

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, February 26, 2014  
Wayzata City Hall

**1. CALL TO ORDER**

Baasen called the meeting to order at 7:01 p.m.

**2. ROLL CALL**

**Members present:** Dan Baasen, Wayzata; Jay Green, Mound; Andrew McDermott, Orono; Gary Hughes, Spring Park; Doug Babcock, Tonka Bay; Jim Doak, Woodland; Ann Hoelscher, Victoria; Dennis Klohs, Minnetonka Beach; Julie Moore, Shorewood; Jeff Morris, Excelsior; and Sue Shuff, Minnetonka. Also present: Charlie LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

**Members absent:** Kent Carlson, Deephaven; Anne Hunt, Minnetrista; and Rob Roy, Greenwood

**3. APPROVAL OF AGENDA**

Nybeck stated that the City of Shorewood has appointed Julie Moore as their representative to the LMCD Board of Directors (providing for the agenda to be amended to accommodate for her Oath of Office).

**MOTION:** McDermott moved, Babcock seconded to approve the agenda as amended, making the change noted by Nybeck above.

**VOTE:** Motion carried unanimously.

Baasen asked LeFevere to administer the Oath of Office, in which he did. Moore was welcomed and seated as the representative for the City of Shorewood.

**4. CHAIR ANNOUNCEMENTS, Chair Baasen**

Baasen reminded all of the importance in serving on one of the LMCD committees (in which he named). He believed the Board's service to the committees is an important aspect in serving on the LMCD Board, which provides for an opportunity to learn of the intricacies of the LMCD, as well. Furthermore, he announced that a half day Minnehaha Creek Watershed District (MCWD) aquatic invasive species symposium will be held on March 19<sup>th</sup>. He confirmed that Green would be in attendance and recommended further attendance, as well.

**5. APPROVAL OF MINUTES – 1/22/14 LMCD Regular Board Meeting  
2/12/14 LMCD Board Workshop**

**MOTION:** McDermott moved, Hughes seconded to approve the minutes of the 1/22/14 Regular Board Meeting as submitted.

**VOTE:** Ayes (9), Abstained (2, Doak and Moore); motion carried.

**MOTION:** McDermott moved, Shuff seconded to approve the minutes of the 2/12/14 LMCD Board Workshop as submitted.

**VOTE:** Ayes (8), Abstained (3; Baasen, Hoelscher, and Moore); motion carried.

## 6. APPROVAL OF CONSENT AGENDA

Green moved, McDermott seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved included: **6A**, Audit of vouchers (2/16/14 – 2/28/14); **6B**, January financial summary and balance sheet; and **6C, USGS**, draft 2014 special event permit for "Zequanox zebra mussel control research trial" on Robinsons Bay.

## 7. PUBLIC COMMENTS- Persons in attendance, subjects not on the agenda (limited to 5 minutes)

Mr. Gabriel Jabbour, 985 Tonkawa Road in Orono, advised the Board that an article on the "Zequanox zebra mussel control research trial" made the New York Times.

## 8. PUBLIC HEARINGS

There were no public hearings.

## 9. OTHER BUSINESS

### A. Lake Minnetonka Commercial Marinas, discussion of proposed changes to LMCD Code presented to the Board of Directors at the February 12<sup>th</sup> Workshop

Baasen thanked the commercial marinas and yacht clubs (petitioners) for bringing forward their duly comprehensive report of proposed code amendments (outlined by their legal representative Jim Gilbert, dated 2/12/14). He believed the report was not only in their best interest but intended for the interest of the Lake as a whole. He solicited the Board's interest in considering the proposed amendments (based on the extensive outline and handling such in a responsive, timely manner) via the establishment of the following categories: 1) commercial marinas, 2) transient dockage, 3) cities/communities, and 4) yacht clubs.

McDermott concurred with Baasen's suggestion.

Babcock did not have a concern with that idea; however, he expressed interest in finding out how the petitioners felt about that process (based on their submittal as one group).

Baasen reiterated his concern that the extensive proposal would take so long to review on an individual basis (providing for unintended effects).

Babcock did not feel there were many unique exceptions for the transient, cities/communities, and yacht club facilities.

Baasen stated that the yacht clubs are technically for non-profit while the marinas are for-profit.

McDermott stated the yacht clubs and marinas have two different business models (acknowledging that many of the amenities that are being provided lend more towards the marinas).

