

**LOWER MINNESOTA RIVER WATERSHED DISTRICT
MINUTES**

Wednesday, May 19, 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 7:01 PM on Wednesday, May 19, 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, Laura Jester Dakota County SWCD, Peggy Moeller HLB Tautges Redpath, Dan Edgerton and Jesse Carlson, Bonestroo

3. APPROVAL OF MEETING AGENDA

In regards to 14.f. 2010-2012 Legal Services President Samstad wanted to make sure that the research and discussions of legal services was done professionally and stated to Mr. Malkerson that any questions he may have the board would be glad to answer. President Samstad set aside 10 minutes at the end of the meeting, then 20 minutes after for discussion. Mr. Malkerson said he then would like to be excused before a final decision is made. **President Samstad moved and Manager Schlampp seconded the meeting agenda as amended. VOTE: Ayes 4; Nays 0.**

4. CONSENT AGENDA

Manager Kremer requested the Treasurer's Report and the minutes be removed from the Consent Agenda. **Manager McCready moved and Manager Schlampp seconded approval of the Consent Agenda as amended. VOTE : Ayes 4; Nays 0.**

5. OPEN FORUM

No one spoke.

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

Treasurer's Report

Manager Kremer said that on page seven of the Treasurer's Report at account #4811 there is \$6,809.00 posted to this account and no dollars budgeted. Mr. Schwalbe indicated that this posting is mis-coded and should be on page 11 at account # 10-516 and will have the accountant correct the error for next month. **Manager Kremer moved and Manager McCready seconded approval of the Treasurer's Report as amended. VOTE: Ayes 4; Nays 0.**

April 21, 2010 Minutes

Manager Kremer said that on page three of the minutes at item 13.f. Dredge Site Access Road under Discussion his words "Manager Kremer said he can't support using taxpayer dollars for this work" should be removed and should, instead be as follows: "Manager Kremer said he cannot support an ad valorem tax for just a few of the District's properties. The 1999 plan says we will special assess." **Manager Kremer moved and Manager Schlampp seconded approval of the minutes as amended. VOTE: Ayes 4; Nays 0.**

7. PRESENTATIONS

a. 2009 Audit Acceptance, Peggy Moeller, HLB Tautges Redpath

Ms. Moeller reviewed the Internal Controls Report with the board and noted that there was no Broker's Certificate form presented with audit, some lack of support for credit card. Mr. Schwalbe said those items will be corrected in the future. President Samstad moved and Manager Schlampp seconded to accept the 2009 Audit as presented. VOTE: Ayes 4; Nays 0. Staff will make sure HLB Tautges Redpath distributes the audit to the proper agencies.

b. City of Eden Prairie Stilling Basin 36-42C and Water Body 35-23A, Bonestroo

Jesse Carlson presented the issues at these locations to the board following a memorandum given in the board packets which is hereby made a permanent part of the minutes. After discussion with Bonestroo the board requested that their comments be inserted in a memorandum by Bonestroo and sent to the city. A copy of the board comments will be in the June board packet. Also, Bonestroo to send pictures electronically to the board of both projects.

8. PRESENTATIONS FOR BOARD ACTION

None.

9. NEW BUSINESS

None.

10. OLD BUSINESS

None.

11. ADMINISTRATOR REPORT

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

Mr. Schwalbe said Lanning got a minor change but in a positive way. Wagenius will act of the bill in January 2011. Mr. Schwalbe is meeting with Jeff Davidman to de-brief on the session. He'd like him to attend the July Summit meeting with him. Manager Kremer said we should have someone on the agenda to argue our point on why we need the basin commission. The board asked staff send a letter to the legislators requesting a position for Mr. Davidman on the Speakers Board at the Summit.

b. Dredge Site Access Road

Mr. Schwalbe indicated that the plans for the access road are complete.

c. J. Ellis annual review

After discussion President Samstad moved and Manager Schlampp seconded a 1.5% raise.

VOTE: Ayes 4; Nays 0.

Manager Francis arrived to the meeting.

d. New Plan Update

Mr. Schwalbe said he has met with both Carver and Scott counties in regards to assessment numbers for tax for each property on an ad valorem tax vs. a special assessment. He's having difficulty getting meetings with Hennepin and Dakota at the present time. It is time to determine the budget so the board and staff need to figure out the Implementation Plan. Mr. Schwalbe said he has been talking with Brad

Wozney of BWSR to determine whether our plan has expired or we should continue working off the plan. Mr. Wozney had told Mr. Schwalbe that until our new plan is approved we could not apply for any grants.

Mr. Schwalbe discussed Della Young's (HDR) email to Mike Kinney's inquires about Scott County's comments to the District's draft plan sent to them.

President Samstad said he is interested in going before the Scott County Board.

12. DISTRICT'S ATTORNEY REPORT

None.

13. UPCOMING MEETINGS/TOURS/EVENTS

Mr. Schwalbe informed the board about the Water Management Summit July 12 and the MAWD Summer Tour sponsored by Nine Mile Creek June 24-26.

14. 2010-2012 LEGAL SERVICES

President Samstad inquired of Mr. Malkerson if he had any questions about the hiring process.

Mr. Malkerson did not. Manager Kremer said he would like to see more written reports on items discussed and ready for the board packets one week before the meeting. Mr. Malkerson agreed.

Mr. Malkerson left the meeting

Manager Kremer moved and Manager Francis seconded to continue to retain Mr. Malkerson as the District's attorney from 2010-2012. Discussion: President Samstad listed the Malkerson owned properties in the District.

Manager Francis said the board has done their due diligence and we need to retain an attorney and Mr. Malkerson talked extensively in his proposal about conflict of interest.

President Samstad called for the question and President Samstad requested a roll call vote:

SAMSTAD	NO
SCHLAMPP	NO
MCCREADY	YES
KREMER	YES
FRANCIS	YES

AYES 3; Nays 2

The District can dismiss the attorney at any time.

Staff was directed to write letters to the five firms that submitted a proposal thanking them.

15. ADJOURN

Manager McCready moved and Manager Francis seconded to adjourn at 8:30 PM.

VOTE: Ayes 5; Nays 0