

FINAL

MINUTES OF THE REGULAR MEETING OF  
THE MINNEHAHA CREEK WATERSHED DISTRICT  
CITIZEN ADVISORY COMMITTEE  
August 27, 2014

1. **Call to Order**

The regular meeting of the Minnehaha Creek Watershed District Citizens Advisory Committee was called to order at 6:30 p.m. in the Big Island Room at the Minnehaha Creek Watershed District offices.

2. **CAC MEMBERS PRESENT**

Tom Baltutis, Bill Bushnell, Sliv Carlson, Tom Casey, Jerry Ciardelli, Susan Diaz Rystrand, Chris Dovolis, Nina Holiday-Lynch, Lee Keeley, Mark Kjolhaug, Richard Manser, Steve Mohn, Dave Oltmans, Michael Osterholm, Peter Rechelbacher, Marc Rosenberg, and Neil Weber

**MANAGERS PRESENT**

Jim Calkins, Doug Olson, Pam Blixt, Brian Shekleton

**OTHERS PRESENT**

Interim Executive Director Jeff Spartz, Darren Lochner, Brett Eidem, Mollie Thompson, Trevor Born

3. **APPROVAL OF AGENDA**

***Casey moved to approve the agenda as amended, seconded by Osterholm. Motion carried, none opposed. Items included the following:***

- A. Three page memo relating to motions (Old Business)***
- B. Resolution regarding data (Old Business)***
- C. Discuss conflict of interest policy, press releases, and parliamentary procedure***

***Osterholm moved to add the following to the agenda, seconded by Casey. Motion failed.***

- D. Resolution from Osterholm which was passed in July based on feedback from staff (Old Business). Bushnell stated this item was passed on to the County Board.***

Shekleton commented on the discussion of the Osterholm resolution.

Committee members concurred through the motion that there was no need to reconsider the resolution.

4. **APPROVAL OF MINUTES**

4.1 **June 25, 2014**

***Motion made to approve the minutes of the June 25, 2014 meeting as amended: Osterholm was present, Andrew Parker was present, and Berger becomes Parker; motion seconded. Motion carried, none opposed.***

4.2 **July 22, 2014**

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***Motion made to approve the minutes of the July 22, 2014 meeting as amended: request was made to have staff provide conflict of interest policy; 6.1 agreed should be disagreed with Monson's behavior; Motions are reversed under Manager Casale's behavior; Mike Kjolhaug was present. Motion carried, none opposed.***

**5. REPORT FROM STAFF**

- A. Applications for the BOWSR Academy are available for members who might want to attend.
- B. Creek Cleanup is Saturday, September 7.
- C. Clean Water Summit is Wednesday, September 11. NEMO Workshop is September 25 to tour clean water alternatives. October 16 is the date scheduled for the Watershed Heroes Event.

**6. REPORT FROM CAC MEMBERS**

Osterholm asked staff for an update on the zebra mussel identification in Christmas Lake. Spartz discussed efforts being made to curtail the spread of the zebra mussel infestation. He stated treatments will be done prior to additional sampling. It may be that the landing will have to be closed to the public. He stated this is a wonderful opportunity for the MCWD and DNR to learn about controlling infestations.

Mohn asked if the DNR would allow the public landing to be closed. Spartz discussed the thinking behind closing the landing.

Committee members discussed the landing closure.

***Osterholm moved to support the evaluation of the zebra mussel infestation in Christmas Lake to include keeping the public landing closed through the boating season. Keeley seconded the motion. Motion carried, none opposed.***

**7. NEW BUSINESS**

**A. COST SHARE**

- 8.1 **Master Water Stewards – Peggy Knapp, Freshwater Society**  
**Peggy Knapp** discussed the focus of the Freshwater Society which includes groundwater sustainability and pollution of lakes, rivers and streams. They are at the end of the second year of a three year program for Master Water Stewards. This program addresses urban runoff which is the greatest threat to our waters. She stated the program was created in response to the MS4 Education and Outreach minimum control measure to focus on actions residents can take to reduce pollutants. She explained how the program was developed through a series of meetings. Critical concepts were identified, instructors were identified, and the curriculum was written. She stated the orientation with the stewards program is to do something. Based on neighborhood observation, a stormwater project is installed on private property, an education and outreach campaign is designed, and the project is presented to the public. She stated the problem now is there aren't enough stewards to handle all the project requests. She reviewed some of the completed projects. She stated the Society is looking for bigger projects for the stewards.

