

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, February 11, 2015
Wayzata City Hall

1. CALL TO ORDER

Green called the meeting to order at 7:00 p.m.

2. ROLL CALL

Members present: Jay Green, Mound; Gary Hughes, Spring Park; Gregg Thomas, Tonka Bay; James Doak, Woodland; Gabriel Jabbour, Orono; Chris Jewett, Deephaven; Dennis Klohs, Minnetonka Beach; Dave Lang, Minnetrista; Rob Roy, Greenwood; 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: Dan Baasen, Wayzata; Jennifer Caron, Excelsior; Ann Hoelscher, Victoria; and Deborah Zorn, Shorewood

3. APPROVAL OF AGENDA

MOTION: Hughes moved, Shuff seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Vice Chair Green

There were no chair announcements.

5. APPROVAL OF MINUTES- 1/28/15 LMCD Regular Board Meeting

Lang requested the spelling of his name be corrected within the second motion on page 5.

Green requested the word "He" in the second sentence of the second bulleted paragraph of page 7 be changed to "Green." The sentence would read, "Green believed that was a key presentation..."

MOTION: Shuff moved, Roy seconded to approve the minutes as amended, making the changes noted above.

VOTE: Ayes (7), Abstained (3; Jabbour, Jewett, and Klohs); motion carried.

6. APPROVAL OF CONSENT AGENDA

Thomas moved, Shuff seconded to approve the consent agenda as submitted. Motion carried unanimously. Item so approved included the Audit of vouchers (1/27/15 – 2/15/15).

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

There were no public comments.

8. PUBLIC HEARINGS

- **Paddle Tap, LLC**, 2015 non-intoxicating malt liquor license application for the charter boat Serenity

Green asked Harper for an overview of this agenda item.

Harper directed the Board to his staff memo, dated 2/5/15, in which Paddle Tap, LLC, has submitted a new non-intoxicating malt liquor license for the charter boat Serenity. The Hennepin County Sheriff's Office had conducted the required preliminary investigation, in which they concluded the investigation was satisfactory (report within packet). The applicant has identified Excelsior city docks, Lafayette Club, Lord Fletchers of the Lake, and Wayzata city docks as its proposed ports of call. He referenced the LMCD Code Section 5.44, Subd. 2 that requires the procurement of a ports of call certificate from each municipality in which the port is located. He stated that the City of Wayzata did not want to issue their certificate until after the LMCD held this public hearing. Additionally, the applicant has further requested the addition of Maynards Restaurant to the list of ports of call, in which communication and issuance of the certificate with the City of Excelsior is pending. He recommended the Board approve the non-intoxicating malt liquor license for the charter boat Serenity for the 2015 season, subject to receipt of the ports of call certificate from the cities of Excelsior (Maynards) and Wayzata. He entertained questions and comments from the Board, in which he provided further confirmation on the two pending ports of call (Maynards and Wayzata city docks).

Green invited the applicant to address the Board.

Mr. Ryan Jaeger, 8519 4th Avenue South in Bloomington, stated that he is the owner of Paddle Tap, LLC. He compared the concept of his business to the similarities of the Minneapolis peddle pubs but on water. He provided an overview of his proposed business via a PowerPoint presentation via the following comments: The watercraft is: 1) a customized pontoon (25 feet long), 2) United States Coast Guard (Coast Guard) certified, 3) 10 peddle stations on board with a capacity of 14 guests plus the captain, 4) maintains a maximum speed of eight miles per hour, and 5) a gas engine is provided as a backup to accommodate any safety needs (i.e., weather, or the customer's preference). The business itself provides for a simple on-line registration and payment process in which the parties will embark and disembark via one of their certified ports of call. He entertained questions and comments from the Board, in which there were none.

Green opened the public hearing at 7:09 p.m. There being no comments, he closed the public hearing at 7:10 p.m.

Doak questioned who would supervise the charter and does it require a licensed captain.

Harper stated that a captain would be required and they would need a pilot license from the Minnesota Department of Labor and Industry. Inspection of the watercraft would be conducted by the Hennepin County Sheriff Water Patrol, Labor and Industry, and potentially the Hennepin County Department of Health.

Jaeger stated that the watercraft is constructed by the same individual that built an estimated six other similar

watercraft utilized throughout other states (all of which were Coast Guard approved).