**MOTION:** McDermott moved, Green seconded to review the proposed amendments based on the prioritization of the following categories: 1) commercial marinas, 2) yacht clubs, and 3) the remaining groups (i.e., commercial-transient docks).

Baasen stated his suggestion was not intended to be disrespectful to any type of facility, in which Babcock concurred that 80% of the proposed amendments refer to the commercial marinas (providing for the suggestion to be a good idea).

Klohs believed that the petitioner's opinion on this process should be solicited.

Mr. James Gilbert, speaking as legal representative for most of the commercial marinas, stated that he did not have an objection to the motion (establishing a prioritization of review). The proposed definition of commercial marinas also talks about people that do not have to have a membership (providing for their recognition that there is a difference in the various categories).

**VOTE:** Motion carried unanimously.

Baasen stated that it is important for each of the Board members to capture the spirit of the proposed amendments. He personally believed they fell within the following three areas: 1) extending the dock use area out to 200 feet (at least in appropriate locations), 2) marinas should not have to provide for public amenities to provide for higher boat density, and 3) the process for amending approved docks is cumbersome (providing for the Executive Director to approve minor changes). He stated that if the Board was going to consider any of these proposed amendments, it would be helpful to know if the Board was willing to consider any of those areas and, if so, what does staff need to provide for consideration of such (providing for the Board and staff working together to come to a timely reasonable conclusion). With that said, he recommended the final step provide for a public hearing.

LeFevere confirmed that the Board can process the individual requests at any time (holding as many public hearings as deemed necessary). He stated that as the Board gets further into this process, the Board may receive additional information on what other interest groups are out there and from whom you want input (providing for the lack of need to decide this before the process).

Baasen offered that specific process as an initiative to consider (acknowledging the Board can amend that process at any time). He reiterated his interest in soliciting the Board's comments in considering the three areas, as well as what would be needed by staff for such. Upon the Board's final discussion in considering those areas, he will open the discussion up to commercial marinas in attendance.

Babcock stated that was happy to consider all proposed amendments (confirming he was not in agreement with all that were proposed but that the Board cannot rule the consideration of any of them out). He was personally more concerned about determining the impacts of the proposed changes (working with staff prior to consideration). He stated that not all facilities are created equal and that he was in support of simplifying the LMCD Code by creating a separate section for commercial facilities.

Baasen stated the intent was not to skip over anything but to set the review process up in a way to receive the needed answers. If the Board is in agreement with the proposed review process, there needs to be more discussion (expressing the importance of giving staff proper direction prior to adjournment of this meeting). He believed the Board had a chance to read the minutes of the last meeting, which he believed was a constructive meeting. He solicited Green's comments.

Green concurred with Babcock's comment relative to the needed research. In particular, looking at all the sites and how each proposed amendment was going to work.

Baasen stated that, although a request has not been made for additional slips, one question to remain is how that will affect the density of each respective facility.

Babcock stated that feedback at the February 12<sup>th</sup> Board Workshop was that the marina owners have requested that their density be preserved (providing for an overview of what the current code allows for if they increased their density at this time). He acknowledged the need to have staff project the expanded density on both a site specific basis, as well as a lakewide basis. He believed there are specific rules within the code that the Board should be aware of, as well as how they apply to the proposed 200 foot dock extension.

Klohs stated that there was discussion on February 12<sup>th</sup> that they understood their proposal is a very complicated request (acknowledging that if each facility were to be considered on an individual basis, the review process would never get done as they were unique in their own parameters). He did not believe they were looking for more density and their request for extending the docks to 200 feet was on the basis that they were not going to ask for more density.

Baasen stated that if a facility wants to increase their density, they would need to do so via an application process (should the code allow for such). He asked Jabbour to clarify their intent relative to this matter.

Jabbour stated that if a site is non-conforming, they would not add additional slips. In utilizing his non-conforming site of Tonka Bay Marina in Echo Bay as an example, he stated he could shuffle things around to change the count of the docks (not referencing square footage but boat storage units [BSU]). Furthermore, his conforming site in Excelsior (Tonka Bay Marina, Site 1) was originally built for cruise boats at a 1:20' density (most of which have gone out of business). He would like to reserve his right to develop that site, as early as tomorrow, under the existing ordinance. He concurred with Babcock's point that there was a chance a facility could squeeze out additional density (providing for his ability to have more density without the amendment of the

code).