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Spartz asked what the ultimate goal is for the program. Knapp stated she would like to have dozens of stewards in each watershed district.

Ciardelli asked what the typical makeup is for a steward. Knapp stated they come from all walks of life and are aged 17-70.

In response to a question from Oltmans, Knapp stated they are looking for organizations that will work with stewards on funding projects.

Baltutis asked if there is a fee to become a master water steward. Knapp stated there is not for the pilot program but might be at some point.

Kjolhaug asked if this is just in the MCWD at this point. Knapp stated it is but the hope is to expand into other watershed districts. She stated the hope is the program will become more significant in communities.

Holiday-Lynch asked if there are any flyers that can be posted. Knapp stated that information can be provided.

### **8.2 MCWD Education and Communications Overview**

**Trevor Born and Molly Thompson** gave a presentation on Education and Communications. Born gave a background on the program's history. He reviewed a flowchart of what is done. Communication goals were identified which are to increase awareness, continue to increase transparency & accountability, build and maintain relationship, establish and sustain partnerships and assist with efforts to increase voluntary participation from residents. He explained what is included in communications such as traditional and digital media and publications.

Thompson reviewed education goals which include increasing awareness and understanding of MCWD goals, increasing voluntary public participation in water resource management, building community capacity in priority program or project area, empowering positive behavior changes that result in clean water gains and employing interpretive planning and programming. She reviewed the goals of the education program and increased community engagement. She reviewed examples of how education and communication worked together on a recent urban corridor restoration project and collaborated on a sub watershed direct mail campaign.

Osterholm asked how this group can help. Born discussed the need for getting a handle on messaging and spreading the word. Thompson asked to be able to call on the Committee for participation in community outreach events.

Oltmans asked if there are any specific printed materials that we can take to meetings and/or deliver to people. He didn't believe he knew what the mission of the MCWD actually is. Born stated there is a variety of materials available. A good next step would be to create a packet of relevant flyers.

Shekleton reviewed the mission statement for the MCWD.

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Osterholm stated we need to evaluate these projects' outcome long term. He stated the number of major meteorological events have a great impact on the work of the MCWD.

**8.3 Cost Share Sub-committee Discussion**

Eidem stated the sub-committee met at 5:30 today and discussed the nine projects on tonight's agenda. Seven were recommended for funding while one was recommended for additional information before a decision is made. He recommended the seven projects be approved.

***Osterholm moved, Rechelbacher seconded to approve the following projects. Motion carried, none opposed. Projects approved included the following as recommended by the sub-committee:***

**8.4 Cost Share – Erin Krebs and Linda Rogers, Minneapolis**

**8.5 Cost Share – James Bennett, Edina**

**8.6 Elizabeth Crawford, Minneapolis**

**8.7 Kathleen and David Miller, Wayzata**

**8.8 Ramon Lorimor, Mound**

This project was not approved as it needs additional Engineering information.

**8.9 Debbie and Wayne Johnson, St. Louis Park**

**8.10 Sally Nyrop, Minneapolis**

**8.11 Christopher Lange, Minneapolis**

**8.12 Holy Cross Lutheran Church, Minneapolis**

Eidem stated the whole design for this project is still conceptual, and he is not asking for funding tonight. He asked for additional input from the Committee members. He reviewed the project location. He believed it was a good location for educational outreach and demonstration projects. He noted it is adjacent to a number of trail areas. He stated there is a property on both sides of 18<sup>th</sup> Avenue. They are looking to implement BMPs on the entire property including a project to capture a rain event. He reviewed site photos and discussed proposed improvements. He stated there are opportunities near the church and in other locations.

Eidem reviewed a breakdown of the project which includes rain gardens, underground cisterns, rain barrel placement, and other concepts to catch rain water. A swale between the parsonage and the church can collect rain and direct it to the rain garden.

