

**Prior Lake-Spring Lake Watershed District
Monthly Meeting
November 15, 2005**

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

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

Others Present: Conny Brown, Keith Willenbring, Tim Johnson, Mick Borka, Steve Pierson,
Rob Beachy, Pat Lynch, Julie & Dwayne Garwood, Dave & Rita Baden

1. CALL TO ORDER: Meeting called to order by President William Kallberg at 7:00 PM. President Kallberg also stated that in order to accommodate some visitors to the meeting, some items on the agenda may be taken out of order.
2. PUBLIC COMMENT: President Kallberg asked if there was anyone present who wished to discuss an issue that is not already on the agenda for later in the meeting.

Conny Brown introduced himself and stated he resides at 18706 Fairlawn Avenue and wished to discuss a situation on his property. He explained there is a creek running from Fish Lake across his property to Buck Lake. He said they are having a severe erosion problem and are in danger of losing a portion of their back yard and large trees. He said they received funding from the Scott County Soil and Water Conservation District of approximately \$6,200.00 to fix the problem. He explained he is having trouble finding a contractor due to concerns about access to the site, and explained the access problems and asked the Board if they had any suggestions. Mr. Brown, the Board and Staff discussed the issues. Ed Matthiesen suggested a couple options, which Mr. Brown was not sure would work. Staff will contact the SWCD to discuss the site and will review the plans to see what recommendations they can make.

3. CONSENT AGENDA:

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

Shannon Lotthammer noted there was an updated Claims List handed out at the beginning of the meeting.

Motion by William Schmokel to approve the Consent Agenda with the revised claim list covering items #05-349 through #05-392. Second by Roger Wahl. Motion passed; four ayes and one abstention.

4. ITEMS REMOVED FROM THE CONSENT AGENDA. There were none.

5. TECHNICIANS REPORT;

A) Permits/Permit Modifications.

Permit Application #05.10 Pike Lake Meadows Residential and Office Development. Jim Eggen displayed a drawing of the site. He said in attendance representing the applicants are Keith Willenbring of Pioneer Engineering and Tim Johnson of Manley Land Development and area residents. Jim Eggen summarized the staff report. He said staff feels the application meets the PLSLWD requirements including the alternative infiltration standard.

President Kallberg asked if the applicant's engineer or developer representative had anything to add or if the Board had any questions. Manager Gontarek referred to the planting plan and asked what criteria was used in terms of kinds of plants and location. Keith Willenbring explained the plants to be used were determined by a landscape architect after reviewing the anticipated soil saturation areas, upland areas and amount of bounce expected. In answer to further questions from the Board regarding the plants that will provide maximum evapotranspiration in the rain garden Mr. Willenbring explained that the architect does have this information and used it in the design. Manager Schmokel asked about the 650 feet of Pike Lake Trail being improved. Mr. Willenbring said this includes curb and gutter with catch basins on the northern end to pick up the water from this stretch and from the rain garden and direct it to the treatment system.

Julie Garwood introduced herself and her husband Dwayne and gave their address of 13900 Pike Lake Trail. She said she has spoken with Shannon Lotthammer of the PLSLWD regarding the potential for easements being purchased around Pike Lake. She said she and her husband also met with Manley Land Development. She explained that when the Outlet is open the water comes into Pike Lake quite fast and goes out slowly and comes up onto their property. She said they do not know what rights they may have to allow them to build up their lawn or it that would be a problem for the PLSLWD. She said they are still in negotiations with Manley Land Development the PLSLWD but there have been no conclusions. Shannon Lotthammer said the PLSLWD is in the appraisal process and has just received the appraisal, but the Board has not yet had a chance to review it. She said the next step is for the Board to review the appraisal and make a determination. She said regarding the Garwoods building up their property is something that can be considered and that they would have to get the Department of Natural Resources involved as any work below the Ordinary High Level would need their approval. She said there was a flood proofing study done in 2002 and the concern then was the potential cost and what the funding sources might be. Mr. Garwood said one of their concerns is that when the Outlet is opened the water comes up pretty fast and he feels that with the added development it will come into their house. President Kallberg asked if the development will affect the Pike Lake levels. Ed Matthiesen said no more so than under present undeveloped conditions and that the developers are meeting the more restrictive City of Prior Lake discharge rates, which are below the existing rates. Mr. Garwood said that when the Outlet is opened Pike Lake can rise two feet in one night and with the development being 20 to 25 feet higher than their property the runoff is going to come right onto their property. President Kallberg asked if this was considered in the development planning or if it is an issue with this application. Shannon Lotthammer said the application meets the District's requirements, which is that post development run off rates be the same or less than predevelopment run off rates and in this case the post development run off rates will be less due to the City of Prior Lake requirements for drainage. She said that volume control will be achieved by filtration and plant uptake. Manager Gontarek summarize that the majority of the rate control is achieved by filtration as most of the water is sent into the

