

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, April 8, 2015  
Wayzata City Hall

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

**3. APPROVAL OF AGENDA**

**MOTION:** Doak moved, Jewett seconded to approve the agenda as submitted.

**VOTE:** Motion carried unanimously.

**4. CHAIR ANNOUNCEMENTS, Chair Baasen**

Baasen made the following two Chair announcements: First, he directed the Board to additional documentation within their handout folders relative to the consideration of obtaining a facilitator for updating the LMCD's Strategic Plan. Second, the Executive Committee and a few additional Board members met to discuss the Executive Director's annual performance review. At that time, he agreed to roll back the input offered to those in attendance prior to scheduling a closed session for discussion by the full Board. He anticipated that roll back to take place within a couple days and the scheduling of the closed session by the end of April.

**5. APPROVAL OF MINUTES-**

There were no minutes offered for approval.

**6. APPROVAL OF CONSENT AGENDA**

Green requested the removal of agenda item 6B from the consent agenda.

Hughes directed the Board to an amended Audit of vouchers within their handout folder (adding check #20566 to Abdo Eick & Meyers LLP for the performance of the 2014 audit). He requested the consent agenda be approved as amended.

Baasen asked Nybeck to provide an update on the timeline in considering agenda item 6F.

Nybeck stated that the LMCD has nearly finalized the mandatory Environmental Assessment process (in accordance with the Environmental Quality Board rules) and that a public hearing was tentatively scheduled for the May 13<sup>th</sup> LMCD Board Meeting.

Roy moved, Shuff seconded to approve the consent agenda as amended, making the changes noted above. Motion carried unanimously. Items so approved included **6A)** Audit of vouchers (4/1/15 - 4/15/15); **6C) Belle Properties, LLC**, draft Findings of Fact and Order denying non-conforming, non-multiple dock permit application for four Boat Storage Units at 5040 Enchanted Road; **6D) Hennepin County Sheriff's Office**, draft agreement approving 2015 proposal for use of Save the Lake Funds for additional Water Patrol coverage hours on Lake Minnetonka; **6E) MCWD**, approval of 2015 grant request for Lake Minnetonka Watercraft Inspection Program; and **6F) T & T Boatworks Marina, LLC**, approval of draft Record of Decision and LMCD Resolution 140 ordering a negative declaration on the need for an Environmental Impact Statement (EIS) for the Mandatory Environmental Assessment Worksheet (EAW) document.

**6B) LMCIT Liability Coverage Waiver Form**, approving the selection, "The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04";

Baasen asked Green to provide his comments on this matter.

Green questioned why the LMCD is required to annually approve this agenda item and requested clarification on the options offered.

LeFevere stated that the Board considers this document on an annual basis as the League of Minnesota Cities Insurance Trust (LMCIT) requires all members to consider such within their annual renewal process. In regards to the two options (to waive or not to waive the monetary limits on municipal tort liability established by the state statute), about 80% or more of the member cities, including the LMCD, have historically chosen not to waive the limits. That option leaves the protection of the tort liability in place. He stated the LMCD has more insurance than one person can sue for (i.e., if a person slips and falls based on negligence of the LMCD, that individual can sue for a maximum of \$500,000). However, if the LMCD waives the liability limit, then the LMCD can be sued for up to \$2,000,000. Additionally, the LMCD would pay a higher premium. The reason the LMCD has more insurance available than what the statutory cap provides for is that there are other claims that do not fall under the tort liability coverage, i.e., civil rights claims which are Federal law. The only reason he could think for the Board to consider waiving vs. not waiving the liability, is to preserve the right to award an individual \$2,000,000 based on the Board's belief that they were damaged to that level.

**MOTION:** Green approved, Baasen seconded to approve item 6B as recommended, "The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04."

**VOTE:** Motion carried unanimously.

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

There were no public comments.

**8. PUBLIC HEARING**

- **City of Wayzata**, new multiple dock and special density license application to: 1) increase the number of Boat Storage Units from 116 to 149 by adding 33 transient slips near the Depot and Broadway Docks and 2) install a swim dock at the Wayzata Beach

Baasen asked Nybeck to provide an overview of this agenda item.

