

**Prior Lake-Spring Lake Watershed District
Monthly Meeting
June 14, 2005**

Members Present: Bill Kallberg, Larry Mueller, Bill Schmokel, Roger Wahl

Members Absent: Craig Gontarek

Others Present: Nick Polta, Mick Borka, Jonathan Duesman, Kelly Murray, Terry Wensmann,
Jim Peterson

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

1. CALL TO ORDER: Meeting called to order by President Kallberg at 7:00 PM.
2. PUBLIC COMMENT: President Kallberg asked if there were any public comments or questions regarding issues not already on the agenda for later in the meeting. There were none.
3. CONSENT AGENDA; President Kallberg listed the minutes covered on the Consent Agenda, the Claims List and Permit Report and asked if there were any to be removed from the Consent Agenda. There were none.

Motion by William Schmokel to approve the Consent Agenda as submitted. Second by Roger Wahl. Motion passed 4 ayes.

4. ITEMS REMOVED FROM THE CONSENT AGENDA: There were none.
5. TECHNICIAN'S REPORT:

A) Permits:

Jeffers Pond Elementary School Permit Application #05.07. Jim Eggen displayed a map of the area and pointed out the location of the school site. He said the plan includes the school, parking lots, athletic fields and a stormwater pond. He noted the site is bordered by Jeffers Pond on the north and the Prior Lake Outlet Channel on the west. He said the most westerly softball field is included in the project, but will be owned by the City of Prior Lake. He introduced Jonathan Duesman from Anderson-Johnson Associates as the Engineer for the project. Jim reviewed the application and pointed out the various features on the map.

President Kallberg asked Mr. Duesman if he had anything to add. Mr. Duesman outlined the purchase agreement and grading for the trail covered by the application.

Manager Schmokel referred to the wording in the application that the school site access and the recreational trail will be constructed to accommodate heavy equipment. He asked for a definition of heavy equipment. Mr. Duesman explained it was to allow for emergency and fire equipment. Shannon Lotthammer said the District's Engineer has had a chance to review these plans and verify that the District's need for access to the channel has been met.

Manager Schmokel asked for clarification of the statement in the Analysis Section that the proposed stormwater pond will "apparently" provide the required rate control. Jim Eggen said since the staff report was completed, Staff has concluded that the required rate control is there. After further discussion and explanation by the engineers and Mr. Eggen that the required rate control will be provided, President Kallberg said the word "apparently" should be deleted from the analysis. Manager Schmokel noted that the analysis also states that the proposed filtration area of the stormwater pond meets the District's alternative infiltration standard requirements. Jim Eggen explained the proposal for installation of 100 linear feet of 4 inch pipe around the perimeter of the stormwater pond and the applicability of the alternative infiltration standard. Manager Schmokel suggested a caveat be placed in the plans that this pipe will be one of the first items placed during construction, rather than one of the last.

Manager Schmokel asked if there is any stockpiling on the site. Jon Duesmann explained where there would be some stockpiling. Manager Schmokel emphasized the use of BMPs to assure there are not stockpiles that are left too long and start eroding. He said the standard calls for them to mulch and seed and to control erosion.

Motion by Bill Schmokel to approve Permit Application #05.07 Jeffers Pond Elementary School including the recommendations on pages 4 and 5 of the Staff Report and emphasis be placed on Best Management Practices and the National Pollution and Elimination Systems standards. Second by Roger Wahl. Motion passed 4 ayes.

Jeffers Pond First Addition Permit Application #05.09. Jim Eggen displayed a map of the site. He said that the engineer for the project; Nick Polta of Pioneer Engineering and Terry Wensmann and Kelly Murray of Wensmann Realty are in attendance at this meeting. He pointed out the location of the school site, which was just approved, and other future sites currently designated as outlots. He explained this permit for Jeffers Pond First Addition is about 140 acres consisting of town homes and single family residences. He said the outlots will require separate permits when they are developed in the future. Shannon Lotthammer said although they are not a part of this permit, they were included in the overall modeling so the stormwater management system does take that build out into consideration. Jim pointed out the area covered by this application and gave a brief summary of the staff report.