Babcock stated that as you allow marinas the opportunity to expand, this allows their footprint to expand, as well. In reality, a site is constrained by the various density, length, and side setback ordinances. If the Board doubles the currently allowed length of a dock use area (DUA), it will provide for more of an opportunity to increase density (reiterating the need to have a better understanding of the impact of that proposed change).

Baasen stated the Board, in considering whether to allow a DUA length extension to 200 feet, will also need to consider whether the density should be fixed or allowed to expand.

Klohs and McDermott understood that the petitioners were not proposing to increase the density (with the consideration of the dock length extension) unless the code normally allowed for such.

Klohs believed the Board is bringing too much detail into this conversation. He stated that the LMCD's strategic plan commits the Board to keeping the LMCD ordinances current, as well as promote public access to the Lake. He believed the number one argument the petitioners are giving is that they are endangered species (documenting that without the proposed flexibility offered, commercial marinas may not be in existence 20 years from now). He stated that he believed the Board needs to give the public a reason why the proposed amendments are being considered. Additionally, the Board needs to consider: 1) whether commercial marinas are endangered species and need some help to stay in business, 2) if the proposed amendments dramatically and negatively provide for a long-term effect to the Lake (particularly public access) so that the Lake does not become a privately used Lake, and 3) establishing an approved statement to the public as to why the Board is even considering the proposal (taking a step back to create a foundation of how to move forward and avoid misinterpretation from the public).

Babcock respectively disagreed with that statement (acknowledging that commercial marinas are not endangered species). He believed the LMCD can provide more flexibility to assist in the operation of these facilities. He could not speak, nor did he believe the facilities could, as to whether they would be out of business in 20 years. He has witnessed commercial marinas that have effectively changed hands over the years.

Klohs stated that his comments were a question and not a statement.

Baasen brought the Board back to the three key areas they agreed to (to a degree of no disagreement) for consideration of the proposed amendments. He reiterated his question as to whether those issues are in agreement with the Board and, if so, what information do they need to consider such. He did not believe that approaching consideration of the proposal in that manner would be irresponsible in any way (providing for that process to lay out the groundwork for the transparent benefit of the public). He asked LeFevere to comment on this matter.

LeFevere believed the Board was talking about political vs. legal questions (providing for the decisions to be of a policy nature). He stated that everything on the table is at the Board's

discretion (as a legal matter to make these decisions). How they are accepted by the public goes back to comments relative to the holding of public hearings and the processes set up for the respective decisions. He was not convinced that it would take too long to individually review all the commercial marina sites (acknowledging one may find some facilities whose docks are already (or very close) extended to 200 feet, at the 1:10' density, or other's whose DUAs provides for little growth).

Hoelscher stated that the commercial marinas did a great job in putting their thoughts together (acknowledging their effort in the presentation of the proposal). She believed it is the Board's obligation to consider and provide a response to the proposal. She was unable to be at the last meeting, but thought (in general) their requests were reasonable. She recognized times have changed and the ordinances do need to be updated; believing this would be a great time to work together and clean things up.

Baasen recommended Hoelscher make a motion to consider reviewing the proposed amendments via the three areas established above, as well as charging staff with specific direction in researching the effects of such.

**MOTION:** Hoelscher moved, Hughes seconded to support the idea of considering the changes proposed by the commercial marinas.

Babcock concurred with the motion (acknowledging that he did not think there needed to be a reason as to why the Board should review the request brought forward).

Green reiterated LeFevere's comment (based on his research of the respective sites) that staff will only be looking at a handful of sites that currently do not have a density that exceeds 1:10'.

Baasen asked Harper how many BSUs are approved for the commercial marina facilities.

Harper stated that depends on how the Board defines a commercial marina.

Baasen reiterated his recommendation that the Board separate the facilities by for-profit and non-profit, in which the Board already agreed on.

Babcock believed that comment needed further clarification as Shorewood Yacht Club (SYC) is not a non-profit facility (acknowledging it as a commercial property that profits from their members), in which Jabbour (owner) confirmed SYC is 100% for-profit.

Baasen believed that the staff's review (of sites at 1:50' density) would estimate increased density of 45 to 50 BSU from an estimated 1,500 BSU's currently licensed.

