

**Prior Lake-Spring Lake Watershed District  
Monthly Meeting  
June 12, 2007**

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

Others Present: Ben Ford, Kurt Larson, Jim Weninger, Mick Borca

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 6:30 PM.
2. PUBLIC COMMENT. Manager Kallberg said he had been notified that a former Board Member, Orlin Schafer passed away last month in St. Joe, Arkansas. He advised of place and time for a local memorial service to be held on June 14, 2007. He recommended that a memorial be given from the PLSLWD in his name to one of the organizations named by his next of kin. The Board agreed and asked that the Office Assistant obtain the necessary information from Manager Kallberg to send the memorial.
3. APPROVAL OF THE AGENDA. President Schmokel asked if there were any changes, additions or deletions to the Agenda. There were none.

**Motion by William Kallberg to accept the Agenda. Second by Roger Wahl. Motion passed 5 ayes.**

4. CONSENT AGENDA.
  - A) Approve Minutes
  - B) Approve Claims List
  - C) Accept Monthly Permit Report

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

5. ITEMS REMOVED FROM THE CONSENT AGENDA. There were none.
6. TECHNICIANS REPORT/PERMIT APPLICATIONS.

Permit Application #07.05 Summit Preserve. Jim Eggen stated that Kurt Larson representing the applicant Cardinal Development and Ben Ford the project engineer are in attendance. He reminded that Mr. Ford did attend the last Board meeting and gave an informational update on the project. Jim

reviewed that summary and the staff report included in the packets. He explained how the project meets the PLSLWD requirements. He explained the drainage alteration by diverting most of the impervious surface run-off to a large pond and re-using the water for irrigation purposes within the project. He reviewed the alternatives presented in the review and the staff recommendation for approval with the conditions listed in the review.

President Schmokel asked if there is a time schedule for the project. Ben Ford said the tentative schedule is to do clearing in July, grading in late July for this phase that is to be completed by the end of September. Further improvements will not be started until next spring. He said the first phase of the project will be primarily the southwest corner and the area south of the loop road running through the site. Manager Schmokel asked if this will be a two, three, five or ten year project. Mr. Ford replied that it will be a three to five year project.

**Motion by William Kallberg to approve Permit Application #07.05 Summit Preserve with the conditions listed in the Staff Report on Review dated June 8, 2007. Second by Larry Mueller. Motion passed 5 ayes.**

Permit Application #07.07 Trail Bridge over PLSLWD Outlet Channel. Jim Eggen said the applicant is the City of Shakopee. He put up a drawing of the site south of TH169 near the new outlet structure for Dean Lake. He reviewed the Staff Report on Review of the Application, the Board decision alternatives and the Staff recommendation.

**Motion by Roger Wahl to approve Permit Application #07.07 Trail Bridge over PLSLWD Outlet Channel with the conditions listed in the Staff Report on Review dated May 18, 2007. Second by Craig Gontarek. Motion passed 5 ayes.**

7. ENGINEER'S REPORT. Segments 2 and 7.

Ed Matthiesen said they have completed the field work for Segments 2 and 7. He brought along the work in progress drawings for Segment 7 and will display them later and answer any questions. He asked if the Board would prefer to have this information presented to them at the regular Board meeting, a workshop, or an on site visit. President Schmokel suggested a meeting to go over plans, and a site visit followed by a workshop to discuss in detail or have any questions answered. The Board agreed. Ed Matthiesen and the Office Assistant will contact the Board to set up the meeting and site visit, to be held before the next meeting and report again at the next meeting.

8. OTHER OLD/NEW BUSINESS.

A resident, Jim Weninger asked if the Board would move forward to Item D CurlyLeaf Pondweed – Spring Lake and Fish Lake. The Board agreed. Administrator Kinney recalled that at the May meeting information from Steve McComas of Blue Water Science was presented to the Board regarding his work and surveys in April. The recommendation based on that report was that the PLSLWD would not treat the off-shore area under their jurisdiction. The in-shore area treatment would be decided by a review by the DNR and their determination of whether the treatment would be done. Lake Restoration was directed by the PLSLWD not to treat off-shore. It was determined that Lake Restoration was responsible for following up on any permit activity and approval from the

