

**Prior Lake-Spring Lake Watershed District
Monthly Meeting
April 13, 2004**

Members Present: Larry Mueller, William Schmokel, Roger Wahl

Members Absent: Craig Gontarek, William Kallberg

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

Others Present: Arlis Farmer, Bonnie Johnson, Jim Stanton, Cari Tupy, Scott McMahon, Jim Peterson,
Mr. & Mrs. Loftsgaarden

1. CALL TO ORDER: Meeting called to order by Vice President William Schmokel at 7:00 PM.
2. PUBLIC COMMENT: Vice President Schmokel asked if there were any comments on items other than those listed on the agenda for later in the meeting.

Arlis Farmer asked if there were plans to remove more trees in Heritage Landing. Vice President Schmokel replied that the Permit Application for the Heritage Landing is on the agenda for later in the meeting.

3. CONSENT AGENDA:

- A) Approve Monthly Minutes
- B) Approve Claims
- C) Renew approval for permit applications 03.08 Executive Pond, 03.05 Wilds 6th, and 03.19 Journey's End.

Vice President Schmokel asked if there were any questions regarding any items on the Consent Agenda, or if there were any items they wished to remove from the Consent Agenda. District Administrator Shannon Lotthammer said there was a revised Claim List distributed before the meeting. She said basically the changes were the addition of claims for Simply Electric, Andi Coleman and Jim Eggen for expenses. She said the biggest change is the removal of the University of Minnesota Claim. She said she would like to hold this claim over until next month as there are some accounting questions to work out with the University. Vice President Schmokel asked if there were other questions about or removal of items on the Consent Agenda. There were none.

Motion by Larry Mueller to approve the items on the Consent Agenda with the Claims List as amended. Second by Roger Wahl. Motion passed 3 ayes.

A member of the public in attendance requested the Board and Staff to introduce themselves individually. The Board and Staff complied.

4. ITEMS REMOVED FROM CONSENT AGENDA. There were no items removed.

5. TECHNICIAN'S REPORT:

A) Permits. Jim Eggen said there were three permits to be considered.

Heritage Landing Residential Development Application #04.04. Jim Eggen put up a drawing of the area for the development project by Crystal Lake for a number of townhouse units. He said the stormwater will be collected by a stormwater pond and then into an infiltration basin before flowing into Crystal Lake. He said he and the District Engineer have reviewed the project and met with the Developer's engineer and they are satisfied that the water quality, rate control and infiltration designs. The District Engineer Ed Matthiesen said that what has been submitted does meet the District's requirements. Vice President Schmokel asked if there were any representatives for Heritage Landing present. Scott McMahon introduced himself as a representative of Tradition Development and explained they have been working with the City of Prior Lake for a little over a year. He said they have been very successful working with the City on the reduced set backs and narrow street construction. He said there will be a private driveway rather than a public roadway, which would require more right-of-way and push the buildings further back. He said by doing this they are able to minimize the impact on the trees and are able to protect the majority of the shoreline by approximately 150 feet so the esthetics from the lakeside won't change. He said they are proposing to preserve a portion of the area as a park, and they will be presenting this proposal to the City of Prior Lake Planning Commission on April 22, 2004.

