

**LOWER MINNESOTA RIVER WATERSHED DISTRICT
MINUTES
WEDNESDAY, FEBRUARY 18, 2009, 7:00 PM**

1. CALL TO ORDER

President Kremer called the regular meeting of the Board of Managers of the Lower Minnesota River Watershed District to order at 7:01 PM on Wednesday, February 18, 2008 in the Council Chambers at the City of Chaska, Chaska, Minnesota.

2. ROLL CALL

Managers Present: Len Kremer, Ed Schlampp, Larry Samstad, Kent Francis
Also Present: Greg Aamodt, Carver SWCD, Laura Jester Dakota SWCD, Paul Moline, Carver WMO, Districts' Attorney Bruce Malkerson, staff members Terry Schwalbe and Joan Ellis

3. APPROVAL OF MEETING AGENDA

The following items were added to the agenda

- 1) Discussion regarding boundaries placed under District Attorney Report 13.a.
- 2) Coleman Lake under Old Business 10.b.
- 3) Dakota County SWCD contract under Old Business 10.c.
- 4) Update on Dakota County Manager under the Administrator Report 11.f

It was moved and seconded to approve the agenda as amended. VOTE: Ayes 4; Nays 0.

4. CONSENT AGENDA

President Kremer took the Treasurer's Report off the agenda and moved it back to Old Business 11.d. **It was moved and seconded to approve the amended consent agenda consisting of the minutes of December 17, 2009. VOTE: Ayes 4; Nays 0.**

5. OPEN FORUM

No one spoke.

6. APPROVAL OF MINUTES

The December 17, 2008 minutes were approved under the Consent Agenda

7. PRESENTATIONS

There were no presentations.

8. PRESENTATIONS FOR BOARD ACTION

- a. Feasibility studies for Study Areas 1, 2, 3 and 4, Leslie Stovring, City of Eden Prairie
This item was postponed until the March board meeting due to Ms. Stovring's being ill.
- b. Carver County Environmental Services Annual Monitoring Report, Greg Aamodt
Mr. Aamodt presented his annual report to the board.
- c. Carver County Government Center Paver project, Paul Moline
Mr. Moline presented this project to the board. The project is completed.

It was moved and seconded to approve funding \$10,000 towards the Carver County Government Center's paver project. VOTE: Ayes 4; Nays 0.

9. NEW BUSINESS

10. OLD BUSINESS

a. 2008 MAWD Resolution for Proposed Amendment to WCA and/or Rules, Mgr. Samstad
President Kremer has asked Ray Bohn for a copy of the final resolution and he has not received it yet.

b. Coleman Lake

The much needed restoration of Coleman Lake has been placed on hold due to the presence of a rare frog. **It was moved and seconded to authorize Mr. Schwalbe and Bonestroo to develop a simple concept and meet with DNR Waters and Ecological Service sections, U.S. Fish and Wildlife, PCA, WACA, U.S. Army Corp Environmental section to define if there are restoration measures that could be taken on the lake. In addition, authorized Mr. Schwalbe to pull the historic materials together then can determine the constraints, look at aerial photos of Coleman Lake in 1960, four years later and today. VOTE: Ayes 3; Nays 1.**

c. Treasurer's Report and payment of bills

Board reviewed the HDR bill. President Kremer said the HDR budget report will come with all future invoices on the status of the update of the Fifth Generation Plan in the board packets.

It was moved and seconded to approve payment of the HDR invoice. VOTE: Ayes 4; Nays 0.

Manager Samstad said his per diem check was insufficient for mileage and meetings. Balance due will be given at the next meeting.

\$185.00 should be placed in Monitoring not Project Expense.

The board requested that the financial pages be numbered numerically through all documents.

President Kremer recommended to Mr. Schwalbe that he use the December final budget figures to budget for the following year. **It was moved and seconded to approve the Treasurer's Report and payment of bills. Ayes 4; Nays 0.**

d. Dakota County SWCD Contract

11. ADMINISTRATOR REPORT

a. Seminary Fen/Assumption Creek update

Mr. Schwalbe spoke with John Koenigs to find out how negotiations are going with the Hess property. He is going to set up a meeting with the Hess representatives and Mr. Koenigs before the next board meeting. The Hess people have not been responsive in getting the documents back to the DNR. The DNR just wants to concentrate on the Hess property right now. Brad and Heidi Moe are the heirs. The board asked Mr. Schwalbe to bring a property boundary map to the next meeting showing what the DNR has purchased, what they are intending to purchase, what we might consider as easements or acquisitions around the Seminary Fen. We need the map of the fee title that the DNR is buying because there may be a possibility of additional easements as people have talked about some restoration plan. The District may look at purchasing additional easements so restoration can take place. Because the Seminary Fen is an SNA it is governed by state statute. Mr. Schwalbe said we have been asked by the DNR to put together a "Friends of the Seminary Fen" group to assist the DNR on invasive species removal and education about the need to protect the fen. Mrs. Ellis is working on putting this group together.

