



2520 Larpenteur Avenue West  
Lauderdale, Minnesota 55113

(651) 287-0948  
(651) 287-1308 fax

[www.mwmo.org](http://www.mwmo.org)

**MISSISSIPPI  
WATERSHED  
MANAGEMENT  
ORGANIZATION**

## MEETING MINUTES

---

**Date:** Thursday, April 2, 2009

**Time:** 2:00 pm – 4:30 pm

**Location:** MWMO Conference Room  
2520 Larpenteur Avenue West, Lauderdale, MN

### **Commissioners in Attendance:**

Jerry Faust, St Anthony; Scott Vreeland, MPRB; Paul Ostrow, Minneapolis, Karlyn Eckman, St. Paul and Karen Gill-Gerbig, Lauderdale

Staff and Guests: Doug Snyder (MWMO), Kari Oquist (MWMO), Zhenya Stone (MWMO), Jenny Winkelman (MWMO), Erica Sniegowski (MWMO), Dan Kalmon (MWMO), Brian Jastram (MWMO), Rachel Olmanson (MWMO), Charlie LeFevere (Kennedy & Graven), Sarah Nettleton (New Facility Consultant), Teresa Sterns (New Facility Consultant), Craig Larson (CAC), and Nick Eloff (MPRB)

The meeting was called to order at 2:09 p.m. by Commissioner Ostrow.

### **Approval of Agenda**

The agenda, including the consent agenda, was approved as written. The consent agenda approved Dan Kalmon as alternate to the Minnesota Riverfront Corporation, Stewardship Fund changes, Green Team funding, approving a University of Minnesota boat ramp upgrade, and extending contract lengths for the Stewardship Fund.

### **Approval of Minutes**

The minutes of the January 13, 2009 meeting were approved as presented.

### **Open Public Comment.**

There was no public comment.

## Old Business

### IBEW Facilities Update: Teresa Sterns

The appraised price for acquisition of the IBEW facility is \$770,000. The agreement has two contingencies: the MWMO must find the property environmentally acceptable, and the IBEW must find a place to move. Currently, there is an agreement for a property to which the IBEW could move, but it needs some renovation. The purchase agreement with the IBEW would allow them to rent their current building for \$2000/mo. until they can move. The purchase agreement also included the provision of relocation expenses for the IBEW of up to \$50,000, which would follow customary governmental relocation requirements. A long board discussion followed concerning the following issues:

1. The MWMO is not required to provide relocation money; therefore none or less could be provided.
2. The MWMO would be paying cash, saving the IBEW marketing and real estate broker/seller expenses.
3. The MWMO is offering the appraised price, an authorization previously approved by the board.
4. The MWMO's allocation of moneys is always open to public scrutiny.
5. Clause five in the Resolution Authorizing Land Purchase could be interpreted ambiguously and needed to be addressed.
6. Should the agreement be renegotiated?
7. Is \$20,000 of discretionary funds enough for the Executive Director to effectively negotiate?
8. The MWMO does not wish to be viewed as negotiating in bad faith.

Charlie LeFevere explained that there was no legal reason that the MWMO could not pay relocation expenses or a purchase price higher than an appraised value, since "appraised value" is basically anchored in opinion, and relocation funds can be an option.

Law only requires relocation moneys to be provided to those whose businesses/homes are taken by *eminent domain*. As to *eminent domain* relocation expenses, there is an entire body of law that has grown, which defines exactly what can and can not be paid for relocation. There is an elaborate checklist, which is often administered by relocation specialists who determine eligibility. The MWMO does not have the power of condemnation, so relocation is not required.

LeFevere continued, stating that the only legal tenet that might be applicable in the discussion would be that public bodies cannot dispose of money "improvidently." He also noted that some governmental bodies have internal policies that govern acquisitions but the MWMO has no such policies at the current time, according to the board.

The discussion ended when Teresa Sterns announced that she spoke with the head of the IBEW who said that the \$50,000 relocation funds were not a deal-breaker and could be removed from the negotiations. Commissioner Ostrow thanked the board for the depth of its commitment to the public trust, and the board thanked Sterns for obtaining resolution on the issues.

Commissioner Eckman requested that the record reflect the facts that she is strongly opposed to the selection of the IBEW site and does not think the purchase should move forward for the following reasons:

1. The site is too small physically.
2. Looking 10 years ahead, there will not be enough room for projects and/or parking.
3. The size of the site will definitely limit what can be done within the Education Program.
4. Adjacent parkland is not the same as having control of a site.

Ostrow acknowledged that demonstrations and/or other education projects could not be fully developed at the IBEW site and suggested that the Koch site still holds possibilities; the MWMO needs a long-term strategy and plans.