Nybeck directed the Board to his staff memo, dated 4/2/15. He provided the following comments via a PowerPoint presentation:

- The City of Wayzata (city) submitted new multiple dock, special density license, and variance applications last August for the 2015 boating season (an initial step in implementing the Wayzata Lake Effect project).
- A detailed overview of the city's currently approved license, which included: 1) licensed Boat Storage Units (BSU) and respective density, 2) shoreline measurement, 3) location of licensed sites, and 4) the storage of the city fire boat. He offered current aerial photographs of the site(s).
- A detailed overview of the proposed changes that involved the relocation of the fire boat, the addition of 15 and 18 transient BSUs at the Depot and Broadway dock, respectively (all BSUs measuring 12' x 24'); and an amended proposal to add a 100' long swim dock at the Wayzata Beach. He provided aerial drawings of each respective proposed change.
- A detailed overview of the relevant LMCD Code that pertains to the applications; restricted watercraft storage allowance, public amenity requirements, and authorized dock use area (DUA) requirements.
- A detailed overview of an 8/13/14 LMCD public hearing that was held on this matter. The Board generally supported the applications, with the exception of the presented "preferred" Broadway dock site plan. This site plan offered the placement of BSUs within Burlington Northern Railroad's (BNR) DUA resulting in the Board's inability to consider the variance application for such. The Board requested the city resolve their ability to have control of the shoreline with BNR. The Board continued the consideration of the applications to allow the city time to resolve the prior matter (directing staff to re-publish the continued public hearing notice once the city set that date).
- The city requested the rescheduled public hearing be held this date, in which the public hearing was published to consider the multiple dock and special density license applications within the 3/24/14 edition of the Lakeshore Weekly News.
- Staff comments were as follows:
  - City staff has made progress with the BRN for control of the shoreline to the east of the Broadway dock, in which a city representative was present to speak to.
  - The proposed changes would be contained within the city's DUA.
  - Staff supported the proposed relocation of the Wayzata Fire Boat from the lower lagoon area to the Depot dock, which does not, per Code, count against the watercraft storage density.
  - The city has adequate non-continuous shoreline to amend their approved special density license (offering 1:23' density relative to the proposal to add 33 transient BSUs with a maximum of 1:10' subject to the city providing public amenities for density greater than the 1:50' General Rule). This option would require the city to provide a minimum of 40 public amenity points (directing the

Board to the approved license dated 2/23/00). He further directed the Board to an amended list of proposed public amenities and a staff assessment of such with a recommendation of 59 points (also offered within the packet).

- The proposed variance application was not necessary and staff recommended the Board consider refunding the \$500 application fee.
- He believed the Board could direct LeFevere to prepare draft Findings of Fact and Order for approval of the city's 2015 new multiple and special density license applications (including the documentation of the updated public amenities list). He reiterated his recommendation for the Board to approve the refunding of the variance application fee of \$500.
- He entertained questions and comments from the Board.

Green requested clarification of the following: 1) approval of this application would not pertain to the use of the BNR property based on their relocation of the proposed BSUs, 2) whether the currently approved Depot docks are permanent (including whether the proposed docks would be floating), and 3) if the proposed docks are floating, will the depth of the water at that location provide for the necessary anchoring of the dock structures.

Nybeck offered the following respective responses:

1. The city is requesting that the LMCD consider the back-up proposed site plan at the Depot Dock (located to the west of the current dock). A pending question remained as to the ownership of the shoreline between the Broadway and Depot docks, in which a representative of the city was present to address.
2. The permanent and floating docks as depicted by Green was correct. He further stated it was his understanding that the city would be floating them to the existing area near the Depot Dock or would be freezing them in the lagoon area during the winter season.
3. He recommended the city representative address the question of adequate water depths for anchoring.

Baasen stated that the city is proposing temporary dock structures at this time for trial purposes in working through their ongoing Lake Effect Project

Jabbour asked Nybeck to clarify the following statement offered on the second page of his staff memo, "Staff believes that Wayzata has made progress with BNR for control of the shoreline to the east of Broadway Dock. A Wayzata representative will be in attendance to provide an update on this." He stated that this comment had initially confused him and thought it would be of benefit to further clarify. To this end, he believed the city is now proposing that their dock structures be placed within their shoreline; providing for this application to stand entirely on their own merit (without the use of BNR's shoreline).

Nybeck confirmed that was his interpretation, as well. He confirmed the proposed dock structures have been moved to the west and BNR's property is to the east. He believed the city representative could offer further clarification on this.

Baasen invited a representative from the city to address the Board.

