

FINAL

MINUTES OF THE REGULAR MEETING OF
THE MINNEHAHA CREEK WATERSHED DISTRICT
CITIZEN ADVISORY COMMITTEE
October 22, 2014

1. **Call to Order**

The regular meeting of the Minnehaha Creek Watershed District Citizens Advisory Committee was called to order at 6:40 p.m. in the Big Island Room at the Minnehaha Creek Watershed District offices.

2. **CAC MEMBERS PRESENT**

Tom Baltutis, Priscilla Bue, Bill Bushnell, Sliv Carlson, Tom Casey, Jerry Ciardelli, Chris Dovolis, Nina Holiday-Lynch, Lee Keeley, Richard Manser, Steve Mohn, Dave Oltmans, Peter Rechelbacher, Marc Rosenberg, Neil Weber, Dave Oltmans

MANAGERS PRESENT

Jim Calkins, Brian Shekelton, Bill Olson, and Pam Blixt

OTHERS PRESENT

Jeff Spartz, Darren Lochner, Brett Eidem, Holly Quinn, Trevor Born

3. **APPROVAL OF AGENDA**

The following items were added to the agenda under New Business: Resolution (Casey) and Memo Review.

Casey moved to approve the agenda, seconded by Holiday-Lynch to approve the agenda as amended. Motion carried, none opposed.

4. **APPROVAL OF AGENDA**

4.1 **August 27, 2014**

Casey moved to approve the meeting minutes from August 27, 2014, seconded by Rechelbacher as amended: Page 8, change spelling of name. Motion carried, none opposed.

4.2 **September 24, 2014**

Mohn moved to approve the meeting minutes from September 24, 2014, seconded by Kjolhaug as amended: Casey was not in attendance; Kjolhaug, Lofgren and Dovolis were present. Motion carried, none opposed.

5. **REPORT FROM STAFF**

Lochner discussed the successful event held over the weekend with over 400 attending the two-day event. Clues were given to determine how the City of Minneapolis was destroyed. It reached out to a new audience.

Lochner also updated the CAC on the Christmas Lake effort. Work is continuing with several entities to monitor the treatment. Spartz reported on the possible use of potash to treat before ice-in.

Keeley asked what form of potash would be used. Spartz stated it is liquid.

Holiday-Lynch asked if potash is more environmentally friendly. Spartz stated it will kill everything, but the native plants can regenerate themselves quickly. Bushnell stated the downside of potash is that it needs to be added in a contained area.

Lochner updated the CAC on staff efforts to look at flooding issues and provide a report to a future meeting. Ciardelli asked how long it would take. Lochner stated it is unknown as assessments are happening at multiple levels.

Rechelbacher asked what kind of damage the extent was. Lochner stated he was unaware of final amounts.

Lochner stated he has talked with staff and they would be able to come to the CAC meeting to give a budget presentation if there is an interest. CAC members concurred they would like a presentation in November.

Lochner stated there is a metro summit for lake and river groups on Wednesday, November 5 co-sponsored with MCWD and Freshwater Society.

Bill Olson presented the Watershed Heroes Citizen Engagement award to Peter Rechelbacher. Rechelbacher thanked the Board of Managers and MCWD staff for their support over the years.

Lochner asked the CAC to let him know when other staff members can attend the meeting with updates or reports.

6. REPORT FROM CAC MEMBERS

None

7. NEW BUSINESS

Eidem introduced Heidi Quinn who will be working through the PCA with the MCWD to inspect projects, work on future outreach/education, and other projects.

Eidem updated the CAC on the cost share program and its current budget. He noted there would be \$420,000 if all cost shares are reimbursed.

7.1 Cost Share – Trish Hannah, Minneapolis - Action (Eidem)

Eidem reviewed the request from a Master Water Steward's capstone project which intends to solve runoff issues. He noted the intent is to catch as much water on-site as possible. Standing water on the walking paths will be eliminated. He discussed drainage on the site and solutions. He noted it is hard to grow plants on the normally shady lot. The total cost is \$8,712.26, and Eidem recommended funding \$2500.

Keeley asked if the water goes into Minnehaha Creek now. Eidem stated the basins are built to collect and infiltrate within a 48-hour period.

Ciardelli moved to approve the cost share in the amount of \$2500, which was seconded by Rechelbacher . Motion carried, none opposed.

7.2 Cost Share – Patty Paul, St. Louis Park – Action (Eidem)

Eidem reviewed another Master Water Steward project which is a capture re-use system. This project was reviewed at the sub-committee meeting in September who asked if there is a better location for the system on the site. These comments were brought back to the Master Water Steward who decided to reroute more runoff. 310 to 565 sf (see note). The overflow will still go to the nearby planting bed. The proposal is to use a ½ hp aqua pump to water the majority of the planting beds around the property.

Eidem reviewed the cost of 2143.30, request 50% cost share not to exceed \$1071.65.

Bushnell suggested a cushion be added so that another approval is not required.

Oltmans asked if there were any code issues with the large tank on the site. Eidem stated he didn't know if city approval was required.

Kjolhaug suggested this question be added to the application to ask if outside permits are required.

Rosenberg asked how this would differ from a rain barrel. Eidem stated it is much larger but has the same concept and use.

Oltmans moved to approve the cost share in the amount of \$1,071.65, which was seconded by Lofgren. Motion carried, none opposed.

