

**Prior Lake-Spring Lake Watershed District
Monthly Meeting
April 11, 2006**

Members Present: William Kallberg, Larry Mueller, William Schmokel, Roger Wahl
Craig Gontarek arrived 8:10 PM.

Staff Present Dean Gavin, District Attorney
Ed Matthiesen, District Engineer
Shannon Lotthammer, District Administrator
Jim Eggen, District Technician
Yolanda Coleman, Office Assistant

Others Present: Todd Bodem, Steve & Robin Baumann, Art Kalmes, Steve Behnke, Jim Koesterling,
Charlie Melcher, Tim & Lynn Kvidera, Chuck Towne, Wade Waddell, Mick Borka,
Ted Harley

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE. Meeting called to order by President Schmokel at 7:00 P.M.
2. PUBLIC COMMENT. President Schmokel asked if there were any public comments regarding items not already on the agenda. There were none.
3. APPROVAL OF AGENDA. President Schmokel asked if there were any comments, questions or additions to the agenda. There were none.

Motion by Roger Wahl to approve the April 2006 Monthly Meeting Agenda. Second by William Kallberg. Motion passed 4 ayes.

4. CONSENT AGENDA. President Schmokel asked if there were any questions about items on the Consent Agenda or additions to or removals from the Consent Agenda. There were none.

Motion by William Kallberg to approve the Consent Agenda items. Second by Roger Wahl. Motion passed 4 ayes.

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

A) Permits.

Northwoods Project. Shannon Lotthammer explained that she had asked the project applicant to provide the Board with an overview of the project as an informational item. She said she anticipates that the application may come before the Board in May.

Steve Behnke representing the Northwoods Meadows group identified the location of the 80-acre project and described the three components of the project and the three developers involved. He said the hydrology of the projects is interconnected and by working cooperatively, the three developers are handling a number of issues involving grading, sewer and water, and drainage. He said each of the three developers will have individual permits but will have one general contractor for the project. He pointed out the ponds that will be constructed for infiltration and water quality treatment, the location of wetland features, the rain gardens and the City park. He asked if there were any questions.

President Schmokel asked if there were any wetlands that were proposed to be impacted. Mr. Behnke pointed out one wetland impact on the southern portion of the site that is proposed to be mitigated from the wetland bank. He said there are no wetlands on the middle parcel and there is an extensive wetland on the northern parcel that is not proposed to be impacted. He explained why mitigation could not be done on site.

District Engineer Ed Matthiesen noted that he and District staff are in the process of reviewing the details of the permit application, and that staff have met with the project design team several times to discuss District requirements and staff comments and questions.

President Schmokel asked if there were other questions from the Board or Public. There were none. He informed Mr. Behnke that the Board would prefer to see on-site mitigation as opposed to banking.

Permit #05.26 Maple Glen 3rd Addition. Jim Eggen introduced the project and noted that the application was considered at the last Board meeting and tabled by the Board due to several outstanding questions. He said Todd Bodem and Art Kalmes are in attendance and are prepared to address questions. Jim summarized the project, including the questions raised at the last meeting and some that have come up since then. Shannon Lotthammer further summarized the information from the staff report dated March 8, 2006 as revised April 7, 2006.

Shannon informed the Board that the City of Prior Lake, through its staff, expressed a preference for a single pond constructed on the site, which necessitates the proposed drainage alteration. Shannon said she spoke with Assistant City Engineer Larry Poppler, who noted that the City prefers the one-pond approach due to reduced maintenance needs; concern about access to a second pond constructed in the backyard area on the northeast edge of the site; the benefits of creating a longer flow path for the water from the Maple Glen 3rd site before it gets to Prior Lake; and that the area around Rice and Crystal Lake are within the City's orderly annexation area and likely to develop at city density levels, that there is potential for additional run off volume into Rice Lake, which could offset the runoff from the diversion. Shannon noted that the Buck Lake drainage area is primarily in Spring Lake Township and is expected to develop at lower density than the urban expansion area where there are sewer services.

Shannon Lotthammer said the staff recommendation is Alternative 1 with conditions as listed in the staff report. She said the alternatives before the Board are: 1) approve the application subject to the conditions noted, 2) table the item until a date specific with a notation that the application was

complete at the end of February, 2006 and that if the Board does table they need to do an extension of the 60 day review period for another 60 days, 3) deny the application stating the reasons for denial, 4) other specific actions as directed by the Board of Managers recognizing the time frames for review.