City Manager Heidi Nelson thanked the Board for scheduling this agenda item. She offered the following comments:

- The question of shoreline ownership is an ongoing conversation between the city and BNR. She

recognized there was a lot to consider with BNR as the prior configuration had the proposed transient docks placed further to the east (for simplicity purposes, water depths, better access, etc.). To this end, BNR recommended the city move their proposed docks back to the west with the opportunity to continue to communicate as they move through their Lake Front Plan.

- Consideration of this application is one of the first steps to implementing the Lake Front Plan of their Lake Effect Project, in which one of their goals is to increase transient boat access to the downtown area. She confirmed that the configuration and design of the proposed dock structures are unknown as they are working through the Lake front improvements. With regard to the Lake Front Plan, the city is going out for design of the central Lake front project within the next few months, which would involve renovations from the foreman's home east to the Depot. To this end, the application before the Board is an interim increase in transient docks.
- Public Services Director Dave Dudinsky was in attendance to speak to the Board on any dock design questions they may have (offering the purchase of are currently out for bids).
- Confirmation that Nybeck's comments relative to the placement of the dock structures during the winter season were correct. She stated the city was respectful of the LMCD's formerly expressed concerns in not expanding the current de-icing area; hence, they had chosen to go with floating docks. In response to Green's question on the anchoring of the floating dock structures with the current water depths, the city had spoken with a few dock installers who believed they could manage such within the currently proposed location.
- Staff members will be present at the dock to logistically address the number of watercraft and space needs for the larger boats. Additionally, the city will be tracking the usage of those docks.
- City Attorney David Schelzel has had recent conversations with LeFevere and was in attendance at this meeting, as well.
- She entertained questions and comments from the Board.

Baasen asked the Board if they had any questions of the city representatives.

Klohs recognized the application as a test strategy, in which their plans will evolve over time. He informed the city that the LMCD has been updating the ordinances in an effort to be more sensitive to the stakeholder's varying needs. Therefore, he encouraged the city to communicate any challenges the LMCD's ordinances may present for further consideration.

Nelson thanked Klohs for that comment and will keep the communication open. She stated that as they move through this process there are a number of multi-jurisdictional agencies that they are working with. Their goal is to incorporate designs that improve water quality, safety, etc.

Klohs found it beneficial for the LMCD to not have an ordinance that would automatically force an applicant into a variance application. He stated it is possible the LMCD ordinance could be amended to address any future concerns.

Thomas asked if the city had taken the pedestrian traffic crossing the railroad into consideration.

Nelson stated they had BNR come out and performed a diagnostic review of the crossings. The city collaborated with BRN to replace the pedestrian crossing by the Depot last fall. Although improvements are

offered, the city believes there is room for improvements to better guide and control the pedestrians (possibly offering future pedestrian crossing gates and improved handicap accessibility). With regard for the Broadway crossing, the city will probably be doing some crossing ramp improvements. To this end, future improvements are planned. She had not previously commented on the "H" dock and wanted to offer that one of the goals of the Parks and Trails Board was to increase activities for the youth; therefore, they had budgeted for this capital improvement (offering additional amenities for the beach area). She referred back to a former "H" dock that was present in the 1950's.

Baasen stated that the "H" design provided an area of safety on the beach side for the smaller children. He opened the public hearing at 7:33 p.m.

Mr. Brad Hoyt, 326 Ferndale Road in Wayzata, owns a number of commercial properties within the city (including across from T&T Boatworks Marina). He stated that, historically, the LMCD has denied expansion of transient docks at that marina (just to the east of the beach) and that this was an inappropriate place to expand what he believed was also a marina. He made that comment based on the following concerns: 1) the city having 1,900 dining seats for a city of 3,800 in population and 2) the current parking situation is catastrophic to the point where the city is talking about building a surface parking ramp at the most active corners of the city. He strenuously spoke against the proposed docks at the Depot site based on the need to cross the railroad tracks. Additionally, he stated those docks would require a tremendous amount of parking, in which there is already a concern for (offering a recently approved brewery within the Boatworks building). To this end, the proposed docks are going to provide additional space for people to drink and get back into the boats.

Baasen stated that he believed a number of the comments raised by Mr. Hoyt were city based issues. There being no further comments, Baasen closed the public hearing at 7:39 p.m. He entertained further Board discussion of a motion.

