

**Prior Lake-Spring Lake Watershed District  
Monthly Meeting  
August 8, 2006**

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

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

Others Present: Peter MacDonagh, Kermit Mahlum, Mr. & Mrs. McKenna, Mitch Husnik,  
Mike Kettler, Chris Remus, Mark Schoelle, Kevin O'Brien, Ross Bintner

1. CALL TO ORDER. Meeting called to order by President Schmokel at 7:00 PM.
2. PUBLIC HEARING (DRAFT 2007 BUDGET & LEVY) Shannon Lotthammer reviewed the draft proposed budget and levy for 2007. She asked if there were any questions or comments from the public or the Board. President Schmokel explained that the proposed bonding for 1.3 million is for the Outlet and Channel projects, and described the elements of the projects. Manager Kallberg asked Shannon what she recommends regarding adding \$25,000.00 to the General Fund levy and possibly decreasing the Outlet levy. Shannon explained the options further and said this could be decided at the next Board meeting.

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

**Motion by William Kallberg to close the Public Hearing. Second by Craig Gontarek. Motion passed 5 ayes.**

3. PUBLIC COMMENTS. President Schmokel asked if there were any questions or comments on issues not on the agenda for later in the meeting. There were none.
4. APPROVAL OF AGENDA. President Schmokel asked if there were any questions, comments or additions regarding items on the Agenda. There were none.

**Motion by William Kallberg to approve the Agenda. Second by Craig Gontarek. Motion passed 5 ayes.**

5. CONSENT AGENDA. President Schmokel asked if there were any questions, comments or requests for removal of items from the Consent Agenda. There were none.

**Motion by William Kallberg to approve the Consent Agenda. Second by Larry Mueller. Motion passed 4 ayes, 1 abstention.**

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

A) Permits.

Permit #05.03 Shepherd's Path Permit Modification. Jim Eggen introduced the project representatives, and summarized the staff review memo dated August 3, 2006, regarding the proposed soil disposal site. Jim noted that the soil disposal activities were started without a permit and were halted when the applicant was notified that a permit was required. Jim asked if there were questions or comments.

Manager Mueller asked how large the affected area is and how deep the fill will be. Kermit Mahlum replied that it is 1.8 acres and will be 4 to 5 feet deep.

**Motion by William Kallberg to approve Permit #05.03 Shepherd's Path Permit Modification request subject to conditions 1 through 7 outlined in the Staff memo dated August 3, 2006. Second by Craig Gontarek. Motion passed 5 ayes.**

Permit Application #06.02 Maple Place. Jim Eggen summarized the proposed residential development of 12 lots and the staff report dated August 3, 2006. Jim introduced the engineer for the project, Mark Soelle of Ryan Engineering. Jim said staff recommendation was to approve the application subject to the conditions listed in the staff report.

President Schmokel asked if there were any questions or comments from the public or the Board. Manager Gontarek asked for a further explanation of the proposed volume control. Ed Matthiesen explained the details of the proposed infiltration trench, which would rely on porous storage to meet the District's volume control requirement. The Board and staff discussed the drainage pathway. Jim Eggen said the proposed rate and volume meet the PLSLWD requirements.

President Schmokel pointed to an easement along the southerly right-of-way along Highway 13 and asked if it is sufficient for the infiltration trench. Mark Schoelle said it is 15 feet wide and is sufficient. President Schmokel asked if additional easement is necessary to insure the trench stays in place and continues to function. Attorney Gavin said that condition 7 in the staff review for a developer's agreement, and condition 8 regarding the establishment of a homeowners association to maintain the trench should be sufficient and he does not think the PLSLWD needs any additional easements.

