. The project will fill in the gully and install a pipe to carry the water down the hill. The force of the water will then be dissipated and the water will flow into the wetland. The current request is for 45% cost share, as the Scott SWCD Board has approved 45% cost share, leaving 10% of the project cost on the applicant. Concerns were raised that we are not fixing the cause, just treating the effect. The problem of liability was also raised. If the District pays for the cost share, it could be held responsible for future problems. It was requested that an overview and the calculations be provided to the Board showing the area of the roof and the parking lot drainage and the amount of water. A solution needs to be found that doesn't just treat the gully, but addresses the overall drainage problem of the site. Further discussion was tabled to the next meeting.

### **Legal Services**

Due to a conflict of interest, President Gontarek excused himself from this portion of the meeting.

Options for legal services were discussed due to staff changes at the District's current firm. The contract with Huemoeller, Bates & Gontarek PLC expires at the end of the year. It was proposed that in September the District should complete its biannual solicitation for services in order to allow time to interview firms that are interested to determine their potential for representing the District.

Motion by Manager Mueller to have the District's files transferred to Gavin Law Office, to give notice to Huemoeller, Bates and Gontarek PLC and to retain services with Attorney Gavin at Gavin Law Offices until a firm is chosen via the biannual solicitation for services. Seconded by Manager Wahl. All ayes.

8. **Administrator's Report**

Administrator Kinney went through his report updating the Board on events since the last board meeting.

9. **Monthly Financial Report**

Manager Schmokel moved to accept the monthly financial report. Seconded by Manager Mueller. All ayes.

Meeting adjourned at 5:30 PM.

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Craig Gontarek, President

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William Schmokel, Secretary