**MOTION:** Jabbour moved, Klohs seconded to: 1) direct LeFevere to prepare draft Findings of Fact and Order approving the City of Wayzata's 2015 new multiple dock and special density license applications and 2) refund the City of Wayzata's \$500 application fee relative to their variance application.

**VOTE:** Motion carried unanimously.

## 9. OTHER BUSINESS

### A. **Seton Village Association**, consideration of request for changes to marker buoys at Seton Channel

Baasen asked Nybeck for an overview of this agenda item.

Nybeck directed the Board to his staff memo, dated 4/1/15. He provided the following comments via a PowerPoint presentation.

- Seton Village Association (Seton Village) has submitted a request, dated 3/2/14, to change the location of the marker buoys in the north Seton Channel area. Seton Village has proposed one additional minimum wake buoy within the channel and adding one additional pair of red and green buoys on the north side of the channel.
- Seton Village is located on the east side of the channel with the placement of their licensed multiple

- dock on Harrison Bay (east of the channel).
- Staff has worked with Mr. Tony Brough of Hennepin County Environment and Energy on this request. Brough communicated concerns about adding three buoys to this area because of economic constraints and the precedent it could set for the other county maintained channels on Lake Minnetonka. However, he offered the following buoy configuration changes to this area:
  - Moving the existing red and green navigational buoys to the north (commenting that this may assist with the public rounding the corner near the Seton Village multiple dock).
  - Moving the minimum wake buoy closest to the east end of the Seton View multiple dock to the north so that it is at least 150 feet from the dock.
  - Moving one of the three current minimum wake buoys installed into the channel area (as requested by Seton View).
- He directed the Board to buoy maps within the packet that detailed current and proposed plans.
- He provided an overview of an approved Quiet Water Area (QWA), in which he offered: 1) an overview of how a watercraft is required to navigate within an approved QWA, 2) that this area was designated as an approved QWA since 1979, in which he quoted the description of its approved buoy placement, and 3) that the current Code is consistent with Ordinance #52 (adopted prior to the 1982 boating season).
- He offered the following comments: 1) Lt. Vnuk (Hennepin County Sheriff's Water Patrol) did not have concerns with the changes offered by Brough, 2) Seton Village Board Member Phil Ludemann, who was in attendance at this meeting, has communicated his support for these changes, in which staff has confirmed with him that the LMCD Board would need to approve such, and 3) approval of either the current or proposed site plan would require an amendment of the LMCD Code.
- He recommended the Board direct LeFevere to prepare an ordinance amendment to the LMCD Code for the changes offered by Brough above (offering approval of such at the Board's 4/22/15 meeting).
- He entertained questions and comments from the Board.

Green stated, for the record, that he did not have a concern approving Brough's proposed configuration. However, he did not believe it would change boating habits (i.e., speed violations and cutting the corner going out into Harrison and West Arm Bay).

Nybeck stated that Brough had the same concerns and confirmed that Brough would monitor the boating behavior to see if the proposed configuration would need to be changed back or amended.

**MOTION:** Green moved, Roy seconded to direct LeFevere to prepare a draft ordinance amending LMCD Code to reflect the above changes offered by Brough at Seton Channel.

**VOTE:** Motion carried unanimously.

**B. Public Safety Committee**, update of proposed changes to LMCD Code Section 3.021 for "High Water"

Baasen asked Hughes for an update on this agenda item.

Hughes stated that this matter was originally addressed last fall; however, was placed on hold for consideration until the committee and Board considered a previous Quiet Water Area request. He directed the Board to the

committee recommendations within his memo, dated 4/2/15. In summary, the recommendations offered were to highlight: 1) better enforcement for the Water Patrol and 2) to clean up some of the language within the current ordinance (i.e., the timeframe in which the Board can declare and remove High Water). He recommended the Board make a decision as to whether they want to amend the ordinance. If that is confirmed, he recommended the Board then discuss the details of the amendment and offer a future public hearing for such. Additionally, discussions were held amongst the committee on offering a second public hearing for stakeholders to comment on the general use of the Lake. He asked Nybeck to expound on this matter.