**Motion by Craig Gontarek to approve Permit Application #06.02 Maple Place subject to the 8 conditions listed in the staff review dated August 3, 2006. Second by William Kallberg. Motion passed 5 ayes.**

Permit Application #06.10 Village Commerce. Jim Eggen introduced Mike Kettler of Sunde Engineering and Kevin O'Brien of Greystone Construction representing the applicant. Jim said the proposed project involves construction of an office building and a parking lot with a stormwater pond on the north end. Jim summarized the proposed project details and the staff report. He said there is a cost-share application to be considered separately from this application. Shannon Lotthammer said the cost-share application from the City of Prior Lake is on the agenda later in the

evening. She explained this site presented an opportunity to gain water quality treatment of an off-site area that is currently untreated. She said the developer was cooperative working with the City of Prior Lake and the PLSLWD to reconfigure their site to allow for this feature. Shannon noted that the cost-share request from the City of Prior Lake is independent of the permit application.

Jim Eggen said the storm water pond will treat the water on the site and some from across the street, and the area of off-site contribution will be managed so the pond is not overwhelmed. Jim reviewed the site characteristics, the proposed plan, the application and the staff analysis. He said the staff recommendation is to approve the application subject to 4 conditions outlined in the staff review.

President Schmokel asked if there were any questions. Manager Kallberg asked what would happen if the PLSLWD decided not to provide a cost-share grant to the City of Prior Lake. The developer's representatives said that without cost-share on the additional costs to treat the off-site drainage they would revert to the original plan, which focused solely on their site. Ross Bintner of the City of Prior Lake said the City plans to go ahead with the enhanced design regardless of the PLSLWD decision, but they hope the PLSLWD will grant the cost-share request later on the agenda.

**Motion by William Kallberg to approve Permit Application #06.10 Village Commerce subject to the 4 conditions in the Staff Report dated August 3, 2006. Second by Roger Wahl. Motion passed 5 ayes.**

Permit Application #06.11 Tristans Woods. Jim Eggen introduced the permit applicant, Mitch Husnik, and Chris Remus, the project engineer. Jim described the proposed 3 lot, residential development and summarized the staff report. Jim noted that the applicant is requesting a waiver under Rule D, paragraph 4B from the District's design requirements for rate control, water quality and volume control. Jim said the site meets the size limitations of Rule D, paragraph 4B and the applicant is proposing BMPs in the form of roof runoff directed to pervious areas and preservation of an existing wooded basin that has the ability to infiltrate runoff. He said staff proposes that the Board require that a conservation easement be granted to the PLSLWD over the wooded basin to preserve the infiltration of the basin. He said staff recommends approval of the application with the conditions outlined in the staff review.

**Motion by William Kallberg to approve Permit Application #06.11 Tristans Woods including a waiver under Rule D, paragraph 4B and subject to the 5 conditions outlined in the Staff Review dated August 3, 2006. Second by Craig Gontarek. Motion passed 5 ayes.**

Shannon Lotthammer said she has one item to bring to the Board's attention. She said staff was approached by the Jeffers Pond developer asking if the PLSLWD would allow flexibility in its signage spacing requirement for buffer areas, due to the configuration of the site. She said the developer is proposing to reduce the spacing from 200 feet to about 300 feet in areas where there is unlikely to be encroachment, such as along road edges and park areas. She passed out drawings showing the proposed location of the signs. President Schmokel asked if encroachment becomes a problem, will more signs be added. Shannon Lotthammer said she feels the sign requirements and encroachment are two separate issues. She said there are times when the signs are placed as required and property owners pull them out. She said she feels it is reasonable to focus the signs in areas where there is more likely to be encroachment and to gain compliance through monitoring and education.

**Motion by Craig Gontarek to modify Permit #05.09 Jeffers Pond to follow the new wetland signage plan. Second by William Kallberg. Motion passed 5 ayes.**

Shannon requested to move to items 10B and 10A from OTHER OLD/NEW BUSINESS

B) Innovative Water Management Cost-Share Proposals. Shannon Lotthammer reviewed the application from the City of Prior Lake for the Village Commerce project cost-share. She said the request is for a \$36,000.00 grant to help cover the increased cost of this innovative approach to stormwater management. She said that staff recommends approval, with the funds coming from the Innovative Water Quality Management Grant budget. She asked if there were any questions.

