

**Prior Lake-Spring Lake Watershed District  
Monthly Meeting  
July 10, 2007**

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

Others Present: Paul Nelson

Staff Present: Dean Gavin, District Attorney  
Ed Matthiesen, District Engineer  
Mike Kinney, District Administrator  
Jim Eggen, District Technician  
Yolanda Coleman, Office Assistant

1. CALL TO ORDER. Meeting called to order by President Schmokel at 6:35 PM.
2. PUBLIC COMMENT. There were no members of the public present.
3. PUBLIC HEARING – MS4 PERMIT. Administrator Kinney explained that a requirement for the permit is to hold a public hearing and receive comments, which is the purpose of the hearing tonight. He said July 16, 2007 concludes the 30 day period for comments, which was also published in the Prior Lake American Newspaper and posted at the Public Library and at the District Office. He said they must now complete an electronic form and submit it to the State of Minnesota. President Schmokel asked if the 30 day comment period started at the publication date or at this hearing date. Administrator Kinney said that started after the June meeting, when the notice was published in the Prior Lake American and posted at the Library and the District Office. President Schmokel asked is there were any questions from the Board regarding the MS4 Permit. There were none.
4. PUBLIC COMMENT – MS4 Permit. There were no members of the public present.

**Motion by Larry Mueller to close the Public Hearing on the MS4 Permit. Second by William Kallberg. Motion passed 5 ayes.**

5. APPROVAL OF THE AGENDA.

**Motion by William Kallberg to approve the agenda for the July 10, 2007 Monthly Meeting. Second by Craig Gontarek. Motion passed 5 ayes.**

6. CONSENT AGENDA
  - A) Approve Minutes
  - B) Approve Claims
  - C) Approve Monthly Permit Report

President Schmokel asked if there were any questions, comments or request to remove items from the Consent Agenda.

Vice President Kallberg asked to remove the June 12, 2007 Monthly Meeting Minutes. President Schmokel asked to remove three claims, Invoices 2914 and 2915 from The Kestrel Design Group and 167527 from Jackson Landscape.

**Motion by William Kallberg to approve the Consent Agenda after removal of the above items. Second by Roger Wahl. Motion passed 4 ayes, 1 abstention.**

7. ITEMS REMOVED FROM THE CONSENT AGENDA. William Kallberg referred to page 5 of the draft of the June 12, 2007 Board Meeting minutes. He said he did not recall that he had said there should be a public meeting to receive comments on the District's Storm Water Pollution Prevention Plan. After discussion it was determined that the comment was made by Administrator Kinney when he was informing the Board about the requirement for a public hearing. The Office Assistant was instructed to correct the minutes.

**Motion by William Kallberg to approve the June 12, 2007 Prior Lake-Spring Lake Watershed District monthly meeting minutes with the above correction. Second by Craig Gontarek. Motion passed 5 ayes.**

President Schmokel referred to invoices 2914 and 2915 from The Kestrel Design Group for Segments 7 and 2. He said Segment 7 is the stretch visited yesterday by the Board and Staff, north of Highway 169 to the railroad tracks, and Segment 2 is the stretch they walked just north of County Road 42. He is questioning the amount of the design costs as Segment 7 is a straight line stretch. Ed Matthiesen said they are not his invoices, but he will try to explain. He said Segment 7 is 5000 feet and Segment 2 is about 2200 to 2500 feet and the reach for Segment 7 is from Dean Lake to Highway 101. They did not visit the stretch between the railroad and Highway 101 as it very windy and a difficult segment to walk through. He said his thinking is that the time is applied correctly. Administrator Kinney said he will contact The Kestrel Design Group regarding the questions about these two invoices.

President Schmokel said that regarding the Jackson Landscape invoice he is questioning the \$350.00 for pulverized black dirt, the hours on the bobcat and 10 hours labor. The invoice was displayed on the screen so the Board could review and discuss the charges. The Board and Administrator discussed and decision was made to table this invoice and the two Kestrel invoices and the Administrator will research and clarify the invoices for resubmission at the next meeting.

8. TECHNICIAN'S REPORT/PERMIT APPLICATIONS. Jim Eggen said there were no permit applications received or ready for presentation at this meeting.
9. ENGINEER'S REPORT. Ed Matthiesen said everybody is aware of the status of Segments 2 and 7. He said Segments 5A and 5C are in the pay estimate phase and the work on 5C will begin again in the fall and winter. He said he, Dean Gavin and Mike Kinney will be talking about the Morlock easement. President Schmokel commented that he liked the format of the workshop held Monday,

meeting first to discuss the segments and then make site visits. Vice President Kallberg said he gave Ed Matthiesen the photos he took of the sites.