MOTION: Jabbour moved, Roy seconded to approve the 2015 Paddle Tap, LLC non-intoxicating malt liquor license, subject to receiving the remaining ports of call certificates from the cities of Excelsior and Wayzata.

VOTE: Motion carried unanimously.

9. OTHER BUSINESS

A. T & T Boatworks Marina, LLC, review and consideration of draft mandatory Environmental Assessment Worksheet (EAW) document.

Green asked Harper for an overview of this agenda item.

Harper stated that T & T Boatworks Marina, LLC (Wayzata Bay) has submitted an application to expand their boat storage units (BSUs) from 90 to 99 at this multiple dock facility. The Environmental Quality Board (EQB) requires a mandatory Environmental Assessment Worksheet (EAW) anytime there is a construction or expansion of a marina or harbor that results in 20,000 square feet or more for dock structure and maneuvering space. The EAW is an environmental decision document to assist the Board in determining whether an Environmental Impact Statement needs to be conducted. He confirmed that an EAW has not previously been completed for this site and the total square footage calculation of the proposed site plan is estimated at 120,000 square feet. He directed the Board to a draft EAW and respective timeline within their packet. To this end, he recommended the Board provide staff authorization to proceed with the respective EAW process. He entertained questions and comments from the Board.

Klohs requested Harper to provide an overview of the location of the proposed nine additional BSUs.

Green asked if the added BSUs would be for transient use, in which Harper confirmed they would be used for overnight storage. However, he confirmed that prior approvals at this facility did offer some changes to the number of transient BSUs.

Harper further confirmed: 1) the small structural changes offered to BSU 81, 2) the addition of dolphin poles to BSU 89, and 3) that there are no structural changes being offered to the BSUs located within the launch area (acknowledging that a previously approved license referenced such area). He stated that a prior license approval required the production of an as-built survey, which is why the proposed site plan looks a little different.

MOTION: Jewett moved, Shuff seconded to direct staff to proceed in the submittal of the draft EAW for T & T Boat Works Marina, LLC to the EQB.

VOTE: Motion carried unanimously.

B. Review of proposed changes to the LMCD Code from Minnetonka Yacht Club, Upper Lake Minnetonka Yacht Club, and Wayzata Yacht Club.

Green asked Nybeck for an overview of this agenda item.

Nybeck provided an overview of changes requested by Lake Minnetonka yacht clubs (version 2/4/15). In addition, the following handouts were offered in the Board folders: 1) a letter from the City of Deephaven, dated 2/3/15, in which they received an overview of the proposed amendments by Jewett and offered their continued support of such and appreciated for the LMCD in consideration of and 2) a summary spreadsheet offered by LMCD staff (with approved site plans) that outlined the logistics of the respective yacht clubs and respective boat storage unit (BSU) expansion should the proposed amendments be approved. He stated that the LMCD Executive Committee had requested him to lead the Board through this discussion; however, he acknowledged that representatives of the respective yacht clubs were in attendance should there be specific proposal questions. He made the following comments via a PowerPoint presentation:

- This process was initiated in September of 2013 when the Board conducted a workshop with Lake Minnetonka commercial marinas to discuss a variety of Lake Minnetonka related matters. The consensus of the Board included: 1) for the commercial marinas to identify issues within the LMCD Code and 2) for the commercial marinas to recommend changes to it (in writing).
- The marinas submitted their written proposal in February of 2014. At their April 23rd meeting, the Board approved an ordinance that created a definition for the term Qualified Commercial Marina (QCM). The ordinance further outlined the following additional standards for those that qualified as such:
 - The ability to extend their docks to 200 feet from shore;
 - Established commercial density standard of 1:10' (with criteria); and
 - Established greater authority for the Executive Director to approve minor changes.
- The Board prioritized similar discussions with other Lake stakeholders as follows: 1) yacht clubs, 2) municipalities, and 3) others, i.e., commercial facilities with transient BSU.
- The LMCD Executive Committee met with yacht club representatives last August, in which they reviewed the "Qualified Commercial Marinas" ordinance and discussed issues the respective yacht clubs (in which he named) are facing and applicable code sections/possible changes. The Executive Committee requested the yacht clubs provide a unified, comprehensive list of possible LMCD Code amendments for their review.
- Follow-up meeting since August include: 1) LMCD staff had an informal meeting with the yacht clubs on December 17th, 2) an Executive Committee meeting on January 8th (in which a request for a unified document was made) and 3) an Executive Committee meeting on February 4th (in which a unified document had been received). At the February 4th meeting, it was the consensus of the committee to move the unified document forward to the Board for consideration and direction.
- The yacht clubs' proposal offered the following recommendations:
 - Establish the definition of a "Qualified Yacht Club" (QYC), which would require the facility to be: 1) a non-profit corporation, 2) owned by its members, 3) volunteer driven, and 4) further the sport of sailing.
 - Establish the definition of a Qualified Sailing School (QSS). This definition would require the facility to be: 1) an IRS qualified 501(c)3 corporation, 2) created to educate and train for the sport of sailing, and 3) associated with a QYC.
 - In regards to their density, they are proposing to be exempt from securing a Special Density License, that they not be required to provide public amenities (referencing they are an