#### New Staff Member: Brian Jastram Introduction of Rachel Olmanson

Brian Jastram introduced the newest MWMO staff member, Rachel Olmanson, who was hired recently as an Environmental Specialist. She attended the University of Minnesota at Duluth and holds a B.S. in Biology.

#### **Staff Updates**

##### Education: Jenny Winkelman

Recognition of Official Neighborhood Association for SF Applications

Jenny Winkelman thanked the board for the approval of the consent agenda and proceeded to hand out a Request for Board Action to clarify eligibility requirements for Stewardship Fund applications. The board voted to recognize neighborhood associations, even if they are not organized as a 501 or not-for-profit organization.

##### NEMO: Jenny Winkelman

Due to funding withdrawals by various agencies, Winkelman explained, John Bilotta's position at NEMO could be jeopardized. The board voted to allocate \$20,000 from the Education and Outreach Budget to support the NEMO position for fiscal years 2009 and 2010. Scott Vreeland suggested that since Bilotta assists us with View from the Big River, that the MWMO focus on providing information to elected officials. He also stated that the Park Board has some available television time, which could be coordinated with efforts to reach out to officials.

##### Hmong Outreach: Jenny Winkelman

In researching the Hmong community, the MWMO learned that environmental literacy was low and basic tools needed to be created to impact behavior. A video with language options in English, Hmong, Vietnamese, Lao and Khmer has been created which focuses on the water cycle and what individuals can do to improve river purity. The film has nine to twelve bonus features. Winkelman wanted to thank Lois Eberhart and Lane Christiansen for their efforts in helping with the film's content.

In response to a question from Eckman, Winkelman explained that the film will be distributed through Hennepin and Ramsey Counties and the Minnesota Department of Public Health. It will be available for loan to schools and on the web for the City of Minneapolis. It will also eventually appear on the MWMO's website once some technical difficulties have been resolved.

Third Generation Watershed Management Plan: Dan Kalmon

Dan Kalmon presented an overall summary of events leading to the implementation of the Third Generation Watershed Management Plan. The board will be called upon to assist with strategic workshops and review.

Eckman expressed a desire to be more involved in the planning process, and both Eckman and Ostrow wanted to see the connection between board discussion and implementation of that discussion in the plan. Kalmon stated that a spread sheet will make connections between suggestions and outcomes apparent. Eckman stated that she wanted to see connections in content of the plan from board policy, empowerment, education, and community. Snyder commented that it is the MWMO's goal to complete its plan two years before the City of Minneapolis completes theirs.

Administrative Sign-off Policy: Douglas Snyder

Snyder explained that, at present, his authority is similar to that of a Class B City Manager's, and he feels that that policy is working well. The budget process identifies specific expenditures.

Conflict of Interest: Charles LeFevere, Attorney at Kennedy & Graven

Charlie LeFevere explained that the concepts in conflict of interest issues do not reside in a single legal document. There are different precepts for lawyers, real estate brokers, and/or public officials. The rules that apply to board members are limited. The following conflicts could apply:

- Incompatible offices—a board member could not hold two incompatible offices at the same time. As soon as you accept one, you resign from the other. LeFevere explained that, although the board members may wear more than one hat, they have been appointed by a public entity to actually serve on the board, so there is no conflict.
- Illegal contracts—public officials cannot act in an official capacity to personally benefit. Scott Vreeland asked about being a shareholder in an organization in which he was a member and which received a grant from the board. LeFevere said that simply being a shareholder is not usually considered a conflict. LeFevere also said that mere membership in an organization is not something that normally has to be noted. Even voting on licensing an organization of which a board member is a member, is not considered a conflict. Voting for licensure for family members, if there is no personal financial benefit to the board member, is not a problem.

LeFevere noted that some public organizations adopt their own policies for conflict of interest to avoid the appearance of impropriety. These policies may go way beyond what the law requires. He encouraged board

members to not abstain from voting on issues germane to their duties. Rather, if there is any question, call him to clarify any issue.

Ostrow commented that gifts to public officials are covered in the commissioner handbook.

#### MPRB Request to use BF Nelson Funds for Irrigation: Douglas Snyder

Snyder and Nick Eoloff of the Minneapolis Park Board explained that a sprinkler system originally installed as temporary will be upgraded to permanent status. No additional monies are required, as the expense does not exceed contract terms. Eckman expressed concerns that organizations see the MWMO as a cash cow. A motion to support the permanent sprinkler system passed.

### **New Business**

#### Legislative Update: Douglas Snyder

Snyder explained that a bill requiring that organizations (including the MWMO) submit their budget to their respective counties has come up at the Minnesota Legislature. MAWD (Minnesota Association of Watershed Districts) is tracking this bill. At present, many counties are neutral about it, and more counties seem to be opposed to it than support it. If enacted into law, the bill would not curtail the MWMO's programs or projects, but would require more reporting.

