

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, December 9, 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; Gary Hughes, Spring Park; Jay Green, Mound; Ann Hoelscher, Victoria; Gabriel Jabbour, Orono; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; Rob Roy, Greenwood; Sue Shuff, Minnetonka, and Deborah Zorn, Shorewood. Also present: Greg Nybeck, Executive Director; Emily Herman, Administrative Assistant; and Troy Gilchrist, LMCD Counsel.

**Members absent:** Chris Jewett, Deephaven; Bret Niccum, Minnetrista; and Gregg Thomas, Tonka Bay. The City of Excelsior did not have representation.

**3. APPROVAL OF AGENDA**

Nybeck stated the LMCD received communication from both Christopher Olmanson and Bob Ziton relative to two independent winter special events. He directed the Board to the respective emails within their handout folder and requested an agenda item be added following item 9B to consider both.

**MOTION:** Hughes moved, Shuff seconded to approve the agenda as amended, making the changes noted by Nybeck above.

**VOTE:** Motion carried unanimously.

**4. CHAIR ANNOUNCEMENTS, Chair Baasen**

Baasen made the following two announcements: First, Jennifer Caron could not be present this evening to receive the Oath of Office due to an illness. Second, he had the pleasure of recognizing former Board member Andrew McDermott who had served so well and long in representing the City of Orono. He asked McDermott to address the podium. Baasen recognized McDermott's service to the Board from 2005 through 2014. From 2008 forward, he served as Secretary, as well as on the Executive, Finance, and Personnel Committees. McDermott also served directly with the City of Orono as their Parks Commissioner and Parks Trails and Open Space Committee Chair. He presented McDermott with a recognition gift and thanked him for his service.

McDermott stated it was a pleasure to work with the LMCD and thanked the Board for this recognition.

**5. APPROVAL OF MINUTES- 11/4/15 LMCD Special Board Meeting**

Green requested the following amendments:

- Page 9, Section 10, first bullet point, revise the sentence to document the Minnesota Department of Natural Resources would not be seeking further treatments to the Lake. The sentence would read,

“Christmas Lake was documented as having ....areas. The Minnesota Department of Natural Resources (MN DNR) would not be seeking further treatments for this Lake.”

- Page 9, Section 10, seventh bullet point, revise the sentence to specifically separate the three programs funded by the Initiative Foundation. The sentence would read, “The Initiative Foundation awarded grant money relative to three specific aquatic invasive species (AIS) programs. They were: 1) targeted AIS education, e.g., wakeboarders, 2) inspectors at the boundary waters, and 3) inspector training on conflict resolution.”
- Page 10, first paragraph, correct the spelling of “villagers” to “veligers.”
- Page 10, first paragraph, last sentence, change the words “will be” to “could be.” The sentence would read, “The results of this study could be incorporated...”
- Page 10, second paragraph, correct the spelling of “Equinox” to “Zequanox.”

**MOTION:** Baasen moved, Zorn seconded to approve the 11/4/15 LMCD Special Board Meeting minutes as amended, making the changes noted by Green above.

**VOTE:** Ayes (9); Abstained (1, Roy); motion carried.

## 6. APPROVAL OF CONSENT AGENDA

Green requested that agenda item **6E, Personnel Committee**, approval of 2016 LMCD Employee Benefit Package as outlined in 12/2/15 memo be removed from the consent agenda.

Roy moved, Zorn seconded to approve the consent agenda as amended, removing item 6E. Motion carried unanimously. Items so approved included **6A)** Audit of vouchers (11/16/15 - 11/30/15) and (12/1/15 - 12/15/15); **6B)** October financial summary and balance sheet; **6C)** Taping of 2016 LMCD Board Meetings: **City of Wayzata** (agreements for use of Community Room and Production Studio), **Lake Minnetonka Communications Commission** (agreement to Video on Demand Streaming Services), and **Daphne Okey** (agreement for Contract Producer); **6D) Kennedy and Graven**, draft agreement to contract for 2016 LMCD Civil Attorney, and **6F) Wayzata Yacht Club (Site 1)**, approval of draft mandatory Environmental Assessment Worksheet.

**6E, Personnel Committee**, approval of 2016 LMCD Employee Benefit Package as outlined in 12/2/15 memo

Baasen asked Green to comment on the removal of agenda item 6E.