- amenity in themselves), and would maintain a 1:10 foot density standard.
- In regards to dock length, they proposed the following similar restrictions as allowed for a QCM: extending their dock use area (DUA) to 200 feet from shore (keeping in mind doing so could impair access to neighboring docks or the public's use of that bay). He acknowledged that any change in dock length would require a public hearing and subsequent Board approval.
 - He provided a detailed overview (with pictures) outlining the individual yacht clubs' potential BSU expansion should the proposed amendments be approved (facility, lakeshore footage, approved BSU, and potential BSU expansion).
 - Establish the definition of an "Educational Boat," which would include: 1) up to 20 feet length overall (LOA), 2) wind powered, 3) unballasted, 4) capable of being manually stored, and 5) operated by a QSS used for educational purposes. The watercraft would be free of restrictions as to the number and location at QYC and QSS and must be stored completely on land. The Minnetonka Yacht Club requested such definition include: 1) sailboats that are exclusively powered by the wind, 2) less than 28 feet LOA, 3) unballasted, 4) stored completely on shore at a QYC, and 5) unrestricted watercraft (1:15' on land density- current ordinance). A picture was offered of such a watercraft in which Jewett provided an overview of. Lastly, Nybeck provided an overview of the current LMCD code definition of "unrestricted watercraft."
 - Create a definition for motorized unrestricted watercraft (applicable to QSS only), which would include: 1) education, coaching and/or managing sailboat races (unlimited numbers of such), 2) watercraft would be provided on land, slide and/or boat ramp, and 3) would not count against density; however, if stored in a licensed slip, it counts towards the density.
 - Service boats are proposed to be operated by a QYC or a QSS and that licensed BSUs would be allowed to change without requiring changes to the multiple dock license (providing examples of such).
 - Non-substantial changes to a QYC or QSS may be approved by the Executive Director when there are no changes in the BSU count or the boundaries of the existing DUA, as well as no increases in dock length.
 - He provided a slide outlining a request from the Wayzata Yacht Club (WYC) for side setback amendments. However during committee discussions, it was recommended that the WYC pull this portion of the proposal, in which they did. He further stated that the LMCD has approved side setback requirements based on how long the dock is and whether it is side opening, etc. The recommendation to pull their request was based on it having lake wide implications, including with QCMs. Therefore, if this is a change to be considered, the Board should review the request on a global basis vs. for a specific facility.
 - This presentation was for informational purposes only. He questioned if the Board had any interest in exploring the idea of changes to the LMCD Code for Lake Minnetonka yacht clubs. If so, he recommended the Board refer this matter back to the Executive Committee to assess possible changes to the LMCD Code through a decision table prepared by LeFevere (acknowledging this was the process utilized for the commercial marinas, which worked well). The committee is currently scheduled to meet at 5:00 p.m. on Monday, February 23rd at the LMCD office. All Board members would be encouraged to attend and participate to expedite the process at Board level.
 - He entertained questions and comments from the Board.

Jabbour directed staff back to slide #3 of Nybeck's presentation. He believed the second numerical statement relative to the establishment of a 1:10 foot density was misguided. He confirmed that the LMCD Code already provided for the establishment of that density by obtaining an approved Special Density License and offering specified amenities for such (i.e., public telephone, restrooms, rip rap, etc., of which many are obsolete). He believed that Code section, in general, would not be changing and that what the yacht clubs are proposing is to receive that density without offering any other amenities than the existence of their facility (an amenity in itself). He further stated that extending their dock structures out to 200 feet could provide unrecognized density from becoming a density, in which he provided an example of.