Vice President Schmokel asked if there were any questions from the public. Mrs. Loftsgaarden stated she lives on Panama Avenue and received a letter about the meeting and does not really understand what the application for the permit covers. Mr. Eggen pointed out the area of land between Crystal Lake and the road that runs from Panama Avenue just south of MacDonald's and the old County Market location to Highway 13, A resident, Arlis Farmer, asked how many townhouses there will be. Mr. McMahon said he believes there will be 33 townhouses. Ms. Farmer asked if they were going in for sure. Mr. McMahon said they still have to go through the City permit process. Bonnie Johnson stated she lives on Maple Lane just across from Crystal Lake and asked if there will be sewer and water for this development and asked about the water pond that was referenced. Vice President Schmokel said the pond is for the treatment of the surface water that is required by the Watershed District regulations. He explained that the responsibility of the Watershed is to control both the quality and quantity of water flowing off sub-divisions and entering a lake. He said all zoning issues as to the size of development, and number of units are the responsibility of the City of Prior Lake. He asked Ed Matthiesen, the District Engineer, to explain the review process he goes through when he gets the plans from the developer that go to the City. Mr. Matthiesen explained the main things they look at are if there will be any problems created either upstream or downstream by the flow rate from the development. He said they look at the water quality so it does not impair wetlands or lakes downstream, and that is the purpose of the water treatment pond. They also control the volume of water flowing off the development and there is an infiltration basis that the water goes into from the pond. He said there is also a buffer strip requirement around public waters of 30 feet. He said those are the main things he looks at. Mr. McMahon said he would be happy to discuss the subject of the trees outside the meeting with the residents, if the Board wished. Vice President Schmokel said that since the subject was brought up by residents at this meeting the Board is also interested in these questions. He asked if for example, Mr. McMahon can give a percentage of trees, based on area, how many acres of trees will be removed, how many will be left, etc. Mr. McMahon said there are approximately 6-1/2 acres of disturbed area on the 11 acre site. He said one of the acres is the Florian Blumberg property and that Mr. Blumberg had already clear cut his property, so it is really 5-1/2 acres that will be disturbed by the developer. Mrs. Farmer expressed her concerns, not only for the trees, but for the wildlife in the area. Mr. McMahon explained that Mr. O'Brien, owns a lot of the land around the rest of the lake, and does not plan on leaving or developing his property. Mr. Schmokel asked if there were any plans for replanting of trees. Mr. McMahon said the City of Prior Lake has pretty stringent tree replacement guidelines and as part of the restoration after development there are over 500 trees that will be replaced. He said the City will maintain the easements and their intent is to keep the area in its natural state, with maybe a trail, and if Mr. O'Brien ever agrees or sells they could extend a trail all the way around the lake. Mr. McMahon gave a model unit estimate of \$450,000.00 and said they would be very upscale homes.

Vice President Schmokel asked if there were any more questions from the public or the Board. Hearing none he reviewed the findings of the Staff and said he would entertain a motion for approval.

Motion by Roger Wahl to approve Permit Application #04.04 for the Heritage Landing Residential Development. Second by Larry Mueller. Motion passed 3 ayes.

Permit Application #04.06 Tupy Residence. Jim Eggen said this is a relatively minor permit, basically for erosion and sediment control. He said property owner Cari Tupy is present at the meeting. He explained the property is on the south end of Rice Lake, and Rice Lake in turn is just south of Crystal Lake. He said the Tupy's are proposing to haul in some dirt and grade it down in their backyard to reduce the slope of the landscape. He said the area is slightly more than 10,000 square feet, which is what brings it into the permit requirement category. He said a silt fence is planned and the disturbed area will be seeded fairly quickly, weather permitting. Manager Mueller asked what is the reason for filling in the area. Mrs. Tupy replied it was due to the steep drop-off. Shannon Lotthammer said she has visited the site and there is a pretty steep drop-off. She said the plans are for gradually sloping the back yard and there will be an undisturbed area between the grading and the wetland.

Motion by Larry Mueller to approve Permit Application #04.06 for the Tupy Residence. Second by Roger Wahl. Motion passed 3 ayes.

Permit Application #04.05 Wilds Ridge. Jim Eggen stated that Jim Stanton of Shamrock Development, developer of the project, is in attendance at this meeting. Jim Eggen put up a drawing of the project explaining that it is immediately west of the Jeffers property and south of but not contiguous with County Road 42. He said the project is fairly straightforward, the drainage is provided for the stormwater, and he pointed out the location of the stormwater ponds and some wetlands that are on or contiguous to the site and that they all have the appropriate buffer strips. He said he and the Engineer have reviewed the project and found nothing out of the ordinary. Jim Stanton stated it is a 51 acre area and has an eight to nine acre park on the east side. Jim Eggen said the project is for 63 single family homes. Jim Stanton explained that they will leave about 75 feet along Haas Lake where the lots will not touch the lake and the City of Prior Lake will take over this area.