Manager Gontarek asked if the additional area being treated is from behind the EZ Stop Gas Station. Shannon Lotthammer said it is the highpoint of Park Nicollet Drive toward Franklin Trail and a portion of the undeveloped area by the EZ Stop. She said these areas did not get picked up with the Ring Road regional pond.

Manager Mueller asked if the used car lot was included in this drainage. Ross Bintner of the City of Prior Lake said the 2.9 acres of additional drainage, the pond would be able to serve comes from the highpoint of Park Nicollet Drive down to the EZ Stop, sections of Franklin Trail, portions of the car lot, the gravel lot on the corner by the gas station and part of Park Nicollet Avenue. He said the goal is to utilize the pond to it fullest.

President Schmokel asked about the \$180,000.00 for land use included in the cost estimate. Mr. Bintner explained that 0.27 acre of the site would be used for additional pond volume to treat the off-site area, which results in a land cost of \$48,600.00 based on an assumed \$180,000.00/acre value, which is conservative. Manager Gontarek asked if future developers will be required to pay for their usage of the regional pond. Mr. Bintner explained what the stormwater fee will be as the area is developed. The Board and Staff discussed the cost share structure, the future maintenance responsibilities of this project and the effect on projects going forward.

**Motion by William Kallberg to approve the Innovative Water Management Cost Share Application from the City of Prior Lake for the Village Commerce Building in an amount not to exceed \$36,000.00. Second by Craig Gontarek. Motion passed 5 ayes.**

Shannon said the second cost share application is the Jeffers Pond Parking Lot. She said this proposed project involves the installation of one or more types of pervious pavement to pave an approximate 7500 square foot parking lot that will be constructed in the new Jeffers Pond Park. She said in this situation the construction of the parking lot will not require a permit from the PLSLWD as it will disturb less than 10,000 square feet. She said the City of Prior Lake is proposing to capture one inch of runoff by installing pervious pavement, which will also provide additional water quality and rate control benefits. She said this also provides the opportunity to highlight a small-site BMP to the public. She said the City is proposing to include monitoring wells so they can monitor the performance of the system and the PLSLWD can assist with the monitoring. She referred to the cost estimate prepared by the City for the three types of permeable pavement, and said the City has proposed the use of at least two of the types so they can compare the relative performances. She said the request is for 50% of the construction cost for the highest cost estimate which will equal \$33,073.00.

Manager Gontarek asked what the cost would be to build the parking lot with regular concrete or asphalt. Mr. Bintner said he did not have that cost readily available. The Board discussed the cost breakdowns. Manager Kallberg said it appears the City is looking for half the total cost instead of half of the incremental costs. Mr. Bintner explained the cost breakdown, which includes the sub-base, not just the surface. Manager Mueller said he does not feel the cost is justified for the size and the benefits to be derived from this parking lot. President Schmokel asked for a cost breakdown per square foot, which Mr. Bintner explained. Manager Gontarek asked if these costs include the necessary bed and materials. Mr. Bintner said yes and explained the project elements. Manager Kallberg said they need an estimate for a simple asphalt surface with concrete curb and gutter for comparison purposes. The Board and staff discussed the costs of various types of alternative parking lots and the benefits to be derived from each. Shannon explained the reasons for the high cost of the permeable surfaces, and that not many examples are available. She said if entities such as watersheds are willing to share costs for these surfaces, they will become more widely used and costs will come down. The Board discussed this issue further and decided to table this request until more information can be provided on the incremental cost of the proposed pervious pavement.

President Schmokel called for a break at 9:25 PM. Meeting resumed at 9:35 PM.

A) City of Prior Lake Local Surface Water Management Plan. Shannon Lotthammer referred to her memo dated August 2, 2006 and the proposed Prior Lake-Spring Lake Watershed District Resolution #06-206. Shannon summarized the District's involvement in the City of Prior Lake's revision of their Local Surface Water Management Plan. Shannon noted that approval of the plan is the first step in the equivalency process. She highlighted the plan and said staff's recommendation was for the Board to adopt Resolution #06-206 approving the plan subject to the conditions noted.