Green directed staff back to slide #16, referencing the proposed definition of a "motorized unrestricted watercraft" and the manually storing of such on land, slide, or boat ramp would not count towards the watercraft density. He requested clarification of a watercraft stored on a slide as he believed that term was considered the same as a licensed BSU, which would then count against their density. Therefore, in this particular matter they would not be counted.

LeFevere believed that was their request.

Nybeck stated LeFevere had not had an opportunity to review all the proposals, which is scheduled after the Board provides direction to do so. Once received LeFevere will cross reference the proposals against what is currently offered in the Code.

Green reminded the Board of the scheduled Executive Committee meeting with the yacht clubs on February 23rd at 5:00 p.m. He asked LeFevere if he will be providing a decision table of some sort for all to follow.

LeFevere confirmed there would be a blue print of questions for the Board to consider.

Jewett asked Nybeck to provide an overview of the timeline.

Nybeck reiterated the meeting noted above and recommended that it proceed so that the Board could answer specific questions needed for LeFevere to draft a summary document (a similar path in which the commercial marinas' proposal was considered). Once completed, the document would go back to the Board (possibly their March 11th meeting), at which time they could direct LeFevere to prepare ordinance amendments. In staying with the similar path, the Board would hold a public hearing on the proposed amendments prior to consideration (could be the same meeting); possibly March 25. Should the Board want to further consider the amendments, consideration would go into the months of April or May. Lastly, he stated the adoption of an ordinance or amendment of would be scheduled for three readings, in which the second and third could be waived.

MOTION: Jabbour moved, Hughes seconded to send this matter back to the March 23rd LMCD Executive Committee Meeting (with the yacht club representatives and all interested Board members encouraged to attend and participate in the discussion).

VOTE: Motion carried unanimously.

C. Update on February 4th annual Hennepin County Sheriff's Office and LMCD meeting.

Green asked Nybeck for an update on this agenda item.

Nybeck stated 11 LMCD Board members and a number of representatives from the Hennepin County Sheriff's Office (HCSO) were in attendance (Sheriff Stanek, Major Storms, Capt. Vitek, and Lt. Vnuk). The HCSO provided an overview of last year's statistics; however, the primary discussions focused on the added presence of deputies that were provided at the latter part of 2014 boating season and how to continue such in 2015. He stated the Sheriff Stanek recommended additional LMCD funding to continue the added coverage; confirming they submitted a 2015 Save the Lake funding proposal, in which the Save the Lake Committee will be considering at their February 19th meeting.

Jewett stated that (at that meeting) he recommended consideration of an agreement or contract which would not only outline a guaranteed level of coverage but also provide for the auditing of the coverage vs. funding amount based on how many months the additional presence would be needed.

Nybeck confirmed that the LMCD did receive a sample agreement from Hennepin County that was forwarded to LeFevere for his review. He believed the needed coverage and funding of such will be a challenge to assess.

Jabbour believed this effort was substantially more complicated than what was originally considered within the meeting. He believed the LMCD needed to define the guidelines for service; what will be expected and what is mandated by the state legislature to provide (taking into consideration over and above what is wanted vs. what is available). Additionally, he stated there has been substantial changes of habits taking place, i.e., last weekend offered five or six events on the ice in which the hours put in by the Sheriff's office was phenomenal. To this end, he believed the hours considered should further define how many on snowmobile, watercraft, etc., vs. a blanket number of hours.

Green concurred with Jabbour and questioned how to find the answer to how much coverage is really needed.

Jabbour believed the community is going to be bombarded by special events (three or four at a time or within one week's time in an active community such as Excelsior). He questioned who would pick up the tab. He reiterated the need to confirm what coverage is offered via legislation and what is needed for a higher level of service to accommodate the community's needs.

Jewett questioned if the Save the Lake Committee was going to consider and forward a draft agreement/contract to the Board as he believed, based on the discussions held, that it would be premature to do so.

Nybeck recommended the Board provide the committee with their feedback prior to such meeting.

Green stated that he spoke with Baasen this date and requested further discussion on this matter before it is moved forward; acknowledging they will schedule a meeting upon his return. Additionally, he stated

that the Sheriff, within their annual meeting, recommended the Board members ride along with the deputies for a half a day during the summer months.