7.3 Cost Share – City Hall, Spring Park (LID Funding) – Action (Eidem)

Brandon discussed a cost share request from the City of Spring Park to get technical feedback from the MCWD on a project to curtail flooding in their city. He stated the intent is to get the project completed before next spring prior to seasonal flooding. They have decided to go ahead without the MCWD cost share funding and proceed with LID funding. They are willing to work with educational signage along the entire project. Staff will work with the city on educational components on-site and inside city hall as well as on their website. He stated a recommendation for approval or funding is not requested at this time.

Rosenberg asked when the subject of stream restoration would be brought up. Brandon stated the residents are concerned about the stream. He had discussed options with the city, and he will continue to work with them.

7.4 By-Laws Sub-Committee Discussion (Bushnell)

Bushnell discussed the by-laws and proposed changes. He discussed public input at the CAC meetings. A number of the members feel we certainly need to hear from the citizens. Our thoughts are from time to time, we need to be open to public comments that merit District action. He stated the suggestion was made to provide an open comment period at the beginning of a meeting for two minutes with a total of ten minutes allowed for all who wish to comment. We don't want to just be an open forum. The Board of Managers is the correct forum for that kind of comment.

Lochner clarified the location of proposed changes to the by-laws which have been stricken or bolded if added.

Article III – Meetings of Members

Bushnell reviewed the proposed change.

Kelley stated she had felt very strongly that we should never give the appearance of cutting off someone who wishes to speak.

Casey stated the subject matter and the timing of the agenda will dictate when a person should speak. He suggested it be amended to add: “or at the time of the agenda item”.

Lofgren believed this item was discussed extensively in the subcommittee. He suggested adding another sentence when a citizen wishes to address a specific agenda item.

Oltmans believed setting a time parameter is helpful for presenters. He was concerned about leaving it wide open with no time limit. It also loses control of the meeting.

Spartz suggested an operating rule be written.

CAC members discussed the timeframe for speaking. Bushnell discussed the importance of setting a standard but add a way to modify or expand.

Spartz stated it is customary to notify all the members of the proposed changes to the bylaws.

Dovolis asked what should be done when there are several people who wish to speak. Bushnell stated it shouldn't be a problem and discussed the need for a sign-up sheet. Dovolis stated he would also like to look more at letting a person talk more if more information is needed. He stated there could be certain situations where we want more input on a topic.

Casey suggested “Unless otherwise stated by majority vote at the end” be added to the end of the last sentence in addition. He suggested the bylaws subcommittee work on the changes as recommended.

Section 6 – Meeting Procedure

Bushnell reviewed the proposed change which will delete: CAC decisions may be made informally, unless one third (1/3) of the members attending the meeting vote in favor of adopting Robert's Rules of Order, as revised, to govern the meeting and add: CAC meetings will be conducted based on Robert's Rules of Order.

Keeley asked Calkins how he felt Robert's Rules of Order worked. Calkins believed using it as a guideline makes perfect sense.

Section 7 - Voting

Bushnell reviewed the first change to define what is meant by a simple majority (a simple majority is more than half of those voting on the motion). Spartz suggested adding: abstentions are not counted in the voting.

Bushnell stated we also wanted to clarify abstentions and recusals. Basically, an abstention is wanting to abstain for whatever their personal reason might be. A recusal, on the other hand, is when you get into a conflict of interest. You would then literally take yourself out. You also do not discuss the matter.

Section 8 – Resignation, termination and absences

Bushnell reviewed the proposed change to this section of the bylaws referring to the number of absences allowed in a calendar year. The new language would read “Members are expected to attend at least four meetings in a calendar year.”

Under another Section, Lochner discussed the need for flexibility to prepare the agenda.

Lochner stated the bylaws will also have the date approved added.

Lochner will work with the subcommittee on changes in advance of the November 12 meeting.

7.5 Resolution (Casey)

Casey reviewed a resolution responding to a guest column in the Sun Sailor. He also distributed a form from the State of Minnesota discussing when financial concerns should be reported to the Office of the State Auditor. He asked for approval of the resolution as amended: see handout

Casey moved to adopt Casey’s resolution as amended, Keeley seconded.

Mohn asked how much was Louis’ time on this issue. Bushnell stated Spartz probably knows. Spartz had no further comments.

Ciardelli stated he is opposed to the use of public funds. He didn’t know if the time spent was significant. He found it very difficult to vote on something like this unless there is some level of evidence.

Casey stated this isn’t stating that events occurred. We are asking for an outside authority to find out what happened so we can know whether this is a serious issue.

Blixt stated it is common knowledge that there was work done. She actually had invoices in her person and can work with them if it makes a difference.

Bob Kearney Jr., attorney representing Captain Jack Sparrow, Hennepin County Commissioner candidate discussed his concerns about Casales comments at a Board of Managers meeting and his beliefs there are serious issues. Spartz responded to comments made relating to the cold storage site.

Committee members discussed the motion.

Kjolhaug believed the resolution is very premature at this point. Lofgren echoed Kjolhaug’s comments. He agreed no one like to see this malfeasance if it is there. It is incumbent upon the Board of Managers to go to the State Auditor to provide that information.

Motion failed – voting aye: Casey, Holiday-Lynch, Keeley and Diaz Rydstrand, Rechelbacher; voting nay: Ciardelli, Oltmans, Bushnell, Kjolhaug, Mohn, Lofgren and Dovolis.

7.6 Memo Review (Spartz)

Bushnell recommended the discussion of the memo be tabled until the November meeting.

Keeley wanted to make sure copies were available.

Casey asked for an update on the data practices request. Spartz indicated he would be unable to discuss until the November meeting.

8. OLD BUSINESS

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

10. ADJOURNMENT

Oltmans moved to adjourn the CAC meeting at 9:05 p.m., which was seconded by Lofgren. Motion carried, none opposed.