President Kallberg asked about grading of the 140 acres pertaining to this project. Mr. Polta pointed out the areas graded or to be graded, and what will be seeded.

Manager Wahl asked if there is a 50 foot buffer strip around all the existing ponds. Jim Eggen said a 50 foot buffer is required around Lower Jeffers Pond. Mr. Polta pointed out the ponds covered by the 50 foot buffer and conservation easement. He pointed out the buffers and widths around the other ponds and wetlands. Jim Eggen said the buffer strips all meet the requirements of the City and of the District.

Manager Schmokel asked where grading and seeding have been done. Mr. Polta pointed out and described the areas. Manager Schmokel asked if they have met the requirement of not more than 40 acres open and graded at one time. Mr. Polta said he feels they are within that requirement. Manager Schmokel asked Mr. Polta to certify that.

Manager Schmokel said he has noted some silt fences have been lying down and with the recent rains the washout at the Jeffers South stockpile has grown by a couple feet. He said after the last rain he noted silt running under County Road 42. He said he understood there was to be Best Management Practices to handle this and asked for an explanation of what is going to be done to handle the situation now. Mr. Polta said after the last rainfall there were no major faults with the silt fence, there were some minor ones that were corrected right away and some additional silt fence put in and additional measures added, including temporary and mulch, all within 24 to 48 hours of the rainfall event. He listed other items that have been brought to their attention, which they have taken steps to correct, to prevent pollution and/or erosion. Manager Schmokel said he reviewed the stormwater pollution prevention plan presented by the applicant and said he did not see that any of the things were done in advance of the storm. He said these steps were to be done before a storm, not after. He said he did not see any hay bales, plowed ridges or check dams the day before. He said he does not feel BMPs were followed. Mr. Polta said they are working through some of these issues with the contractors and there are additional prevention practices they will put into place.

Jim Eggen said there are weekly meetings every Wednesday to review the erosion and sediment control practices. He said at the last meeting the attendees discussed a list of items to be addressed. Jim said that on Friday of last week he met on-site with a staff person from the Soil and Water Conservation District and discussed these same issues. He said he sent an expanded list of recommendations and additional improvements to both Nick Polta and Kelly Murray. He said at the meeting tomorrow they will discuss how those recommendations can be instituted. Manager Wahl asked what some of the recommendations are. Jim listed some of the items, which are documented in the inspection report in the permit file.

Shannon Lotthammer asked if Nick Polta or a representative from Wensmann would explain what steps they have taken since the rainfall last Wednesday and what they are planning to do and a time frame for what they are planning. Mr. Polta said they have done some mulching and seeding, getting vegetation growing, added a temporary sedimentation basin, additional silt fence to break up some of the long slopes and grading to direct flow of water. Manager Schmokel asked if there are any stockpiling areas in the grading plans. Nick Polta said the only stockpiles are those required to meet the District's requirement that topsoil be added after building construction.

Manager Schmokel asked Mr. Polta about the stockpile from the existing Jeffers South (#02.13) project located at the end of Jeffers Pass. Mr. Polta said it has been addressed on numerous occasions to mitigate the damage and erosion that occurs there. Manager Schmokel said he has been

there four times and it is getting wider and there are no more silt fence than when they graded Jeffers South. He said there is no new silt fence, the ditch is about 4 or 5 feet wide and 3 to 4 feet deep coming off the stock pile, there is more material being put on top of the stock pile and in his estimation the ends should have silt fence so the water cannot run. He said there is an obligation to prevent this silt from running into a wetland, the channel and down into Pike Lake. He said he noted shortly after the first heavy rainfall that the channel was tainted with sediment. He said the application stated BMPs would be used so this would not occur. Nick Polta explained that they have been working with the City of Prior Lake and the District on this issue. Manager Schmokel listed some of the BMPs that could have and should have been done and said he would like to see a written dissertation of what will be done beforehand in anticipation of a 2 inch rainfall. He said he would like to table this application until there is an understanding of what practices will be used before the fact, not after.