Nybeck stated that the committee recommended specific changes to the current High Water ordinance. He directed the Board and offered an overview of the following discussion topics offered in consideration of such:

- Consensus that the 600 foot minimum wake restriction from the shore cannot be enforced by the Sheriff's Water Patrol and was problematic for the public to understand and comply with.
- General consensus of maintaining the proposed trigger point at elevation 930.25 feet (although there was some feedback to keep it at 930.00 feet).
- Consensus that the definition of "minimum wake" in the draft ordinance needed to be re-evaluated. In particular, it should take into consideration how the Sheriff's Water Patrol interprets a minimum wake "white rolling wake from bow to stern."
- Consensus that a public hearing should be scheduled for any changes proposed to the current ordinance.
- Limited discussion took place on other possible changes to the current ordinance (i.e., adding additional bays that would be entirely minimum wake).
- Anecdotal feedback was received from two Baldur Park Road residents and a resident from Woodpecker Ridge Road (their flooding experiences from 2014 compared to past declared "High Water" years). He believed that the anecdotal feedback was valuable as it provided documentation as to when the water went over the dock, reached the lawn, driveway, etc. (recognizing this was a rare occurrence).

He reiterated Hughes' comment that it would be good to find out from the Board if they want to amend the ordinance; offering a draft ordinance within their packet for consideration or an amendment of. He further believed that any draft ordinance could provide for a public hearing (as soon as May). Should a public hearing be held, he asked the Board whether they would like to receive testimony at a public hearing strictly on the ordinance amendment or on the use of the lake in general.

Hughes stated that the committee discussed additional "out of the box" comments, in which he asked Jabbour to expound on as he had offered one of them.

Jabbour stated that he was extremely against the 600 foot minimum wake restriction when the High Water ordinance was originally adopted (knee jerk reaction). At that time, he communicated that High Water would be the norm due to the placement wetlands and being a part of the watershed district. He believed it would be extremely overreaching to consider making the Lake entirely quiet waters at the same elevation the 600 foot buffer is enacted. At the same time, he understands the challenges the Water Patrol has in citing watercraft operators for violation of the 600 foot minimum wake restriction. At the time he was appointed to serve on the committee, the consensus was to make one cookie cutter (the entire Lake) minimum wake. He did not believe all the bays on the Lake, based on their location and logistical shape, should all be treated the same (in which he provided examples of). He asked the Board to consider the adopted management plan that acknowledges the watercraft for hire (charter boat) businesses as essential amenities. Those businesses would have to

change their tours based on enacting a whole Lake minimum wake restriction. To this end, he would be against amending the ordinance for such restriction.

Baasen asked the Board to remember the economic struggles offered during last year's historical high water levels. He understood that the largest concern to address was the 600 foot restriction based on the inability to enforce such.

Jabbour stated that a precedent has existed for over 30 years in which certain bays are minimum wake at various times (e.g., Grays Bay).

Thomas questioned if Hughes was proposing any changes at this meeting or whether the Board should consider specific changes at another time, in which Hughes confirmed that was correct. Therefore, Thomas recommended this matter be directed back to the committee for specific amendment recommendations.

Nybeck stated that the committee has made recommendations for the Board to consider at this meeting. He did not have a concern in re-evaluating the recommendations; however, he recommend that this matter be kept at the Board level rather than referring it back to the committee (allowing him to work with Board member Jabbour and other interested members for additional considerations).

Baasen, in respect to the committee's prior work on this matter, recommended they continue to consider this matter at the committee level (with the knowledge that the Board is open to changes to the ordinance).

Klohs concurred with Baasen and believed the general consensus was to consider changes to the 600 foot restriction.

Jewett requested specific data be utilized and presented when considering additional amendments to the ordinance.

Hughes recommended that the next committee meeting be held just prior to a Board meeting so that additional members could attend and offer their thoughts.

Nybeck acknowledged that a number of Board members already sit on the committee. Additional committee members include representatives of Hennepin County Environment and Energy, Hennepin County Water Patrol, and the Minnesota Department of Natural Resources. These committee members have already communicated that this is a Board decision. Therefore, he recommended a Board workshop vs. another committee meeting.

Baasen believed staff could bring this matter back via whatever avenue would be more efficient. However, to Jewett's point, more specific data needs to be offered to consider specific amendments.

### **C. LMCD Strategic Plan, update on search for contracted facilitator**

Baasen stated that the strategic planning committee was directed by the Board to obtain a facilitator for updating the LMCD's plan. Three facilitators were interviewed last week, in which he provided a detailed overview of. The committee unanimously believed that one of the facilitator's (Craig Rapp, LLC) best fit the LMCD's needs. In follow-up to Board member Zorn's communication with Rapp to clarify and obtain additional

information, he directed the Board to an amended proposal within their handout folders (acknowledging a significant increase in costs). He believed, based on the increased costs, the committee needed to go one step further in clarifying his proposal.