Vice President Schmokel asked if there were any questions from the Board or members of the public. There were none and he asked for a motion.

Motion by Larry Mueller to approve application #04.05 Wilds Ridge with the conditions listed and the exhibit documents required. Second by Roger Wahl. Motion passed 3 ayes.

B) Updates:

Spring Lake Carp Removal. Jim Eggen said the contractor had done some carp removal in February and then again on St. Patrick's Day. He said both days were marginally successful, netting a few thousand pounds of carp. He recommended that if the District does this again next year, they do a little more planning and research for finding the carp. Manager Mueller asked if there is anything that can be done during the summer to locate or even find if there are many carp in the lake. Shannon Lotthammer said that survey techniques do not work too well for carp. She said they will keep in touch with people around the lake. She said that the carp do go through the channel from Spring Lake into Prior Lake and they talked to the contractor about looking at this and maybe placing a fish trap or harvesting when the carp go through the channel. She said they will also talk to the DNR.

Precipitation Monitoring: Jim Eggen said the District will have six new manual gauges in place with new volunteers. He has ordered the automated gauge that was decided on from Texas Electronics that will record the Highway 13 Wetland site, including a heater to allow measurement of frozen precipitation. The gauge will not be equipped with a modem to allow remote access.

Bank Repair/MN Conservation Corps: Jim Eggen said there was a bank of sandy soil immediately downstream of the Gabion drop structure, which was constructed about a year ago to protect the sewer line that runs under the channel. He said he and Shannon worked with the Minnesota Conservation Corps, and hired them to stabilize the bank with seeding, live stakes and cedar revetments to prevent erosion on the

bank near the water line. Ed Matthiesen said it was good experience working with this group for future bank repair and channel construction. It will provide an experienced crew working under Jim Eggen's supervision and will accomplish a lot for a fairly low price. Shannon Lotthammer explained that the Minnesota Conservation Corps does train their crews and there is a year's commitment for the crew to be together. She said the Minnesota Conservation Corps had been a part of the DNR, but were spun off as a part of the budget cuts and now they are their own non-profit organization. She said by State law they cannot compete or bid on a project so to work with them the District will have to hire them as a general contractor.

6. ENGINEER'S REPORT:

A) West Spring Lake Wetland: Ed Matthiesen explained that Jay Bros. did try to start the job and after a day or two stated they would have to bring in tandem dump trucks with four-wheel drive and guaranteed it would work. However, it did not work and they submitted an invoice for the mobilization of these dump trucks, which he said he has no interest in paying as he does not see where the District has received any benefit for this money. He said he spoke with Project Manager of Jay Bros. and told him the District would need the charges substantiated. He said the Project Manager would get him a letter on this, but he has not yet received one. He said he feels the first mobilization fee is part of the District's responsibility because they had told Jay Bros. that there would probably be a February 1, 2004 start date. He said he has already started processing a change order for next winter's work with Jay Bros., but does not want to issue it until this other claim is resolved. He said Jay Bros. is asking for a 5% increase across the board for the work next winter. Roger Wahl asked if there was a possibility of doing the job in the summer if it is dry enough. Ed Matthiesen that is a possibility and it has been made clear the District will only pay for mobilization one time. He said he feels the District should have the option of rebidding the job, but with the original bid being \$14,000.00 lower than the next bid, 5% on top of that is still lower than the next bid. Manager Schmokel asked if Jay Bros. is still bound to the contract. Ed Matthiesen said until June 30, 2004. Manager Mueller asked if it is correct that Ed Matthiesen feels there is an obligation to pay for the mobilization for everything with the exception of the big four-wheel drive dump trucks. Ed Matthiesen said that is correct and Manager Mueller said he agrees with that, as it was not Jay Bros. fault that the District did not get the easements signed earlier. He said he feels it might be wise to agree with the additional 5% for next year or this summer whenever the project can be done. Vice President Schmokel said that Staff should negotiate that to see where they are in relationship to what will happen next year. The Board and Staff discussed the possibility of doing the project this summer and came to the conclusion it would be better to wait until next winter.