Attorney Huemoeller said the questions Manager Schmokel asked are a combination of questions that relate to the previous permit (#04.11) and also to the current permit application (#05.09). He said there are two general focuses: one is whether the previous permit, which had a limitation of 40 acres, is being complied with. He said the second is whether the previous permit was adequate in its requirements of interim erosion control devices, and if the applicant's performance under the previous permit was adequate. He said Manager Schmokel has raised additional questions about whether erosion control plans under the current application are adequate. He said Manager Schmokel stated the applicant assured the Board that BMPs would be used, they were not sufficient to prevent erosion, and that Mr. Polta's responses have been general with a couple of specifics.

Terry Wensmann said he would like to apologize for not having the erosion issues under control. He said there have been a lot of changes with the project over the last couple of years. He said Wensmann has been and will continue to work with District, the City and SWCD and will go to meetings twice a week instead of weekly if need be to address the concerns. He said the issues raised at this meeting will be addressed at the meeting on Wednesday.

President Kallberg proposed the Board could approve the application with the condition that no action can be taken until it is confirmed that the District is up-to-date with every thing that was required with the first permit. Shannon Lotthammer said that one thing they could do if they want to move forward with an approval is to add a condition that more specific details about erosion and sediment controls during the completion of the mass grading and also construction of the next phase be provided to the District. President Kallberg said there is a list of required modifications and details that need to be addressed before the permit can be issued, and asked if any progress has been made on any of the issues. Shannon Lotthammer said they have received information over the past week that is moving staff forward in addressing these elements.

Manager Mueller asked if the Board of Managers should take a tour of the site with the project and District engineers. Shannon Lotthammer suggested having a special Board meeting on site with representatives of the project to point out what BMPs have been put in place and also get more details on the erosion/sediment plan that will be put into place. She said this will allow for an onsite discussion and also if it is done as a special meeting within the week, it will not slow the project down provided they get the additional details that the Board needs to approve the application.

Attorney Huemoeller said in a few days, Jim will have his meeting and the engineers can even do a pro forma permit that has the specific BMPs the District wants in place. He said the Board can have an on site inspection and then convene to the District Office for a special meeting to consider the permit based upon the Board's inspection, additional research by the engineers, additional input from the developer and a pro forma permit that focuses on the issues that have been raised at this meeting. The Board, staff and applicant representatives discussed this and agreed. Attorney Huemoeller said the District staff and developer's staff should decide on an itinerary and after the inspection is completed convene to a place where a public discussion can be held about what was discovered with input from the engineers and developers and continue the discussion of the permit application. A date, time, site location and site location were discussed and decided. Shannon Lotthammer said she will handle notification about the meeting and suggested that a motion be made to table the permit application until the special meeting.

Motion by Bill Schmokel to table the Permit Application #05.09 Jeffers Pond First Addition until immediately following the on site inspection at 9:00 AM on Tuesday June 21, 2005 at the corner of County Roads 42 and 21, with a meeting for public discussion at the District Office immediately after the inspection. Second by Larry Mueller. Motion passed 4 ayes.

B) Desiltation Basin Repair. Jim Eggen referred to the desiltation basin near Highway 13 and the southwest corner of Spring Lake, and explained the need for the repair and the progress in completing it. The District got two bids and accepted the one from Krueger Excavating, who completed the work in less than a day. He said both he and the engineer are pleased with the work.

