

**Prior Lake-Spring Lake Watershed District
Monthly Meeting
August 10, 2004**

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

Member Absent: William Schmokel

Staff Present: Bryce Huemoeller, District Attorney
Ed Matthiesen, District Engineer
Shannon Lotthammer, District Administrator
Jim Eggen, District Technician
Yolanda Coleman, Office Assistant

Others Present: Mike Suel, Bob Erickson, Khavn, Carl Wessel, L Benning, C Baker, B Moe, M Nielsen, Majid Mashad, Tony Schmitz, James Spilob, Tim McGraw, Peter Golter, Sean Morrell, Brian Hillinger, Kurt & Jody Kieser, Rick Thomson, John Wingard, Robert Benjamin, John Wander, Mike Nolan, Joel Cooper, Jim Nordstrom, Bob Wiegert

1. CALL TO ORDER: Meeting called to order by President Kallberg at 7:05 PM
2. PUBLIC HEARING – EAW for Prior Lake Outlet and Channel Improvement Project.

Shannon Lotthammer referred to the documents handed out and reviewed the background of the construction of the outlet system in early 1983. She explained the District is responsible for the maintenance and repair of the outlet. She said it has worked well for the last twenty years. She said that over time the usage of the channel has shifted from the flood mitigation purpose of the outlet system to now functioning as a storm water conveyance system for the entire watershed. She said there is increasing pressure from the present level of development in the watershed and also from the approved development from the comprehensive plans from the cities and the county. She said they are also seeing the results of wear and tear from twenty years of operation of the outlet. She said that in 2000 the District initiated a feasibility analysis for enhancements to the outlet and the channel. She said the study was completed in 2003 resulting in five strategies, two of which are the subject of the EAW; the Outlet Structure Modification and the Outlet Channel Improvements. She explained the need for the project, which is discussed in the EAW.

Shannon said there are two elements to the project; the Outlet Box Improvements and the Channel Restoration and Enhancement. She described the proposed outlet box improvements and operating plan changes and said the impact and benefits will include;

- less maintenance and staff time during operation
- larger structure, enhanced aesthetics
- greater efficiency, no change in overall capacity
- reduced intensity of discharge during higher water events

She said the water quality in Prior Lake is relatively good so the effect on downstream waters should be minimal or even beneficial.

Shannon said the Channel Restoration and Enhancement includes increasing the existing easement which ranges from 30' to 100' to a minimum of 75' to provide greater protection to the channel and also access for maintenance. She said the project involves (1) remove the accumulated sediment deposited in the channel over the last twenty years, (2) re-slope the channel banks to enhance the stability and increase the capacity in some areas and (3) stabilize the banks through a combined approach of traditional engineering, using rocks and boulders to stabilize the bottom of the channel and direct energy of the channel toward the middle, and Bioengineering using native plants such as dogwoods, willows and native grasses to stabilize the upper parts of the channel banks, provide native habitat and improve aesthetics. She said the Impact

and Benefits of the Outlet Box Improvements will be decreased potential for future erosion, increased habitat and greater compatibility with greenway concept along the channel. She said there will also be enhanced water quality due to less erosion and the wider buffer. She said there may be some impact on wetlands and although minimal they will need to look at that as part of the permitting process, although one goal is to decrease the bounce that occurs in those wetlands. She said the construction will be timed to minimize the potential impact from the construction effort itself.

Shannon said that as part of the EAW they need to look at the potential cumulative impacts. She said the outlet and channel are part of an overall storm water conveyance system for the cities of Prior Lake and Shakopee and also potentially for the Shakopee Mdewakanton Sioux Community. She said as those areas develop there will be the potential for increased run-off reaching both the lake and the channel. She said two of the five strategies from the outlet studys that the Watershed District completed focus on reducing those future run-off volumes through managing upstream areas, increasing storage and implementing the Watershed District Rules. She said any future developments will be subject to approved Comprehensive Plans, environmental reviews and permitting through the Cities and Watershed District. She said the NPDES Phase II also applies to the project partners.

Shannon said the overall cost is estimated at \$3.7 million and will be funded through cooperative efforts of the Watershed District, the Cities of Prior Lake and Shakopee and potentially the Shakopee Mdewakanton Sioux Community. She said the Watershed District's proposed share is \$1.7 million. She said the expected funding is through a Watershed-wide levy and the District is looking at the potential to issue general obligation bonds for financing some or all of the project.

