

**LOWER MINNESOTA RIVER WATERSHED DISTRICT
MINUTES**

Wednesday, April 21, 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 7:00 PM on Wednesday, April 21, 2010 in the council chambers at the City of Chaska, Minnesota.

2. ROLL CALL

Managers present: Don McCready, Larry Samstad, Ed Schlampp, Len Kremer

Also present: District's attorney Bruce Malkerson, staff members Terry Schwalbe and Joan Ellis

3. OATH OF OFFICE FOR RE-APPOINTED MANAGER EDWARD SCHLAMPP

The oath of office was completed by Edward Schlampp and attorney Bruce Malkerson at 7:01 PM.

4. APPROVAL OF MEETING AGENDA

Item 9.b. was removed from the agenda due to Manager Francis' absence. Mr. Schwalbe requested an addition at 12.f. Dredge Site Access Road. President Samstad requested removal of 9.a. 2009 Audit due to potential lack of time to address. President requested item 6. Open Forum be moved to item 8. and in its place item 6. would be Special Comments. **Manager Samstad moved and Manager McCready seconded to approve the agenda as amended.**

VOTE: Ayes 4; Nays 0.

5. CONSENT AGENDA

Manager Kremer requested the bills be removed from the Consent Agenda. He requested information on HDR's invoices and amendments to date especially the \$2,715.25 invoice dated April 2, 2010. **Manager Kremer moved and Manager McCready seconded to approve the Consent Agenda as amended. VOTE: Ayes 4; Nays 0.**

6. SPECIAL COMMENTS

President Samstad questioned BWSR's comments on our water plan regarding expansion or dissolution of the District. He said if we are spending \$150,000 on renewing the water plan why would we dissolve the District. He requested HDR contact BWSR to discover what is their thought process. Staff was directed to send the TAC's notes on dissolution to the board. President Samstad recommended we move no further on the plan until this is resolved. Manager Kremer said the stakeholders said we should evaluate appropriate entities to continue to operate the way the District has to date. Manager Kremer said the District should go through a legitimate process to answer the questions either now or after plan approval for Scott County, the City of Bloomington and BWSR. Mr. Malkerson said the board should list all reasons for why the District shouldn't be dissolved and take the list to BWSR and the TAC. **President Samstad moved and Manager Schlampp seconded that staff prepare a paper on this and clarify and determine reasons why not to dissolve the District, what has been done in the past and why the District was not dissolved earlier. Discussion: Manager Kremer said dissolution is not the only question being asked. Expansion or contraction of the District is also a question by the TAC and BWSR. VOTE: Ayes 3; Nays 0; Abstention 1 by Manager Kremer.**

7. MARCH 2010 REGULAR MEETING MINUTES, TREASURER'S REPORT AND PAYMENT OF BILLS

The March 2010 Minutes, Treasurer's Report and Payment of bills were approved under the Consent Agenda.

8. OPEN FORUM

No one spoke.

9. PRESENTATIONS

There were none.

10. PRESENTATIONS FOR BOARD ACTION

a. The 2009 Audit was postponed until the May 2010 board meeting due to lack of time for discussion.

b. Sub-committee recommendations and action for 2010 engineering and attorney services for two-years

Manager Kremer moved and Manager McCready seconded for staff to draft a letter to the five legal firms saying the District is going to continue with interviewing three firms, name them, and if a special need arises we will be submitting a solicitation. VOTE: Ayes 4; Nays 0. President Samstad moved and Manager Schlampp seconded the full board interview the law firms of Peterson, Thiel and Lippert. Discussion: Manager Kremer said that those three firms don't have watershed experience and that we should consider Mr. Malkerson and Rinky Noonan law firms to represent the District. VOTE: Ayes 3; Nays 1 Manager Kremer.

11. NEW BUSINESS

a. Annual employee review for Joan Ellis

Manager McCready moved and Manager Kremer seconded to accept the performance evaluation for Joan Ellis completed by Mr. Schwalbe. VOTE: Ayes 4; Nays 0.

Manager Kremer volunteered to get the COL for the May 2010 meeting in order to approve a COL raise plus a merit increase for Ms. Ellis.

b. T.H. 169 Coalition barge tour

Mr. Schwalbe told the board that Scott County is interested in working with the District having the District facilitate utilizing a barge and touring on the Minnesota River to educate the T.H. 169 Coalition. The Congressional delegation, the Agriculture Associations, Producers, Intermodal Transportation would be the target audience. **Manager McCready moved and President Samstad seconded a motion for Mr. Schwalbe to continue facilitating the tour. VOTE: Ayes 4; Nays 0.**

c. Sorensen Landing

Mr. Schwalbe passed out photos of the paint damage done at the plaque of Sorensen Landing. He said he hasn't seen it yet but will visit the site and report back to the board.

12. OLD BUSINESS

None.

13. ADMINISTRATOR REPORT

a. Seminary Fen/Assumption Creek update

Mr. Schwalbe waiting for a map of the parcels needing to be protected in order to complete the letter to the Hennepin Rail. Mr. Schwalbe will talk to the Wenz family about an easement on their property.

b. Update on legislative resolution implementing a MN River Valley Basin Commission
Mr. Schwalbe said there was no update.

c. Willow Creek gauging station

Mr. Schwalbe said that Carver County is ready to move the station. Mr. Malkerson brought up the subject of waiving rights and then passing the station on. **Manager McCready moved and Manager Schlampp seconded that a thank you should be said to Metropolitan Council but the District is waiving all rights to the gauging station and all obligations and the transfer should go directly to Carver for them to take over testing for water quality and maintenance of the gauging station. It Metropolitan Council is not willing to transfer directly to Carver County then the District could re-consider placement.**

VOTE: Ayes 4; Nays 0.

d. HDR contract adjustment

The board directed staff to resolve the invoice clarification. **Manager Kremer moved and President Samstad seconded to guarantee a maximum time and materials dollar amount not to exceed \$29,346 absent a Change Order if there is a change in the scope of work.**

VOTE: Ayes 4; Nays 0.

e. City of Eden Prairie bank stabilization project

(1) Black ooze

It has been determined by Wenck Associates, Inc. that the black ooze is bacterial.

(2) Wenck Associates, Inc. request for additional budget to finalize Phase 1.

Manager Kremer moved and Manager Schlampp seconded to approve additional funds of \$4,597.44 to complete Phase 1. VOTE: Ayes 4; Nays 0.

f. Dredge Site Access Road

President Samstad moved and Manager Schlampp seconded to approve \$3,400 for plans, specs, contracts and quotes moving towards completing an access road to the dredge site. Discussion: Manager Kremer said he can't support using taxpayer dollars for this work. ROLL CALL VOTE: Ayes Samstad, Schlampp, McCready; Nays 1 Kremer.

14. UPCOMING MEETINGS/TOURS/EVENTS

a. River Resource Forum Winona, 4/27-28 Manager Kremer asked Mr. Schwalbe to email the agenda.

15. ADJOURN

Manager Schlampp moved and Manager McCready seconded to adjourn at 9:40 PM.

VOTE: Ayes 4; Nays 0