President Schmokel asked if there were questions from the public. Robin Steve Baumann of 18110 Buck Lake Circle asked if the water that will be rerouted toward Buck Lake will affect the well water in their area and expressed their concern about diverting the 8 acres to the west. Art Kalmes of the Polaris Group, the project engineer, said that there are almost 4,000 acres draining to Buck Lake. He said that adding 8 acres would increase the drainage area by 0.2 percent increase, and will not be noticed as the fluctuations from year-to-year and day-to-day are likely to be more than that increase. He said regarding wells that all the water is treated on the Maple Glen 3rd site and by trying to keep the level in the southwest wetland the same there should not be an impact on any wells.

Chuck Towne of 18325 Country Square Circle said he had attended the first meeting at the City of Prior Lake when the first application for permit was submitted. He said he was concerned that any additional bounce in the wetland on the southwest edge of the Maple Glen 3rd site would impact his property and even flood his barn. He also asked who would monitor the wetland outlet and stormwater pond and who is responsible for the maintenance.

Lynn Kvidera of 17776 Wedgewood Lane said she is concerned about the drain tile that goes through the northeast part of the Maple Glen 3rd site and outlets into a gully on her property. She said she is concerned about the impact of any changes in the amount of water in the drain tile as a result of the proposed project, particularly as it relates to her septic system and downstream Rice Lake. She also expressed concern about the proposed grading of the Maple Glen 3rd site and the 20 feet of fill brought in for the Maple Glen 1st site, and how that might affect flow through and over her property.

Shannon Lotthammer explained that the applicant is proposing to locate and re-route the “northeast” drain tile to the edge of the Maple Glen 3rd site to avoid impacting the tile during grading. She said the applicant is proposing to tie into the existing tile line at the Maple Glen 3rd property boundaries using the same size tile.

Robin Baumann expressed concerns about the quality of the water flowing from the proposed Maple Glen 3rd site following development and the affect on wildlife and Buck Lake. Ed Matthiesen explained that the site runoff will be treated in a water quality pond before leaving the site, and the proposed pond meets the PLSLWD Rule requirements for phosphorus and suspended sediment removal.

Tim Kvidera of 17776 Wedgewood Lane asked if the tile bends associated with the proposed re-routing of the “northeast” drain tile would constrict the flow and lead to tile plugging; he also asked what type of tile material would be used. Art Kalmes explained that slotted tile would be used, and the bends would be gradual to avoid a constriction. Mr. Kvidera also expressed concern about the surface drainage that will flow to his site from the proposed Maple Glen 3rd development.

Wade Waddell of 18301 Country Square Circle explained that he and his neighbor are interested in excavating part of the “southwest” wetland on their property to create a pond or holding area, and lowering the wetland outlet elevation. Ed Matthiesen explained that it is highly unlikely they will be able to lower the pipe outlet because this would be considered an impact under the state Wetland Conservation Act. Ed Matthiesen recommended that Mr. Waddell contact Pete Beckius at Scott County Soil and Water Conservation District.

Art Kalmes addressed some of the issues raised. He noted that the proposed single stormwater pond approach and associated drainage alteration will cost the developer approximately \$180,000.00 extra in development costs due to the cost of reconstructing the outlet for the southwest wetland. He said from a rate control and a hydrology standpoint it would have been a lot more convenient to go with two ponds. He said at the last meeting they heard the current tile outlet from the wetland is very susceptible to plugging and therefore the developer has proposed to replace the tile outlet. He said he feels the developer is proposing a long-term solution to concerns about the southwest wetland.

Mr. Kalmes said that with respect to the northeast drain tile, there will be no increase in the rate or volume of runoff. He said the proposed plan reduces the drainage to that area approximately in half. He said if the development plan changes to a two-pond approach without a proposed drainage alteration, more water will be sent to the northeast than is presently planned for the development and the developer would not propose to reconstruct the southwest wetland outlet as there would not be an increase in the 100-year water levels in that wetland.

Mr. Kvidera asked what will happen if the developer and engineer are both wrong and a problem develops in the future. Dean Gavin, attorney for the PLSLWD, said that is a legal question for which they should seek legal advice. He said he could not advise them as he represents the PLSLWD and it would be a conflict of interest.

Mr. Kalmes said the impacts of the reduced drainage to the east are not great and the benefits of constructing one stormwater pond and replacing the drain tile outlet from the southwest wetland with a constructed outlet are great. He said if the proposed drainage alteration is not allowed the developer will have to construct two ponds and follow the natural drainage, which would leave the drain tile outlet at the southwest wetland that could potentially collapse and cause disruption all around the area. He said he feels they have done a good job on this proposal, worked with the right people and the township is willing to take ownership of the system with the developer paying for it. He said he thinks the proposed constructed wetland outlet addresses the wetland bounce, and the proposed approach will be of benefit to the PLSLWD.