B) Sandey Wetland: Ed Matthiesen said he and Shannon Lotthammer and Jim Eggen had inspected the site today before the meeting, and that Jim or Shannon had been out there every day. He said it looks like a very good job. Shannon Lotthammer said that if anyone is interested, she would be happy to accompany them to the site. She said she thinks the seeding will be done on Thursday April 16, 2004. She said Willie Peters from the SWCD has been out there every day during the construction, and will be there April 15, 2004 doing a total station survey.

C) Infiltration Rule Change: Ed Matthiesen said he and Shannon met and determined what they thought the issues were and how they would like to address them in the District's rules. He reviewed the memo regarding the suggested changes regarding, pretreatment of runoff, protection of infiltration capacity during construction, vegetation, easements and signage of infiltration features, long-term maintenance responsibility and monitoring and inspection of infiltration features. He summarized each of the proposed changes. The Board and other Staff made comments and discussed the items during the presentation. Staff will review this meeting's comments and discussion and report to the Board again. Attorney Huemoeller said an important issue is going to be taking land from developers and the Board must decide if they want to do this.

D) Outlet Channel Design – Jeffers Property (Lower Jeffers Outlet, status of design) Ed Matthiesen said the drawings are almost ready to go to construction. He discussed the drawings of the channel and Upper and Lower Jeffers areas. He said they met with the City of Prior Lake regarding their plans for a trail and a park. Ed Matthiesen said that Shannon Lotthammer reminded him that the grant related to the construction of the Outlet Box will expire soon, so he talked to their structural engineer regarding how much work can be done with the remainder of the grant. He reviewed his memo on this dated April 13, 2004, discussing the modifications to the outlet and the project costs.

Shannon Lotthammer said she met with Pat Lynch to discuss the best way to move forward with the Outlet Channel Project and the Outlet Box Modifications. She said the course of action would be that once the outlet box is designed, the design for the first segment of the channel and the EAW are done then they can request a permit modification from the DNR. Vice President Schmokel said he would like to see some language that reflects that the channel is a stormwater conveyance system. Shannon Lotthammer said the EAW will make that very clear and everyone will have a chance to comment on that. She said they will be able to lay out the full system as a part of the EAW and the full nature of what the channel is used for; that it is not just an outlet for Prior Lake, that it is basically a trunk stormwater system.

Motion to approve the proposal for the redesign of the Outlet Box and weir for a total design cost of \$9,506.00 by Larry Mueller. Second by Roger Wahl. Motion passed 3 ayes.

7. OTHER OLD/NEW BUSINESS:

A) Pike Lake Easements: Shannon Lotthammer said she and Ed Matthiesen met with attorneys Bryce Huemoeller and Dean Gavin regarding the easements around Pike Lake. She said the situation there is that discharge from the Outlet impacts the water level on Pike Lake. She said they are looking at what amount of easements would need to be purchased from land owners on Pike Lake in order to address the fact that the water level is being impacted by the Outlet Channel when it is open. She said they are waiting for the survey from Valley Surveying. She said she will have more details at the next meeting.

B) Approve Evergreen Land Services Contract/Land Management Program Request: Shannon Lotthammer said the Evergreen Land Services Contract has not yet been finalized, and that instead the Gene Hauer request has been substituted for consideration. Shannon Lotthammer said she received a proposal from the Scott Soil and Water Conservation District about what can be done to enhance the Filter Strip program and some of the water quality improvement programs that they have. She said that is an item they will bring to the next meeting. Shannon referred to the memo regarding the Gene Hauer property on Swamp Lake. She said Mr. Hauer is interested in signing up for the filter strip program. She said the SWCD through their farm program provides a portion of the payment, and the District provides the rest of the payment of up to \$200.00 per acre per year. She said Mr. Hauer has an additional 1.8 acres of land not eligible for the CRP program and is asking if the District would agree to \$100.000 to \$120.00 per acre per year for these 1.8 acres. She said the water quality benefit is that based on the slope, the soil loss would go from about 3 tons per acre to less than 0.3 tons per acre per year.