Shannon said the next step is the voluntary EAW which is on public notice until September 1, 2004 for public comments. Once the environmental review process is completed the District will need to obtain permits from other entities, including the Department of Natural Resources, the Corps of Engineers, the Cities affected by the project and the Pollution Control Agency. She said they also need to revise the Joint Powers Agreement to finalize the operation into the future and also to finalize the cost share agreement. She said the plan is to advertise bids this fall for the first segment, which is the stretch of the channel that extends from County Road 21 to County Road 42 through the Jeffers Property and also for a smaller project just south of County Road 16. She said the construction will be during the winter with the revegetation happening in the spring. She said future segments will be completed as funding and the JPA allow.

President Kallberg asked if there were further comments from Staff or the Board. There were none. He asked if there were any questions or comments from the Public. There were none. President Kallberg closed this public hearing.

3. PUBLIC HEARING – Preliminary Budget and Levy for 2005.

Shannon Lotthammer said this hearing is to review the Draft Preliminary Budget for 2005, the Preliminary Levy and the revised Capital Improvement Plan. She listed the schedule; first Public Hearing on the draft preliminary budget and levy is this meeting August 10, 2004, the second Public Hearing on the Preliminary Budget and Levy will be September 14, 2004 the next board meeting. She said the Watershed District is required to certify the proposed property tax levy to the County by September 15, 2004, following the September Board meeting. She said over the next two months the District will finalize the budget and levy for 2005 and will be certified by the Board at the December 14, 2004 Board Meeting and certified to the County by December 31, 2004.

Shannon said the levy includes every project and/or expense contemplated for 2005. She said the final levy can be reduced if items are removed before the end of the year but it can not be increased from the preliminary budget.

Shannon then walked through the details of the preliminary budget and levy, including the General Fund, Implementation Fund, Outlet System project and other specific projects and funds.

Shannon outlined the Proposed 5 Year Capital Improvement Plan; the proposal for 2005 at \$492,500.00 includes all the things discussed here. She said the CIP Levy for successive years would be; in 2006

\$507,500.00 including funding for a Spring Lake Alum Treatment. She said in 2007 the CIP levy would be \$512,500.00 including a TMDL Study. She said in 2008 the CIP levy would be \$527,500.00, which includes funding for an alum treatment on Upper Prior Lake. She said in 2009 the CIP levy would also be \$527,500.00 and would include some funding for dredging out the desiltration pond downstream from the Ferric Chloride system. She said this might have to happen sooner and the PCA will require an annual report on the capacity of that pond.

Shannon said another thing to consider is that maybe in 2006 the Cates Lake Outlet Project may happen through the City of Savage and they may request the District levy some funds for that. She said that in the past the Board said they would be willing to levy \$50,000.00 for this, although the District has already spent \$28,000.00 on that project so that would be repaid first.

President Kallberg asked if there were comments or questions from the Board. There were none. He asked if there were any questions or comments from the public. There were none.

4. PUBLIC COMMENTS: President Kallberg asked if there were any comments or questions on items other than those on the agenda for later in the meeting. There were none.
5. CONSENT AGENDA: President Kallberg asked if there were any items to be removed from the Consent Agenda. Shannon Lotthammer said there is a revised claims list. President Kallberg said they would remove the Claims List from the Consent Agenda and handle separately.

Motion by Roger Wahl to accept the Consent Agenda as amended by removal of the Claims List and approve the Monthly Minutes and the Monthly Permitting Report. Second by Larry Mueller. Motion passed 4 ayes.

6. ITEMS REMOVED FROM THE CONSENT AGENDA: President Kallberg asked for consideration of the revised claims list. Shannon pointed out the invoices added that had been received after the original claims list was completed and one invoice that was incorrect and a corrected copy received and corrected on the claims list.

Motion by Larry Mueller to accept and approve the Revised July Claims List from #04-222 through #04-258 in the amount of \$35,457.39. Second by Roger Wahl. Motion passed 3 ayes and one member abstaining.

7. TECHNICIAN'S REPORT: Jim Eggen said there were three Permit Applications to be considered for this meeting.

Permit Application #02.10 St. Clair Bluffs Residential Development. Shannon Lotthammer reviewed the permit modification request in connection with the staff report. She reviewed the two main topics for discussion; the request to modify the upper infiltration area, and the request to decrease the width of the wetland buffer.