stormwater pond and not much into the lake, back yards, etc. President Kallberg said the Board will review the Garwood situation and the impact of the Outlet Channel on the property over and above the normal OHW level of the storms that would raise the level of Pike Lake. Shannon Lotthammer explained the flow pattern from the development and the design of the pond to allow for storage, before going into the wetland and then into Pike Lake. President Kallberg said the District does have information in more detail and recommended a meeting between the Board, the Garwoods and Staff to review this information. He said he does not see that this development will have any noticeable impact on the Garwood property. Manager Gontarek listed the three issues he sees as concerns to be discussed; the quantity and rate of water, the easements and raising the property and if the development would put any restrictions on doing this. Mrs. Garwood and Keith Willenbring explained that part of the property is owned by the developer including a portion that contains the Garwood driveway, for which the Garwoods have an easement. Shannon Lotthammer pointed the existing driveway and the proposed new access and that a new easement for access is being negotiated by the Garwoods and the developer. Shannon said the Staff has made a note that the issues brought up with the permit, but are separate from the permit; options for changing elevations and the potential easement with the District, which is totally separate from this development.

Dave Baden of 13866 Pike Lake Trail introduced himself and wife Rita and said their property is on the north side of the development and expressed his concerns about runoff from the development onto his property. Mr. Willenbring explained that the flow will not be toward the Badens house, but to the road away from their property and into a catch basin.

President Kallberg asked if the Board had any questions. The Board referred to the Staff recommendations in the permit review. Shannon Lotthammer said some of the conditions listed in the recommendation are in response to the BMPs required by the District for volume control. Jim Eggen said in respect to Condition C; items aa) through gg), he received a couple additional comments by e-mail from the project developer. Jim Eggen summarized the changes as listed in an e-mail from Keith Willenbring giving some qualifications of the BMPs listed in items aa) through gg). Shannon Lotthammer recommended that the Board request that the BMP requirements that are included in the application be incorporated into the Association documents, so they are memorialized and not overlooked in the future. Manager Schmokel said the permit conditions should state that a homeowners association shall be created.

Motion by Craig Gontarek to approve application # 05.10 Pike Lake Meadows Residential and Office Development conditional on staff resolution on items A through H of the recommendations. Second by William Schmokel. Motion passed 5 ayes.

Proposed Modification to Permit #02.13 Jeffers South. Shannon Lotthammer said this Board action request is for the retrofit of the infiltration basin at the Jeffers South site, which is now called Jeffers Landing. She explained the basin is not functioning as originally designed. She said the developer looked at the site and concluded that the soils are different than originally indicated on the soils map, where the basin is constructed is more like Type D soil and holding water. She said staff asked the developer what they could do to address the PLSLWD volume control requirement. The developer's recommendation is to leave the existing infiltration basin in place and construct a drain tile system in another storm water basin that is further north on the development. Ed Matthiesen referred to the current rules requirement and summarized the proposal received. The Board and staff discussed the request and how it meets the current infiltration rule. The Board directed staff to work with the City of Prior Lake regarding the maintenance responsibility for the pond.

Motion by Larry Mueller to approve the Proposed Modification to Permit #02.13 with the condition that staff work with the developer and the City of Prior Lake to insure that the maintenance requirements will reflect this change in the design. Second by Craig Gontarek. Motion passed 5 ayes.