Green asked if staff could speak to the 17.5% increase in health costs; recognizing that was a significant increase from what has been offered over the last five years.

Nybeck stated staff worked with a broker that is contracted with the League of Minnesota Cities. That individual provided an overview of other health insurance packages with companies such as Health Partners, Medica, etc, which could not match the proposed premium. Additionally, packages were also reviewed with Blue Cross and Blue Shield (BC/BS) on a private market basis vs. the current cooperative basis that the LMCD receives their health insurance from; resulting in \$130 plus more in premium. Nybeck stated he struggled with this increase, as well, and offered that he typically budgets an annual eight percent increase for health insurance premiums. Based on the last two years being a two percent decrease and a flat increase, respectively, he communicated to the BC/BS representative that incremental increases are highly recommended in working with governmental agencies and their respective budgets (which he asked to be communicated to upper management).

Zorn asked if the Personnel Committee had considered staff absorbing half of the premium.

Baasen stated that in taking into consideration the premiums for the last two years (noted above) and that it will take some time to replace the open position, the Personnel Committee considered the proposed premium more of a modest increase. He stated this would not prevent the committee from reviewing further options in the future.

**MOTION:** Green moved, Hughes seconded to approve the 2016 LMCD Employee Benefit Package as outlined in the 12/2/15 staff memo.

**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**

- **Bean's Greenwood Marina**, 2016 new multiple dock license application to reconfigure and reconstruct a portion of the permanent dock for a commercial marina on St. Alban's Bay.

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

Nybeck directed the Board to his staff memo, dated 12/1/15, within the packet. He provided the following comments via a PowerPoint presentation:

- That Bean's Greenwood Marina Manager Aaron Bean submitted a new multiple dock license application for 2016. The site has 870 feet of shoreline; maintains a legal, non-conforming status; has an approved boat storage unit (BSU) density of 1:7 feet; and currently maintains 120 BSUs (110 overnight and 10 transient).
- The applicant has proposed to: 1) straighten the walkway of the east dock, 2) add four new BSUs (59 and 60 located west of approved BSUs 61 and 99 and 100 located east of approved BSU 80), 3) add six new slips (BSUs 103-109) on the south side of the dock to replace the currently approved tie-ons, 4) widen the gas dock from 7.4 feet to 10 feet, and 5) relocate a number of other BSUs (primarily tie-ons) throughout.
- He confirmed: 1) there would not be an overall increase in the number of BSUs (maintaining the 110 and 10 noted above), 2) that the currently approved 1972 variance would remain as written, and 3) that the applicant will be evoking the LMCD's Qualified Commercial Marina (QCM) ordinance which he provided a detailed overview of (including how the proposed reconfiguration complies with such).
- He reminded the Board that, by State law, a mandatory Environmental Assessment Worksheet (EAW) was completed and presented to the Board at their November 4<sup>th</sup> meeting; providing for the approval of a negative declaration. He recommended approval of the application subject to four conditions as outlined within his PowerPoint and staff memo.
- He entertained questions and comments from the Board. No comments were offered by the Board.

Baasen invited the applicant to address the Board. No comments were offered by the applicant. Therefore, Baasen opened the public hearing at 7:18 p.m. There being no comments, he closed the public hearing at 7:19 p.m.

**MOTION:** Roy moved, Jabbour seconded to approve the 2016 Bean's Greenwood Marina 2016 New Multiple Dock License, subject to conditions outlined by staff.

**VOTE:** Motion carried unanimously.

## 9. OTHER BUSINESS

**A. Peter Pflaum,** request for the ability to deice to protect a boat house at 18070 Breezy Point Road on Wayzata Bay.

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

Nybeck directed the Board to a letter from Mr. Peter Pflaum, dated 11/16/15, as well as a copy of LMCD Code section 2.09, "Deicing Equipment." He further stated that Pflaum originally communicated with staff his interest in continuing to deice a long-standing boat house he maintains on his property. At that time, Herman reviewed the facilities that are currently eligible to deice via LMCD Code and communicated that his site did not fall within the list of eligible facilities. Therefore, his request would require an ordinance amendment. Pflaum, in turn, submitted a formal request for the Board's consideration and was in attendance to address the Board.