6. ENGINEER'S REPORT:

A) Segment 1 Construction Coordination and Bidding. Ed Matthiesen said the District Staff and Wenck Associates, Inc. are working through construction details and schedules with the school property, the City trail and the development components. He said there is a need for some more coordination meetings with this project to move forward and advertise it for bid. He said the District would probably have a September bid time. Shannon Lotthammer referred to her memo in the packets in which she summarized the scopes of work and cost proposals from The Kestrel Design Group and Wenck Associates, Inc. and the funding. She explained there is enough funding to cover the construction for Segment 1 and the design of Segment 5, assuming the contributions from the project partners, before going to bonding. She said the staff are making progress with the JPA, and as soon as that is completed they will be ready for bonding, which she anticipates initiating in late summer or early fall and is generally about a six month process. The Board of Managers, District Administrator and the District Attorney discussed the bonding process.

Motion by Bill Kallberg to approve the cost proposals not to exceed \$12,500.00 for Wenck Associates, Inc. and \$21,330.00 for The Kestrel Design Group to move the Segment 1 project through the bidding and local approval process outlined in the memo dated June 9, 2005. Second by Larry Mueller. Motion passed 4 ayes.

B) New Outlet Structure – Design Status and Next Steps: Ed Matthiesen said he, Shannon and Attorney Huemoeller have met and this is connected to the Morlock easement discussion. He explained the current design and construction plan and what the structure will look like, and

indicated that the structure as currently designed is approximately four times bigger than the existing structure. He said they recognize there will likely be some need for compromises with property owners. He said the next step is to engage Valley Surveying, to stake the structure and easement locations and then have a meeting on site with the property owners. He said they need to meet with Mr. Morlock, Mr. Isaacson, the City of Prior Lake, maybe someone from the Lakes Association and Pat Lynch from the MN DNR. The Board, staff, engineer and attorney discussed the challenges of the site and the need to provide a visual model of the size of the proposed structure. Attorney Huemoeller said the question is whether Mr. Isaacson, Mr. Morlock and other people that are affected by navigation in that area have some sense of what is being proposed so the District is not tied up in lawsuits once the scope of the project is apparent. He said the way to do that is to stake a simulated structure of the magnitude of what would be built on site, stake the easements that are being asked for and needed, and make sure everyone is going in the same direction.

Manager Wahl asked if there is an alternative. The Board and staff discussed potential alternatives and their trade-offs, including safety, efficiency of the outlet and aesthetics.

Shannon Lotthammer said the plan is for Ed Matthiesen to work with Valley Surveying and to put a drawing together that will show all of the easements and the structure itself. She said the next step would be to stake the structure, location and easements, and then hold an on site meeting. She said the District's budget for the outlet box structure has been expended, so additional authorization is needed. She said the requested amount may not be enough to finalize the plans and prepare bid documents, but it can get them going to get a modified scope. Manager Schmokel said maybe they should authorize \$15,000.00 at this time. The Board and Staff discussed the project further.

Motion by William Schmokel to authorize up to \$15,000.00 in engineering fees to Wenck Associates for reevaluating the outlet box reconstruction and location. Second Larry Mueller. Motion passed 4 ayes.

C) Segment 5 Status and Design: Ed Matthiesen said that he and Shannon have been meeting with developers and the City of Shakopee on some design details and are getting closer to an alignment for the channel. He summarized activities in the areas adjacent to Segment 5. Ed said that at this point they are almost ready to start design drawings for Segment 5. He said it would be good to have designs ready to coordinate with others when they are ready to break ground on the various projects.

Shannon Lotthammer said she has been attending developers meetings with the City of Shakopee and one of the topics has been a potential re-alignment of the channel in some parts of Segment 5. The City of Shakopee and the District contend that since it is a benefit to the developers they need to pay for the grading and temporary stabilization to make that change to the channel. She said the project partners would do the bio-engineering. Manager Schmokel asked if the developers have committed to this grading and stabilization. Shannon said not yet, but the City of Shakopee is working on it. Manager Schmokel asked if it is worth proceeding with this without an agreement. Ed Matthiesen said they will not do any design until they know where the channel will be located.