She said that for the first request the Staff recommendation is that the infiltration basin design be modified to omit the berm and install the drain tile with the following conditions: (1) confirmation that the contours that are on site actually meet the contours of the plan. (2) She said the last time staff was at the site they noted a breach in the berm in the lower infiltration area, a kind of lip of soil between the buffer and the wetland, so one condition would be that that would be restored so there is some high ground between the infiltration area and the wetland. (3) She said the lower infiltration area needs to be graded to conform with the plan and seeded.

She said that regarding the second request; the reduction in the buffer strip width, given that the lower infiltration basin is in this area and there is a need to protect that area to preserve the infiltration function and the importance of the buffer in protecting the wetlands and downstream resources, the staff recommendation is to deny the request to reduce the buffer strip width.

President Kallberg asked if there were questions from the Board. There were none. He then asked the public what has changed since the Board first issued the permit. Peter Golter introduced himself as a

resident of the area and handed out some photos of the area, explaining they were of different back-yards and indicating there is an average of 16 to 20 feet of yard to the buffer, which does not allow much room for children to play or residents to enjoy their back-yards. He displayed some drawings indicating a potential reduced buffer varying between 16 and 20 feet, depending on what yard you are looking at, and said that would still allow them to put down sod and still maintain a play area for children. He said with regard to water quality there already is 92 feet of drain tile proposed to perc the impurities out of the water to have good water going into the drainage basin and on to the wetland. He said what they are proposing is that they also have drain tile on the two low lying properties to which all the rest of the drainage runs. He said they could still maintain the quality of water, rate of run off and the volume of run off and allow them to enjoy their back yards.

Ed Matthiesen asked what they were proposing for the buffer. Mr. Golter said 16 feet and regrading it to still maintain all the positive attributes of the buffer, and sod 14 feet of the lower infiltration area to allow use of back yards. Manager Gontarek said the 30 foot buffer width provides for water quality treatment. Mr. Golter said that 16 feet of the buffer strip is flat and 14 feet is sloped and if they can put drain tile down the center of the 16 feet they can control water quality. Manager Gontarek asked if they have evidence they can keep the same water quality and Mr. Golter said they believe they can improve the water quality. He said that now there is a portion of the berm that is missing so there is a lot of run off. He said if the berm is replaced you lose the 72 hour drying, so he feels if the berm is replaced and drain tile down the center the water can be controlled. Manager Gontarek said the berm must be replaced to meet original plans. Mr. Golter said it will be replaced, but the 72 hour drying will be lost. Manager Mueller asked how far they are proposing to go in each direction running the drain tile parallel with the wetland.

Mike Suel of D. R. Horton said they bought the project from another developer after the permit had been issued. He said earlier this spring that a City of Savage staff member informed them that there is an alternative buffer area within the Watershed's Rules. He said he feels they meet the requirement of conforming to the unique characteristics of the wetland and should qualify for an alternative buffer strip. He said he feels the amount of water is not so much of the problem as it is the frequency. He said there is continuous sprinkling going on due to the sod being laid, and only about half the yards are sodded at this time. He said there is a lot of pooling as a result of the watering. He said there is agreement that all sides want what is best for the wetland, the home owners and to continue controlling water quality all the way to its destination. He said with the pads that are there in some places there are only 10 to 15 feet of usable yards and they feel 25 to 30 feet is a more realistic back yard area and the buffer needs to go down to 16 feet or so. Mr. Golter said they still want to meet the objective, which is the quality of water, maintain the volume and rate so they don't have flash floods and erosion. He said the bulk of the neighborhood residents are in attendance at this meeting and they all would like to enjoy their homes and yards.

Bob Erickson of D. R. Horton said that Shannon's attendance at the neighborhood meeting was greatly appreciated. He said that unfortunately some of the residents had called the City of Savage and were told they could sod further than they should have and that they could put irrigation in where they were not supposed to. He said there is confusion now for the residents from the conflicting directions on sodding and irrigation from the City, the Watershed District and the developer. He said they would be glad to remove the sod from the one area where they misspoke and allowed the sod. He said the City of Savage may also need to step forward and correct the problems caused by the misinformation they provided.

