

SPECIAL BOARD WORKSHOP

BOARD OF MANAGERS:

Marianne Breitbach, President; Curt Hennes, Vice President; Woody Spitzmueller, Secretary
Bruce Thorsen, Treasurer; Fred Corrigan, Manager

Note: Indicated times are estimates; actual times may vary considerably. Individuals with items on the agenda or who wish to speak to the Board are encouraged to be in attendance when the meeting is called to order.

4:00 – 4:05 PM **BOARD MEETING CALL TO ORDER, PLEDGE OF ALLEGIANCE**

4:05 – 4:08 PM **PUBLIC COMMENT**

If anyone wishes to address the Board of Managers on an item not on the agenda or on the consent agenda please come forward at this time, turn on the microphone and state your name and address. (The Chair may limit your time for commenting.)

4:08 – 4:10 PM **APPROVAL OF AGENDA** (Additions/Corrections/Deletions)

4:10 – 4:45 **CLOSED SESSION**

In accordance with MN State Statute 13D.01 subd. 3, the Board will consider going in to close session to discuss 2014 staffing level.

4:45 – 6:30 PM **OTHER OLD/NEW BUSINESS**

1. Budget (Discussion)
2. Alum update (Discussion)
3. Consider Permit #13-05 East Village 3rd Addition (Action)
4. Cost Share – Filter Strip Renewals (Action)
5. Letters of Interest – Contracted Services (Discussion)
6. Boudins Dock Extension (Discussion)
7. November Meeting date/location

**Prior Lake-Spring Lake Watershed District
Staff Report on Review of Application for Permit**

Application #13.05: East Village 3rd Addition

Applicant: Shakopee Mdewakanton Sioux Community

Applicant's Engineer: Bob Bean, Bolton & Menk, Inc.

Date Application was Complete: 10/11/2013

Report Prepared by: Emily Javens, P.E.

Date of this Report: 10/22/2013

Date of Board Meeting: 10/29/13

Introduction

The Shakopee Mdewakanton Sioux Community is proposing to develop East Village 3rd Addition, consisting of 18 single family homes and associated roadways. There is also some minimal preparation, including mass grading, for further residential and commercial development in adjacent areas. Approximately half of the land to be disturbed is within District jurisdiction. The other half is located in Trust Land and falls under jurisdiction of the Environmental Protection Agency. This permit request covers only the land under District authority. However, the entire development was reviewed since the stormwater facilities were sized for the entire development and are located under District jurisdiction.

Notice to Adjacent Landowners

On October 22, 2013 the District mailed a notice of the permit application and its scheduled consideration at the October 22, 2013 Special Board meeting. This notice was mailed to landowners within 500 feet of the proposed construction.

Notice to Permit Applicant

This report is not a permit. If the District Board approves the project, the applicant must meet conditions listed herein prior to an official permit being issued. The contractor shall not begin work outside of Trust Land prior to receipt of a written permit from the District.

Proposed Plan and Analysis

While the application materials generally meet the essence of the District's Rules C (General Conditions), D (Stormwater Management), and E (Erosion Control), there were some errors in the Stormwater Management Plan and Storm Water Pollution Prevention Plan (SWPPP) that should be corrected prior to issuance of the permit. For instance, a Type A soil type (generally sandy soils) was used to model the existing and proposed

conditions for the site whereas the actual soil types are more representative of a Type B soil type (generally loamy soils). This error in modeling will under report the actual runoff. The report was also missing the calculations that prove the overall runoff is within the allowable values set forth by the Joint Powers Agreement / Memorandum of Understanding for the Prior Lake Outlet Channel. Errors that existed in the SWPPP, include not reporting Dean's Lake as an impaired receiving water and not having extra notes for handling a potential hazardous spill during construction. This land is particularly vulnerable since there is no protective clay layer that acts as a barrier between the surface and the aquifer that provides drinking water to the City of Shakopee.