b. Update on legislative resolution implementing a MN River Valley Basin Commission and for federal and state funding

Mr. Schwalbe has had several meetings this past month with Representative Lanning, Jeff Davidman, Ron Harnack, Ray Bohn and changes to Representative Lanning's bill were made. Mr. Schwalbe said he feels the size of the proposed board is too large to make decisions. He discussed how various agencies feel about the makeup of the board. At this time the bill reads that fifty percent of the board must be elected officials and appointed managers. The Red Board is having issues with the makeup of the board. President Kremer suggested Mr. Schwalbe recommend to Representative Lanning to have a small governing board, a policy governing, a CAC and a TAC working committees made up of a representative from the public, watershed districts and WMOs, etc. The other board members agree with President Kremer. Mr. Schwalbe will set up a meeting with Representative Lanning for President Kremer. Last years' legislation was sponsored by Representative Beard.

c. Dredge Sites There is nothing to discuss on this item.

Mr. Davidman told Mr. Schwalbe about who will have money available from the new Stimulus Package. The USACOE and the Department of Agriculture will receive monies. There may be monies available for dredge sites and possibly Coleman Lake.

Mr. Schwalbe was requested to call the weather service, get a copy of the report they issued on potential flooding and send to the managers.

d. Fifth Generation Plan

Mr. Schwalbe discussed how the first TAC meeting went and informed the board about the upcoming meetings.

e. Fifth Generation Plan Additional Services

As a result of the TAC meeting, staff sat down with BWSR to discuss what was needed to continue the public process. First, the District has to make a good faith effort to hold a public participation involvement (Town Hall) meeting. Second, we will be doing extra work for the CAC to try and get it active before next months' meeting.

It was moved and seconded to approve the additional funding to conduct a public meeting and develop the CAC. VOTE: Ayes 4; Nays 0.

f. T.H. 101 & T.H. 13 Intersection Reconstruction

This intersection in Shakopee is being proposed to be reconstructed. Temporary dewatering and floodplain issues are the largest being addressed between MnDOT and the City of Shakopee. This roadway is in the floodplain. The memorandum from Peter Leete of MnDOT was in the board packet. MnDOT is asking for comment if the board has problems with what they are planning to do. President Kremer said that we should contact MnDOT and find out how they plan to address any drainage to Eagle Creek and the pond, affects of their temporary dewatering with a detailed evaluation, detailed evaluation of floodplain fringe issues. Have them issue a written response for March meeting.

g. Dakota County

One application has been submitted from someone living in the District and another submitted by someone outside the District and is going to challenge that response from the county.

Commissioner Workman said if the applications don't work out then she wants us to change our boundary.

12. ATTORNEY FOR THE DISTRICT

Manager Samstad has issues with Mr. Malkerson's invoice. He said if you are talking about boundary expansion going out west to Le Sueur area you are going to have a lot of concerns with local people. If the expansion is small we probably could proceed to protect our resources. President Kremer said that the Le Sueur watershed contributes 25% of the load that enters our District. It was decided at the last board meeting not to move forward at this time. Mr. Samstad said that President Kremer could have conflict of interest issue in expanding the District. President Kremer said he has absolutely no issues with expanding the District and he supports expansion if needed. President Kremer said that when the District Administrator meets with cities and counties he should find out if there are areas that should be brought into the District. Mr. Schwalbe told the board he does ask those questions and the City of Chanhassen staff has requested that Bluff Creek area should be brought into the District but doesn't think it has gone further to the city council.

President Kremer said there is a BWSR Rules Committee looking into BWSR's rules. He will send out a list of the committee to send out to the board. Staff will send out a copy of the rules to the board.

Mr. Schwalbe requested the board to attend the Town Hall meeting the day of the March 18, 2009 meeting at 5:30 – 6:30 PM.

15. ADJOURN

It was moved and seconded to adjourn at 9:10 PM. VOTE: Ayes 4; Nays 0.