Jewett reaffirmed that the committee did ask Rapp to revise his proposal with little parameters given. Had the other two been asked to revise their proposals, the LMCD may have received just as high of an amended proposal as Rapp's. He believed Rapp was communicating exactly what the Board was looking for (offering the importance of making sure the LMCD obtains the right facilitator).

Baasen reiterated his interest in obtaining further clarification of the price difference of the two proposals.

Roy referenced how Rapp quickly assessed and articulately defined the LMCD's scope of needs. He believed he was offering more than the other facilitators for the proposed amount and was comfortable proceeding.

Klohs concurred that Rapp was absolutely the right person. He provided a proposed amount based on the scope requested. He recognized the Board could remove some areas of the proposal for a smaller number but believed the proposal was what the LMCD asked for.

Baasen reassured the Board he was not saying he did not want to obtain his services. Based on his inability to start until June, he believed it would be productive to further discuss the specifics of his proposal.

Shuff stated that she would have voted for the second interviewee. She believed that if one facilitator was offered the ability to provide additional information, the others should be afforded the same playing field.

Baasen questioned what impact the proposed service of \$16,500 would have on the budget.

Nybeck acknowledged that funding for a facilitator is unbudgeted. However, there is a \$10,000 contingency line item budgeted (a portion of which is allocated to compensation adjustment expenses). Additionally, he believed that the 2014 LMCD General Fund savings, documented in the 2014 audit, could cover the entire \$16,500.

Green stated that he would like to see that budget analysis presented.

Jabbour believed (based on the description of Rapp's proposed service and references) this was the most important thing the LMCD could do. He stated that the value offered is more important than obtaining the lowest proposal. He stated that he is personally very cautious with tax payers' funds and would rather spend his money vs. theirs. However, in this case he was comfortable moving forward in obtaining Rapp (subject to directing a few representatives to further define the parameters of this proposal).

**MOTION:** Jabbour moved, Thomas seconded to allocate \$16,500 for contracting with Craig Rapp, LLC as a facilitator (subject to further defining the scope of the proposal).

Nybeck proposed scheduling a committee meeting next week, which would allow for Board consideration of a draft agreement on April 22<sup>nd</sup>.

**VOTE:** Ayes (10), Nays (2, Green and Shuff); motion carried.

LeFevere stated the Data Practice Act does not come up often; however, he wanted to advise that the responses to the request for proposals are not public data. Upon receipt of the proposal, the names are public but their proposal is not until the Board enters into a contract with one of them. At that time, all proposals are public. For this reason, staff had not placed the proposals that are offered within the Board's handout folders in the public or extra copies offered in the back of the room. Additionally, the Board should not treat the copies received as public data, as well. If one is not comfortable walking out the door with those proposals, he asked them to leave them with Herman and she will dispose of the documents. He further asked them to delete any reference of the proposals that may be offered in their personal computers or emails. In closing, he stated that this matter does not mean the Board cannot discuss what they offered above as an Open Meeting Law trumps the Data Privacy Act.

#### **10. UPDATE FROM STANDING LMCD COMMITTEES**

Klohs stated that the Ordinance Review Committee was holding off scheduling a meeting to allow attendance in obtaining the strategic planning facilitator.

Nybeck stated the LMCD has been in receipt of the yacht clubs and sailing schools' proposal for amended ordinances. He recommended the Executive Committee consider scheduling a date to review such.

#### **11. EXECUTIVE DIRECTOR REPORT**

Nybeck reported on the following:

1. The first Lake level reading was taken last Friday, April 3<sup>rd</sup>, in which it was 928.50'. He directed the Board to his report that offered historical first readings.
2. He and Jabbour will be attending the West Metro AIS Workshop held this Friday.
3. He proposed a special meeting prior to the Board's March 22<sup>nd</sup> meeting to review the draft 2016 LMCD Budget (5:30 p.m. at Wayzata City Hall). No objections were raised by the Board and the meeting was confirmed.

#### **12. OLD BUSINESS**

There was no old business.

#### **13. NEW BUSINESS**

There was no new business.

#### **14. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:30 p.m.

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Dan Baasen Chair

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Gregg Thomas, Secretary