Motion to approve the Gene Hauer 1.8 acres at up to \$120.00 per acre per year by Roger Wahl. Second by Larry Mueller. Motion passed 3 ayes.

C) Outlet System EAW Progress: Shannon Lotthammer said they have been making progress with the EAW. She said the scope has been defined and the budget refined to a total cost of \$25,530.00, which includes District Staff time and Wenck Associates, Inc. consulting time. She said they have requested a cost share from the City of Prior Lake of \$5,560.00. She explained the method used to arrive at the \$5,560.00. She said this will be considered at the next City Council meeting. She said this would make the District's cost \$19,970.00. She said she did contact all the Board Managers regarding the cost and received no objections, so she did advise Wenck Associates, Inc. to go forward with the EAW work. She said they have also asked the cities of Shakopee and Prior Lake to recognize the Prior Lake-Spring Lake Watershed District as the Responsible Governmental Unit for the EAW. This was approved at the last Council meeting for the City of Shakopee and is on the agenda for the next meeting of the City Council for the City of Prior Lake. Vice President Schmokel asked if the cost sharing applies to the City of Shakopee for the EAW. Shannon explained that the City of Shakopee has already done an EAW for their stormwater contribution to the Outlet Channel. She said the EAW cost is separate from the cost sharing for the construction, which is being negotiated through the Joint Powers Agreement. She said there has not been a final determination and one of the things Wenck Associates, Inc. is working on is reviewing the modeling that was done and updating that based on changes in both cities' stormwater management plans. She said they will determine if the breakdown of 45% Shakopee, 45% PLSLWD and 10% Prior Lake will still hold up or if there will be any changes to the cost share proposal breakdown. Vice President Schmokel stated that before it is presented to

the Cities of Prior Lake and Shakopee, the PLSLWD Board of Managers should have a chance to review it and evaluate the impact.

Shannon Lotthammer said that a draft agreement of the JPA should be available soon. Vice President Schmokel said that the JPA would be a good topic for the interim Board meetings to be held during the day at the office when deemed necessary. He said one of the questions would be regarding the fact that the first elevation was based on the assumption that the flood elevation would be lowered by FEMA. He said that due to items just discussed that elevation went the other direction. He said these items needed to be documented as they will be looking for financing on an ad valorem basis as opposed to repair under the old system. He said he feels this is the way the system should be financed and the JPA will be a strong part of that because it will be discussing flow and limitations and the rights to shut the channel down.

D) Outlet JPA Update: Covered during the discussion of the EAW Progress.

E) Resolution #04-189 Adopting Sustainable Lakes Management Plan: Shannon Lotthammer said this is a formal resolution adopting a sustainable water quality management plan for Spring and Prior Lakes. She said both the City of Prior Lake and the Spring Lake Township have adopted the Sustainable Lakes Management Plan and they are waiting for some letters of support from the Spring Lake Association and the Prior Lake Association. She said these resolutions would be bound with the plan and included as an element of the plan.

Motion to approve Resolution #04-189 adopting the Sustainable Lakes Management Plan. Second by Roger Wahl. Votes: Larry Mueller; Aye, Roger Wahl; Aye, William Schmokel; Aye. Motion passed 3 ayes.