Resident, Jody Kieser, explained her perspective of what has changed since the permit was issued. She discussed with the Board and Staff criteria for determining "unique physical characteristics" of the parcel. She said it is hard for a home owner to understand why there can not be some movement on the District's position. She said she is asking the Board to consider what the people who live in that area need and want for their quality of the land and to be able to enjoy their property. She said Shannon Lotthammer had pointed out that maintenance is a concern of the Watershed, and stated that maintenance is also a concern of the homeowners in the development. She said they have been told that if the buffer strip is 30 feet, there will be prairie grass and wildflowers planted in that area. She addressed Manager Gontarek referring to his question of evidence. She said they have tried to comply with what they have been directed to do; such as perc tests Shannon Lotthammer directed D. R. Horton to do. She said that if there is evidence the Board is looking for, she asks the Board to direct them what evidence to gather. Ms. Kieser said that when they signed the purchase agreement on their property in March of 2003, that on the map the wetland was

shown, but the 30 foot easement was not, there were no signs posted and no information was given about the buffer at that time. She said she is asking the Board to consider these things in their decision.

Brian Moe said he lives in Lot 7 and referred to the 92 feet of drain tile and said that he would ask that be extended into his lot and into Lot 22 so those lowlands would also be drained. He said on the original permit, sod was to be allowed in that area and it is sodded but with the amount of standing water in the area that sod will not survive.

President Kallberg asked where the water was coming from and where it was going in several places pointed out on the drawings. He expressed concerns about the amount of sprinkling taking place and said maybe the rate of watering exceeds the ability of the land to absorb water and they need to control water placement. Mr. Golter said he believes they are controlling irrigation water, but it is the rainfall that does not absorb. Attorney Huemoeller said maybe residents should point out their lots on the drawings and state their issues. Majid Mashad pointed to his lot and said he cannot sod because of standing water and is proposing that if drain tile is put in it should serve his lot also. John Wander said he lives at Lot 23 and pointed to on the drawing and said that all the grading done the land is pretty flat and does not percolate and they need some way of draining it off. Brian Moe of Lot 7 said that because the water does not drain and since the rain a week ago there is still ankle deep water. He said this lot was supposed to be sodded but because of lack of drainage and standing water, the sod would never survive.

Mike Nolan of Lot 22 pointed it out on the drawing and said that part of the infiltration basin goes into about 25 feet of his yard and into John Wander's yard. He said basically this whole block was supposed to drain to the pond and pointed out the path on the drawing. He explained his concerns regarding storm water run off amounts and the survey of his lot. Attorney Huemoeller asked Mr. Nolan if he built his home and did he build it on the correct building pad. Mr. Nolan said so far as he knew he built on the correct pad. He said he did not have his own survey done, but he and others were considering having their own surveys done and were disappointed to find that there was a survey signed off on by the City from Bohlen Engineers. He said that the problems may be with the survey or the soil or other issues that were out of their hands before they bought into the development. Ed Matthiesen asked Mr. Nolan if he was aware of a drainage and utility easement at the rear of his yard. He said yes and that it was actually on three sides pointing out where it is 10 feet on two sides and 20 feet on the third and said that the swale goes about 45 feet into his yard. He said he knows that if it is not tiled or something done about it, it will continually be wet. Attorney Huemoeller asked what type soil was predominant in that area of the development. Mr. Nolan said it was clay and was told it was Type D soil in the lower part of the area and that some of the lots on top have more sand. He said there is quite a variance in the contour from the top of the hill down to the basin before it goes into the pond. Attorney Huemoeller said the Watershed District has an application to modify the infiltration device and change the wetland buffer. He asked Mr. Nolan what exactly is the problem with his lot. Mr. Nolan said his problem is that the infiltration basin does not work as it is set up now and his wish is that the amended drain tile system be extended as far as necessary to appease that problem and dry out those areas so they are useable and will benefit everybody and the wetland area.

Peter Golter of Lot 6 said the District has a requirement of 72 hours for infiltration and that is the goal that D. R. Horton and the homeowners are working toward. He said his issue is the area being dry in 72 hours and a 16 foot buffer to provide a play area.

