

**Prior Lake-Spring Lake Watershed District
Monthly Meeting
June 13, 2006**

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

Members Absent: Craig Gontarek

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

Others Present: Tim and Lynn Kvidera, Tim Arvidson, Shawn Block, John and Camille Myser

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE. Meeting called to order by President William Schmokel at 7:05 PM
2. PUBLIC MEETING – MS4 Annual Report and Storm Water Pollution Prevention Program (SWPPP). Shannon Lotthammer presented a summary of the PLSLWD MS4 Permit and the 2005 progress in implementing the SWPPP. Following the presentation, President Schmokel asked if there were any Board or public questions or comments regarding the District SWPPP or Annual Report. There were none.
3. PUBLIC COMMENT. President Schmokel asked if there were any public comments on issues not on the agenda for later in the meeting. There were none.
4. APPROVAL OF THE AGENDA. President Schmokel asked if there were any changes to the Agenda. There were none.
5. CONSENT AGENDA. Shannon Lotthammer asked to remove the Claims List from the Consent Agenda so she could summarize proposed revisions. The Board agreed.

Motion by Roger Wahl to approve the revised Consent Agenda, consisting of approval of previous meeting minutes and acceptance of the Monthly Permit Report. Second by William Kallberg. Motion passed 4 ayes.

6. ITEMS REMOVED FROM THE CONSENT AGENT. Shannon Lotthammer pointed out the changes the Claims List. She said the latest invoice from Minnesota Native Landscapes, which after subtracting out the 10 percent retainage totals \$129,798.83. She said staff was not able to verify all the quantities from the invoice. She said rather than hold back the whole payment until the next Board meeting she recommends paying 80% of the amount after retainage, or \$103,839.06. She said after the quantities in question are verified the balance can be paid.

Motion by Larry Mueller to approve the revised Claims List, including the adjusted amount for the Minnesota Native Landscapes invoice in an amount of \$103,839.06. Second by William Kallberg. Motion passed 4 ayes.

7. TECHNICIAN'S REPORT.

A) Permits.

Jim Eggen said there is only one permit application on the agenda and the representatives for the project are not in attendance yet. He recommended moving forward with another item on the agenda until they arrived. The Board agreed and Shannon Lotthammer asked to move to Agenda item 10 C as there are people in attendance for that item.

10) OTHER OLD/NEW BUSINESS

C) Innovative Water Management Grant Requests. Shannon Lotthammer referred to the memo in the packets regarding an application for cost-share funding for two rain gardens at the John and Camille Myser residence on Upper Prior Lake. She said the rain gardens were designed by Gregg Thompson. She briefly described the rain gardens that are intended to capture street and driveway runoff. She said the estimated cost is \$3,400.00 for one and \$3,200.00 for the other and recommended the Board consider a cost share not to exceed \$1,200.00 for each rain garden for a total not to exceed \$2,400.00. She asked if there were any questions.

Manager Kallberg asked for a clarification of where the neighbor' runoff is coming from. Mr. Myser and Shannon pointed out the areas on the drawings. Shannon said the Mysers also received a DNR grant to restore their shoreland. President Schmokel asked if there were any more Board comments or questions. There were none.

Motion by William Kallberg to award cost-share assistance to the Mysers in an amount not to exceed \$1,200.00 for each rain garden for a total of \$2,400.00 maximum on the condition that the PLSLWD receive detailed documentation of the progress. Second by Roger Wahl. Motion passed 4 ayes.

Shannon Lotthammer also noted that the Meysembourg restoration is completed and showed pictures.

Following this item President Schmokel returned to the Technician's Report.

A) Permits

Permit Application #06.03 Golden Pond. Jim Eggen said that Tim Arvidson and Shawn Block from Stonebrooke Engineering are in attendance representing the project. Jim summarized the project features and the Staff Report.

Manager Kallberg referred to a ditch running into the area and asked if that is the same ditch that runs through the Kvidera property discussed in conjunction with the Maple Glen 3rd project. Jim

pointed out the various projects, the Kvidera property and the drainage ditch that goes northeasterly from south west across the Kvidera property, and through the wetland in the center of the Golden Pond project and continues to the northeast to Rice Lake.