Eidem asked what benefits beyond water quality should be required if the MCWD is going to fund fifty percent of the cost. He stated there are opportunities for additional partnerships (teaching elements, planting opportunities, etc.).

Oltmans asked if there is something planned for the parking lot. Eidem stated it doesn't need resurfacing, but the runoff is going into the neighbors' properties. They intend to complete some of the projects with or without funding.

Baltutis stated this corner is very problematic especially during heavy rain events. He wondered if this will be worthwhile. Because the land is

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so low, what would happen to the rain gardens if there is flooding. Eidem stated soil boring testing has not been included. We would like to see that before funding.

Casey asked if the neighbors are looking at the runoff from the parking lot as a problem. He stated it might be a good idea to know this and if there is an incentive to get funding from them as well.

Bushnell suggested a Boy Scout troop might be a good source of free labor.

Rosenberg asked what the timetable is for this project. Eidem stated they are able to start as early as this fall.

Spartz suggested talking to the service station owners as well.

### 8. OLD BUSINESS

#### A. **Data Request**

Bushnell clarified the data request policy between the CAC and MCWD staff.

***Casey moved, Kelley seconded to extend the meeting time past 8:30 p.m. Motion carried, none opposed.***

Casey reviewed the resolution which delineated the history of a data request for information relating to the Eric Evenson-Marden issue. He believed data requests should have been handled better by staff. He asked that original request documents be included, that due diligence be accomplished by the MCWD to consider the scope of the request, and that the MCWD explain its role when acquiring legal assistance.

Osterholm stated the message has to go back that this was unacceptable and the CAC should never have received the request.

***Casey moved, Keeley seconded to approve the resolution as written.***

Baltutis discussed his concerns about the pattern of events that led up to this resolution.

***Motion carried, none opposed. Ciardelli abstained from voting.***

Keeley stated as a former Board member, she is covered under the Data Practices Act.

#### B. **Parliamentary Procedure**

##### **Conflict of Interest Policy**

Bushnell reviewed a memorandum from the MCWD legal counsel explaining the Conflict of Interest policy for CAC members.

Casey asked what is meant by a "close associate". Spartz stated it would most likely apply to close relatives or business associates who might benefit from the issue at hand.

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Committee members reviewed the requirements for a motion to prevail in the case of abstentions. Current CAC bylaws indicate that an abstention or recusal is a “no” vote.

Osterholm suggested a small working group be formed to review this matter prior to the September meeting. Bushnell suggested those interested contact him by e-mail. Osterholm asked that staff send out a copy of the bylaws to all members.

Spartz stated the group should also review the bylaws to determine how bylaws can be amended.

***Casey moved, Keeley seconded to revisit this item as written in the bylaws. Motion carried, none opposed.***

### **Calling the Question**

Bushnell stated this is often a matter of confusion. It is not true when the question is called, you are voting on whether to end the debate. He stated it takes a 2/3 majority to end the debate.

### **Advance Notice of Motions**

Bushnell stated whenever possible, motions should be sent out in advance of the meeting. Kelley agreed but it should not preclude a fresh motion be made.

Spartz stated a 2/3 vote is required to put something on an agenda at the last meeting.

Baltutis stated we are getting bogged down with parliamentary procedure.

Meeting recessed at 9:05 p.m. and reconvened at 9:15 p.m.

## **C. Motions for Review**

### **Motion #1**

***Casey introduced the following motion: The CAC finds that Jeff Casale’s July 31, 2014 apology letter failed the criteria stated in the CAC’s July 22, 2014 motion and is otherwise defective in the following ways: 1) Failed to specifically state what words and behavior were inappropriate; 2) Inaccurately states that Mr. Monson also made inappropriate remarks; 3) Blame-shifted by stating that Mr. Monson also made inappropriate remarks; 4) Failed to detach the apology from the underlying dispute (i.e., the apology is buried in this letter) 5) Apologized for “...anyone who was offended by our exchange...” which implies that a subjective standard exists, when there is nothing subjective about ‘f-bombing’; 6) Failed to describe the steps to be taken to ensure that his behavior will not happen again; 7) Contained Mr. Casale’s business contact information, along with an advertisement about his business skills; and 8) Transmitted with the assistance with MCWD staff (i.e., at taxpayer expense), when the costs of transmittal should be paid by Mr. Casale only.***

***Osterholm seconded the motion.*** He stated this is a very central issue dealing with expected behavior in a very logical and thoughtful way. He discussed his concerns. He stated good governance has to rule the day.

