

**LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS  
Wednesday, November 20, 2013  
MEETING MINUTES  
Approved January 15, 2014**

**1. CALL TO ORDER**

President Francis called the regular meeting of the Board of Managers of the Lower Minnesota River Watershed District to order at 7:00 p.m. on Wednesday November 20, 2013 in the Council Chambers at Chaska City Hall, Chaska, Minnesota.

**2. ROLL CALL**

Managers present: Kent Francis, Yvonne Shirk, Carla Shutrop, Len Kremer  
Managers Absent: none

Also present: Terry Schwalbe, Administrator, Clint Gergen, CHS, Ron Leaf, SEH and Linda Loomis

**3. Approval of meeting agenda.**

Manager Shutrop requested item 10. g. - Dean Lake be added to the agenda. A presentation was added to Item #7 by Ron Leaf of SHE for the CSAH 61/TH 101 Project

**After discussion it was moved and seconded to approve the Meeting Agenda with the above changes.**

**VOTE: Ayes 4; Nays 0 Motion carried.**

**4. CONSENT AGENDA**

**Manager Shirk requested the October 2013 Minutes be removed from the consent agenda. After discussion it was moved and seconded to approve the Consent Agenda including the September 16, 2013 minutes along with the November 20, 2013 Treasurer's Report and Payment of Bills.**

**VOTE: Ayes 4; Nays 0 Motion carried**

**5. OPEN FORUM:**

**No request were made to address the Board**

**6. October 16, 2013 Regular Meeting Minutes.**

Manager Shirk removed this item from the consent agenda.

This item was discussed at the end of the meeting rather than in its normal sequence on the agenda. Manager Shirk expressed concern over the quality of the minutes presented. Grammatical and spelling errors as well as wording of the phrases were noted.

**After discussion it was moved and seconded to direct staff to edit the October 2013 minutes and bring back to the board at the next meeting of the Board of Managers.**

**VOTE: Ayes 4; Nays 0 Motion carried**

**7. PRESENTATIONS.**

Ron Leaf of SEH attended the meeting to update the Board of Managers regarding the joint project between MnDOT and Carver County for a new bridge crossing the Minnesota River and reconstruction of the intersection of CSAH 61 and TH 101. Mr. Leaf outlined the timeline of the project to date for the Managers. Currently, the project is at about a 50% design stage. Mr. Leaf stated the project would provide additional volume to the river channel because a bridge will support the roadway and of material that currently supports the road will be removed. Temporary diversion of Bluff Creek will be needed during the project for a period of five years. MnDOT is committed to build the bridge in 2014. It is the intent of MnDOT to keep TH 101 open throughout the project. Wetland permits will be applied for this week and applications will be forwarded to LMRWD when applied for.

Manager Kremer asked about the need for a public waters permit and indicated the LMRWD would need to see the permit application. Mr. Leaf indicated the public waters permit would be part of the Wetland Permit. The Board directed Mr. Leaf to copy Manager Kremer when the permit is applied for.

Manager Kremer asked about Seminary Fen monitoring and suggested additional monitoring of the fen throughout project construction. The Fen is monitored by the LMRWD through a contract with Carver County. Mr. Leaf was directed to Paul Moline of Carver County for historical information regarding the monitoring of Seminary Fen. **After further questions and discussion the Board requested Mr. Leaf be invited to make an additional presentation in March/April.**

**8. Presentations for board action.**

**a. Appointment of Voting Delegates and Proxy**

MAWD Packet –voting members allowed two representatives. Discussion about the dates/times of actual events of the conference. Manager Kremer indicated he was planning to attend. President Francis indicated he would also be available to attend.