B) Outlet System. Jim Eggen reviewed the amount of rain received in September and October and the effect on Prior Lake. He said the outlet was partially opened, then fully opened and now is nearly closed as the lake is pretty much stable at 902.5. He said the channel was inspected and the DNR and adjacent cities were advised when the outlet was opened.

C) FeCl System. Jim Eggen said the ferric chloride system was started this year in the spring, and was shut down on September 13, 2005 as the meter failed and the feed system was not operating properly. He said the system will be shut down for the remainder of the season. He said he and a staff person from Wenck Associates, Inc. surveyed the bottom contour of the desiltation pond downstream from the iron chloride system to accumulate information to make the required annual report to the Pollution Control Agency pursuant to the new permit from the PCA. Shannon Lotthammer said this information will be provided to the Board at the next meeting before it goes to the PCA. President Kallberg asked about the status of the flow meter for the iron chloride system. Jim Eggen explained that it has been repaired.

President Kallberg said that before the Engineers Report there has been a request to move up item A) Fish Lake Outlet under Old/New Business, and that Pat Lynch of the DNR and others interested in this issue are in attendance.

Shannon Lotthammer said she and Pat Lynch visited the lake based on concerns that the water elevation has been increasing. She said there is a growth of cattails in the channel area between the lake and the outlet structure that goes under County Road 10. She said she and Pat shot the elevation of the lake at the boat landing and the elevation of the water at the outlet. She said the lake elevation was 0.47 feet higher than the water at the outlet. She said that raises a question regarding if the cattails are creating a slower flow through the area and allowing the lake to get higher than the outlet would normally allow. Shannon then reviewed the questions for the Board discussion as outlined in her memo of 11/8/2005. She said another question for the Board to discuss is what is the District's role in this issue.

Pat Lynch added that there used to be another outlet under County Road 10, a 36 inch corrugated metal pipe with a concrete weir at the lake end. He said the current outlet was in place in 1976, but he assumes it served as a cattle pass and not as an outlet at that time. He said that in 1982 the Scott County Highway Department received a permit from the DNR to construct a weir in that cattle pass at essentially the same elevation as the old concrete weir that was in front of the old 36 inch pipe. He said this moved the location of the outlet, improved the capacity and maintained the outlet elevation. Pat said at some time after 1976 the Fish Lake Sportsman Club placed a steel grate on the outlet as a fish barrier. Pat said he was contacted by Shannon Lotthammer in May of this year advising him that she had received a call from a resident that lake looked high. He said he visited the lake and the structure did not seem to be obstructed and he sent some photographs to Shannon. He said he received calls from residents during the summer and viewed the outlet and removed some debris, then he and Shannon went out in September and did determine that there was about a half foot water elevation difference between the lake proper and the elevation at the outlet structure. He reviewed lake elevations over the years 1976 to 2005 and found that there was only one time, June 10, 2002, that the elevation was above the OHW. Pat showed some aerial photographs from 1979

showing the cattail growth, then in 1985 still heavily vegetated with cattails, 1990, which shows the beginning of a cut in the vegetation toward the outlet structure, and in 1997 a significant cut is shown as it is in 2000 and 2003. The Board, staff, Mr. Lynch and Fish Lake residents; Steve Pierson, Mick Borka and Rob Beachy discussed the growth of the cattails, the water level changes, impact on fish population, and what the District's role should be regarding the lake level concern.

Shannon Lotthammer suggested that the Fish Lake outlet question be kept separate from the Fish Lake Management Plan as it is not a water quality issue, but a lake level issue. She said that if the Board wants to commit some engineering time to this, there are the hydrologic models for the watershed, which could be run for the Fish Lake sub-drainage area. She suggested that staff and Mr. Lynch further investigate the question of lake elevation and suggest some options for discussion and consideration. She said they could then hold a public meeting separate from a Board meeting. She said the Board and staff also need to discuss how to pay for any project to address the cattails as it is not in the budget for 2006. The Board directed Shannon to proceed with further investigation of the Fish Lake outlet.