President Schmokel asked if the “northeast” tile line would be under the jurisdiction of the Township. Mr. Kalmes said his understanding it would be within the City of Prior Lake limits, which is the reason it is proposed to be re-routed to the edge of the property so it lies within a drainage and utility easement, so if there are problems in the future the city maintenance people will have access.

Manager Mueller expressed concern about the proposed drainage alteration to shift drainage area from Rice Lake towards Buck Lake and Spring Lake. He noted that he lives in the Buck Lake area, and noted that Buck Lake water levels have increased in recent years. He said he is concerned that

an additional 8 acres draining into Buck Lake could result in higher water levels and flooding impacts. He said he has a problem with being expected to accept this water and is concerned about downstream impacts. He said putting water from one subwatershed into another is like taking land and is unreasonable.

Manager Wahl asked how much water flows under 180th Street now toward Buck Lake. Mr. Kalmes said he has been out there on occasions and that there is water even during relatively dry times. President Schmokel expressed concerns about the proposed drainage alteration and the northeast drain tile. He questioned the usage of the tile. He said he looked through the County Recorder's Office records and could not find any agreement as to what area was to be served by this drain tile and who would be responsible if it fails.

Manager Gontarek expressed concerns about the wetland delineation and grading. He said if the developer moves forward with grading and then the delineation changes, they cannot come back to the PLSLWD and ask for a variance. Mr. Kalmes explained the status of the wetland review and said that the developer cannot move forward with any grading until the wetland delineation has been verified in the field and approved by the City of Prior Lake. He said the City will review the delineation in the field on April 17, 2006.

Manager Mueller referred the PLSLWD Drainage Alteration Rule (Rule I) and said he is not sure the proposed alteration meets the rule requirements. He said he does not feel that the applicant has demonstrated yet that there is a reasonable necessity for the alteration, that reasonable care has been taken to avoid unnecessary injury to upstream and downstream land, or that the benefit occurring to the land in which the drainage will be altered reasonably outweighs the gravity of the harm resulting to the land receiving the burden. He said these are issues that need to be considered carefully.

President Schmokel asked Mr. Kalmes to explain the statement that it would just as easy for the drainage to go either way. Mr. Kalmes said the developer has a preliminary design for a two-pond approach that avoids the drainage alteration. He said the two-pond approach basically involves rerouting some of the storm sewer to a pond in the northeast part of the site that would be constructed at the back of three or four lots with an outlet constructed along the south edge of Maple Glen 2nd. He said by doing this the developer could avoid the 8 acre drainage alteration, but then they would not be proposing the new outlet for the southwest wetland as there would be no impact on that wetland and the existing drain tile could stay as it is.

President Schmokel recommended tabling the application and extending the review period for an additional 60 days to allow more time to address questions about downstream impacts to Buck Lake and the effects of the proposed development on the northeast drain tile. He suggested that a meeting be held between the development team and staff, and the Board consider meeting on site or in a workshop to discuss questions associated with the proposed project.

Motion by Craig Gontarek to table application # 05.26, Maple Glen 3rd and to extend the application review period for an additional 60 days. Second by William Kallberg. Motion passed 5 ayes.

Permit Application #05.18 Twin Ponds 3rd Addition and South Hamilton Woods 2nd Addition. Jim Eggen summarized the proposed project and the Staff Report. He noted that the City of Savage is upgrading the streets to the east of the Twin Ponds project and the PLSLWD should soon receive an application from the City of Savage for that work. He introduced Charlie Melcher, the project engineer, and Jim Koesterling, the permit applicant. He said staff feels the application meets the PLSLWD rules requirements and staff recommend approval of the application subject to the conditions noted in the staff report.

Manager Gontarek asked where the water is filtrated. Ed Matthiesen explained that it is captured and put into a basin, which will have additional plantings, and it is evapotranspiration that will move the water out. In answer to questions from Manager Gontarek, Ed explained that there will only be tile at the top of the basin so as not to drown out the plants, and will drain off to the wetland to the west when filled. He asked the applicants engineer to reply to further questions regarding the drainage.

Charlie Melcher referred to the map of the project and wetland and pointed out the path of the drainage. He said they worked with the City of Savage, the SWCD and the Army Corps of Engineers on the design of a regional pond, which was approved by the City of Savage.