D. Update on January 27th and 28th AIS Summit relating to design and construction of boats in consideration of AIS

Green asked Jabbour for an update on this agenda item.

Jabbour made the following comments:

- That two or three years ago, he and a few other stakeholders came up with the idea to engage boat manufacturers and designers to change their designs so that the boats are more sensitive to the environment and the way they transport aquatic invasive species (AIS). In particular, pontoons were being adversely manufactured with the inability to have it properly decontaminated or cleaned.
- They convinced ABYC Corporation, who maintain the highest authority in the United States (US) to write boat designs, to take it on.
- That Tonka Bay Marina, in which he owns, the Minnesota Department of Natural Resources (MN DNR), and US Fish and Wildlife sponsored an AIS Summit in Las Vegas. He was pleased to report that 100% of the attendees were engaged and anxious to learn what to do and were ready to be part of the solution.
- Results will produce a technical document that will be circulated around the US for review and comment. Furthermore two manufacturers have already started implementing the changes discussed within the Summit.
- He stated that the western region were the most radically aggressive area relative to AIS.
- Attendees offered a diverse group which included biologists and representatives from the Fish and Wildlife, MN DNR, manufacturing companies, etc.
- At one point, they divided up into different working groups (boat design, trailer design, etc.).
- ABYC had committed to continuing these efforts, in which many of these efforts are highlighted in the current trade magazines. Additionally they: 1) had questioned whether the MN DNR would accept their certification if they develop a state-wide decontamination protocol and 2) that they are non-profit and work with the European counterparts.
- He thought it was an extremely positive event.

E. Personnel Committee, 2015 compensation adjustments for LMCD employees as outlined in 2/4/15 memo.

Green directed the Board to a memo from the Personnel Committee, dated 2/4/15, in which they previously met to discuss the compensation adjustments for all staff members but the Executive Director as his annual review was pending. The committee recommended a 2.5% increase for the staff members. He referenced a spread sheet that was offered during the committee's discussion that outlined most of the current salary adjustments for the 14 member cities and the Minnehaha Creek Watershed District (ranging from 2% to 5%). He entertained questions and comments from the Board.

Nybeck stated that two other committee members that were at the February 4th meeting were also present at this meeting. He stated there was a lot of discussion at the committee level as to what the recommended percentage increase should be, in which it was the consensus of the committee to recommend 2.5% retroactive to January 1st. He recognized the recommended adjustment fell within the middle of the range offered above and that timing of approval is a little later than usual.

Green concurred a great deal of committee discussion was held on this subject.

Jabbour requested the Board have further discussion as to how the committee reached their recommendation. He believed all salaries should be frozen until this agency finds out who they are and what direction they are going. He stated the LMCD is founded as a coordinating agency, in which he believed that mission has drifted to an implementation agency. He further believed that some of the functions will be eliminated such as boat counts, some harvesting, etc. He understood the recommendation was not a unanimous decision and that it would benefit the tax payers to know we are going through a process instead of rubber stamping things. He asked to hear from the committee on this matter.

Nybeck placed the above referenced spread sheet of salary adjustments on the overhead. He stated some of the information offered at the committee meeting had since been updated. He further stated that he recommended a 3% increase across the board, in which the committee discussed that based on what the other cities were offering. He stated that some of the cities were offering a 2% to 2.5% increase. He referenced the data in a chronological order (2010 to 2015) in which he stated the LMCD has stated pretty consistent from a pattern standpoint. He will step back to provide the committee members an opportunity to comment.

Green stated he was the dissenting committee vote based on the recommended percentage exceeding the average offered by the cities. He further stated that compensation should be assessed as to what was done in the past and not what will be done in the future.

Thomas stated that the committee discussed this matter at length, in which they considered the: 1) market, 2) the member cities (who appoint the directors and fund a portion of the LMCD budget) and what they were offering for salary adjustments, 3) the performance of the employees, and 4) what is fair. They did not talk about the budget but what is fair based on the market. He concurred that the committee's decision was not unanimous; however, three of the four members voted in favor of the recommendation.

Jabbour stated that this is a Board driven decision and every member provides their vote for such. He expressed concern that the staff's job descriptions have drifted in areas that the LMCD was not founded, nor funded, for. He referenced the total member city levy of \$300,000 plus and that some of the duties of staff should be removed (acknowledging that he valued the employees).