President Kallberg said the request is for approval of Scopes of Work and Cost Proposals for Wenck Associates, Inc. and The Kestrel Design Group. Shannon Lotthammer explained the breakdown of costs for design, construction and administration for Segment 5.

Motion by William Schmokel to authorize the Scopes of Work and Cost Proposals of \$17,932.00 for Wenck Associates and \$57,000.00 for The Kestrel Design Group for the design of Segment 5 with the stipulation that the City, District and Developers agree on an alignment for the channel prior to the start of design. Second by Roger Wahl. Motion passed 4 ayes.

D) MEP Rules Grant – Plan and Budget for Completing. Ed Matthiesen summarized the background of this project, which was started under the previous District Administrator and was to be mostly done by the University of Minnesota. He said he, Diane Spector and Shannon have met with Bob Sykes of the University of Minnesota last fall and this spring to try to come up with a plan to complete the project. Due to a serious illness of Mr. Sykes daughter, he has not made much progress on the project. Shannon Lotthammer said the plan now is for Wenck Associates, Inc. to assume much of the responsibility for the rest of the work on the project, with Mr. Sykes remaining as an advisor. She said the request is for approval for an increase in the Wenck authorization from the current \$7,900.00 to \$16,758.00 for the increased costs to complete the project. She said the University of Minnesota’s original contracted amount will be decreased accordingly.

Motion by William Schmokel to authorize the increase from \$7,900.00 to \$16,758.00 to Wenck Associates, Inc. for increased scope of assistance in completing the MEP Rules Grant project and a corresponding reduction in the cost of the contract with the University of Minnesota. Second by Larry Mueller. Motion passed 4 ayes.

President Kallberg called for a short break at 8:55 PM. Meeting resumed at 9:05.

7. OTHER OLD/NEW BUSINESS

A). Jeffers Easement & Channel Access. Shannon Lotthammer said that the revised easement that the Board approved at the emergency meeting was signed and sent to the County Recorder’s Office. She said staff have also looked at the access question as a part of the development review for Permit Application #05.09. She said the District has not yet received a request from the School District to further constrain the District’s access, but they have been talking about that access being the access road for emergency vehicles.

B) Morlock Easement: Shannon Lotthammer said this topic was covered with the Outlet Structure discussion. She summarize the next steps discussed briefly. The Board and Shannon discussed whether they should hold separate or joint meetings.

C) Pike Lake Easement: Shannon Lotthammer said at the April meeting the Board directed staff to keep moving forward with the acquisition of easements around the lake. She said there is a development that is being proposed on the corner of Pike Lake Trail and County Road 42, which is right next to the Garwood property. She said she met with the Garwoods to discuss their concerns and also the District’s plan to approach them about an easement to address the water level bounce on Pike Lake. She said she also talked with Attorney Dean Gavin and the next step is to meet with

Evergreen Land Services and get them moving forward. She said she and Dean discussed moving forward with the easements for Pike Lake and not the channel at this time. She said that since the District is not yet in the design phase on the channel, they would focus on Pike Lake at this time, even though they may need to go back to some of the same residents next year for easements for the channel. She said they need to get Evergreen Land Services started with the appraisals, starting with the Garwood property. She said that for the proposed development on County Road 42 and Pike Lake Trail, the District has requested that a drainage easement be provided along the lake to elevation 824.3 feet.

D) West Spring Lake Project – Planting/Seeding: Shannon Lotthammer said the contractor is moving forward with the planting and seeding. She said they are considering using a controlled burn, providing the required permits are obtained and landowners agree with it. She said one of the things the contractor requested is a no-cost contract extension. She said the contract is set to expire at the end of this month. She said the water is still high due to the amount of rainfall. She said the contractor is starting the plants in their greenhouse and would like to hold off on the planting until later in the summer or fall when the plants are a little bigger, the water level is a little lower and there is a better chance of success. She said she talked with Gregg Thompson with the Metro Association of Soil and Water Conservation Districts and he agreed that is reasonable. Shannon said she will put together a no-cost contract extension agreement to extend the contract, probably through October.