Babcock stated that exceptional sites (Lafayette Club) would provide for a growth of 45 to 50 BSU's alone (extending a dock to 200 feet). He offered his assistance to staff, should they need it, to review the respective properties.

Klohs asked if the commercial marinas are going to be expected to provide a site plan with a dock expansion of 200 feet in considering the impact of such (which is required to fully determine the impact).

Baasen suggested giving due process of potential impacts in the Board's consideration of the proposals.

Babcock confirmed that the Board has never designed site plans for an applicant; providing for the staff's needed review of how the proposed amendment would generally affect the respective sites.

Klohs stated that he believed it was important to ask the petitioners to restate exactly what is being requested (to provide for establishing the most efficient review process).

Gilbert stated that their request is to change Code Section 2.01, subd. 2 a) "Length," by allowing commercial marinas and yacht clubs in existence on January 1, 2014 to be exempt from the proceeding length limitation of 100 feet, with conditions noted. He stated the clients he represents tried to keep their requests: 1) simple, 2) based on a unanimous agreement, 3) in harmony with the current LMCD Code (including the consideration of navigation, safety, and public welfare), and 4) consistent with the current code's verbiage. He directed the Board to an email from Jabbour, dated 2/26/14, within their handout folders that offered proposed definitions of what a "commercial marina" is, as well as what substantiates "commercial marina minor changes." He stated that he has been a Lake Minnetonka resident for 25 years and has represented many of the commercial marinas over the years. Each minor change his clients want to make gets real expensive to process and he believed that time was of the essence (based on the short season), which requires decisions to be made right-a-way (currently requiring engineered documents, notices, etc.). He did not believe that process should be complex. He could not confirm whether the commercial marinas are endangered species (referencing the property values are always in question). In summary, he would prefer a vote on the proposal (up or down); with consideration of fine tuning and, of course, the public hearings (what democracy is all about). He does not want to see the Board procrastinate on their decision five or six months out.

Hughes clarified that the consideration of the proposals (outlined by Gilbert) is everything documented in red, in which Hoelscher confirmed.

McDermott requested the review process include the definitions offered by Jabbour for commercial marinas.

**VOTE:** Motion carried unanimously.

LeFevere stated that in reviewing the process of giving the Executive Director more authority, he believed that should be considered towards the end of this exercise. He based this on how much discretion you are going to want to give the Director relative to watercraft density and the defining of a DUA. Furthermore, the Ordinance Review Committee (ORC) looked at the amenities a couple

years ago, in which that effort stalled out. At that time, staff had created a detailed outline of the amenities. He believed that when considering the impacts of the proposed changes, the Board should consider the amenities, as well (what amenities are out there and what their impact would be if they were removed). He reiterated the importance of giving staff as much direction as possible in providing this overview to the Board.

Baasen believed that many of the marinas provide naturally made amenities while others could be considered real or non-real. He believed the proposal requests the Board to recognize that they provide a value to the Lake (not necessarily dictated by code). He believed the Board should decide what amenities are crucial. At the same time, it does not benefit the LMCD to require amenities that do not provide value. He concurred with LeFevere that there needed to be a great deal of discussion on this topic.

Babcock stated that he chairs the ORC and the LMCD already has a list of approved special density licenses with approved public amenities. He clarified that legal, non-conforming facilities for density are not required to provide public amenities (per the LMCD Code). He referenced Tonka Bay Marina, which is a legal, non-conforming facility that does not qualify for a special density license and is not required to offer any public amenities (per the LMCD Code). In the early 1980's, the Board decided that when conforming facilities increased their density from 1:50' to 1:10' (via a special density license) that they have to be open to the public and provide some level of service (providing for a disparity within the commercial facilities today whereby some have to provide amenities while others do not; based on their conforming status with density). He believed this topic warrants further research. He reiterated that the LMCD, through the ORC, has a listing of every site that maintains a special density license, including a list of the original and newly proposed amenities (taking into consideration each respective outdated amenity, i.e., a telephone booth, with a conversion of such to maintain their conformance status). This process provided for all but one or two that would have to be grandfathered in to maintain such status. He stated that he understood that the marina owners documented their interest in not dealing with amenities at all, which is a valid comment to consider.

Baasen asked all to consider what success on this request would look like (confirming that all parties involved are comfortable with the outcome of this review process). He believed some of the leg work could be done by March 12<sup>th</sup>, at which time the Board could successfully work together on this matter at a schedule Board workshop.