#### 10. OTHER OLD/NEW BUSINESS.

A) Scott County Comprehensive Plan Land Use Update. Paul Nelson, Natural Resources Manager of Scott County said he asked to be on the Agenda to provide an update on the comprehensive planning process taking place at the County. They have had a number of focus groups meeting and that the PLSLWD staff and Manager Gontarek have been involved in some of those meetings. Plans are to have an internal draft of the 2030 Comprehensive Plan Update for public to comment at an Open House probably in October 2007, with a copy to go to the Met Council in December 2007, for their review and be finalized next year.

Mr. Nelson outlined some of the innovative new and unique methods of more natural water resources and water resources management objectives they are contemplating. He handed out and reviewed drafts of their 2030 Policy using flexible zoning tools, Plan for Future Land Use and a Preliminary 2030 Land Use Map of the County with the land use categories color coded. He briefly reviewed development density, wetland restoration, regional stormwater management, etc. He reviewed the draft Preliminary 2030 Land Use Map, briefly explaining each color meaning, in conjunction with the different land uses listed in the draft Future Land Use handout. He reviewed the Draft 2030 Policy handout calling particular attention to the Regional Stormwater Management statement regarding extra density for dedicating easements for Regional Stormwater facilities. He said he has worked a little with the PLSLWD on the concept of where stormwater ponds might be located within Prior Lake. He said that if the PLSLWD will provide them with a map they will combine it and include it with the County map in the comp plan.

Mr. Nelson said regarding Natural Resource Conservation, they are in the process of identifying natural areas of high value across the County and Manager Gontarek has been a part of this process. There have been three workshops to date and another scheduled in about a week and a half. At the last workshop they determined that the criteria is working with land use information and at the County level they have completed a Minnesota Land Cover Classification system of mapping and if the District is interested in using it, it is available from the County. They have developed a hand drawn map, which is quite large, and with staff assistance it was displayed for the Board.

Mr. Nelson said they are planning open houses for Scott County communities to weigh in during October. In December they hope to have local comments included and can submit the plan to the Met Council and next year should have a new 2030 Comprehensive Plan that hopefully will be one of the first that incorporates more water resources in natural areas into a comprehensive plan. He asked if there were any questions.

Manager Kallberg asked for clarification of terminology used regarding density and clustering. Mr. Nelson explained the terminology.

Manager Mueller asked if Paul thinks the Met Council will accept the plan. Mr. Nelson said they have met with representatives of the Met Council and have not heard of any fatal flaws on this concept. He said one thing that will help is the entities working as a team and if the PLSLWD

agrees with the concept, will they consider a letter of support. Manager Mueller asked for clarification of "corridor" such as Buck Lake Corridor shown on the map. Mr. Nelson explained the concept of a proposed development in a corridor of high value natural area, and then if the developer would consider easements over the area there will be the incentive of receiving something of public high value, such as an extra lot/s. He said the same negotiations for extra density would apply for regional stormwater basin or system.

Ed Matthiesen asked how the District can take advantage of this program regarding an area such as that around the Panama Avenue wetlands where there are multiple property owners and development over multiple years. Mr. Nelson they are contemplating getting the easements in those areas they can easily develop, but they will still have to meet some type of interim storm water standard, probably on site in some fashion. He said that at some point they may have to do acquisitions.

President Schmokel said he likes the concept of regional stormwater basins and hopes the Board will work on identifying those areas so they can be included in the County plan.

B) JPA/MOA for Outlet Channel. Attorney Gavin said they are still trying to work out the arbitration clause, the alternate dispute resolution part of the agreement discussed last month. His understanding is there have been a number of proposed resolutions of what the parties can agree on, but are not finalized. The insurance issue of conflicting opinions has been clarified. President Schmokel asked if there is any kind of time line or should the Board take any type of action to push it along. Attorney Gavin said his understanding is that the various parties submitted their proposals about a week ago and Attorney Huemoeller expects to respond and hopefully they will move forward. He does not know that the Board needs to act at this point.