E) Schedule for 2006 Budget Development and Plan Amendment. Shannon said it would be useful to have another Board workshop to go over the budget and Plan Amendment for the Implementation Plan. She said to stay on schedule for the Budget she is looking at sometime in late June or early July. She asked the Board members to call into the office with their time availability.

She said it is also time to schedule another Technical Advisory Committee meeting to get input on the 2006 Work Plan and Budget. She said in the past normally only the Board President and Vice President have been invited to the TAC meeting, but all the Board members can be invited if they wish. President Schmokel said as long as TAC members and the Board members are notified and the notice is posted that should be sufficient and any Board member who wishes can attend. The other Board members agreed.

F) Updates/Scheduling: Rule Revision Equivalency, Shoreland Restoration Projects. Shannon said she is working on the Rules revision and she hopes to have that ready in July. She said that the Cities are still interested in equivalency. She said Scott County is also interested. Shannon and the Board discussed District assistance to the City when the permitting process is turned over to them. She discussed having a workshop regarding this and developing a budget account for permitting. Manager Mueller brought up the impact of current County ordinances on the perception of wetlands as a liability rather than an asset. The Board and Staff discussed this concern. Attorney Huemoeller suggested a workshop regarding these issues with representatives from County.

Shannon Lotthammer said the shoreland restoration planting was completed on the Menter property. She said if any of the Board are interested in visiting the site, the District has permission from the Menters for the Board to cross their property to see the site when they wish.

Shannon Lotthammer said that today she finished the draft of the JPA and sent it to Attorney Huemoeller and Ed Matthiesen to review. She said a tentative goal is to get the next iteration of the draft completed and bring it to the Board in July. After the Board and attorney have reviewed it, it will be sent to the other partners and their attorneys for review. She said she did attend a City Council work session in Shakopee and gave a presentation on the progress with the JPA revisions. She said Wenck Associates, Inc. has also put together a presentation that any of the partners can use if they wish.

Shannon Lotthammer referred to the summary on Common Carp Removal by Jeremy Duehr handed out for the Board to review. She said he also sent her copies of two other reports, but they are quite long and if any one wants to see them or obtain a copy they should let her know. She said the other handout is an article on Seattle, WA on street drainage and sewer system. She noted that their website is shown for anyone interested in more information.

8. ADMINISTRATIVE:

A) Financial Report. Shannon Lotthammer reviewed the Financial Report. She said she has been working with the District's accountant to more easily summarize the permitting costs, which will help with the new escrow system. She said the District is also spending down the Data Acquisition fund and will instead include monitoring as a component of the 509 Plan.

Shannon Lotthammer said the District has just renewed their liability coverage. She said that each year the District is asked whether or not they wish to waive the monetary limits on court liability established by Minnesota Statute. She said historically the District has not waived. She said this needs to be an annual motion and second and passing by the Board.

Motion by William Kallberg that the District does not waive the monetary limits on municipal court liability established by Minnesota State Statute Section 66.04. Second by Larry Mueller. Motion passed 4 ayes.

Shannon Lotthammer said the District had been planning to do a plant survey of Prior Lake next year. She said this has been a particularly bad year for curlyleaf and milfoil. She said the District did not install the monitoring stations on the outlet channel this year as they are waiting on decisions on some of the development questions, which resulted in funds being available to do the plant survey this year. She said a survey is needed now on Prior Lake and she engaged Steve McComas to do the survey this year to obtain the data to help answer some of the questions the District is receiving. She said Mr. McComas did one survey, and will do another in August after the curlyleaf has died back.

Motion to adjourn by William Schmokel. Second by Larry Mueller. Motion passed 4 ayes.

William Kallberg, President

William Schmokel, Vice President