President Schmokel asked the size of the proposed wetland impact and if there will be on-site mitigation. Tim Arvidson said the impact is about 1.3 to 1.4 acres. He said the required mitigation is 2 acres for every 1 acre of impact and said that about half of the mitigation will occur on site and half will be acquired from the German Settlement Bank in Blakely Township.

Lynn Kvidera asked what lot on the project will drain across their land. Mr. Arvidson pointed out Block 2, Lot 1 on the drawing. Mrs. Kvidera said they don't understand the drainage as it looks like it will be right onto their fence. Mr. Arvidson said that depending on the size and style of the house constructed there will be retaining walls on the west side of that lot and the drainage should go north into an existing swale. Mrs. Kvidera asked how tall the retaining wall will be. Mr. Arvidson said that would be determined by how far they will have to push back the grades. President Schmokel referred to the note on the plans that says "retaining wall by others with home construction, if needed" and said the drawing shows a proposed swale so the water would run northerly and then northeast. Mr. Arvidson said the intent is for whoever constructs the house to have flexibility regarding the retaining wall to minimize affects on the home construction. Attorney Huemoeller asked if it is the intention of the developer that regardless of whether or not there is a retaining wall on the west side of Lot 1, there will be a swale that will keep the drainage to the east of the boundary line and run it north. Mr. Arvidson that is so. Attorney Huemoeller asked if it would also be the intention of the developer to require that any contractor or buyer of the house follow that plan. Mr. Arvidson said that is so. Attorney Huemoeller asked if it would be possible that there be a development agreement with the PLSLWD or the City of Prior Lake, or a covenant of some kind to develop a restriction that would ensure that whatever house is built, the property is landscaped with or without a retaining wall to preserve that swale and the northbound drainage and protect the neighbors. Mr. Arvidson agreed. President Schmokel said there should be a 7th condition added to the Staff Report reflecting this agreement. Mr. Arvidson said also noted the road easement for a future Township road. Attorney Huemoeller said the road is not built yet and they don't know if it will be so for now the swale with north drainage on that lot would be consistent with the developer's intention and the District's rules.

Motion by William Kallberg to approve Permit Application #06.03 Golden Pond subject to the conditions listed in the Staff Report dated June 9, 2006 and with an additional Condition 7 that the developer shall provide a detailed drawing of Lot 1, Block 2 to the PLSLWD prior to permit issuance that shows the lot draining to the north and shall establish a development agreement or restrictive covenant that requires that Lot 1, Bock 2 be graded, built and landscaped in a manner that preserves a drainage swale to ensure that runoff from the lot flows north and does not affect the westerly property owners. Second by Roger Wahl. Motion Passed 4 ayes.

President Schmokel commented he has difficulty with off site wetland mitigation, but will reluctantly approve the Permit application.

B) Channel Crossings. Jim Eggen said the Pavlish culvert has been replaced by Mr. Pavlish, who did apply for and receive a permit for this work. Shannon Lotthammer said the Strauss culvert has not been replaced. She said that Ed Matthiesen has suggested that this might be a sight where a fish barrier could be incorporated as there is a small wetland upstream of the culvert crossing. She suggested the PLSLWD might want to offer to purchase a flared-end section to incorporate the fish barrier, which would help offset some costs for Mr. Strauss and provide an additional benefit to the PLSLWD. President Schmokel asked if there is a need for the barrier and Mr. Matthiesen explained it isolates carp. Manager Mueller asked what the approximate cost would be for the District. Mr. Matthiesen said it would be about \$2,000.00. The Board and staff discussed offering to pay for and construct an apron and fish barrier if Mr. Strauss puts in the new culvert. They also discussed the exposure of the utility lines in the PLSLWD easement in this area. Shannon Lotthammer asked if the Board is in favor of offering to provide the apron and fish barrier. Manager Kallberg said only if Mr. Strauss replaces the culvert. Mr. Matthiesen said there is a site about 100 feet downstream on Pike Lake Trail where the fish barrier could be constructed. The Board discussed the benefits of having the barrier on Pike Lake Trail rather than on the Strauss property and decided to wait and see what Mr. Strauss does regarding the culvert.