The Board and Staff discussed the project with the engineer and applicant regarding proper easements, wetland impact and mitigation plans, purchase of banking credits outside the watershed district, maintenance plans and future development plans in the area.

Motion by Craig Gontarek to approve Permit Application #05.18 Twin Ponds 3rd Addition and South Hamilton Woods 2nd Addition subject to the conditions in the Staff Review dated April 7, 2006. Second by Larry Mueller. Motion passed 5 ayes.

Permit Modification for Keystone Communities, Permit #02.07. Jim Eggen said this permit was originally approved and issued in August of 2007. Jim noted that the infiltration basin is not functioning as designed and the permittee is proposing an alternative approach to achieve volume reduction. Jim summarized the staff memo and noted that the proposed permit modification involves using water from the infiltration basin to irrigate some of the grounds around the building. Jim said staff feels that this proposal will meet the District's volume control requirement and staff recommend approval of the proposed permit modification.

The Staff and Board discussed the proposal, including the possibility of monitoring the site to determine how much water is used by the irrigation system. Shannon Lotthammer said there is money in the monitoring budget for special projects and said she could work with Ed Matthiesen to develop a monitoring plan to present to Keystone Communities. The Board agreed.

Motion by William Kallberg of Permit Modification to the Keystone Communities Permit #02.07. Second by Craig Gontarek. Motion passed 5 ayes.

B) 2005 Outlet Operations Report and 2006 Update. Jim Eggen referred to the memo and draft outlet operations report included in the packets, and asked for Board authorization to submit the

report to the DNR. President Schmokel asked if there were any questions or comments from the Board. There were none.

Motion by William Kallberg to accept the 2005 Outlet Operations Report and authorize staff to submit the report to the DNR. Second by Roger Wahl. Motion passed 5 ayes.

Jim Eggen gave a brief update on the lake level and the channel. William Kallberg noted that a floating bog has been observed on Spring Lake. Shannon Lotthammer said she went out to Spring Lake, but could not see the bog.

7. ADMINISTRATORS REPORT. Shannon Lotthammer asked if there were any questions or comments on the Administrator's Report. She said one item that is not mentioned in the report is that BWSR Metro Committee recommended approval of the PLSLWD Plan Amendment and it will go the full BWSR Board on April 26, 2006.

Manager Mueller asked about the status of the outlet design and the easement discussions with the immediate property owners. Shannon Lotthammer said she has not addressed this since the last meeting.

President Schmokel referred to the memo from Huemoeller, Bates and Gontarek regarding offsite easements attached to the Administrator's Report and asked Attorney Gavin to summarize the memo. Attorney Gavin said the memo was a follow-up to the Board's discussion at the March Regular meeting referencing the Maple Glen 3rd project and whether or not the District can require applicants to obtain offsite easements for drainage purposes, and summarized the memo for the Board. The Board and staff discussed this issue.

Shannon Lotthammer asked the Board how they want to proceed with the legal issues before the next meeting. The Board suggested having a workshop/meeting before the next regular meeting to further discuss these issues.

Motion by Larry Mueller to accept the Administrators Report. Second by Craig Gontarek. Motion passed 5 ayes.

President Schmokel called a break at 9:50 PM. Meeting resumed at 10:00 PM.

8 ENGINEER'S REPORT.

A) Segment 1 Project Status. Ed Matthiesen summarized the status of the construction project. Ed also reviewed with the Board a proposed change order to adjust for project additional and deletions, for a net increase of \$4,815.84 in the amount for the contract with Minnesota Native Landscapes.

Motion by William Kallberg to approve the Wenck Associates, Inc. change order. Second Craig Gontarek. Motion passed 5 ayes.

B) Segment 5 Design. Ed Matthiesen reviewed a concept design for the area of Segment 5 just upstream of Dean Lake. He said the design team proposed to add meanders into the channel to

enhance long-term stability and aesthetics, and explained the design approach. He said that he and Shannon are meeting with the City of Shakopee on April 12, 2006, to discuss the Randy Noecker site and the concept design for this part of Segment 5.

Ed Matthiesen said the District office was advised of a driveway culvert failure on a parcel north of Camp Kipi Yapi, along the Outlet Channel. He said he and Jim Eggen inspected and found that the front end of the culvert has collapsed. Ed noted that the owner has an alternate driveway access route to his house. He said the PLSLWD staff advised the property owner that the District is happy to work with him, but that repairing the culvert is the property owner's responsibility.

