

**LOWER MINNESOTA RIVER WATERSHED DISTRICT  
MINUTES  
Wednesday, February 17, 2010**

**1. CALL TO ORDER**

President Samstad called the regular meeting of the Board of Managers of the Lower Minnesota River Watershed District to order at 7:03 PM on Wednesday, February 17, 2010 in the council chambers at the City of Chaska, Minnesota.

**2. ROLL CALL**

Managers present: Kent Francis, Don McCready, Larry Samstad, Ed Schlampp, Len Kremer  
Also present: Laura Jester, Dakota SWCD, Joel Toso, Wenck Assoc., Susan and Mike Seeland, residents of the City of Eden Prairie, District's attorney Bruce Malkerson, staff members Terry Schwalbe and Joan Ellis

**3. APPROVAL OF MEETING AGENDA**

Mrs. Ellis requested the Carver County Storm Drain Education Project be placed under 9. New Business as item (a). Mr. Schwalbe requested the under the Administrator's Report (11.) the selection of two managers as a sub-committee to review the 2010-2012 legal and engineering services proposals. Mr. Schwalbe requested the April 6, 2010 LMCCR grant application be placed under the Administrator's Report (11). President Samstad requested the attorney Hoff's invoice be removed from the Payment of Bills under item 6. **President Samstad moved and Manager Schlampp seconded to approve the agenda as amended. VOTE: Ayes 5; Nays 0.**

**4. CONSENT AGENDA**

Manager Kremer requested the Treasurer's Report be removed from the Consent Agenda. **Manager Kremer moved and Manager Schlampp seconded to approve the Consent Agenda as amended. VOTE: Ayes 5; Nays 0.**

**5. OPEN FORUM**

There were no speakers.

**6. JANUARY 2010 REGULAR MEETING MINUTES, TREASURER'S REPORT AND PAYMENT OF BILLS**

The January 2010 regular meeting minutes and the Payment of bills was approved less Mr. Hoff's invoice under the Consent Agenda.

**Manager Kremer moved to approve the Treasurer's Report with a second from Manager Schlampp after discussion. VOTE: Ayes 5; Nays 0.**

President Samstad had submitted a memorandum (not dated) to the board in their packets to explain his reasoning on the subject of Conflict of Interest. President Samstad wanted the board to know that he does not approve of Mr. Hoff's invoice but will remove it from the hold list for the board to vote whether or not to pay the invoice. **It was moved by Manager Kremer and seconded by Manager Schlampp to include Mr. Hoff's invoice in the Payment of Bills. VOTE: Ayes 4; Nays 1 (Samstad).**

**7. PRESENTATIONS**

None.

**8. PRESENTATIONS FOR BOARD ACTION**

None.

**9. NEW BUSINESS**

a. Carver County Storm Drain Education Project

Mrs. Ellis explained the Carver County request to partner in the storm drain marker placement by 25-30 high school students within Carver County at a 50% share cost of \$107.50 for a storm drain kit total cost of \$215.00. The board requested a map of the area to be covered at the time the project is conducted. **Manager Francis moved and Manager Kremer seconded to approve the request for \$107.50 to partner on a storm drain marker project in Carver County. President Samstad requested a friendly amendment to approve a \$300 limit or three marker kits of \$100 each. The moving managers accepted the friendly amendment. VOTE: Ayes 5; Nays 0.**

**10. OLD BUSINESS**

a. City of Eden Prairie stream bank stabilization testing results, Joel Toso, Wenck Associates  
Mr. Toso reviewed the report of the testing results of the Minnesota River Bank and Bluff Stabilization in Eden Prairie, Minnesota dated February 10, 2010. A copy of that report is a part of the master minutes on file. There followed a discussion about the report by the board and Mr. Toso. **The board requested Wenck Associates obtain a University of Minnesota botanist to look at the Mores Circle failure and return to the board in March to review the results.**

Mr. Schwalbe requested that the board go to agenda item 12.b. Wenck Associates Eden Prairie bank stabilization agreement while Mr. Toso is present.

