

**Prior Lake-Spring Lake Watershed District  
Monthly Meeting  
February 2006**

Members Present: William Kallberg, Craig Gontarek, William Schmokel

Members Absent: Roger Wahl, Larry Mueller

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

Others Present: Paul Nelson, Chad Donnelly, Cheri Dornbush, Troy Caron

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE. Meeting called to order by President William Schmokel at 7:00 PM.
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 questions about or additions to the agenda. There were none.

**Motion by William Kallberg to approve the February 2006 Monthly Meeting Agenda. Second by Craig Gontarek. Motion passed 3 ayes.**

4. CONSENT AGENDA.

- A) Approve Minutes
- B) Approve Claims
- C) Accept Monthly Permit Report

Shannon Lotthammer noted a change to the Claims List due to an increase in the employee health insurance premium for March, which is the renewal month. President Schmokel asked if there were any comments or questions from the Board regarding the items on the Consent Agenda, or any requests to remove an item. There were none.

**Motion by William Kallberg to approved the Consent Agenda including the amended Claims List. Second by William Schmokel. Motion passed 2 ayes, 1 abstention.**

5. ITEMS REMOVED FROM THE CONSENT AGENDA. There were none.
6. TECHNICIAN'S REPORT. Jim Eggen stated there were no permits to consider.

A) 2006 Carp Seining. Jim updated the Board on the possibility of seining carp from Spring Lake this year. He said he talked with Daryl Ellison of the DNR and Mr. Ellison referred Jim to commercial fisherman Ken Seeman. Jim said Mr. Seeman has agreed to look at Spring Lake and confer with Jim on the possibility of seining.

President Schmokel asked if this person holds a commercial fishing license for this area. Jim said Daryl referred him to Mr. Seeman and he anticipates Daryl would take care of any permission necessary for Mr. Seeman to do the work. The Board and Staff further discussed the feasibility of seining this year given the recent warm weather, and the payment structure for past seining projects.

Shannon asked the Board if things come together with the ice conditions and availability of the fisherman between this meeting and the next Board meeting if they are comfortable with her signing a contract as long as it is within the amount that is budgeted for this project. Shannon was advised to go ahead with this and to keep the Board members advised.

7. ADMINISTRATOR'S REPORT. Shannon explained that this new item on the agenda is intended to help speed up the meetings. She said this is to take the place of the update items under OLD/NEW BUSINESS that do not require Board action.

Shannon noted one item not included in the report: she said on Friday February 10, 2006, she met with the SWCD staff to discuss 2006 activities. She said this year the SWCD will send her bi-weekly updates of the landowners in the District that have been contacted under the Land Management Program, and she summarized the SWCD landowner contacts so far this year. Shannon said she will include this information in future Administrator's Reports. Shannon asked if there were questions or comments on any of the report items and to let her know if they approve of the format.

President Schmokel asked about the status of the Noecker development along the Prior Lake Outlet Channel. Shannon said a preliminary plat application has been received by the City of Shakopee. She said she has been sitting in on the meetings between City of Shakopee staff and Mr. Noecker and there are still significant issues that need to be resolved. She said one issue is the location for the channel and the contribution from the developer for the movement of the channel. She said PLSLWD staff and City of Shakopee staff agree that since moving the channel benefits the developer, he should be responsible for the earth work to relocate the channel. She said the City of Shakopee and the PLSLWD, as a part of the channel project, would do the stream restoration after the channel has been moved. She said Mr. Noecker has been resistant to this approach. She said she could provide a comment letter supporting the recommended approach before the preliminary plat is considered by the Shakopee City Council. She said this approach is consistent with the plan for Riverside Bluffs, which is the development Ryland Homes is planning to the east.

William Kallberg asked for a summary of the meeting with Dean Morlock and Chip Isaacson. Shannon said the meeting to discuss the outlet box design the Board discussed in December was attended by herself, Dean Morlock, Ed Matthiesen and John Thene of Wenck Associates, Inc. Mr. Isaacson was unable to attend. She said they did not come to a final agreement at the meeting since Mr. Isaacson was not there, but the design seemed to be acceptable; the one remaining

question was the exact location of the proposed structure. She said the next step is to meet with Dean Morlock and Chip Isaacson again to discuss the final location, and then to have Valley Surveying stake it in the field. The Board and staff discussed the timeframe for construction and the request by the property owners that construction activities be avoided during June, July and August to avoid interrupting the prime recreation time on the lake. The Board and staff also discussed the need to address the condition of the road access.