Watershed District Board Decision

The application was initially received on and determined to be complete on October 11, 2013. To meet the procedural requirements of Rule B and Minnesota Statutes Section 15.99 regarding time deadlines for Board action, the Board must make a decision to either: 1) approve or deny the permit application by December 10, 2013, or 2) provide written notice to the applicant of an extension of the 60-day period and state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

Alternatives

1. Conditionally approve the application subject to the required actions noted herein.
2. Table the item until a specific date, and provide the applicant with direction on the issues that have been discussed.
3. Deny the application, stating the reasons for the denial.

Staff Recommendation

The Watershed District staff recommends Alternative 1.

Action Required

A motion authorizing PLSLWD staff to issue a permit, subject to the following conditions:

1. The permittee shall revise and resubmit the SWPPP to correct errors noted by District staff.
2. The permittee shall revise and resubmit the Stormwater Management Plan, making corrections for errors noted by District Staff.
3. The permittee shall provide calculations that verify the JPA-MOA allowable discharge rate has been met.
4. The permittee shall submit a security deposit (surety) of \$5500 to defray the costs incurred by the District for inspection expenses.

PRIOR LAKE - SPRING LAKE
WATERSHED DISTRICT

MEMORANDUM

TO: PSLWD BOARD OF MANAGERS
FROM: NAT KALE, PLANNER
SUBJECT: FILTER STRIP COST SHARE PROGRAM
DATE: OCTOBER 29, 2013

BACKGROUND

For a number of years the PSLWD has paid for filter strips on the farms of interested parties through the SWCD. These filter strips have traditionally been installed on the basis of ten year contracts, in which the District pays over the course of the first two years of the contract and the farmer is contractually obligated to maintain the filter strip for ten years.

In 2012 the SWCD notified District staff that nine of these contracts were set to expire in the 2012-2014 time period. In July 2013 the PSLWD staff asked the SWCD to pull together information about location and estimated nutrient removal of the expiring practices. That information has now been provided, and Staff is ready to recommend a course of action to the Board.

ESTIMATED LOAD REDUCTION

PSLWD staff used tools developed for the Spring/Upper Prior TMDL to verify SWCD-estimated phosphorus load reductions. Several filter strips do not appear to be providing much, if any, phosphorus reduction, so staff does not recommend offering to continue those practices. Others have the potential to provide much more significant benefits. The total estimated load reduction, if all farmers accept the District's proposed offer, would be approximately 139 pounds of phosphorus per year.

ESTIMATED COST

District staff recommends using a cost per pound of phosphorus reduced framework, rather than the traditional cost per acre framework. This framework would entail execution of a contract with the cost-share recipient which would bind the District to yearly payments for ten years; however, it would also allow the recipient to remove the filter strip, with the only penalty being the forfeiture of future annual payments. With this framework the farmer retains flexibility in managing their land, and the District only pays for the benefit received, with a minimum of administrative overhead.

PRIOR LAKE - SPRING LAKE
WATERSHED DISTRICT

In previous communication with the Board and potential cost share recipients, District staff used \$50/pound of phosphorus/year as a target compensation rate. At that rate, the total recommended annual expenditure is \$7,204.25, or approximately \$72,000 over ten years.

Filter Strip	Estimated Load Reduced (lb P/year)	PLSLWD Offer (\$/year)
Busacker North	0.0	\$ -
Busacker South	2.9	\$ 146.03
Hartell	2.8	\$ 140.59
Hauer North	16.6	\$ 830.89
Hauer South	38.3	\$ 1,914.60
Krueger North	19.2	\$ 959.93
Krueger South	3.7	\$ 184.88
Laabs East-North	0.0	\$ -
Laabs East-South	0.2	\$ -
Laabs West	0.0	\$ -
Robling, Tony	5.6	\$ 280.55
Sandey, Chad	5.1	\$ 257.18
Sandey, Gerald	22.2	\$ 1,111.50
Stemig, Steve	27.6	\$ 1,378.13
TOTAL	144.3	\$ 7,204.25