Babcock volunteered his time in reviewing the respective ordinances (providing for a historical overview of such).

Baasen thanked Babcock for his offer and recommended that overview be provided on a point-by-point basis when discussing the respective ordinance.

Hoelscher solicited LeFevere's review of the proposed definitions and amendments (providing for his feedback on any issues or legal implications that the Board should be aware of).

LeFevere stated that he will be out of town the next couple of weeks, in which he will try to be prepared to address such. He believed the Board's consideration of the proposal could go a long way without first considering the LMCD Code (i.e., what are the consequences/impacts in considering the proposals and how will it actually look on paper). He believed that this discussion would be more helpful prior to analyzing the respective LMCD Code sections.

Baasen suggested staff timely distribute a document that identifies the respective density; providing for the second identification of which facilities provide natural amenities. He recommended that a Board workshop be scheduled at 6:00 p.m. on March 12<sup>th</sup> (prior to the 7:00 p.m. Regular Board meeting).

Nybeck stated that there are two public meetings scheduled at 7:00 p.m. that evening (both of which could be opened at the same time). Therefore, he recommended the Board workshop be scheduled after the public hearings.

LeFevere confirmed that the public hearings could start later than 7:00 p.m. (just not before 7:00 p.m.).

**MOTION:** Baasen moved, Green seconded to schedule a special Board workshop for continued discussion of this topic at 6:00 p.m. on March 12<sup>th</sup>.

**VOTE:** Motion carried unanimously.

Gilbert stated that he was involved with the establishment of the public amenities back in 1985 (representing commercial facilities at that time). At that time, the public was concerned about the future expansion of the commercial marinas. He believed that the amenities were artificial, arbitrary, and provided no value. As a matter of public policy, he believed that statement continues to be accurate (requesting the Board recognize the values the marinas provide to the Lake).

Mr. Jonathan McDonagh, rear commodore for the Wayzata Yacht Club, requested clarification on the motion to separate the yacht clubs from the commercial marinas in consideration of the proposal.

Baasen confirmed that all proposed amendments will be considered via an established category process of commercial marinas, yacht club, and then the remaining facilities (providing for a more efficient review process).

McDonagh asked if the ordinances currently apply differently to the above mentioned facilities.

Babcock stated that is a mixed response to the above question; based on the LMCD Code providing specific exceptions (within the same section of the code) to the various facilities throughout.

Baasen assured McDonagh that the established review process is not an attempt to split the

categorization of the two facilities (merely to provide for a more efficient review process).

**B. Staff update on 2014 Watercraft Inspection Program options**

Baasen asked Nybeck for background on this agenda item.

Nybeck directed the Board to his memo, dated 2/21/14, in which he made the following comments:

- At their February 12<sup>th</sup> Workshop, the Board discussed the following three program options: 1) duplicate the 2013 program, with an additional 104 hours for a roaming inspector throughout the season (Monday through Thursday), 2) duplicate the 2013 program (providing for LMCD seasonal personnel vs. contracted), or 3) allow for a partner/stakeholder to assume project management (LMCD could provide grant funds to this organization).
- The consensus of the Board was that further discussion would be planned for this meeting (providing an update from staff on the following action items): 1) communicate with the Minnesota Department of Natural Resources (MN DNR) on the possibility of the LMCD contracting with them in 2014 for additional inspection hours (or possibly the future), as well as the possibility of supervising the 2014 contracted inspectors and 2) prepare a draft 2014 Agreement with Volt Workforce Solutions (Volt) for the first program option noted above.
- Staff spoke with Adam Doll of the MN DNR. He reported that the MN DNR has already established their 2014 staffing levels. He confirmed that 2014 was not an option; however, consideration could be made to the MN DNR for 2015. With regards to supervising non MN DNR inspectors, this was not an option.

Green stated that he also checked with the Three Rivers Park District (TRPD) on the possibility of contracting for their services, which provided for some conflicting logistics; however, not ruled out for the future.

- He directed the Board to a draft 2014 Agreement with Volt. He recommended Board consideration in approving or amending the draft Agreement. He outlined the logistics of initiating that process, including the LMCD's hiring of a coordinator (not supervisor) to oversee this project. Furthermore, he confirmed that the LMCD cannot supervisor Volt employees, as well (only observe and report the performance back to Volt).
- He entertained questions and comments from the Board.