9. OTHER OLD/NEW BUSINESS.

A) 2005 Lake Monitoring Results. Shannon Lotthammer presented a summary of the 2005 lake monitoring data. She reviewed graphs for Fish Lake, Spring Lake, Upper and Lower Prior Lake, Cates Lake and Pike Lake and said the information will be included in the annual report.

B) Fish Lake Management Plan. Shannon Lotthammer said she has made revisions to the draft plan based on comments received at the last planning meeting and followed up with some interested parties. She reviewed the changes and asked if the Board had any questions on the final draft. There were none. She asked for Board approval of the plan, and noted that she has talked to Mick Borke about presenting the plan to Spring Lake Township for their comments and support.

Motion by William Kallberg to approve Resolution #06-204 Adopting a Sustainable Lake Management Plan for Fish Lake. Second by Larry Mueller. Motion passed 5 ayes.

C) Downtown Redevelopment and District Permitting/Rules. Shannon Lotthammer referred to her memo dated April 5, 2006 and a letter from the City of Prior Lake dated March 31, 2006, proposing an approach to address downtown area stormwater management needs. She said both the City of Prior Lake and the PLSLWD have recognized the need to address stormwater management in downtown. Shannon summarized the City's proposal and the benefits of the proposed approach. Shannon said that the proposal by the City of Prior Lake to study the downtown stormwater needs and incorporate downtown area stormwater facilities into their CIP points to their commitment to stormwater management in the downtown area. She recommended that the Board authorize sending a letter to the City of Prior Lake expressing support by the PLSLWD and noted that the Board might want to offer technical assistance during the study. She asked if the Board had comments or questions.

Manager Gontarek noted that this would be an opportunity to consider off-site volume mitigation options. Manager Schmokel said that there will need to be a strong commitment from the City for construction of future facilities for the PLSLWD to consider approving projects before the facilities are built. Shannon noted that the City has said they would include the downtown study in their Local Surface Water Management Plan. Manager Schmokel also said this is an opportunity for the PLSLWD to encourage improved stormwater management in the downtown area and to partner with the City by providing cost-share. He said the letter to the City should note that the PLSLWD rules allow the Board to waive the on-site runoff and water quality design criteria if a municipality has an approved local water management plan that provides for off-site stormwater facilities, and if the

PLSLWD is involved in the downtown stormwater study and approves the plan, the Board would consider applying this waiver to future projects in the downtown area.

Motion by Craig Gontarek to authorize staff to send a letter to the City of Prior Lake expressing the PLSLWD's support for the City's proposed approach to addressing the downtown area stormwater management needs, and expressing an interest in participating in the study. Second by William Kallberg. Motion passed 5 ayes.

D) Innovative Water Management Grant Requests. Shannon Lotthammer said the City of Prior Lake is interested in a joint project with the PLSLWD to install pervious pavers in a small parking lot at a park that will be developed in the Jeffers Pond development. She said there will be more information coming on this for the May or June meeting.

E) Shoreland Restoration/Rain Garden Technical Assistance. Shannon Lotthammer said that the PLSLWD contracts through the Scott SWCD for shoreland restoration and rain garden design technical assistance from Gregg Thompson, a landscape restoration specialist. Shannon outlined a proposed work plan for working with Gregg in 2006 that involves up to 10 site designs, coordination of the rain garden planting at the Sand Point and De Witt boat accesses, and assistance with the Spring Creek shoreland restoration project, for which the PLSLWD has received some DNR grant funds. Shannon noted that the technical assistance is expected to total \$5,000, and is included in the budget for the innovative water management program. Shannon also recommended requiring landowners to sign a letter of commitment prior to receiving technical assistance to help encourage installation of the restoration plans Gregg develops. She asked if the Board had any questions about the technical assistance proposal or the letter of commitment approach. The Board discussed and instructed Shannon to move forward with her suggestions.

F) Next Board Workshops (dates and topics). Shannon Lotthammer said one topic that needs to be covered is bonding. She said there is also a need to have a special meeting on drainage questions that may affect the Maple Glen 3rd decision. The Board agreed to the need for a meeting/workshop and discussed potential agenda topics. Staff will contact Board members to schedule a meeting.

10. ADMINISTRATIVE

A) Financial Report. Shannon Lotthammer reviewed the Financial Report through March 2006. She asked if there were questions or comments. There were none.

Motion by Craig Gontarek to approve the March 2006 Financial Report. Second by William Kallberg. Motion passed 5 ayes.

Meeting adjourned 11:30 PM.

William Schmokel, President

Craig Gontarek, Secretary