**Motion by Bill Kallberg to accept the Administrators Report. Second by Craig Gontarek. Motion passed 3 ayes.**

8. ENGINEER'S REPORT.

A) Segment 5 Channel Crossing/Temporary By-pass. Ed Matthiesen displayed some maps and pointed out where Pike Lake Road will be extended in Shakopee. Ed introduced Chad Donnelly from John Oliver and Associates, the design engineer for the project. Ed explained the proposed channel crossing and temporary by-pass.

Shannon Lotthammer said Dean Gavin has looked at the easement originally purchased by the PLSLWD over what was the Shutrop parcel, and found that the owner can make changes to the land and channel within the District's easement so long as it does not impair the ability to convey water. She said the project engineer has requested review and approval from the PLSLWD before moving forward to avoid future concerns or problems.

President Schmokel asked what procedure is necessary to approve this. Attorney Gavin said he believes the landowner can do whatever work they want so long as it does not interfere with the PLSLWD's easement. He said any review or approval provided by the PLSLWD needs to be clear that it does not modify the existing easement. He suggested that staff send a letter to the project engineer stating that the request has been reviewed and staff do not see that it would be an issue but the District still reserves its right to enforce its easement.

President Schmokel asked if there were any questions or comments from the Board. President Schmokel asked if the project engineer anticipates any problems with the soil in the area due to the change in channel velocity. Ed Matthiesen said that silt will tend to build up around the box culverts and one way around that is to put a rock dam in front of one of them so the low flow will always go through one culvert. Shannon Lotthammer asked Chad Donnelly to explain how the size of the box culverts was determined, and noted that she thought it was from work that WSB was doing for the City. Mr. Donnelly confirmed that he worked closely with WSB to determine the size necessary to accommodate the existing and future flows for this part of the channel. He said Ryan Contracting is the contractor for this project and the proposal is similar to a crossing on the Jeffers Pond development.

The Board directed staff to write a letter of approval to Chad Donnelly indicating that the District is comfortable with the approach considering the information presented and reserves the right to enforce the District's easement at any time to maintain the ability to convey water through the channel. The Board also requested the developer complete a post-construction survey to document the channel conditions following the construction of the crossing.

B) Segment 5 Design. Ed Matthiesen said he and Shannon met with the Kestrel Design Group and they are working on design plans. He said the approach is to develop plans for the Ryland area and the Shutrop area first and wait until questions are resolved for the Noecker area before designing that stretch of the channel.

C) Segment 1 Project Status. Ed Matthiesen said sheet pile is being installed for the spillway and the contractor has taken out the concrete pipe and left the metal pipe in place. He said there is a weekly progress meeting on Wednesdays at 10:00 AM at the trailer on the construction site and the Board is welcome to attend.

D) Vegetation, Rain Garden and Infiltration Maintenance Requirements. Ed Matthiesen summarized the proposed guidance developed for maintenance of vegetated BMPs at permitted sites. President Schmokel asked if the infiltration system at the south end of the Jeffers South project is still not working and if they have come up with a solution. Shannon Lotthammer said retrofitting drain tile was discussed at the November Board meeting and should be installed in the spring of 2006.

**Motion by Craig Gontarek to approve the Recommended Vegetation, Rain Garden and Infiltration Pond Maintenance Guidelines dated December 15, 2005 from Wenck Associates, Inc. Second by Bill Kallberg. Motion passed 3 ayes.**

9. OTHER OLD/NEW BUSINESS.

A) Adoption of MEP Rules Report. Shannon Lotthammer said the Board heard a presentation in December on the results and contents of the report. She said revisions have been made to address comments from Professor Bob Sykes. She said she sent a copy of this report to the Met. Council to fulfill the grant requirements and get the grant closed out by the end of 2005. She said she would like any final Board comments and approval before the report is sent out for printing.

**Motion by Craig Gontarek to approve the MEP Rules Report and authorize printing and distribution. Second by William Kallberg. Motion passed 3 ayes.**

B) Water Resources Management Plan Amendment. Shannon Lotthammer said last spring the District started the process to update its Water Resources Management Plan for 2006 to 2009. She said the 45-day agency comment period ended on February 6, 2006. She no additional comments were received by either the PLSLWD or Board of Water and Soil Resources (BWSR). She said the next step is for the District to submit the proposed amendment to BWSR for board approval, and once the amendment is approved by BWSR, the PLSLWD can formally adopt it. She said she has spoken to Les Lemm of BWSR and because of some scheduling needs at BWSR it will not be scheduled until the April BWSR Board Meeting. Shannon asked if the Board has any questions, and for authorization to submit the amendment to BWSR for final approval.