**After discussion it was moved by Manager Schutrop and seconded by Manager Shirk to appoint Kremer and Francis as Voting Delegates representing the LMRWD at the MAWD Annual Conference.**

**VOTE: Ayes 4; Nays 0 Motion carried.**

**9. New Business.**

No new business

**10. Old Business.**

**a. Chaska Ravine Grant Update – Bill Monk, Chaska Engineer**

Administrator Schwalbe introduced the item and explained what has occurred to date on this project. The city of Chaska and the LMRWD applied for a CWL grant to fund a portion of this project. The grant request was successful. Since receiving the grant the city of Chaska and the LMRWD have jointly contracted with Stantec to look at the

project in greater detail. Stantec has projected costs that are double what was anticipated for the project originally. An additional grant has been requested from BWSR for the project. The City and LMRWD are awaiting a decision on the most recent request. Requesting Carver County to participate in this project is another possibility.  
**No further action needs to be taken by the LMRWD until a decision made regarding the grant request.**

**b. Administrative Services**

President Francis updated the Managers about the contract with Linda Loomis for administrative services. He updated the Managers about a separation agreement with Administrator Schwalbe. For bookkeeping purposes, President Francis proposed Administrator Schwalbe's final date of employment will be November 30<sup>th</sup>, and Ms. Loomis' start date will be December 2nd.

**After further discussion a motion made by Francis seconded by Shirk to set the end date at 11/29 for Administrator Schwalbe and start date at 12/2 for Ms. Loomis.  
VOTE : Ayes 4 Nays 0**

Manager Shirk introduced this item. President Francis updated the Board regarding the Contract with Ms. Loomis for Administrative services. Only outstanding item is the insurance requirement for professional liability; no dollar amount has been specified. No direction was given regarding the amount of insurance the Administrator will be required to carry. Manager Shirk wanted to start Ms. Loomis before December 1 so that there would be time to meet with Administrator Schwalbe. Start date for Ms. Loomis was amended to begin November 25, 2013.

Administrator Schwalbe asked for direction regarding the cell phone he has been using for LMRWD Business. The Board requested he terminate the service or transfer the service to his personal account. The Board determined he could keep the phone.

**c. Approval of Final 2014 Budget**

The resolution as presented stated the Levy was for taxes payable in 2013. The correct date is for taxes payable in 2014. Administrator Schwalbe will correct the date on the resolutions before sending to affected counties. All resolutions below reflect the correct date.

**President Francis introduced the following and moved its adoption:**

**FINAL CERTIFICATION OF APPORTIONED LEVIES PAYABLE IN 2014**

BE IT RESOLVED that a mill rate sufficient to produce \$24,611.25 be levied upon all taxable property in the LMRWD located within Carver County, State of Minnesota, for taxes payable in 2014, for the purpose of paying administrative expenses (M.S. 103D.905 Subd. 3) and providing for a planning and implementation fund (M.S. 103B.241) of the District as provided in Minnesota Statutes, Sections 103D.911 and 103D.915.

**The motion for the foregoing resolution was seconded by Manager Schutrop and upon a vote being taken thereon, the following voted in favor thereof: Francis, Kremer, Schutrop and Shirk; and the following voted against the same; none, whereupon said resolution was declared duly passed and adopted, signed by the President and his signature attested by the Administrator**

**Manager Shirk introduced the following and moved its adoption:**

FINAL CERTIFICATION OF APPORTIONED LEVIES PAYABLE IN 2014

BE IT RESOLVED that a mill rate sufficient to produce \$78,943.75 be levied upon all taxable property in the LMRWD located within Dakota County, State of Minnesota, for taxes payable in 2014, for the purpose of paying administrative expenses (M.S. 103D.905 Subd. 3) and providing for a planning and implementation fund (M.S. 103B.241) of the District as provided in Minnesota Statutes, Sections 103D.911 and 103D.915

**The motion for the foregoing resolution was seconded by President Francis and upon a vote being taken thereon, the following voted in favor thereof: Francis, Kremer, Schutrop and Shirk; and the following voted against the same; none, whereupon said resolution was declared duly passed and adopted, signed by the President and his signature attested by the Administrator**

**Manager Kremer introduced the following and moved its adoption:**

FINAL CERTIFICATION OF APPORTIONED LEVIES PAYABLE IN 2014

BE IT RESOLVED that a mill rate sufficient to produce \$288,367.50 be levied upon all taxable property in the LMRWD located within Hennepin County, State of Minnesota, for taxes payable in 2014, for the purpose of paying administrative expenses (M.S. 103D.905 Subd. 3) and providing for a planning and implementation fund (M.S. 103B.241) of the District as provided in Minnesota Statutes, Sections 103D.911 and 103D.915.