Baasen invited Pflaum to address the Board.

Mr. Peter Pflaum, 18070 Breezy Point Road in Woodland, stated that he and his wife have owned this home for 40 years that was formerly owned by his wife's parents. He confirmed the site had 200 feet of shoreline, five acres of land, and that the boat house has been in existence for at least 65 years. He stated he has been deicing around this boat house for the last 40 years, in which he just recently learned through an architect that he hired to repair and redesign the boat house that a permit is required to operate the deicing equipment. He expressed the importance to continue this deicing operation based on the boat house having two footings within the water and the significant ice damage that result if he does not run the equipment by the end of February (the time in which ice houses are removed from the Lake and citizens are being told not to enter). He provided a detailed overview of the boat house via pictures (including the current repairs and redesign of). He respectfully requested the Board amend the ordinance so that he can continue to deice two weeks earlier than the current ordinance allows for the purpose of preserving this structure and the significant investment he has made. He entertained questions and comments from the Board.

Jabbour did not believe Pflaum had been operating his deicing equipment without a permit for as many years as he thought (based on a former moratorium and historical amendment to the code). He further questioned if this site would be considered non-conforming.

Gilchrist stated that the use of deicing equipment would not be an activity that would have non-conforming rights associated with it. He confirmed the structure itself would have such rights, which is why he has the ability to utilize state law to reconstruct, but not expand the structure. He confirmed staff's assessment that the current code would not consider Pflaum's site as an eligible facility to obtain a deicing permit. However, if the Board was so inclined, he could draft a short amendment to the code to allow for such.

Jabbour stated that he is currently working with individuals, through his ownership of West Photo and not his marinas, on a book being written about Lake Minnetonka boat houses. He believed the LMCD's strategic plan makes reference to preserving our heritage and that long-standing boat houses were considered a part of such.

Roy stated that he has a boat house that was installed in 1955 and asked Pflaum if he was going to riprap up to the floor.

Pflaum stated riprap is currently placed on the sides; however, adding that to the entrance of the boat house would make it difficult to step over when carrying canoes, etc., into the structure. He assured Roy that they did look at that option and received a cost estimate; offering his structural engineer was not convinced that would prevent the ice damage.

Roy stated his operation of deicing equipment on March 15<sup>th</sup> [the date in which one can deice without a permit] has prevented structural damage to his boat house for the past 16 years.

Pflaum stated that his experience requires the operation of the equipment to be initiated prior to that date.

Both Roy and Pflaum confirmed they receive the northwest wind; with Roy concurring with Jabbour that Pflaum's boat house, and those similar, do need to be preserved.

Nybeck stated that although both Roy and Pflaum receive the northwest wind, he believed Pflaum's area of the bay has greater ice damage as there are other sites that currently maintain a deicing permit in that area. He further stated that Jabbour raised a good point in that when the LMCD amended this code, they deemed all commercial facilities (marinas, yacht clubs, or municipalities) or facilities that had already received a deicing permit as eligible facilities.

Zorn asked Pflaum, based on initiating construction in September and an estimated six to 10 foot buffer from the yellow ballooned protection material offered within the picture of the new structure, why it took until November to reach out to the LMCD on this matter and if he anticipated the ice formation reaching the structure.

Pflaum stated that once he learned that a permit was required to deice, he thought the matter would just be an automatic issuance. He acknowledged he was guilty for operating a deicing unit for all these years based on his lack of knowledge of the law. Lastly, he did not believe there was a question as to whether the ice formation would reach the structure (past what is offered by the protective material within the picture). He provided an overview of the reinforcement currently being constructed into the footings for preservation purposes. He reiterated the concern is late in the season when the ice is starting to move. He would welcome the opportunity to deice on the 15<sup>th</sup> but would be truly frightened in damaging the structure and losing the extensive investment he has put into this matter.

Baasen questioned the Board's alternatives, including the possibility of moving back the March 15<sup>th</sup> date that one can deice without a permit via a code amendment.

Nybeck was open to the Board's consideration of a code amendment; however, he expressed an interest that it be focused; taking into consideration others that existed.