B) Fish Lake Management Plan. Shannon Lotthammer summarized the planning effort and said the goal is to have a draft of the plan done by the end of the year. She said data has been received from this year's and last year's monitoring and the watershed map is completed. She said she has been working with Amal Djerari, a hydrologist interested in watershed work and offered to provide some free assistance to the District to model the lake and watershed. She said she plans to work with staff from Wenck Associates, Inc. to review and confirm this data. She said she plans to send the draft out to those involved in the planning process and if at all possible to have a meeting to discuss it before the end of the year or in early January. She said Spring Lake Township would also be sent a copy and asked for comments or she could attend a township board meeting.

President Kallberg called a break at 9:10 PM. Meeting resumed at 9:20 PM.

6. ENGINEER'S REPORT.

A) Outlet Channel Update: Segments 1, 5, 6. Ed Matthiesen said the design team hopes to publish the notice for bids for Segment 1 this coming Friday. He said that Wensmann is unsure of the development plan for the commercial area north of Fountain Hills Drive, so that part of the channel is a separate bid item on the plans. He said they pulled out the area of Fountain Hills Drive itself due to a bridge being constructed by the developer and the developer will be responsible for the restoration in the vicinity of the bridge. He said the Pike Lake sediment removal was included as a bid alternate. He said there will be a pre-bid walk through on 11/30/2005 and bids will be due and opened on 12/9/2005.

Ed Matthiesen said he, Shannon and Peter MacDonagh met with the City of Shakopee on Segment 5. He said there will be a new owner for the Riverside Bluffs project. He said Bruce Loney of the City of Shakopee indicated that he expects the new owners will be on board with channel alignment and ecological restoration. Shannon Lotthammer said the channel design team will move forward with detail designs on the two ends of Segment 5 and wait on the middle area until the developer decides what their plans are.

Ed Matthiesen said that the City of Shakopee is awarding the contract tonight on Segment 6, which is the area on the north side of Dean's Lake.

B). Outlet Box Project. Ed Matthiesen said there will be a meeting this Friday with Dean Morlock and Chip Isaacson to review the latest out box plans and options for the location of the box.

C) Capacity of Channel near Captain Jack's (Cate's Channel). Ed Matthiesen said he and Shannon discussed the Board's concern from the last Board meeting with Steve Albrecht of the City of Prior Lake. He said Mr. Albrecht indicated that the large October rainfall was a 100-year event and the channel did not flood out of its banks or beyond what was expected and that it performed as expected. Shannon Lotthammer said there are two properties left to develop in that sub-watershed area; Hickory Shores and the Gold property, and the City has committed to review their storm water routing and modeling to see if more restrictive rate control requirements should be placed on those developments to assure that the Cates Channel capacity continues to be sufficient for future storm events.

7. OTHER OLD/NEW BUSINESS.

C) Plants for Stormwater Design – Request for Support. Shannon Lotthammer said two years ago the PCA funded the development of a manual for selection of appropriate plants for stormwater treatment. She said the District staff uses this manual quite extensively. She referred to her memo of November 8, 2005 outlining the authors' plans for a second volume. She explained the grant funding the authors have received and their requests to watershed districts to participate in the project with additional funding. She recommended Board approval of cost share commitment of \$2,000.00 from the Innovative Water Management program budget to support this project.

Motion by William Kallberg to approve the cost-share commitment of \$2,000.00 from the Innovative Water Management program budget for the second volume of Plants for Stormwater Design manual. Second by Craig Gontarek. Motion passed 3 ayes, 2 nays.

D) Water Resources Management Plan Amendment. Shannon Lotthammer said the 60 day public comment period ended on November 7, 2005 and the District received three comments. She said the Met Council and the DNR both indicated support, and comments from the Dept. of Health encouraged the District to continue to work with Scott County in the ground water protection efforts. She said the next step is to hold a public hearing, which she will schedule for the next Board meeting. She said after the hearing the information will be sent to BWSR, who will send it out for review, then the BWSR board will meet to approve and then return to the District for final adoption, She said she expects that the amendment will be through the agency review, approved by BWSR, and ready for final Board action in April 2006.