**Motion by Craig Gontarek to authorize submission of the Water Resources Management Plan Amendment to the Board of Water and Soil Resources for final approval. Second by William Kallberg. Motion passed 3 ayes.**

C) Outlet Channel Crossing Approval Procedure. Shannon Lotthammer referred to her memo dated February 7, 2006 regarding the review of channel crossings. She said staff is looking for guidance from the Board on how to address requests for review of channel crossings outside of the boundaries of the District, where a District permit is not required but the District holds an easement.

President Schmokel said this seems to be a dual question of 1) is there any impairment of the easement that needs to be addressed and 2) is the hydrologic capacity of the system sufficient so there is no obstruction of flow. He said the District may also need to consider the structural design and strength of the crossing. Attorney Gavin said that within the District, the District will have to make a permitting decision and that in both circumstances the District will have to make a decision as to whether or not a structure placed in the easement is inconsistent with the District's use of its easement. He said there is an extra step in the District's permitting process that provides a little more control. He said the District needs to be sure it never gives up any of its easement rights.

President Schmokel asked what authority or responsibility the District has if another governmental entity built a crossing for specific weight limits that were subsequently exceeded. Attorney Gavin said it would be the responsibility of the party building the crossing to be sure it is structurally appropriate for the proposed use. He said the District does not have any authority or responsibility to place weight or other restrictions on these crossings; the District can only permit pursuant to its rules.

Manager Kallberg asked if the District could require agreements that specify a minimum separation for crossings. Attorney Gavin agreed that the District might such an agreement in certain circumstances. He said that at least for some of the District's easements, including the Shutrop easement, the property owner can grant other easements or do things with the property so long as it is not inconsistent with the District's use. He said this is a different issue than structural integrity of whatever they are doing on the property. The Board, Attorney Gavin and staff discussed the differences between a request for a crossing within the District and a request outside of the District, but in the District's easement.

Shannon Lotthammer asked if the District is contacted regarding a crossing to be constructed outside the District, should staff review and respond or should the request be brought before the Board. President Schmokel said such requests should be noted in the Engineer's report, which the Board can review and accept. Attorney Gavin suggested that the District refrain from stating there is any agreement, but send a comment that the request has been reviewed by staff.

D) Segment 1 Project – Administrative Approval of Change Orders. Shannon Lotthammer referred to her memo dated February 7, 2006. She said the Segment 1 contractor has asked if the District has a process in place that allows for staff approval change orders within a specified monetary amount or if all potential change orders need to go before the Board. Attorney Gavin said he has researched this question and the Board is authorized by statute to enter into contracts and Minnesota Law says the Board cannot delegate its authority, other than administrative functions where there is no discretion needed. He said there can also be additional constraints based on the funding source. He said when there are cost increases involved, his opinion is that the Board must take action. He said his recommendation is that all change order requests come

before the Board. The Board and staff discussed changes that may not affect the costs and unexpected circumstances that may delay and change costs. Following the discussion, the Board directed staff to bring all change order requests before the Board for approval.

E) Upper Prior Lake Aquatic Plant Management. Shannon Lotthammer said this is a follow-up from a discussion at the January Board Meeting. She said she is considering mid- to late-March for the public meeting to discuss plant management on Upper Prior Lake. She said she will put together a summary of work on Fish and Spring Lakes and also some information about aquatic plant treatment, permitting requirements and the benefits of native aquatic plants. She said Steve McComas has looked at the Upper Prior Lake Plant Survey Data from 2004 to locate nuisance level growth of curlyleaf and Eurasian milfoil. She said he identified two transects, Transect 14 in Mud Bay and Transect 1 adjacent to the DeWitte Boat Access. She said those are the two spots Mr. McComas would recommend for a pilot project to treat curlyleaf and milfoil. Shannon summarized the project proposal and said Mr. McComas' costs estimate are \$1,200.00 for treatment of the two one-acre test plots, and \$1,800.00 for his time for sampling for a total of \$3,000.00. Shannon said this project could be funded out of the in-lake phosphorus control budget, the monitoring budget or partially funded out of the milfoil budget, which would need approval from the City of Prior Lake and the Lake Advisory Committee.