BUDGET IMPACT

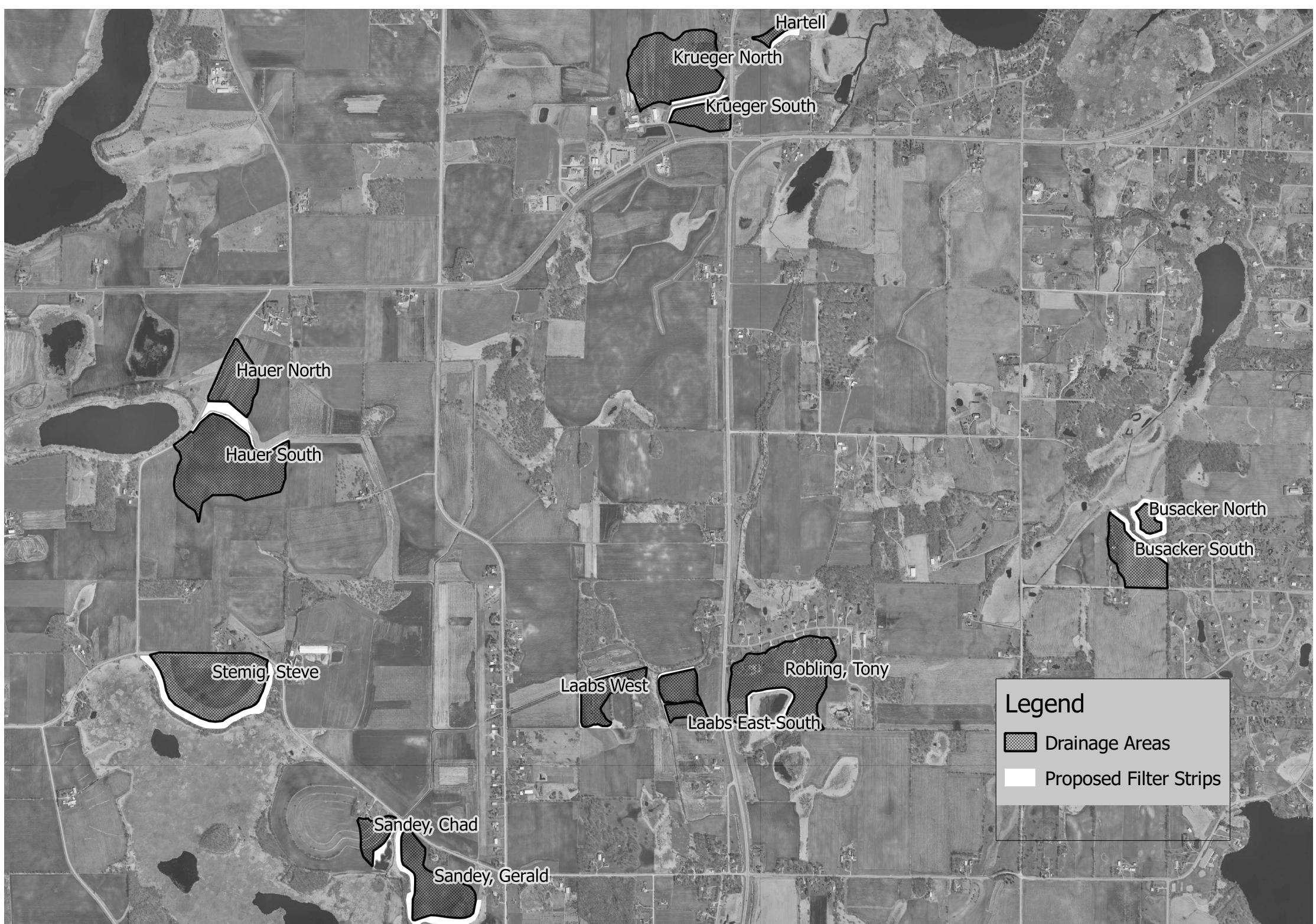
The 2013 budget memorandum for Land Management anticipated an expenditure of \$40,000 on cost share programs in 2013. To date the District has spent approximately \$17,500. In addition to the annual costs outlined above, moving forward with these cost-share applications would entail further expenditure with the SWCD of \$8,370. Additional District staff time would also be required, likely between 30 and 40 hours.