C) Morlock/Isaacson easements. Attorney Gavin said he received an e-mail from Mr. Isaacson's attorney regarding their concerns. Attorney Gavin, Mike Kinney, Ed Matthiesen and Jim Eggen met today regarding those concerns and concluded that they need to have a meeting with Mr. Isaacson and his engineer to discuss these items and show them the plan that Ed Matthiesen has developed. Attorney Gavin said he received a phone message from Mr. Morlock that he is out of town at a wedding in Maine and will be on vacation and unable to respond until sometime after August. He said his recommendation would be for the Board to direct staff to meet with Mr. Isaacson and his engineer to resolve their issues and move forward. President Schmokel agreed and said they have already directed the District Engineer to modify the outlet structure to stay within the existing easement. President Schmokel asked if they need to take any Board action as originally they did a study and made Mr. Morlock an offer that if he would grant the easement he would be allowed to build on top of the pipe meeting certain conditions. President Schmokel asked if the Board needs to take official action to withdraw that proposal. Attorney Gavin said that if the issues are resolved with Mr. Isaacson, they can go forward with the project and should notify Mr. Morlock that the offer is withdrawn and the project is going forward in a different manner. The offer should be left on the table at this time as it is still the most appropriate option for the District in the long run and Mr. Morlock may still decide to accept it. Attorney Gavin will contact Mr. Isaacson's attorney and try to set up a meeting as soon as possible.

D) Lakefront Days. Administrator Kinney has communicated with the City of Prior Lake about participating in Lakefront Days scheduled for Tuesday July 31 through August 5, 2007. He said

Gregg Thompson of Scott County SWCD, will be available Thursday evening and all day Saturday to answer questions and provide information on rain gardens, shoreline restorations, etc. Administrator Kinney said he has reserved a tent and is asking if it is worthwhile to set up for Friday evening, tear down and set up again for Saturday. Tentatively they will be there Thursday evening and all day Saturday. The Board and Administrator discussed and agreed on Thursday evening and Saturday.

E) MAWD Summer Tour. Administrator Kinney passed around a booklet from MAWD regarding the tour. He stated the building at the Ramsey Washington MetroWatershed District is a great model from an environmental water quality perspective and if any of the Board is in that area they should stop in or maybe at some point the PLSLWD could organize a tour. He said he had a conversation with the Environmental Education person at the School District, Cara Rieckenberg, about their environmental building. He said suggested at the last meeting in June working with them to develop a building along these standards and explore having the PLSLWD office in the building. He said the School District is looking for someone to be located in that building. The School District will hold a meeting tomorrow and he should hear more from them about this possibility and will report at the August Board Meeting. Manager Kallberg asked whether the PLSLWD would be involved as a tenant or a co-owner or have discussions reached that point yet. Administrator Kinney said it is all at the infant stage with nothing decided along those lines yet.

F) Biennial CIP Review meeting/Preliminary budget review. Administrator Kinney said there is a requirement for a biennial CIP and the last one was done in 2005, which was actually a five-year amended review of the plan that was approved in January 1999. He proposed holding a workshop the last part of July or early August to; 1) to cover the CIP Review and 2) review the preliminary budget and also the same day have a Technical Advisory Committee meeting.

G) 2007 PLSLWD Conservation Practice Payment Docket. Administrator Kinney said this is in regard to the District offering different types of cost share payments for different types of conservation practices. There has not been one approved for 2007 and he discussed this with Pete Beckius about some projects. They decided to approve it as is from 2006. He and Pete Beckius will meet in August or early September to review some other opportunities and submit for approval in September or early October so they can start distributing information to landowners. He is planning on meeting with some of the landowners in the fall when they are preparing for crops and different strategies for the following year. There are some projects in progress and the Board needs to formally adopt something to be able to process payments based on last year's format.

President Schmokel asked if any other Board members or Staff were aware of the mowing done by the chloride site near County Road 282. Administrator Kinney said the District owns about three acres of easement on the south end of the area that was mowed. He visually verified this and also received an inquiry from another landowner to mow other areas of the easement. The easement is very clear on restrictions regarding mowing, spraying or other activities. The landowner who did mow in the area was contacted and informed he is in violation of the easement. The portion of a map that outlines the area of the easement and will be sent with a follow-up letter.

President Schmokel asked Ed Matthiesen to check out the two sheet pileweir structures in Segment 7 of the channel on the northerly end (installed by Kramer?) near where they discharge upstream and

downstream. He said they should check their permits to discharge pumping from the quarry into the area. Ed Matthiesen said he will follow-up.

11. ADMINISTRATOR'S REPORT. Business Cards made for the Managers by our summer intern were handed out along with copies on plain paper for any changes they may wish to have made. Manager Kallberg asked staff to see if they can e-mail the file to them.

There were no other questions or comments on issues in the Administrator's Report.

12. ADMINISTRATIVE.

A) Financial Report. President Schmokel asked if there were questions or comments on the Financial Report. There were none.

**Motion by Larry Mueller to accept the Financial Report. Second by William Kallberg. Motion passed 5 ayes.**

Meeting adjourned 8:05 PM.

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William Schmokel, President

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Craig Gontarek, Secretary