



Minutes of Special Meeting of the Board of Managers
Lower Minnesota River Watershed District
5:00 PM, Wednesday, June 4, 2014
LMRWD Offices, 112 East Fifth Street, Chaska, MN
Approved June 17, 2014

1. **CALL TO ORDER AND ROLL CALL**

On Wednesday, June 4, 2014, at 5:00 PM in the offices of the Lower Minnesota River Watershed District, 112 East Fifth Street, Suite 102, Chaska, Minnesota, President Francis called to order a special meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD) and asked for the roll call to be taken. The following Managers were present: Kent Francis, Len Kremer and Yvonne Shirk. Also present was Linda Loomis, LMRWD Administrator.

2. **APPROVAL OF THE AGENDA**

Manager Kremer moved approval of the meeting Agenda. The motion was seconded by President Francis. The motion carried unanimously.

3. **REVIEW PROPOSALS FOR LEGAL AND ENGINEERING SERVICES**

Managers received and filed a letter from the Attorney for the LMRWD, Bruce Malkerson. The letter explained why Attorney Malkerson did not submit a proposal to provide legal services to the LMRWD. Managers discussed the proposals received to provide legal services and options now that Attorney Malkerson has announced his intention to retire.

Manager Kremer made a motion to retain Attorney Malkerson for the next ten months to one year and retain the firm of Rinke Noonan to represent the LMRWD in legal matters when Attorney Malkerson retires. The motion directed Administrator Loomis to work with both Attorney Malkerson and Rinke Noonan to develop a transition plan. President Francis seconded the motion, which carried unanimously. Two options were provided in the proposal from Rinke Noonan. Managers preferred fees be based hourly.

Managers discussed the proposals to provide Engineering Services to the LMRWD. Managers determined that three of the firms had expertise and experience they felt would fit with the needs of the LMRWD. Managers directed staff to arrange interviews with the three firms prior to the regularly scheduled Manager meeting on July 17, 2014 beginning at 5:00. Interviews will be 30 minutes with 10 minutes in between interviews. The Administrator will order box lunches for the Managers that evening. The other firms will be thanked for providing making proposals

4. REVIEW APPLICATIONS FOR LMRWD COST SHARE INCENTIVE AND WATER QUALITY RESTORATION PROGRAM

Administrator Loomis informed the Managers that 4 applications were received for the program for a total dollar amount of \$5,992.25. Administrator Loomis prepared a worksheet scoring the four proposals using the scoring system of the LMRWD program. The Administrator walked the managers through the worksheet. Administrator Loomis recommended funding all the applications. The total in the budget for the program is \$20,000.

Managers discussed how the LMRWD might get more application for this program, particularly from additional counties. The Administrator

Manager Kremer made a motion to approve all the applications submitted and set up an agreement asking them to make a presentation to the Board of Managers upon completion of the projects. Manager Shirk seconded the motion, which carried unanimously.

The Administrator informed the Managers that they had requested an agreement with LS Marine to be ready for this meeting. Staff has not been able to get an agreement prepared in time for the meeting so it was not included on the agenda. The Managers discussed whether there should be discussion of the conditions the city of Savage would like to place on hauling dredge material from the RMP 14.2 site. The Administrator informed the Managers that because this item was not noticed with the notice of a special meeting the Managers should not discuss this item.

5. AUTHORIZE RIGHT OF ENTRY AGREEMENT BETWEEN LMRWD AND CARGILL

Administrator Loomis informed the Managers that two different parties have been contacting the LMRWD about Cargill's plans for managing material dredged from its barge slips this summer. Cargill's legal department has provided the LMRWD a Right of Entry agreement for Cargill to cross LMRWD property to reach Cargill property directly south of RMP 14.2. At the May 21, 2014 Manager meeting the LMRWD had not received any sort of document and representatives of WSB who are working with Cargill indicated that Cargill could access its property directly from the river and did not need to cross RMP 14.2. Since that time Cargill has provided the LMRWD with a ROE agreement which has been forwarded to Attorney Malkerson.

Manager Kremer made a motion to approve the ROE agreement subject to feedback from Attorney Malkerson prior to signing. Manager Shirk seconded the motion, which carried unanimously.

6. ADJOURNMENT

It was moved and seconded to adjourn at 5:53 PM Motion carried unanimously.

Kent Francis, President

Attest:

Linda Loomis, Administrator