Thomas confirmed the committee did discuss the job descriptions and their respective past and possibly future changes. However, he believed the committee felt they needed to deal with matters as they are today in the fairness of the employees. In respect to Jabbour's comment above, he stated the committee did not give a raise to the staff members but voted to recommend such to the Board for their consideration of approval (confirming the Board has a vote in this matter).

He asked Green if he concurred with those comments, in which Green confirmed yes.

Hughes concurred that some job descriptions will be changing; providing staff training of new responsibilities.

Klohs stated that the City of Minnetonka Beach failed to understand a matrix that was historically offered, which outlined a percentage of the LMCD's budget that would go towards salaries. He stated the city regularly asks for clarification of that percentage as most cities operate on half that budget.

Thomas stated the committee did not discuss the funding ratio of salaries and benefits. However, he acknowledged, personally, that the current staff reflects the work load that the LMCD has asked them to take on. He did not believe the LMCD had idle staff in place. He further stated that the amount of staff the LMCD has may be relevant to other organizations but reflects the programs and support that the LMCD provides for the Lake.

Klohs referenced, to Jabbour's comment, the approved Strategic Plan. He believed staff was doing what they have been asked to do but should the LMCD be reallocating the resources to different areas and limiting its scope.

Thomas concurred that the Strategic Plan needs to be reviewed for consideration of amending and acknowledged that it is on the table for such (based on the Board's January 10th Strategic Plan workshop discussion which he was 100% in agreement of). He further acknowledged that any amendments to such may change the LMCD's staff level and job descriptions. However, he stated the committee was asked to provide a recommendation relative to the staff's salary adjustment, in which they did. They were not asked to review the staff's responsibilities based on the Strategic Plan and possible future amendments of.

Jabbour believed that within three months the Board will find that quite a bit of what the LMCD is currently doing will not be continuing. Therefore, he recommended this agenda item be delayed until such time. He stated the Board will not be doing boat counts, that there was a need to revisit the harvesting program, and that, eventually, the Board is going to have to lay somebody off. He asked the Board to keep in mind that removing some of those duties would provide staff idle time, which, he believed would be giving staff a raise in itself.

Shuff disagreed with Jabbour's last comment and did not accept such. She stated that free time is not a raise. One cannot save for a child's college based on free time.

Jabbour accepted her opinion.

Green believed that an employee's compensation is based on their past performance and not what work they will be doing in the future.

MOTION: Jabbour moved to freeze all salaries until the LMCD Board of Directors confirmed the future of the District, including what services and projects will be offered and the respective job functions for such.

Jabbour stated staff did a great job these last couple years but the future doesn't mean we need that level of employees.

Green asked if there was a timeframe to that motion.

Jabbour confirmed a couple months.

Green asked if there was a second to that motion.

Klohs seconded the motion.

Hughes could not agree that the Board's task in accomplishing such would be done in two months, which is the expectation of the motion.

Shuff concurred with Hughes.

Jabbour stated the Board could push the issue if it exceeded that time line.

Jewett questioned if the staff's adjustment would be retroactive to January 1.

Jabbour stated the Board could adjust to whatever timeline they wanted.

VOTE: Ayes, 5; Nayes (5, Doak, Hughes, Lang, Shuff, Thomas); motion failed.

MOTION: Thomas moved, Shuff seconded to accept the Personnel (Executive) Committee's recommendation.

VOTE: Ayes, 5; Nayes (5, Green, Jabbour, Jewett, Klohs, Roy); motion failed.

MOTION: Hughes moved to table this agenda item until a full Board or more members were present to vote.

LeFevere stated the Board could simply bring this agenda item back to the Board in two weeks, in which Green announced such.

10. UPDATE FROM STANDING LMCD COMMITTEES

Green stated the Executive (Personnel) Committee met on February 4th at which time they discussed the two matters offered under agenda items 9B and E above. Additionally, they received the Executive Director's self evaluation. He asked Nybeck for an overview of that matter.

Nybeck stated the Personnel Committee, specifically Chair Baasen, asked to receive feedback on the evaluation. Therefore, the committee could come forward with a template for the committee to agree upon, taking into consideration his self appraisal. Once feedback is received and confirmed that the final document is a representative of the whole Board, it could be considered at a future Board meeting under Executive session.