**Motion by William Kallberg to approve Resolution #06-206 of Conditional Approval of the City of Prior Lake Local Surface Water Management Plan, Public Works Design Manual and Official Controls. Second by Larry Mueller. Motion passed 5 ayes.**

#### 8. ADMINISTRATOR'S REPORT.

Shannon Lotthammer asked if there were any questions or comments regarding the Administrator's Report. Manager Mueller asked about the outlet box location and construction plans. Shannon said Mr. Morlock has questions about the staking and one step would be to stake the property line.

Manager Kallberg asked about the status of the JPA. Shannon said there was a TAC meeting on July 13, 2006 and she just received an e-mail from the City of Shakopee indicating they are comfortable with moving forward, the City of Prior Lake is comfortable, the SMSC is looking at the language for the memorandum of agreement and will advise the District soon of any questions or comments they have.

**Motion by Larry Mueller to accept the Administrator's Report. Second by Craig Gontarek. Motion passed 5 ayes.**

#### 9. ENGINEER'S REPORT.

A) Segment 5. Ed Matthiesen summarized the status of the Segment 5a project, including the development along the channel. Shannon, Ed and the Board discussed the plans and the project timeline. Shannon said at the next Board Meeting staff will present the vegetation plan and ask for

Board authorization to solicit quotes. Ed and Peter MacDonagh, of Kestrel Design Group, walked the Board through the design. The staff, Ed and Peter answered questions and discussed issues such as sediment control, water quality control and maintenance access with the Board.

B) Outlet Box Project. Ed Matthiesen said Wenck Associates, Inc. is starting construction drawings for the Outlet Box. He described the size, function and footprint of the structure. He put up drawings of the structure and reviewed its operation and maintenance and profile.

Shannon Lotthammer noted that the budget for project design has been expended, and additional authorization is needed to move forward with the revised design. She said an authorization request will be brought to the September meeting.

Manager Mueller asked what the disadvantage of the existing easement is over the proposed revised location. Shannon said that as of now the District does not have the necessary construction or maintenance easements. She said she has been discussing acquiring these easements from Mr. Morlock in exchange for moving the structure closer to his lot line and revising the pipe easement to allow a portion of a structure to be built over the pipe easement if it met certain conditions. The Board and staff discussed the existing easement held by the District and the easement needs. President Schmokel said staff should explore the District's options in case the landowner does not agree to the current proposal. Shannon referred to the time line handed out, which involves starting construction in late December. She said the structural engineer advised the earliest he could submit a draft final design drawing is the end of September. The Board instructed Shannon and Attorney Gavin to contact the landowner with a time line for a decision and report back at the September meeting.

#### 10. OTHER OLD/NEW BUSINESS (A and B discussed earlier in the meeting)

C) Permit Compliance and Project Close-Out. Shannon Lotthammer the intern, Monica Brooks, has been working on closing out old projects. She said that Monica will be leaving the end of August so this will be her last opportunity to report on her activities.

Monica reported that she has spent most of her time closing out old permit files, doing final inspections, obtaining certificates of completion. She said she has also been doing some GIS work making maps of permits, buffers and volume control sites. She said she has inspected all the buffers there currently are in the District. She said most of them are there and functioning properly, but there is often no signage. She said she has also developed some fact sheets on cost share programs and buffers.

Shannon said Monica found some instances where permittees have failed to comply with the PLSLWD permit requirements and staff is following up to gain compliance. Shannon said there a couple instances where the permittee no longer owns the property so there is limited opportunity in obtaining compliance, so she is looking to the Board for guidance in handling these situations. Shannon said the first is permit #02.09 Oak Hills issued on 4/18/2002. She said the permit required a conservation easement for buffer strips but the DACE appears not to have been filed. The LOC expired on 4/30/2003. Shannon said the buffer is in place and being monitored the City of Savage under their buffer requirements. She said all the lots have been sold and built on, and the developer no longer owns land on the site. Shannon said staff feels the options are to close the project out as is, attempt to obtain conservation easements from individual homeowners around the wetland, or pursue legal action against the developer for costs of purchasing easements from individual

landowners. The Board discussed and instructed Shannon Lotthammer to work with Attorney Gavin on a letter to send to the developer regarding this issue and how it should be rectified.