8. ADMINISTRATOR'S REPORT. Shannon asked if there were any question regarding her written report. Manager Kallberg asked about Lake Front Days. Shannon asked if the Board wishes to have a booth again this year. She suggested an alternative of participating in the parade instead. The Board and staff discussed and decided not to have a booth and to think about some other participation, such as the parade.

Manager Mueller asked for an update on the Outlet Box construction and the outcome of the meeting with Mr. Morlock and Mr. Isaacson. Shannon Lotthammer said they reviewed the latest drawing of the outlet box location. Mr. Morlock and Mr. Isaacson both gave their approval of the location. She said the next step is to have Valley Surveying revise the drawing and stake the site prior to finalizing the easements. She said she will advise the Board when the staking is to be done. She said Mr. Isaacson did ask that the PLSLWD install some shrubs to screen his view of the box. The Board and Staff discussed options of providing the landscaping. Shannon said she will be meeting with City of Prior Lake staff on Thursday to update them on this project.

Motion by Larry Mueller to accept the Administrators Report. Second by William Kallberg. Motion passed 4 ayes.

9. ENGINEER'S REPORT.

A) Segment 1 Project Status. Ed Matthiesen said construction is almost complete and vegetation maintenance is ongoing.

B) Channel Restoration near Pavlish Crossing. Ed Matthiesen referred to the handout on the design work. He explained his proposed on-site design approach, a process he has used for another stream project with good results. He said most of the project would be done within 30 days so there will probably be only one pay estimate.

Ed said he did meet with Chuck Pavlish on-site and was informed the Pavlish family is leaving in two weeks and has requested there be no construction while the property is up for sale. He said Mr.

Pavlish told them they have not yet decided if they are going to go with a land trust, but if they do the construction can be done anytime. Mr. Matthiesen said this work could be done fall or winter, but fall would work best as they could do all the planting and it would be dormant over the winter. He said he has viewed the site and there is already sediment build-up in Pike Lake coming from the County Road 42 to County Road 16 area and getting this work done will help with that problem.

Manager Schmokel asked for a cost estimate. Ed Matthiesen said it would probably be about \$130.00 per foot or around \$50,000.00. President Schmokel asked about the fund balance to handle the cost. Shannon Lotthammer said if the project cost much more than \$50,000.00 she will need to review the cash flow. She said since in the JPA this is designated as a 2007/08 project, the PLSLWD will have to float the cost until it comes up on the schedule.

President Schmokel asked how the involvement of a land trust would affect the channel project. Attorney Huemoeller said now would be the time to talk to Mr. Pavlish about an easement for construction. Mr. Matthiesen said the work can be completed within the existing easement if need be. Manager Kallberg asked if staff were considering the 400 feet or the entire segment as options. Ed Matthiesen said he would like for Shannon to ask Mr. Pavlish if it will be possible to do everything on his property from the driveway to Pike Lake as part of this project. The Board instructed Shannon to do so, and decided to hold off on the design work until the timing and easement options are better understood.

C. Segment 5. Ed Matthiesen and Shannon Lotthammer summarized the status of the design and construction of this Segment. Shannon Lotthammer said Homes by Chase bought the property along Segment 5 from Ryland and has incorporated the channel grading into their plans and will do the grading and initial stabilization. She said Kestrel Design Group is working on the design for the vegetation. She said Segment 5 will be discussed with the City of Shakopee staff on June 27, 2006, and with the developer.

President Schmokel asked about the status of the JPA. Shannon Lotthammer said she is waiting for comments from the Shakopee Mdewakanton Sioux Community on the Memorandum of Agreement. She said she sent out the final version of the JPA in April, and has received some comments. She said has plans to schedule one final review meeting.

President Schmokel called for a break at 8:55 PM. Meeting resumed at 9:05 PM.