Green stated that, in respect to the AIS Committee, he met with the superintendent of the Three Rivers Park District (TRPD) regarding their possibility of managing the watercraft inspection program. He thanked Jabbour for coordinating that meeting. Green believed it was a logical fit based on their presence on the Lake (infrastructure, personnel placement, and enforcement arm). He believed a fee for service arrangement could be established for such. To this end, he was directed to put together a Letter of Request.

Nybeck stated that he spoke with TRPD Executive Director John Barten who reaffirmed a Letter of Request would be appropriate to move this request forward to their Board.

MOTION: Jabbour moved, Jewett seconded to direct the AIS Committee Chair write a letter on behalf of the Board requesting the TRPD consider taking on the responsibility of the AIS watercraft inspections program on behalf of the LMCD.

Jabbour stated the TRPD would be doing it for less money. He further stated that he and the community have a long standing relationship in which they have a major investment in the Lake. He believed this would be a natural progression for the TRPD in which they could do a better job at such. He further believed the LMCD should be doing more transitions such as this; partnering with people that can do jobs better, substantially faster, and more efficient.

Green spoke of the coverage options and whether there would be the possibility for additional coverage.

Jewett believed this was a positive move that fell within the Board's strategic planning discussion (offering the question what is the LMCD in the business of doing and what can be done well).

VOTE: Motion carried unanimously.

Green asked if other committee chairs would like to provide an update.

Hughes stated the Public Safety Committee will be meeting within the next month relative to the proposed amendments to the High Water ordinance.

Klohs stated the Ordinance Review Committee met prior to this meeting and continued their discussion relative to the municipalities and the similar discussions recently held with the commercial marinas and yacht clubs. This discussion lend towards the possibility of creating an ordinance relative to a municipal harbor. That discussion will continue next month.

11. EXECUTIVE DIRECTOR REPORT

Nybeck directed the Board to a documented sealed as "Attorney/Client Privileged Information" relative to the Matt Johnson, etc. al vs. LMCD litigation. He asked LeFevere to expound on this matter.

LeFevere stated the Court of Appeals had invited briefs on the question as to whether they: 1) had jurisdiction and 2) that the notice of appeal was timely filed. The Court concluded that they did have jurisdiction and that they would hear the case. That ruling itself is a public document. What is provided within the sealed envelope to the Board is confidential communication from the LMCD's attorney. He believed this matter will be placed on a future agenda to be discussed under closed session.

12. OLD BUSINESS

Jabbour made the following two comments:

- He stated that within the annual meeting with the Sheriff's office, it was mentioned that there used to be three deputies from the Three Rivers Park District (TRPD) that patrol the Lake. At that time, the Sheriff mentioned that perhaps the TRPD was going out of the enforcement business. However, when we met with their superintendent (noted by Green's meeting above) he requested those deputies be reinstated. The superintendent tentatively stated that would not be a problem, in which they would be stationed out of one of the marinas (possibly within the Lower Lake).
- He passed out the following two referenced emails relative to a recently considered petition for a Quiet Water Area near the north Seton channel within Harrison Bay and West Arm. Those emails were from: 1) John Samuelson, dated 1/19/15 and 2) Doug Kraay, dated 1/20/15. He wanted to talk to the Board about what he needed to get his job done as a representative for the City of Orono (city). He stated he had received those emails, which was sent to the LMCD office and Hughes as Chair of the Public Safety Committee, from the city. He personally did not receive this information and believed the Board did not either. He stated citizens petitioned the LMCD and for him to do his job he needed to be telling his represented city what is going on vs. the city telling him. He believed stakeholders, such as Hennepin County, that sits on the committee deserved in receiving this correspondence. He stated that he will be personally calling these individuals to apologize on his behalf. He further stated that Mayor McMillan expressed concern for this matter and that the emails were forwarded by one of his council members. He believed, out of respect for the citizens and the committee members, the Board should have been in receipt of this correspondence.

Roy provided an update to the Board on the establishment of the St. Albans Bay Lake Improvement District (LID). He stated the LID has been approved by the City of Greenwood and will be moving forward. He further stated a LID Board would be approved next month, as well as the establishment of a Lake Improvement Taxing District for the specific purpose of raising money for the prevention and management of Aquatic Invasive Species on St. Albans Bay.

13. NEW BUSINESS

There was no new business.

14. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:19 p.m.

Jay Green, Vice Chair

Gregg Thomas, Secretary