Klohs asked Babcock to clarify his previous comment made on February 12<sup>th</sup> relative to the LMCD not providing this service after 2014.

Babcock stated that he did not directly suggest the LMCD not provide this service after 2014, but whether the LMCD wanted to continue to participate at a minor level vs. contracting with a major participant (augmenting their budget as opposed to trying to do something in parallel with them). This comment was made based on the LMCD previously providing 100% of these services lakewide (currently at an estimated 25%). Furthermore, he stated the LMCD discussed the options

of hiring staff to perform this service vs. contracting with Volt, in which he believed there was a consensus of the Board that they did not want to build up their staff to that extent (i.e., taking on further liabilities). In closing, he believed the possibility of the LMCD granting funds to the MN DNR in 2015 and beyond (to cover more public accesses) might be more efficient as they already have an established program.

Baasen officially requested that the AIS Task Force consider the options outlined by Babcock for 2015.

Morris stated the Task Force had already initiated this discussion, in which they communicated some ground work with the TRPD and MN DNR. He will communicate the official request.

Babcock stated that the workshop discussion on February 12<sup>th</sup> included the recognition that the MN DNR's program was more in line with the LMCD's program (providing for more operational differences with other agencies). He recommended the Task Force take this into consideration when considering the 2015 program.

Nybeck stated the West Metro AIS Committee (including eight to 10 local government units) met this morning, in which the primary topic was to discuss what was individually planned for watercraft inspections for the 2014 season and, more specifically, how the programming can be considered on a regional basis in 2015. He believed this matter could be addressed by the Task Force; however, he acknowledged there is a great deal of interest with members of this committee (providing for the program to be accomplished with less leadership and project management).

Baasen stated the main reason he had asked Morris to address this within the AIS Task Force is that they are the lead force in this program, in which any recommendation(s) from other committees would need the approval of such.

McDermott asked for an update on the consideration of purchasing tablets for the inspector's use.

Nybeck stated that Harper met with Doll, in which he confirmed the MN DNR's minimum tablet specifications. Furthermore, Babcock had provided staff specification on an additional tablet in which that is being reviewed, as well. He confirmed that it was important to satisfy both the LMCD's technical and economic needs.

Baasen stated that the tablet of choice might also be utilized in other LMCD programs (i.e., as a backup for the Lake Minnetonka Boater Safety Education Program).

Green stated he had also spoke with the MCWD relative to partial funding of the tablets.

Babcock confirmed that his recommendation of a more efficient tablet was for field use (high replacement rate) and may not provide the specifications needed for a tablet in a classroom setting.

**MOVED:** Green moved, Morris seconded to approve the Service Agreement between the LMCD and Volt Workforce Solutions as submitted.

**VOTE:** Aye (10), Nays (1, Klohs); motion carried.

**C.** Staff update on Lake Minnetonka Communications Commission funding request

Baasen asked Nybeck for an update on this agenda item.

Nybeck directed the Board to a "Lake Minnetonka Communications Commission (LMCC) Update," dated 2/26/14, within their handout folder. He stated he had worked closely with Hughes and that the update was established with the recognition that six of the member cities are not LMCC member cities. He provided the following update relative to both cable production and video on demand:

Cable Production

The LMCC has proposed the LMCD pay for the contract producer (effective 7/1/14). Proposed costs include: 1) \$50 per meeting (two hour time limit; \$12 per hour after billed on one-quarter increments) and 2) the airing of the production on Mediacom for Lake Communities that are members of the LMCC. He questioned how the LMCD will get their video out to the communities that are non-LMCC members.

Video on Demand (Internet)

This service was discontinued by the LMCC on 1/1/14. He acknowledged the LMCD has not received negative feedback to such (which may not represent the public's opinion). Proposed costs in re-instating such would be \$250 or \$100 per meeting (with and without agenda parsing, respectively).