Shannon said the other permit is #03.05 Wilds 6<sup>th</sup>. She said the permit was issued on May 3, 2004, and despite contacting the permittee on numerous occasions, the District does not have evidence of a recorded DACE. She said she has spoken with the developer's representative and they are checking to see if the DACE was recorded and they neglected to send to the District. She said buffer signs are not up, but the District does still have a \$3,500.00 security deposit. She said this also is a situation where the developer does not own the land any more. The Board directed Shannon to send a letter to the permittee.

Shannon said there have been permits issued for County and City projects that require buffer strips. She said some cities have questioned whether it is necessary for them to dedicate a conservation easement to the watershed district when they have ownership of either a right-of-way or a particular parcel. She said in most instances the Cities require a wetland buffer and they are responsible for maintenance. She asked the Board if they want to require these easements from Cities for land that they own. The Attorney, Staff and Board discussed. The Board determined that a conservation easement is still necessary, either granted to the PLSLWD or to the City.

D) Volume Management Program – Guidance Manual and Information Gaps. Shannon referred to her memo in the packets and summarized a proposal from Wenck Associates, Inc. for assistance to provide a guidance manual for volume management. She said at the July 13, 2006, TAC meeting one of the discussions was the need for a guidance manual for volume mitigation. She said the engineers from the Cities of Prior Lake and Savage were interested in developing such a manual. She said the idea is to build on existing information to develop some common approaches among the PLSLWD, the cities and Scott County if they are interested. She said the manual would be developed during a series of meetings led by the PLSLWD. She said the estimated cost of developing the manual is \$12,863.00, for Wenck Associates, Inc. plus PLSLWD staff time. She requested Board authorization of the cost and said the funds could come from the Innovative Water Management program. The Board and staff discussed the project.

**Motion by Craig Gontarek to authorize an expenditure not to exceed \$12,863.00 for engineering assistance to develop a volume management guidance manual. Second by William Kallberg. Motion passed 5 ayes.**

Shannon said the second part of the memo regards filling in volume management information gaps to provide the District with some additional information to help better target volume management activities. She referred to the scope of work and cost estimate. She said the effort would involve two phases, first working with the existing model and existing data, and a future phase to refine that data and determine what some of the future needs might be. She said the proposed expenditure is not to exceed \$10,096.00 for the first phase for engineering and modeling assistance with the funding to come from the Land Management Easement and Incentives Budget. The Board and staff discussed the project and the estimated time frame to accomplish the work.

**Motion by Craig Gontarek to authorize an expenditure not to exceed \$10,096.00 for the first phase of engineering and modeling assistance from Wenck Associates, Inc. to fill in gaps in the volume management efforts. Second by William Kallberg. Motion passed 5 ayes.**

E) Equipment Disposal Policy. Shannon Lotthammer referred to the proposed equipment disposal policy handed out before the meeting. She said she did some additional research following the Board discussion and found that Scott County no longer does equipment auctions. She reviewed the guidelines and procedures listed. The Board and staff discussed.

**Motion by William Kallberg to adopt the proposed Prior Lake-Spring Lake Watershed District Equipment Disposal Policy. Second by Craig Gontarek. Motion passed 5 ayes.**

F) Next Board Meeting/Workshops (dates and topics). Shannon Lotthammer said the next workshop is August 9, 2006 on land management and maintenance.

Shannon said there will be a new building at the State Fair this year called the Eco Experience Building. She described some of the exhibits that will be in the building and said there will be a water management element. She said District staff will help staff the watershed table on Thursday August 24<sup>th</sup> and Friday August 25<sup>th</sup>.

#### 11. ADMINISTRATIVE

A) Financial Report. Shannon Lotthammer reviewed the report.

**Motion by William Kallberg to accept the Financial Report. Second by Craig Gontarek. Motion passed 5 ayes.**

Meeting adjourned 11:35 PM.

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William Schmokel, President

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Craig Gontarek, Secretary