Ed Matthiesen said the District reviewed the plans by the previous developer's engineer who did the analysis at the time the plan was submitted and said that it would infiltrate. That is why there is the flat area. He said that is the information they relied on. He said that one of the things that probably happened was the method of construction hardened that area to the point it would no longer infiltrate. He said they have suggested a compromise that is okay with Staff to install drain tile to help alleviate that area with no greater than a half of a percent slope so there is still infiltration and some water holding capacity. He said the goals for the buffer strip are water quality improvement, protection of the wetland so there is no encroachment and volume reduction for properties down stream. He said if there is a compromise that can be reached they would be glad to hear about it. He said this meeting is the first he has heard of the proposal to put drain tile on the east-west dimension along the buffer strip infiltration area. He said they are part way to the compromise by having a solution for the infiltration. He said Staff recognizes that in implementing the buffer and infiltration rules over time, they must have signage and they must have more active guidance and

inspection during construction. He said he is also concerned about how a decision here might affect future developments and this is not the forum to just go with 16 feet.

President Kallberg said there are special circumstances under which the District will allow 16 rather than 30 feet and asked if these circumstances have been recited to the residents and developer. Ed Matthiesen referred to other projects where they have incorporated other best management practices some other place on the property such as rain gardens, infiltration areas off of rain spouts, and other alternative devices so that the buffer strip can be reduced but the overall site has the same water quality benefits as a 30 foot width buffer strip would have.

Bob Erickson said that the District Staff has been helpful in directing them to redesign the infiltration. He said it is clear they must do some additional work on the infiltration and hopes that the Board will give staff the authority to work with them and not have to come back for a subsequent meeting. He asked the Board to give staff the latitude to proceed on the path they have recommended for the infiltration. With respect to the request to reduce the buffer width, Mr. Erickson said if the Board is going to follow the Staff recommendation to deny the 16-1/2 foot modification, D. R. Horton would appreciate a findings of fact so they and the residents would understand the reason for the denial.

Mr. Erickson also said he thought Ed had brought up some points D. R. Horton hadn't considered. He mentioned his familiarity and experience with rain gardens and suggested that if they looked at some alternatives, perhaps they could identify some options that may yield an opportunity to reduce the buffer width and still meet the Watershed District's criteria. Mr. Erickson asked the Board to consider tabling their decision regarding the buffer to allow D. R. Horton to work with the Watershed staff to come up with alternatives.

Jody Kieser asked that the Board consider the comments made by Ed Matthiesen and indicated that she felt the inexperience with infiltration and lack of information flowing to the homeowners and the frequency of compliance checks presented special circumstances that she felt would allow the Board to act in the manner they are asking.

Manager Gontarek said he is comfortable with the modification and improvement of the infiltration basin. He said, however, that nothing has been said so far at this meeting in terms of special circumstances regarding the buffer strip applies. He said that when D. R. Horton took over the project, they must have known how close those house pads would be to the buffer strip. He said the problem is the project was designed to have the pads that close to the buffer strip, and now a change is being requested because the homeowners and builders did not know it was that close. He said that if this reduction is granted, then other projects will have the same requests.

Peter Golter said he disagrees for various reasons. He said most of the wetlands in this area are not low class or utility type wetlands, but nice ponds or quality wetlands. He said this is a type 1 or 2 wetland and is impacted. He said they don't want to be the brunt of that impact and do want to help clean it up. He said they understand the volume, rate and quality of water desired and they as residents want the same thing. He said 16 feet and 30 feet make a big difference to their quality of life.

President Kallberg said the standing water seems to be a grading problem and raised questions about the lack of infiltration and the fall between Lot 23 and the berm. Mike Suel addressed that issue and indicated that they know they need to do additional work there, but doesn't think it is a Watershed issue as it is outside the infiltration basin, but appreciate input from the District. President Kallberg said that as the District staff pointed out construction equipment may have compacted the top two inches of soil to the consistency of cement. Mike Suel said you cannot grade the slope without use of heavy equipment and he doesn't think trying to loosen the soil back up will solve the problem due to the type of soil. He said they did a perc test through the top six inches of soil and water is not infiltrating below. He said if necessary they will install drain tile to get the water to the pipe sooner so the area will drain better than it does now.

President Kallberg said he did not feel the Board would be able to make a decision at this meeting due to all of the information presented and the discussion. He said they may be able to handle the two issues separately and asked if the drain tile will solve any of the problems or if they need to look at it in more detail. Ed Matthiesen said that if the drain tile is installed under the upper infiltration area is extended it will meet

the goals of the District as well as the project. He said the Buffer Strip issue should be held over so Staff and the developer's engineer can discuss it further.