DNR to commence in-shore herbicide application. Mike said he was contacted a couple weeks later by Jim Weninger regarding the treatment. On behalf of Mr. Weninger he called Mr. Tom Snook of Lake Restoration and Neil Vanderbosch of the DNR to clarify the status of the in-shore treatment. He learned that due to the DNR's assessment they felt that the extent of curlyleaf pondweed was not sufficient to warrant treatment and no permit was issued to Lake Restoration. Mr. McComas also completed a secondary site survey of Spring Lake and further determined the extent of CurlyLeaf. Mike pointed out the areas on a drawing of the shoreline. There was some disagreement with this information by some members of the Spring Lake Association. As a result Mike, Steve McComas, Neil Vanderbosch and the Vice President of the Spring Lake Association all met to view the sites. They agreed that the report from Mr. McComas was accurate and there was a marked improvement from past years. They found that most of the CurlyLeaf present was found in the in-shore areas and Mr. Vanderbosch made note of the particular areas to determine approval of in-shore treatments. Limited treatment was approved for some of the in-shore areas and Manager Kallberg provided information that part of the treatment did take place today.

Jim Weninger, a resident living on Spring Lake, expressed his and other members of the Spring Lake Association frustration in the handling of the program this year. He explained the confusion between information from the DNR, Mr. McComas, Lake Restoration and the PLSLWD. He said it seems that based on the PLSLWD decision not to treat off-shore, the permit to Lake Restoration to treat in-shore locations was also held up. He said it seems to be too late now to treat for CurlyLeaf this year, but would like to know if the residents will be allowed to get individual permits for treatment next year and will there continue to be an ongoing maintenance program.

Mr. Weninger said he has some differences with the methodology used in the report submitted from Mr. McComas. Manager Kallberg explained that the locations on the report referred to by Mr. Weninger were given as examples of how effective the treatment has been, as they were among the worst areas in the past. Manager Kallberg and Administrator Kinney further explained the methodology of how the report was created and that this survey and report are done every spring and this year Mr. McComas' opinion was that there was not sufficient plant growth to warrant CurlyLeaf treatment this year. Mr. Weninger said that decision apparently is the reason that the DNR held up on the issuance of all the individual treatment permits. President Schmokel said that the PLSLWD cannot speak for the DNR or control their determinations on permits to treat aquatic plants. Manager Kallberg explained that the recommendation was that the off-shore areas that the District has paid for in the past were not in need of treatment this year. He said he then asked for a recommendation on the in-shore areas paid for the property owners. The recommendation was the same. He said this is for this year only, and each year will be considered depending on what the growth is during and after the growing season. Mr. Weninger said there are still approximately 80 property owners that have contracted for treatment that have not received treatment or credit for the treatment. President Schmokel explained there may have been some misunderstanding with the District's decision not to treat the off-shore area of their responsibility. He said this has no bearing on the fact that Lake Restoration has the responsibility to obtain the permits for in-shore treatment for the individual property owners that have contracted with them. Administrator Kinney said Mr. Vanderbosch may have been influenced by the report from Mr. McComas to the PLSLWD that off shore treatment was not needed this year, but the PLSLWD does not have any control over his decision to issue the permits.

President Schmokel called for a break at 7:35 PM. Meeting resumed at 7:50 PM.

A) JPA/MOA for the Outlet Channel. Attorney Gavin said Attorney Huemoeller is discussing the City's interpretation of the arbitration clause with them. Attorney Huemoeller is to meet with Suesan Pace, the Attorney for the City of Prior Lake to resolve this issue.

Attorney Gavin said that Administrator Kinney received a copy of the agreements for insurance with the League of Minnesota Cities, not knowing that Attorney Huemoeller has been working with another person for the past year and had approved the language in the agreements. He said there is now a letter from another attorney for the League of Minnesota Cities stating the language does not work. He said he provided Administrator Kinney with documentation showing that approval of the language and incorporation of the language as of February, 2006 and again in March. Administrator Kinney requested that Attorney Gavin contact the different parties at the League of Minnesota Cities, so they start communicating and resolve the differences.

B) Morlock/Isaacson Easements. Attorney Gavin said they received a response from Mr. Isaacson, who indicated to Attorney Huemoeller that there were some landscaping issues he had discuss with the former PLSLWD Administrator that the attorneys were not aware of regarding restoration and landscaping requested after the construction. Mr. Isaacson also said his attorney is reviewing the documents and will make some comments. They have not received any correspondence from Mr. Morlock, who should have received the agreements the same time Mr. Isaacson did.