F) Selection of Consultant for Upper Prior and Fish Lake Aquatic Plant Management Planning. Shannon Lotthammer referred to the memo distributed at this meeting. She said that on March 23, 2004 the District sent out a request for proposals for development of an aquatic plant management plan for Upper Prior and Fish Lakes. She said they received four proposals for each lake. She said she and Managers Mueller and Schmokel met to review the proposals and also spoke with Bud Osmundson at the City of Prior Lake for his input on the Upper Prior Lake proposal because of the partnership work done with the City on Upper Prior Lake and because of the fund source being considered for the aquatic plant management for Upper Prior Lake. She said this is the Milfoil Fund, and basically the expenditures for that fund are recommended by the City through the Lake Advisory Committee. The review group recommends that the plant management contract be awarded as follows: The Fish Lake contract be awarded to The Kestrel Design Group at a cost not to exceed \$6,145.00, which would be funded from the Fish Lake Challenge Grant and is within the budget. The Upper Prior Lake contract be awarded to Blue Water Science at a cost not to exceed \$5,180.00. Blue Water Science included an optional item for shoreline vegetation at an additional cost of \$640.00, which is included in the \$5,180.00 total. Shannon said the requested action is for the Board to award the contracts as recommended with the indication that the award of the Upper Prior Lake contract be contingent on the City of Prior Lake /Lake Advisory Committee concurring on the funding source. She said they have a preliminary indication from the City's Engineering Staff that they concur in using the Milfoil Fund for aquatic plant management planning for Upper Prior Lake.

Motion to award the Fish Lake and Upper Prior Lake aquatic plant management plans contracts to the Kestrel Design Group and Blue Water Science respectively by Larry Mueller. Second by Roger Wahl. Motion passed 3 ayes.

G) Schedule: Watershed Board Meetings, Watershed Tour: Shannon Lotthammer reviewed the Board's decision to have a second Board Meeting in the afternoon to cover some administrative matters or a larger topic that would be more of a workshop item. She asked when the Board would like to hold the next interim meeting as they did skip February and March. She asked if they would like to hold one yet in April or early May before the next regular Board meeting. She suggested some topics; a continued discussion on infiltration, the JPA, 2005 budgets. She said she and Craig Gontarek had discussed the idea of whether it would be useful to spend some time talking about program areas within the Watershed District, such as Land Management, Water Quality, Outlet Channel, etc. regarding short term goals and lay out long term goals to provide some guidance for budgeting for 2005 and long term plans for those programs. Manager Mueller said

there is plenty of issues to be considered at these meetings and said they maybe should have one every month for a few months. The Board Managers present agreed to schedule an interim meeting in early May before the May regular board meeting.

Shannon Lotthammer said one of the items included in District's Education Plans was a watershed tour where they would invite interested parties to see some of the projects. She said they had talked about a spring or early summer tour. She said she was asking the Board's input on when to schedule the tour and who they might invite. Manager Mueller said it would be better to schedule the tour soon before the mosquitoes are bad and the tree foliage is not out enough to obscure views of the projects. The Board suggested some sites to view and information about them. Shannon Lotthammer said they had discussed hiring a bus and possible refreshments, etc. Staff will work up a proposal for presentation to the Board.

H) Updates: CurlyLeaf Pondweed Treatment, Education Activities: Shannon Lotthammer said basically everything is in place for the CurlyLeaf Pondweed Treatment and there are about 100 homeowners signed up for treatment of their shoreline. She said they have the DNR permit including the variance. She said they are waiting for the water temperature to rise above 55° F and remain there.

8. FINANCIAL REPORT:

Shannon Lotthammer said the report is pretty straightforward this month. She briefly reviewed the report. The Board accepted the Financial Report.

Vice President Schmokel asked if there were any other items to discuss before adjournment. Shannon Lotthammer said she did receive a meeting notice from Metro MAWD if any of the Managers are interested. Manager Mueller asked Shannon if she found out what is going on at 190th Street. Shannon said it is not currently impacting the wetland, and will be smaller than an acre so the District does not need to permit it and the County is requiring a silt fence and possibly a grading permit.

9 ADJOURN:

Motion to adjourn by Roger Wahl. Second by Larry Mueller. Motion passed 3 ayes.

William Schmokel, Vice President

Larry Mueller, Secretary