Motion by Craig Gontarek to approve the request to modify the infiltration area according to Sheet 1 of 1 of the permit modification request, as indicated on the Staff review to omit the berm originally included in the design of the upper infiltration basin between the two cul-de-sacs and install at least 92 feet of drain tile. Second by Roger Wahl.

President Kallberg asked if there were further questions or discussion regarding the motion. Attorney Huemoeller referred to the conditions in the staff report and, Shannon Lotthammer suggested inclusion in the motion that the final design be approved by the Watershed District Engineer.

Above motion amended by Craig Gontarek to require that the final design be approved by the District Engineer and to include the following conditions;

- **confirmation of the contours of the upper infiltration area, and re-grading if necessary to conform to the site design,**
- **restoration of the berm along the "lower" infiltration area, between the lower infiltration area and the wetland, to restore infiltration function,**
- **final grading of lower infiltration area to conform to the approved plan and seeding of the area with a native seed mix appropriate to the soil moisture conditions,**

Second by Roger Wahl. Motion passed as amended passed 4 ayes.

Motion by Craig Gontarek to table the decision on modification of the buffer strip and direct staff to work with the applicant and bring recommendations to the next meeting. Second by Larry Mueller. Motion passed 4 ayes.

Permit Application # 04.09 Calumet Oaks Townhome Development. Jim Eggen said John Wingard, the engineer from J. R. Hill, Inc., is present at this meeting. He said this is a small townhome development on the north side of 150th Street, west of Louisiana Avenue in the City of Savage. He referred to a pond that was built before Calumet Oaks for some of the other properties in the vicinity. He said there has been some discussion among the District staff, the project engineer and the City of Savage about the drainage. He said they reached agreement that the pond be deepened to accommodate the volume and control rate and water quality for the proposed development. He said with the pond modifications the application meets the District's rules requirements and there are no requests for variances.

President Kallberg asked if there were any questions or comments. Jim Nordstrom said he lives on the west side of Morgan Avenue and asked if Jim Eggen would point out where water drains to and how it comes into the project. Jim Eggen said that none of the water west of Oregon will drain into the Calumet Oaks project or into this pond. Jim Nordstrom said that some of the information regarding direction of drainage is incorrect as presented and pointed out the flow which affects his property. John Wingard explained where culverts, storm sewers, etc. will be and answered Mr. Nordstrom's questions. Ed Matthiesen said that in discussion with the City of Savage it was determined that there seems to be a larger area draining to this pond than was anticipated but the depth of the pond will accommodate it. It is a City of Savage-owned pond and will discharge at a rate of 0.1cfs as required for Credit River by the City of Savage. He said the District's only other issue is water quality and that has been addressed.

Motion by Larry Mueller to approve Permit Application #04.09 Calumet Oaks Townhome Development based on Staff Recommendations. Second by Craig Gontarek. Motion passed 4 ayes.

Permit Application #04.10 South Hamilton Estates 2nd / S Hamilton Woods Residential Development. Jim Eggen said Bob Wiegert of J. R. Hill, agent for this project, is in attendance at this meeting. He said this development is also along 150th Street west of the area just discussed and pointed it out on the drawing. He pointed out a small wetland that will be partially filled to accommodate the lots to the south, which does require wetland mitigation, which will be accomplished on site. Jim said there is a large wetland in the northwest corner of the site and Staff has asked for, as Watershed Rules require, buffer strips on the wetlands. He pointed out where storm water ponds will be created that will account for the water quality

and rate control and indicated that infiltration will be accounted for by under drains on both of the storm water ponds. A resident who did not identify himself and his father, both property owners in the area asked questions about how their property would be affected. These questions were answered by Jim Eggen and Bob Weigert. Jim Eggen said staff does still have some outstanding questions which he has outlined in an E-mail message to Bob Weigert. Jim Eggen said the City of Savage has indicated they are satisfied with this project application.

Motion by Roger Wahl to approve Permit Application #04.10 South Hamilton Estates 2nd/S Hamilton Woods Residential Development, based on staff recommendation conditional upon approval by the City of Savage, and the following conditions; proof that the developer has the off site land owner's permission to place rip rap on his property, proof of the off site land owners permission to convey the discharge across his land or an alternative to handle the discharge on the development property, per the District's Rules, and quantify the existence of proposed rates and volumes as quoted as northerly off site drainage conveyance systems for two, ten and hundred year events.