Regarding Legacy and Clean Water funds, the MWMO supports tying the funds together for education and outreach and research purposes.

#### St. Anthony Village Water Re-use Project

Jerry Faust thanked the MWMO for its participation in the St. Anthony Water Re-use Project. The project received the "Project of the Year" Honorable Mention from the City Engineer's Association of Minnesota in January of 2009.

### **Adjourn**

The meeting was adjourned at 4:38 p.m.

**MWMO Board of Commissioners Meeting**  
**Recorded Motions: April 2, 2009**

**Motion to approve the agenda.**

**Moved:** Commissioner Ostrow

**Second:** Commissioner Faust

**Motion passed unanimously.**

**Voting:**

Aye - Faust

Aye - Vreeland

Aye - Eckman

Aye – Gill-Gerbig

Aye - Ostrow

**Motion to approve the minutes of the January 13, 2009 meeting.**

**Moved:** Commissioner Vreeland

**Second:** Commissioner Gill-Gerbig

**Motion passed unanimously.**

**Voting:**

Aye - Faust

Aye - Vreeland

Aye - Eckman

Aye – Gill-Gerbig

Aye - Ostrow

**Motion to pass the Consent Agenda, which included:**

1. Dan Kalmon was appointed as an alternate to the Minneapolis River Corporation.
2. Stewardship Fund Program Changes, including the following:
  - Eliminating the winter Mini Grants round,
  - Continuing to allocate \$20,000 for each of the spring, summer, and fall Mini Grants,
  - Redirecting the allocation of \$20,000 for winter Mini Grants to Action and Planning Grants in that same year (increasing the allocation from \$170,000 to \$190,000 per year),
  - Directing any unused funds for spring, summer and fall Mini Grants in a given year to Action and Planning Grants in that year, and
  - Directing any unused funds in a given year to grants in subsequent years.
3. Funding the Green Team to encumber \$45,000 from 2009 Education funds and roll the remaining \$6,000 from 2008 forward to continue support of Green team activities in 2009 and 2010.
4. Encumber \$50,000 of \$100,000 for the construction of a UMN boat ramp.
5. Extend the following contracts:
  - The hydraulic modeling and technical writing agreement with LimnoTech, Inc.,
  - The Riverbank Assessment and Restoration Guide agreement with Great River Greening, and

- **The Historic Watershed Delineation agreement with Great River Greening to December 1, 2009.**

**Moved:** Commissioner Ostrow

**Second:** Commissioner Faust

**Motion passed unanimously.**

**Voting:**

Aye - Faust

Aye - Vreeland

Aye - Eckman

Aye – Gill-Gerbig

Aye - Ostrow

**Motion to approve the purchase agreement for the IBEW Hall at 2522 Marshall Street NE, Minneapolis, MN, excluding paragraph 15 (which includes relocation expenses)**

**Moved:** Commissioner Faust

**Second:** Commissioner Vreeland

**Motion passed.**

**Voting:**

Aye - Faust

Aye - Vreeland

Nay - Eckman

Aye – Gill-Gerbig

Aye - Ostrow

**Motion to clarify Stewardship Fund eligibility of “officially recognized neighborhood associations,” which may not be organized as 501s or not-for-profit organizations**

**Moved:** Commissioner Vreeland

**Second:** Commissioner Eckman

**Motion passed unanimously.**

**Voting:**

Aye - Faust

Aye - Vreeland

Aye - Eckman

Aye – Gill-Gerbig

Aye - Ostrow

**Motion to allocate \$20,000 to the NEMO Program from the Education and Outreach Program budget in 2009**

**Moved:** Commissioner Faust

**Second:** Commissioner Eckman

**Motion passed unanimously.**

**Voting:**

Aye - Faust

Aye - Vreeland

Aye - Eckman

Aye – Gill-Gerbig

Aye - Ostrow

**Motion to upgrade a temporary irrigation system to a permanent system as part of the BF Nelson park development; the cost of the change is from approximately \$12,000 to \$25,000, which is within the project budget**

**Moved:** Commissioner Ostrow

**Second:** Commissioner Faust

**Motion passed.**

**Voting:**

Aye - Faust

Aye - Vreeland

Abstain - Eckman

Aye – Gill-Gerbig

Aye - Ostrow

**Motion to adjourn**

**Moved:** Commissioner Vreeland

**Second:** Commissioner Gill-Gerbig+

**Motion passed unanimously.**

**Voting:**

Aye - Faust

Aye - Vreeland

Aye - Eckman

Aye – Gill-Gerbig

Aye - Ostrow