E) Joint Powers Agreement. Shannon said the cities and the Sioux Community are still reviewing the JPA. She said she expects there will be some comments, suggestions and questions. She said she has asked for comments to be returned by November 18, 2005, and she will compile them and then have the staff come together again to review and discuss the comments. She said then they can prepare a final version to submit to the Watershed Board, the Sioux Community and the City Councils for final adoption. She said the completion target is still the end of the year.

F) Pike Lake Easements. Shannon Lotthammer said she received the appraisal report today. She reviewed the appraisal report with the Board. Staff, Board and Attorney Gavin discussed the appraisal. Shannon Lotthammer said the options are; to obtain another appraisal, make an offer to the Garwoods to purchase the 1170 square feet of easement or do nothing. The Board discussed the options. Manager Schmokel

expressed concern that another appraisal process would burden staff with additional work and District staff are already busy with other projects, including the effort to start construction on the channel. Manager Mueller suggested that the Pike Lake easement project be put on hold for the time being. The rest of the Board agreed. The Board decided not to accept the appraisal and to table the project at this time. Attorney Gavin said that if the Board decides not to accept the appraisal they do not have to share it with the Garwoods.

Motion by William Kallberg to reject the appraisal from Evergreen Land Services as they did not follow the direction of the Board based on the District Attorney's determination of easement size, and to not pursue this project further at this time. Second by Larry Mueller. Motion passed 5 ayes.

Shannon Lotthammer and Dean Gavin were directed by the Board to advise the Garwoods of Boards decision.

G) Consulting Services. Shannon Lotthammer said the sub-committee consisting of her, Roger Wahl and Larry Mueller who met to review the consulting services proposals. The decision was to retain the following current primary service providers:

- Accounting: Messerli, Schadow & Johnson PLLP
- Audit: HLB Tautges Redpath, Ltd.
- Legal: Huemoeller, Bates and Gontarek
- District Engineer: Wenck Associates, Inc.

She said they recommend continuing the current contractual relationship with the Kestrel Design Group for the channel design work and a pool for additional engineering and ecological services of basically everybody that submitted a proposal. Shannon noted that the committee recommended to not continue the contractual relationship with Evergreen Land Services as they did not anticipate need for additional land acquisition services in the near future

Motion by William Schmokel to accept the sub-committee's recommendation for Consulting Services Providers. Second by William Kallberg. Motion passed 5 ayes.

H) MAWD Meeting and Resolutions. William Kallberg asked if anyone had any questions regarding the resolutions. There were none. Shannon Lotthammer said two voting delegates and an alternate need to be designated for the MAWD meeting. The Board appointed William Kallberg and William Schmokel as the two voting delegates and Larry Mueller as the alternate.

I) Updates/Scheduling: Volunteer Recognition Reception, Board Meeting Schedule/Topics, NALMS Conference, Other.

Shannon Lotthammer recommended having the volunteer recognition ceremony before the next Board Meeting on December 13, 2005. She said she will prepare certificates again, volunteers who did not receive the thermo coffee mugs last year will receive one and there will be special recognition for long term volunteers, starting with five years of service.

Shannon Lotthammer said regarding the upcoming schedules and topics, she is hoping to have the MEP rules study and alternative site design options for improving water quality and volume control ready for the

December meeting. She said she would like to schedule a special Board meeting in January to talk about the bonding process and what the cost might be, etc. She said the District will probably be looking at the bonding issue in June/July of 2006 depending on when the plan amendment is done.

Shannon Lotthammer said she has tentatively scheduled to have Steve McComas come to the January 2006 meeting and give a presentation on the results of the effectiveness of the early season treatment for curly leaf pond weed for this past year and to discuss 2006 plans.

Shannon Lotthammer said the NALMs conference she attended provided a lot of good information and anyone interested in a report on the sessions she attended should let her know.

Craig Gontarek said it might be to the District's benefit to meet and talk to the three new City Council members for Prior Lake before they take office to familiarize them with what the PLSLWD is and what they are trying to accomplish. The Board agreed and asked Shannon to try to set up a meeting.

9. ADMINISTRATIVE

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

Meeting adjourned at 11:20 PM.

William Kallberg, President

Larry D. Mueller, Secretary