After the discussion between Staff, District Attorney, Board and Developer's representative the above motion was withdrawn and a new motion offered. Ed Matthiesen said he thinks a conditional approval will be fine, with permission of the adjacent property owner.

Motion by William Kallberg to approve Permit Application #04.10 South Hamilton Estates 2nd / S Hamilton Woods Residential Development as recommended by the memo date August 5, 2004 and subject to the condition that no permit be issued until the questions in the E-Mail from Jim Eggen to Bob Wiegert dated August 6, 2004 are all satisfied. Second by Craig Gontarek. Motion passed 4 ayes.

Manager Mueller requested a short break, approved by President Kallberg.

Following the break, the District Attorney, Engineer, Staff and Board discussed the challenges of filter strips and infiltration in general and as illustrated by the request submitted for St. Clair Bluffs. They agreed they should hold a workshop regarding potential rule changes and long-term maintenance needs. The District Administrator was instructed to schedule the workshop to be held before the next monthly meeting.

8. ENGINEER'S REPORT

A) Outlet Box Design Update and Next Steps. Shannon Lotthammer said that she, Manager Schmokel and Attorney Huemoeller met with Dean Morlock to discuss the outlet box design and the easement. She said that overall the input from Mr. Morlock was positive. She said he appreciated the District's efforts to improve the aesthetics of the structure and preferred the square design over the round design. She said he did ask if it would be possible to elevate the top a little and make the sides slightly sloped to help avoid debris accumulation on the top of the structure. She said they did discuss moving the structure back toward the shoreline if the grade allows. She said Mr. Morlock said there is storm water that the City is discharging along the path to the Outlet Box that is causing some erosion and sediment he felt could be cleared out. Shannon said they might be able to do some dredging to allow the box to be moved back. She said Mr. Morlock asked if there were any requirements as to how close his dock could be to the outlet structure. Shannon said the District has nothing definitive and some guidelines/requirements could be developed. Ed Matthiesen said he feels it is worthwhile taking the project to bid documents at this time as he sees this going hand in hand with the Morlock easements. He said they do need a survey and a soil boring. He said he has two scopes of work; one for Jeffers and one for the Outlet Box and reviewed his memo to the Board of August 4, 2004 and the break down of projected costs. The project would probably be constructed in 2006 or later.

Shannon Lotthammer said the request for the Outlet Box Design is for Board authorization for Wenck Associates, Inc. to proceed with final design and bid document preparation for the new outlet structure, understanding that they are not going to go to bid for another year or two, but want the final design for the easement process. She said it would be at a cost not to exceed \$16,650.00.

Motion by Craig Gontarek to authorize Wenck Associates, Inc. to proceed with design and bid document preparation for the outlet structure at a cost not to exceed \$16,650.00. Second by Larry Mueller. Motion passed 4 ayes.

B) Update on Infiltration/Storage Site Study. Ed Matthiesen displayed some drawings and explained they are looking for depressed areas that match up with soils that allow for infiltration and wetlands restoration. He showed some representative pictures and a soils type map and explained the approach to the project. He pointed out different areas in the District and explained the different types of soils. He said by the next meeting he should have some figures for sites he recommends.

9. OTHER OLD/NEW BUSINESS

A & B) Shannon said she would give a brief update of both the Muhlenhardt and Jeffers Projects. She said for the Muhlenhardt Project the survey has been done of the channel by the SWCD and both The Kestrel Design Group and Wenck Associates, Inc. are getting started on that project. She said the delineation is under way and should be available by the end of the week or early next week. She said the time frame is for the Muhlenhardt bid documents to be completed and out for bid by November 12, 2004 and bids due Friday December 3, 2004, with the target of going to the Board for approval of the construction contracts at the December 2004 meeting.

Shannon said for the Jeffers project they are working with the Jeffers Estate on the necessary easements. She said it seems the Jeffers Estate and the developer are amenable to signing off on those easements in advance of the final platting. She said Attorney Huemoeller is working on the easement document. She said once the EAW is done and even while the EAW is on notice they can start with the permitting for the project. She said the time frame for the Jeffers Project is to have the bid package released on Friday November 5, 2004 and bids due on Friday November 19, 2004 and to go to the Board for approval at the December 2004 meeting.