12.b. Wenck Associates Eden Prairie bank stabilization agreement

Mr. Schwalbe reported the agreement was approved for \$56,900 originally. Then the board approved additional costs of \$5,000 and then \$7,459.50, then \$1,200 for a total of \$70,559.50. **Staff is requesting the board to ratify and approve the changes to a total of \$70,559.50. Manager Kremer moved and Manager McCready seconded the request as stated directly above. VOTE: Ayes 5; Nays 0.**

**Return to 10. Old Business**

Mr. Schwalbe reported to the board that the City of Eden Prairie City Council is holding a joint workshop with the LMRWD on the subject of the bank stabilization March 9, 2010. He requested the board approve Mr. Toso attending the workshop with him. **It was moved by Manager Kremer and seconded by Manager Francis that Mr. Toso's time be paid out of**

**the current agreement, but if no possible, the board will expend dollars to pay for Mr. Toso's hourly time to attend the meeting. VOTE: Ayes 5; Nays 0.**

The District will public notice the March 9, 2010 workshop in case any of the managers wish to attend.

b. 2010 Dakota County Monitoring Proposal less Willow Creek

**Manager Kremer moved and Manager Schlampp seconded to approve the 2010 Dakota County Monitoring Proposal less Willow Creek. VOTE: Ayes 5; Nays 0.**

c. Scott County growth & Highway #101 reconstruction, Shakopee, President Samstad

President Samstad just wanted to keep the board informed by including in their packets the local news articles about the construction work and growth in Scott County.

## **11. ADMINISTRATOR REPORT**

a. Seminary Fen/Assumption Creek update on negotiations, etc.

Mr. Schwalbe reported that the appraisal has been completed and the DNR is making an offer to the Hess family.

b. Update on legislative resolution implementing a MN River Valley Basin Commission

Mr. Schwalbe pointed the board toward the memorandum from lobbyist Jeff Davidman, page two for an update.

c. Navigation Channel & MN/Dot grant results for access road

Mr. Schwalbe said that if the site was sold or not used as a dredge site in the future, the District would have to reimburse MN/Dot the total amount (\$40,000) of the grant.

Mr. Schwalbe was asked to check about in-kind services counting as part of the match.

**Manager Francis moved and Manager Schlampp seconded approval of the MN/Dot grant to the District. A friendly amendment was made by President Samstad authorizing Mr. Schwalbe to go out for bid for providing the access road. The other managers accepted the friendly amendment. VOTE: Ayes 5; Nays 0. Note: There can be no award without approval by the board.**

d. Clean Water Fund grants update

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e. Willow Creek Gauging Station

Mr. Schwalbe reported that Carver County would be willing to operate the station to monitor above Lake Grace and the City of Chaska is willing to pay to move the station. The station is being given to the District at no cost. Mr. Schwalbe will bring more details before the next meeting.

f. MAWD 2010 legislative program

Mr. Schwalbe reported that MAWD previously supported our resolution for a river basin commission in the Minnesota valley. **Manager Kremer moved and President Samstad seconded that Mr. Schwalbe make sure MAWD supports the establishment of a river basin commission. VOTE: Ayes 5; Nays 0.**

g. Appoint two sub-committee members to review engineering and legal two-year proposals  
Managers Kremer and Francis and President Samstad will review proposals on their own.  
All managers will receive a copy of the proposals.

Draft Water Resource Plan work session

Before the next regular board meeting, a work session will be held at 6:00 PM in the Chaska council chambers to review the draft water resource plan.

**Manager Kremer moved and Manager McCready seconded a motion to release the draft plan to the TAC and board so that comments can be reviewed at the work session.**

**VOTE: Ayes 5; Nays 0.**

## **12. DISTRICT'S ATTORNEY REPORT**

Mr. Malkerson had nothing to report

## **13. ADJOURN**

**Manager Schlampp moved and Manager McCready seconded to adjourn the meeting at 8:45 PM. VOTE: Ayes 5; Nays 0.**