STAFF RECOMMENDATION

Staff recommends that the Board authorize the SWCD to offer filter strip contracts as outlined in the table above, with activities to be coordinated with PSLWD staff.

ATTACHMENTS

- Map of proposed filter strips and drainage areas
- Draft of proposed contract



Legend

■ Drainage Areas

■ Proposed Filter Strips

FILTER STRIP INCENTIVE CONTRACT

General Information

Organization	Contract Number	Other federal or other state funds? Yes <input type="checkbox"/> No <input type="checkbox"/>	Amendment <input type="checkbox"/>	Canceled <input type="checkbox"/>
			Board meeting date(s) _____	Board meeting date: _____

*If contract amended, attach amendment form(s) to this contract.

Applicant

Land Occupier Name	Address	City/State	Zip code
--------------------	---------	------------	----------

* If a group contract, this must be filed and signed by the group spokesperson as designated in the group agreement and the group agreement attached to this form.

Conservation Practice Location

Township Name	Township	Range	Section	1/4,1/4
---------------	----------	-------	---------	---------

Contract Information

I (we), the undersigned, do hereby request cost-share assistance to help defray the cost of installing and maintaining the following practice(s) listed on the second page of this contract. It is understood that:

1. The land occupier is responsible for full establishment, operation, and maintenance of all practices and upland treatment criteria applied under this program to ensure that the conservation objective of the practice is met. The specific operation and maintenance requirements for the conservation practice listed are described in the operation and maintenance plan prepared for this contract by the organization technical representative and attached to this document (Attachment A).
2. Should the land occupier fail to maintain the practice during its effective life, the land occupier forfeits the right to further annual compensation under this contract. The land occupier is not required to return any funds paid by the organization while the practice was being maintained.
3. If title to this land is transferred to another party before expiration of the aforementioned life, it shall be the responsibility of the land occupier who signed this contract to advise the new owner that this contract is in force.
4. Practice(s) must be planned and installed in accordance with NRCS Practice Standard 393 – Filter Strip.
5. This contract, when approved by the organization board, will remain in effect until ____/____/____ unless canceled by mutual agreement, except where installations of practices covered by this contract have not been started by ____ (start date), this contract will be automatically terminated on the start date.
6. Practices will be installed by ____ (date) unless this contract is amended by mutual consent to reschedule the work and funding.

Applicant Signatures

The land occupier's signature indicates:

1. Agreement to grant the organization's representative(s) access to the parcel where the conservation practice will be located.
2. Commitment to obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice.
3. Commitment to be responsible for the operation and maintenance of conservation practices applied under this program in accordance with an operation and maintenance plan prepared by the organization technical representative.
4. Land Occupier has all necessary legal authority to enter into a contract with the organization for the conservation practice, and to maintain the conservation practice for the duration of the agreement.

Date	Land Occupier
Date	Landowner, if different from applicant Address, if different from applicant information:

Filter Strip Details

Project Cost Estimate	Downstream Receiving Waterbody	Average Filter Strip Width	Filter Strip Length	Estimated Yearly Phosphorus Load Reduction

Technical Assessment and Cost Estimate

I have the appropriate technical expertise and have reviewed the site where the above listed practice is to be installed and find it is needed and that the estimated quantities and costs are practical and reasonable.

Date	Technical Representative
------	--------------------------

Amount Authorized for Financial Assistance

The Organization Board has authorized the following for financial assistance, dependent upon the ongoing maintenance of the practice per Attachment A.

\$ _____ per year from _____ (begin date) to _____ (end date)

Board Meeting Date	Authorized Signature	Total Amount Authorized \$
--------------------	----------------------	-------------------------------