Summary of LMCD Staff Comments

- Based on feedback from the non LMCC member cities, it appears that the proposed rate for contract services provided for cable production is reasonable. However, staff recognizes that this is: 1) an unbudgeted line item in the adopted 2014 LMCD Budget and 2) does not include cable coverage for six of the 14 LMCD member cities.
- Based on feedback from the non LMCC member cities, it appears that the proposed rate for contract services provided for Video on Demand (without agenda parsing) is reasonable. However, staff recognizes that this is an unbudgeted line item in the adopted 2014 LMCD Budget.
- Staff has conducted a preliminary check into whether the LMCD could host the LMCD Board meetings on its website. Some of the challenges associated with this include:
  1. The website would need to be modified to accommodate the videos.
  2. A consultant would be needed to compress and convert the raw video files (from the producer created DVD to three viewable formats) to be ready for on-line viewing. There would be additional labor to upload the files to the website.
  3. Additional disk space would need to be purchased for the website.
  4. There may be a limit with the web host on the amount of bandwidth for uploading and

downloading the video files (could make the whole website crash).

5. The video files are very large and there are limitations on the bandwidth available at the LMCD office through the internet service provider. It may take a large amount of time to upload the video files to the website.

He recommended that the Board view the City of Victoria's website for their city council meetings. The clarity of the production is done very well; however, it could purge frequently based on the DSL the viewer may have. He believed, on a short term basis, the LMCD would spend more money to host the video on the website. He solicited Hughes comments.

Hughes stated that his professional background is in video, in which he has reviewed the member cities' productions (including the City of Wayzata). He stated the viewing quality is visually poor (acknowledging this depends on the respective computers viewing specifications). He confirmed the LMCC does not host the productions themselves but hires a company for such. With that said, he believed the LMCD should utilize the LMCC for Video on Demand (without agenda parsing) for the most convenient and reliable process through 2014. He was not opposed to researching further options in 2015 and beyond but recognized this profession is ever changing in technology. He personally has hired a videographer for an estimated \$1,700 to \$1,800 a day.

Baasen asked if staff had a recommendation for the Board at this time.

Nybeck stated that staff recommends: 1) the LMCD pay for the LMCC producer (effective July 1) for the balance of 2014, and 2) and re-initiate Video on Demand without agenda parsing. He estimated a total expenditure of \$2,000 for 2014.

Baasen asked if the LMCD had the financial ability to support that recommendation, in which Nybeck confirmed yes (based on the rent savings). Baasen stated that he did not believe this was the time for the LMCD to be less transparent.

**MOVED:** Baasen moved, Shuff seconded to approve staff's recommendation through the end of 2014 (with further technical consideration in 2015 and beyond).

Babcock reiterated his previously made concern that the LMCC had a 40% budget loss; however, they continue to receive 60% of funding from their other member cities. He did not concur with their request for the LMCD to pick up 100% of that 40% budget loss and he believed that there was room for negotiation with the LMCC. Furthermore, he would not look to the LMCC for technical leadership based on their comments and his knowledge of what he knows about the technical management of websites (providing an overview of his own website specifications). He recommended the Board set a deadline for researching and presenting other options by June of 2014. Additionally, he questioned if the Board needed to support four video formats and suggested they pick the top two and save some money.

Baasen, based on Babcock and Hughes background, asked if the LMCD would receive more views if the meetings were hosted on its website.

Babcock believed the LMCD should hire a contractor to verify the specifications needed to take the LMCC's video and convert it into two formats for downloading on the LMCD's website.

Baasen stated he would be comfortable amending his motion to set a limit on the \$2,000 expenditure and initiate research for alternative options.

Babcock believed the \$2,000 estimate was low and that a cap should not be offered if the Board's priority is to be visible.

Green asked if the Board had to make a decision at this meeting and whether the preliminary check of hosting the meetings on our website was by an actual demonstration or by verbal comments. He recommended a meeting be placed on the LMCD website within the next two weeks to validate the assumptions.

Hughes confirmed the LMCC could not give us the statistics of cable viewings; only online.

Moore stated that she had some background in this area (working closely with the LMCC). She believed there was a misconception of viewing a commercial video vs. a home video (acknowledging one would be surprised how a video could crash a website). She concurred with Green that the Board could withhold action on this matter (providing time to further research the options offered). She recognized there are higher end commercial website hosting companies out there. She referenced that the six LMCD member cities that had dropped from the LMCC's membership are working on the same research questions. She believed those cities should be provided a copy of the LMCD's meeting for them to figure out how to provide it to their community. She was not as concerned about the viewing count as she was in being visibly available to the community.

Babcock stated the inability to air the LMCD's meetings (based on LMCC member cities that have dropped out) was something that was brought to us, not something that the LMCD caused. He believed the LMCD needed to decide what the primary vehicle in getting the meetings out should be, i.e., on cable (via the LMCC and non LMCC member cities that select to present the video) and at what cost. He reiterated his concern for providing an effective cost controlling method; with cable access being the priority.