C) Authorization Requests; Shannon Lotthammer said there are two authorization requests; the first is for Wenck Associates, Inc. and The Kestrel Design Group to proceed with the final design for the Jeffers stretch of the channel. She said in August of last year the Board authorized the preliminary design which is done and both Wenck and Kestrel have funds left in that authorization, but do need some additional funds in order to complete the final design. She said the request is for the additional cost for Wenck not to exceed \$6,650.00 and for Kestrel not to exceed \$2,000.00. She said the second authorization request is to enter into a contract with Schoell & Madson to complete the legal description for the revised easement on the Jeffers property at a cost not to exceed \$500.00.

Motion by Craig Gontarek to authorize Wenck Associates, Inc. an additional \$6,650.00 and The Kestrel Design Group an additional \$2,000.00 to proceed with final design for the Jeffers Segment 1 project. Second by Roger Wahl. Motion passed 4 ayes.

Motion by Larry Mueller to approve entering into a contract with Schoell & Madson for a legal description of the revised easement on the Jeffers property for a cost not to exceed \$500.00. Second by Roger Wahl. Motion passed 4 ayes.

D) Morlock Easement. Shannon Lotthammer said they sent the information on the concept to Rich Greenlee, the structural engineer working with Ed Matthiesen on the Outlet Box. She said she spoke with Mr. Greenlee and he told her he believes there really won't be any issues from a structural standpoint and he will provide some input as to minimal separations, etc.

Shannon said that they had advised Mr. Morlock that the Watershed District is willing to consider modifying their easement, but they wanted to be sure that he understood he still needs to meet City requirements. She said the next step is to talk to the adjacent land owner Chip Isaacson regarding an easement over a small area of his land to give full maintenance access down the cart path, and to get his input on the conceptual outlet box design.

E) Shoreland Management Grant Application. Shannon Lotthammer said the DNR has some funds available for doing shoreland restoration projects. She said she has been talking to the City of Prior Lake and Scott SWCD about submitting a joint application for providing technical assistance, some education in the form of a workshop or open house and some cost-share assistance for shoreland restoration on private properties in the District. She said the funding the District would provide would be in the form of cost share, using funds

already built into the Education Budget for next year. She said the total amount they would be requesting is \$10,000.00.

F) Updates/Other

Shannon said the District is scheduled to be on the City of Prior Lake City Council agenda September 7, 2004 to give an update on the Outlet and Channel projects. She said she is also meeting with the Shakopee Environmental Advisory Committee tomorrow night about the Outlet Channel project. She said the District will also put out a letter to all the Channel Landowners to update them on the progress of the project and notify them that the EAW is out on notice if they want to look at it.

President Kallberg read a memo from Dawn Tracy regarding a follow-up meeting to the July Erosion and Sediment Control Workshop scheduled for Thursday August 19, 2004 from 1:00 to 3:30 at the Scott County Board Room.

President Kallberg said that last year the District had a golf outing and said Shannon had asked him if there would be another one this year. He said the District could set it up again if anyone is interested and along with that he and his wife would like to invite everyone, spouses included, to a post-golf-event barbecue at their house on Spring Lake. He said they are considering the date of September 17, 2004.

10. ADMINISTRATIVE

A) Financial Report. Shannon Lotthammer reviewed the Financial Report for the Board.

Manager Mueller asked if there have been any appraisals done yet on any of the easements. Shannon Lotthammer said Evergreen Land Services is in the process of doing some preliminary estimates on the costs for the easements around Pike Lake. She said she should have some figures for the September meeting. She said she is meeting with the City regarding one development that is already in the proposal stage and another one in the conceptual stage around Pike Lake. She said the City is very cooperative in working easements into the development process.

Shannon Lotthammer said on the Jeffers project they do now have the preliminary cost estimates that Ed Matthiesen and Peter MacDonagh and their staffs have put together for the construction on the Jeffers property. She said the original estimate for the design plan was approximately \$315,000.00 and some odd dollars. She said the updated estimate is about \$345,000.00.

Motion to adjourn by Larry Mueller. Second by Roger Wahl. Motion passed 4 ayes.

William Kallberg, President

Larry Mueller, Secretary