10. OTHER OLD/NEW BUSINESS.

A) MS4 Annual Report – Authorization to Submit. President Schmokel asked if there were further questions for Shannon regarding the Annual Report, which was the subject of the Public Meeting. William Kallberg asked if the note on page 1 indicating that the public meeting held tonight, June 13, 2006, is the public meeting for 2005. Shannon said it is correct. President Schmokel asked if there were further questions. There were none.

Motion by Roger Wahl to authorize Shannon to finalize and submit the 2005 MS4 Annual Report. Second by Larry Mueller. Motion passed 4 ayes.

B) 2007 Budget/Work Plan Process and Timeline. Shannon Lotthammer said it is time to start discussing the 2007 budget. She said since the Capital Improvement Program was updated last year, unless the Board sees a specific need for a change this would not be the year to update the CIP. She said the budget development will follow the existing CIP and the Plan Amendment completed last month. She referred to the proposed budget development process and schedule, reviewed the schedule with the Board and asked for comments or questions. The Board and Shannon discussed holding a workshop the last week in June.

Motion by William Kallberg to adopt the 2007 Budget development process and schedule. Second by Larry Mueller. Motion passed 4 ayes.

C) Innovative Water Management Grant Requests. See earlier discussion.

D) City of Prior Lake Surface Water Management Plan Update. Shannon Lotthammer said the City of Prior Lake is in the process of revising their local surface water management plan. She said there have been two formal iterations of comments and she has provided feedback. She said the City Staff is planning to present the plan to the City Council at their meeting on June 26, 2006 for formal adoption. She said there are still a couple differences in their plan from the PLSLWD requirements; most notably, the City plan and rules do not require conservation easements for buffers. She said City proposal is to rely on an ordinance stating how buffers are to be protected and placing buffers in drainage and utility easements. She said there are other details regarding volume management that still have some questions, but she feels these can be worked out through the technical advisory process.

E) Scott County Comp. Plan Update. Shannon Lotthammer said she received a call from Mick Borke advising her that Spring Lake Township is pursuing the concept of 2 ½ acre development. He said they hope the PLSLWD will be supportive of this concept. She said she explained that the PLSLWD would be interested in development in a pattern that would allow for wetland restoration and protection of open spaces and volume storage areas. She said she has talked to the Scott County Planning staff about the goals of the PLSLWD. She said both Spring Lake Township and Scott County are aware of the PLSLWD goals and there will be opportunities to discuss these issues with them as the comprehensive planning process continues. Manager Mueller said that at a recent Township meeting, 60 out of 63 residents agreed with the Township Board position. The Board and staff discussed the comprehensive planning process and the importance of providing input and assistance.

F) Metro MAWD Liaison and Alternate. Shannon Lotthammer said the Metro Chapter of MAWD is asking for designation of a member from the PLSLWD as a liaison to attend the quarterly meetings and report back to the Board. She asked if the Board would appoint a member.

Manager Schmokel nominated Manager Kallberg. Seconded by Managers Mueller & Wahl. Manager Schmokel asked if there were any objections. There were none. Manager Kallberg was appointed.

Manager Mueller said a resident took him to Fish Lake and pointed out an area that used to be covered by lily pads. The resident said that now there are no lily pads or weeds and no fish spawning

and wanted to know if the PLSLWD curlyleaf control program could have harmed the lilypads. Manager Mueller suggested Shannon contact Steve McComas and see if he can provide an answer.

G) Next Board Meetings/Workshops (dates and topics). This was covered earlier in the meeting.

11. ADMINISTRATIVE.

A) Monthly Financial Report. Shannon Lotthammer reviewed the report and asked if there were any questions or comments. There were none.

Motion by William Kallberg to approve the Monthly Financial Report. Second by Roger Wahl. Motion passed 4 ayes.

Adjourn: Regular meeting adjourned and staff excused except for Shannon Lotthammer, who remained with the Board for the Executive Session.

EXECUTIVE SESSION:

Executive Session adjourned at 10:15 P.M.

William Schmokel, President

William Kallberg, Vice President