C) Equivalency/MOA with PLSLWD Rules (Savage, Scott County, Shakopee). Attorney Gavin said he and Mike Kinney have been working with the City Savage and have a draft agreement, which has been approved by both the Attorney for the City of Savage and the District's Attorney. They are waiting for the City of Savage to adopt their own ordinance and plan, prior to the PLSLWD being able to enter into an agreement with them. As soon as that is done the agreement will be brought before the Board for approval.

Attorney Gavin said he has not been involved with the City of Shakopee or Scott County. Administrator Kinney said he has been working with them. Jim Eggen said they have a letter from Bruce Loney of the City of Shakopee approving their plan and equivalency. Administrator Kinney recommends approval of the City of Shakopee's plan.

**Motion by Larry Mueller to approval the City of Shakopee Water Management Plan. Second by Roger Wahl. Motion passed 5 ayes.**

Jim Eggen referred to the letter in the packets from Diane Spector of Wenck Associates, Inc. regarding the review of the Scott County Water Resources and the request to authorize Staff to work with Scott County to develop a Memorandum of Agreement between the PLSLWD and Scott County to prepare a resolution of equivalency and write the MOA.

**Motion by William Kallberg to authorize PLSLWD Staff to work with Scott County to develop a Memorandum of Agreement (MOA) between the PLSLWD and Scott County and prepare a resolution of equivalency that transfers some or all of the District's permitting requirements to**

**the county for land-disturbing activities in the unincorporated areas of Scott County that are within the District's boundaries. Second by Larry Mueller. Motion passed 5 ayes.**

E.) Meeting with Spring Lake Association. Administrator Kinney reported on his meeting with the Spring Lake Association regarding the Curlyleaf situation and a discussion of management options in the southern portion of the District. He presented surveys and pictures of shoreline areas.

F) MAWD Spring Meeting. Administrator Kinney reviewed the meeting for the Board.

G) MAWD Summer Tour. Administrator Kinney said the tour will be held Thursday June 28 through Saturday June 30, 2007 and that final date for registration is June 20, 2007.

H) Scott/Dakota Water Resource Collaboration Meeting. Administrator Kinney reported on the meeting. He said there were 13 organizations with various activities. He said plans are to hold another meeting late June or early July.

Two further issues were brought before the Board:

Mike Kinney said there should be a public hearing held prior to regular Board Meeting on Tuesday July 10, 2007. The purpose of the public hearing will be to receive comments on the District's Storm Water Pollution Prevention Plan, which is a requirement for the District's permit for Small Municipal Separate Storm Sewer Systems (MS4) He said the meeting will require publication in the local paper. Staff was instructed to place the public notice in the local paper and prepare information for the meeting.

Attorney Gavin referred to the Liability Coverage – Waiver Form handed out before the meeting. The waiver is to whether or not waive the statutory tort liability limits to the extent of the coverage purchased. The Board discussed and Manager Kallberg said there decisions in the past have been to not waive the monetary limits. Attorney Gavin also recommended that they not waive the monetary limits.

**Motion by William Kallberg to not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. Second by Larry Mueller. Motion passed 5 ayes.**

9. ADMINISTRATOR'S REPORT. Administrator Kinney referred to his report and said he would just highlight a few of the items.

Water Quality and Runoff Education. Administrator Kinney noted that he had some contact with the Environmental Educator from Jeffers Pond Elementary and indicated to her that the District would be interested in working with whatever entity is involved to make that a model environmental site. He said he is looking for suggestions from the Board.

The City of Prior Lake was also contacted by Hamline University regarding establishment of a recycling program facility for educational purposes. Administrator Kinney met with them and introduced them to some of the City of Prior Lake Staff, the recycling center, and viewed some

possible locations to place the facility. He said that if there is a way to participate in this program in the future, he will bring it before the Board again.

Administrator Kinney said they did visit the Luxford property at the outlet from Spring Lake to check on the condition. He said they will continue to follow to that the lawn in rehabilitated to his satisfaction.

President Schmokel asked if there were any questions about other items in the report. There were none.

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

10. ADMINISTRATIVE.

A) Financial Report. Manager Schmokel asked if there were any questions about the report. There were none.

**Motion by William Kallberg to accept the Monthly Financial Report. Second by Roger Wahl. Motion passed 5 ayes.**

Meeting adjourned.

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William Schmokel, President

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Craig Gontarek, Secretary