Shekleton stated the majority of the Board acknowledged that one man said something inappropriate to someone else.

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Committee members reviewed the eight items included in the motion.

In response to a question from Kjolhaug, Casey stated the transmittal of the e-mail should have been done by Casale alone and not used MCWD staff time.

Osterholm stated the District is digging itself deeper and deeper into a hole. He was concerned that there was not an attorney present at the last Board meeting for the first time in twenty years.

Rechelbacher stated he has an issue with #8 which sounds like nitpicking. Bushnell asked if there should be a friendly amendment to the motion to eliminate #8. Casey stated he would not support that amendment.

***Motion carried, Ciardelli and Rechelbacher opposed.***

**Motion #2**

***Casey introduced the following motion, Oltmans seconded: The CAC finds that Hennepin County Commissioner Opat's letter dated August 22, 2014 was inadequate because he failed to consider whether or not Mr. Casale violated the MCWD's "code of ethics" as stated in Minnesota Rule 8410.0400: "a manager of a watershed district or a member of a joint powers board may be removed from the position by the appointing authority before term expiration for violation of a code of ethics of the watershed management organization or appointing authority or for malfeasance, nonfeasance, or misfeasance..." [emphasis added.] The MCWD's "Code of Conduct" states in part: "The MCWD Board expects of itself and its members ethical and businesslike conduct. This commitment includes proper use of authority and appropriate decorum when acting as board members." Furthermore, Commissioner Opat did not consider whether or not Mr. Casale violated the Hennepin County Volunteer Manual as mentioned in the CAC's July 22, 2014 motion), a "code of ethics" as described in Minn. Rule 8410.0400. Therefore, the CAC restates it request that Mr. Casale's behavior be reported to Hennepin County for consideration as to whether or not he should be dismissed from the Board of Managers for violation of the "code of ethics" of the Minnehaha Creek Watershed District or Hennepin County.***

***Motion carried, Ciardelli and Oltmans opposed.***

**Motion #3**

***Following finding that CAC member was not allowed to speak at a subsequent Board of Managers meeting, Casey introduced the following motion, Weber seconded: CAC reaffirms its request that any CAC member be allowed to speak at any open Board of Managers meeting. Motion carried, none opposed.***

**Motion #4**

***Casey introduced the following motion, Keeley seconded: The CAC reaffirms Motion #4 of its July 22, 2014 meeting and requests that the MCWD provide a timeline for compliance. Motion carried, none opposed.***

**Motion #5**

***Casey introduced the following motion, Carlson seconded: The CAC reaffirms its request that the MCWD and Eric Evenson-Marden work together to release all documents relied upon by the Board of Managers to***

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*fire Eric Evenson-Marden and requests that each party provide a progress report at their earliest convenience. Motion carried, none opposed.*

**Motion #6**

*Casey introduced the following motion, Oltmans seconded: The CAC reaffirms that the release of said documents shall not be conditioned upon Eric Evenson-Marden's release of the MCWD from all liability. Motion carried, none opposed.*

**8. ADDITIONAL NEW BUSINESS**

**A. Televised Meetings**

*Casey moved to allow Mr. Gangeng to talk about his e-mails which include the televising of meetings. Osterholm seconded the motion. Motion carried, five opposed.*

Gangem discussed his concerns about truthful and transparent government. He discussed his e-mail sent which discussed disinformation received from Sherry White relating to the LMCC never contacting the MCWD about filming the meetings. He stated minutes are not posted on the website. Bushnell stated it is an administrative issue.

Bushnell stated meeting televising discussions should not be continued until Telly Mamayek is available at a meeting.

**9. SPECIAL ITEM TO ADDRESS BY CAC/STAFF BEFORE NEXT MEETING**

None

**10. ADJOURNMENT**

*Oltmans moved to adjourn the CAC meeting at 10:03 p.m., seconded by Baltutis. Motion carried, none opposed.*