Nybeck directed the Board to the back page of his update, in which he pointed out that currently the cities of Orono, Tonka Bay, and Victoria do not have an option to present the LMCD meetings to the community via cable (lack of dedicated channel; however, all web stream).

Babcock stated that staff should research a sufficient web hosting company (should the current company not be able to meet that demand). He believed that \$2,000 goes a long way in the web hosting business.

**MOTION TO AMEND:** Babcock moved, Green seconded to amend the original motion by adding that LMCD investigate their website delivery capabilities by June 30<sup>th</sup>.

Harper made the following comments: 1) that the LMCD would have to hire a contractor to condense the current meeting file and convert it into two file formats (providing for the expenditure of time and money), 2) that bandwidth is limited via the office space itself, and 3) the LMCD has purchased 10 gigabytes (GB) from the webhosting company, which can be increased without concern (acknowledging a two hour meeting is about 4GB and takes two hours to download). He believed the greater concern falls to hiring a contractor and the expenditure of staff time to download the meeting (acknowledging the \$100 fee with LMCC appears to be more cost effective than staff's time). He confirmed (for Baasen) that providing a DVD to each member city is obtainable (providing an overview of the member cities' capabilities/limitations in playing such).

Nybeck stated that staff's recommendation of continuing with the LMCC for the remainder of 2014 took into consideration the quote from the LMCC of \$5 per DVD for each member city. He believed that recommendation stood; acknowledging staff's time in following through with further research direction from the Board.

**VOTE ON  
MOTION TO**

**AMEND:** Motion carried unanimously.

Green questioned if the LMCD could make the arrangements with the LMCC on a month-to-month basis.

LeFevere could not answer the question as specifics would need to be outlined to the LMCC prior to consideration of a verbal or written agreement. He believed that if the LMCC is not making a profit on the arrangement, he could not see why they would not agree to a month-to-month verbal arrangement.

Babcock recommended Nybeck communicate the ability to terminate the Video on Demand service only, on a month-to-month basis, in which Baasen asked he and Green to assist Nybeck in the narrative of the request.

**VOTE ON  
ORIGINAL  
MOTION (AS**

**AMENDED):** Motion carried unanimously.

**10. Update from standing LMCD Committees**

Baasen asked for an update from the Chair, or designated representative, of each committee (Save the Lake, AIS Task Force, Finance, Personnel, Public Safety, and Ordinance Review).

Morris stated that the AIS Task Force met on February 14<sup>th</sup>, at which time they discussed the LMCD's Watercraft Inspection Program options (noted above). Furthermore, they discussed the decontamination process and the interest in offering that service on a more consistent (more fully

staffed with consistent schedule/location) basis. This option received positive interest from multiple agencies who would consider funding such.

Green stated that the MCWD utilized the MN DNR's statistical watercraft inspection findings for the purpose of analyzing the risk factors that existed in using the decontamination process, which he provided an overview of. He confirmed that the idea of a more consistent decontamination site is lacking a site, equipment, and funding.

Babcock stated he has always been a proponent of not intercepting all watercraft operators at the point of launch; offering a pre-decontamination certificate that they can bring to the launch the following day/weekend. Additionally, he recommended the MN DNR post the location of the unit on their website for the inspectors to offer to the watercraft operators.

Green stated that Doll (who supervises the MN DNR inspectors) has offered to be available for the inspectors to call them in finding the current location of the decontamination unit. Furthermore, the only inspector that can turn a watercraft away is a certified inspector.

Babcock stated the Ordinance Review Committee will look to the direction from the Board (based on the outcome of the February 26<sup>th</sup> workshop).

Hughes stated the Public Safety Committee will be meeting this spring, in which Lt. Saunders will be participating in a fly-over during the first part of March to confirm status of debris left on the ice.

There were no reports for the Finance, Personnel, and Save the Lake Committees.

## **11. EXECUTIVE DIRECTOR REPORT**

Nybeck publically thanked staff for their efforts in coordinating the Save the Lake Recognition Banquet and the leadership that presented, in which he received positive feedback on the banquet itself.

## **12. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:55 p.m.

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Dan Baasen, Chair

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Andrew McDermott, Secretary