**The motion for the foregoing resolution was seconded by Manager Shirk and upon a vote being taken thereon, the following voted in favor thereof: Francis, Kremer, Schutrop and Shirk; and the following voted against the same; none, whereupon said resolution was declared duly passed and adopted, signed by the President and his signature attested by the Administrator**

**Manager Schutrop introduced the following and moved its adoption:**

FINAL CERTIFICATION OF APPORTIONED LEVIES PAYABLE IN 2014

BE IT RESOLVED that a mill rate sufficient to produce \$233,077.50 be levied upon all taxable property in the LMRWD located within Scott County, State of Minnesota, for taxes payable in 2014, for the purpose of paying administrative expenses (M.S. 103D.905 Subd. 3) and providing for a planning and implementation fund (M.S. 103B.241) of the District as provided in Minnesota Statutes, Sections 103D.911 and 103D.915.

**The motion for the foregoing resolution was seconded by Manager Kremer and upon a vote being taken thereon, the following voted in favor thereof: Francis, Kremer, Schutrop and Shirk; and the following voted against the same; none, whereupon said resolution was declared duly passed and adopted, signed by the President and his signature attested by the Administrator**

**President Francis introduced the following and moved its adoption:**

RESOLUTION ADOPTING THE 2014 BUDGET

The budget resolution as presented indicated a total budget amount of \$682,983. The resolution was corrected to reflect a total budget amount of \$625,000

**The motion for the foregoing resolution, as corrected, was seconded by manager Kremer and upon a vote being taken thereon, the following voted in favor thereof: Francis, Kremer, Schutrop and Shirk; and following voted against the same; none, whereupon said resolution was declared duly passed and adopted, signed by the President and his signature attested by the Administrator.**

**d. USACE Update**

Administrator Schwalbe reported on his meeting with the USACE and Attorney Malkersson. The USACE has no objection to the trail proposed by the city of Burnsville, as long as the city acknowledges the site on Xcel property must occasionally be able to be accessed for the purpose of maintaining dredge materials. The responses from the USACE provided to the Managers has only recently be received by the LMRWD. The LMRWD has not communicated with the city of Burnsville, since September. LMRWD has been awaiting this communication from the USACE before providing a definitive answer to the City. Ownership of dredge material is still an open question and an agreement with L & S Marine needs to be negotiated. This issues is separate from the request from the city.

If LMRWD relinquished the site another site would need to be identified. Managers suggested the City assist with identifying a site.

**Direction given to staff to contact the city of Burnsville and to begin working with Attorney Malkerson regarding the contract with L & S Marine.**

**e. Bloomington/Metro Blooms Rainwater Garden cost share project**

The city of Bloomington will be coming before the Board of Managers in December to request payment of the agreed upon amount of \$19,750 for this project. Payment request came to the LMRWD in June and was placed on hold.

**After further discussion it was moved by Manager Shirk and seconded by Manager Schutrop to approve payment of \$19,7500 to the city of Bloomington.**

**VOTE: Ayes 4; Nays 0 Motion carried.**

**f. Bloomington Long Meadow Lake Project**

This project was presented to the LMRWD Board of Managers by the city of Bloomington at a previous meeting. A formal request for funding participation was not made at that time and now the city would like to request the Board consider participating in the project financially. The project is in the LMRWD plan and \$100,000 is included in the 2014 LMRWD Budget.

**Arrange for a presentation at the December meeting.**

**g. Dean Lake**

Manager Schutrop introduced this item. She has been in contact with Paul Nelson of Scott County about the TMDL study of Dean Lake. She provided an update to the Board. The board expressed interest in Mr. Nelson making a presentation to the Board in January.

**11. Administrator Report**

**a. L & S Maine Dredge Site Management Update**

See discussion under 10.d.

**12. Attorney's Report**

Nothing to report

**13. Upcoming Meetings\Tours\Events**

**a. MAWD Annual Meeting**

See discussion under 8.a.

**14. ADJOURNMENT**

**It was moved and seconded to adjourn at 8:47 p.m. VOTE: Ayes 4; Nays 0.**