Shannon introduced Troy Caron who lives next to the DeWitte Boat Access. Mr. Caron said he has experience with curlyleaf and milfoil on Cedar Lake. He said they harvested milfoil and curlyleaf mechanically (by cutting). He said the mechanical removal involved a lot of work by volunteers. He said from his experience the milfoil did not come back strongly when they cut the curlyleaf, which was done as early treatment. Mr. Caron suggested adding a second test plot to treat only curlyleaf. Shannon Lotthammer said that if the Board wants to take Mr. Caron's suggestion it would add \$1,500.00 to the estimated cost. Manager Gontarek asked when the early season treatment would start, and how long will it take to get the permit. He said it might be beneficial to hold the public meeting first. Shannon Lotthammer said she recommends applying for the permit in early March and schedule the public meeting the second or third week of March.

**Motion by William Kallberg to schedule a public meeting and undertake a demonstration project in early spring as described in Shannon Lotthammer's memo of February 7, 2006, and also to add a test plot to treat only curlyleaf at a cost not to exceed \$4,500.00. Second by Craig Gontarek. Motion passed 3 ayes.**

President Schmokel directed staff to confer with the City of Prior Lake regarding funding. Shannon said she will update the Board with a more specific source of funding and more details on fixed costs.

Shannon Lotthammer said she has received a grant application from the Department of Natural Resources for whole-lake curlyleaf treatment. She said she has contacted the DNR for more information about the eligibility of Spring and Fish lakes for funding. She said if Fish and Spring Lake are eligible for funding, the grant application is due the end of February.

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

F) Goals and Work Plan – 2006. Shannon Lotthammer referred to the 2006 goals as revised after the January 19, 2006 Special Board Meeting. She said she used these goals to develop a work plan for 2006. She requested Board approval of the goals, and discussion and approval of the Work Plan. She said all of this flows out of the budget the Board has already adopted. Manager Schmokel asked if this was taking on too much. Shannon replied that with current staff it may be too much, but with and intern she feels it will be doable.

**Motion by Craig Gontarek to approve the 2006 Goals. Second by William Kallberg. Motion passed 3 ayes.**

Shannon reviewed the Work Plan for 2006. She noted the watershed tour and asked if that is something the Board would like to do this year. The Board decided to wait until next year when there will be more to show, such as the Segment 1 channel project and outlet reconstruction. The Board noted that the Work Plan should be thought of as a guideline with targets that may be revised during the year depending on District priorities and staff work load.

**Motion by Bill Kallberg to accept the 2006 Work Plan as a guideline. Second by Craig Gontarek. Motion passed 3 ayes.**

G) Office Space. Shannon Lotthammer reviewed a memo from Computer 21, LLC regarding the lease for the District's office space. She said the lease rate is pretty comparable to space in downtown Prior Lake. She said the City of Prior Lake has indicated that they may have space available in the new City Hall and would be interested in discussing the District sub-leasing space from them. She said that if the Board is interested in sub-leasing in City Hall she recommends continuing with only a one-year lease in the current space. The Board discussed and agreed.

**Motion by Bill Kallberg to enter into a one-year lease with Computer 21, LLC for \$1,437.00 per month for the space at 15815 Franklin Trail SE, Suite 100, Prior Lake. Second by Craig Gontarek. Motion passed 3 ayes.**

H) Next Board Workshop (date and topics). Shannon Lotthammer said topics for the next workshop are TMDLs and the results of the 2005 lake monitoring data. Shannon also reminded the Board of the joint work session with the Prior Lake City Council on March 20<sup>th</sup> at 5:30 PM. She asked the Board members to let her know if they will attend so she can RSVP to the City.

Shannon said the City of Prior Lake is interested in addressing the Board with a State of the City Presentation, maybe at the March Board meeting. She said she will coordinate this with President Schmokel.

## 10. ADMINISTRATIVE

A) Financial Report. Shannon summarized the 2005 year-end and the January 2006 financial reports. She said the 2005 year-end report is the actual, but not audited report and that the audited year end report will probably come in August or September. She asked if there were any questions on the 2005 Year End Financial.

President Schmokel asked for more details about the programs/projects that were over budget. Shannon explained that a large portion is due to more permitting than expected and some of the permitting costs can not be recovered. She said there were also some additional costs for the MEP Rules Report. President Schmokel noted that the FeCl is over and asked if this will be a continuing situation. Shannon Lotthammer said some of the additional costs in 2005 were for monitoring required under the permit. She said this year's budget, was increased to \$13,555.00, which is close to what was spent in 2005.

**Motion by Bill Kallberg to accept the 2005 Year End Financial Report (not audited) and the January 2006 Financial Report. Second by Craig Gontarek. Motion passed 3 ayes.**

Meeting adjourned 10:10 PM.

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William Schmokel, President

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Craig Gontarek, Secretary