

**Prior Lake-Spring Lake Watershed District
Emergency Meeting – Stipulation Agreement for NSP Pipeline Crossing
November 1, 2004
Prior Lake-Spring Lake District Offices
15815 Franklin Trail SE, Prior Lake, MN 55372**

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

Absent: William Kallberg

Staff Present: Bryce Huemoeller, District Attorney
Shannon Lotthammer, District Administrator

Others Present: none

1. CALL TO ORDER: Vice President Schmokel called the meeting to order at 2:05 PM.
2. PUBLIC COMMENT: There were none.
3. OTHER OLD/NEW BUSINESS

Shannon Lotthammer summarized the purpose of the emergency meeting of the Board, to update the Board on a proposed NSP gas pipeline crossing of the Prior Lake Outlet Channel and the implications for the District's channel easement and get Board input on a proposed stipulation agreement with NSP regarding the crossing.

Shannon summarized the history of the issue. She said that the District staff were contacted by NSP in June 2004 regarding the District's engineering requirements for crossing the Outlet Channel with a gas pipeline, which was proposed to be constructed by directional boring under the channel. Shannon consulted with the District's engineer and responded that the District would require a four-foot separation between the bottom of the channel and the top of the pipe and that the District would also like to receive an as-built certification following construction. The District did not receive any follow-up drawings or specifications until it was served with NSP's condemnation petition this fall.

Bryce Huemoeller, District Attorney, then explained NSP's condemnation proceedings and the District's response. He indicated that Dean Gavin of his office had tried to get in touch with NSP's attorney to resolve this matter prior to the condemnation hearing, but that NSP's attorney had not responded so Dean filed a response with the court. NSP is very interested in resolving this matter as quickly as possible. To do so, Bryce proposed that NSP and the District enter into a stipulation agreement that protects the District's interests in and rights to the channel easement, requires NSP to repair any damages to the channel caused by the pipeline, indemnifies the District for any damages caused by the pipeline, and specifies the construction requirements. Bryce provided NSP's attorney with a copy of the agreement the District entered into with the Metropolitan Waste Control Commission for a pipe crossing as a template. The attorney for NSP then drafted a stipulation agreement. Bryce also noted that the draft agreement had been sent to the City of Shakopee, who co-owns the channel easement with the District, to see if they want to be a party to the agreement. Bryce then read the conditions of the agreement to the Board and asked for their comments and input, and for approval to finalize the agreement have two managers sign it.

The Board discussed the draft stipulation agreement and requested the following additions to the document:

- NSP must notify the District prior to the start of construction of the crossing
- That the District or its representative may be present at the construction site and may inspect the construction activity
- NSP must provide the District with certified as-builts following completion of the crossing.

Vice President Schmokel then asked if there was any further discussion or questions regarding the draft stipulation agreement. There was none.

Motion by Schmokel to approve the stipulation agreement with NSP as amended, and to authorize two managers to sign and execute the agreement once the amendments had been incorporated. Second by Gontarek. Motion passed 4 ayes.

4. ADJOURN:

Motion by Mueller to adjourn the meeting at 2:40 PM. Second by Gontarek. Motion passed 4 ayes.

William Schmokel, Vice President

Larry Mueller, Secretary