Jabbour stated that not only does he deice but he owns a fleet of boats that breaks the ice up. He referenced the necessity for some to deice and Pflaum's comment that each bay receives different wind damage. He stated he would be open to amending the March 15<sup>th</sup> date to the end of February if it did not present negative consequences. Lastly, he stated that he misspoke relative to the LMCD's strategic plan referencing "our heritage" as it references "our way of life."

Baasen recommended the Board review the deicing ordinance for consideration of amendments at one of their January meetings.

Gilchrist believed the Board could direct him and Nybeck to work together on a draft ordinance amendment.

**MOTION:** Jabbour moved, Green seconded to direct Gilchrist and Nybeck to work together in drafting an ordinance amendment consistent with the discussion held at this meeting.

**VOTE:** Ayes (9), Abstained (1, Baasen); motion carried.

**B. Lynn and Associates**, update on developing a performance management system for the Executive Director.

Baasen invited Dr. Jim Lynn to address the Board.

Dr. Jim Lynn of Lynn and Associates addressed the Board to: 1) present the Board evaluation of the 2014 Executive Director (ED) Performance Evaluation and Improvement Plan and 2) offer the 2015 Performance Evaluation and Improvement Plan that were passed out to the Board members. He made the following comments:

2014 Executive Director Performance Evaluation and Improvement Plan

- He referenced an evaluation rating form that was previously distributed for the Board's completion. That form outlined the following three options: 1) the ED was doing a good job and was meeting expectations, 2) the ED needed to continue to work on the Improvement Plan, or 3) it was time for a new ED.
- 12 of the 14 Board members responded to the evaluation rating form in which six documented their interest to continue to work with the ED on a specific improvement plan while the other six voted to have a change in leadership. The summary before the Board anonymously outlined the ratings and respective comments of 11 members; however, he received one this date providing for the documentation of 12. He will provide the LMCD with an updated copy of that summary documenting the 12 received.
- Some of the evaluation rating forms were provided to him anonymously; therefore, he could not document who the remaining two Board members were that did not respond.
- A majority of the Board did not document their interest in making a change; therefore, the original recommendation stood to provide clearly documented expectations to the ED.
- He made the following recommendations: 1) to complete the ED's 2015 Performance Evaluation by January 2016, 2) work with the Human Resources Task Force to come up with specific performance measurers for the ED to accomplish in the first quarter of 2016, 3) that the Task Force meet with the ED monthly during the first three months of 2016 to monitor his performance on an improvement plan, and 4) the full Board evaluate the ED's performance in April of 2016.
- He entertained questions and comments from the Board, in which none were offered.

2015 Performance Evaluation and Improvement Plan

Lynn reminded the Board that they had expressed an interest in bringing clarity to documented expectations. To this end, he directed the Board to an example, step by step evaluation process for teaching purposes; acknowledging it was not an actual evaluation. He provided a detailed overview of this teaching document with hypothetical documentation that would sufficiently provide clear expectations to any performance issues; discrepancy or gap (the difference of what is vs. should be happening), expected performance, actual

performance, description of consequences, etc. He reiterated that in moving forward to consider the ED's 2015 performance evaluation, the use of a document such as the example offered would allow the Board to create an improvement action plan that clearly sets expectations. He entertained questions and comments from the Board in which none were offered.

In continuing his presentation, Lynn stated that the ED's 2014 performance evaluation was put to rest.

Jabbour stated, for the record, that 2014 was put to rest by a vote in early 2015. That [referencing Lynn's documentation] puts to rest the plan for improvement.

Lynn added that the feedback from the Board was that they continue with a new performance plan in 2015. He continued his discussion of the 2015 performance evaluation by noting that he would be sending out an evaluation form for the Board to rate the ED's competencies and skills on a five level rating scale, in which he read. He would then tabulate the anonymous results. The format of the evaluation utilizes Behaviorally Anchored Rating Scale (BAR) technology. This technology will assess the ED's strategic agility via the rating scales offered (including detailed descriptions of the evaluated skill). He strongly urged the Board members that rate a skill either very high or low, to write additional comments within.

Baasen asked Lynn to confirm that what he is stating is the evaluation process offered in 2015 for 2014 was flawed and that he was recommending the above outlined evaluation process with the use of outside counsel to evaluate the data.

Lynn confirmed the evaluation process utilized in 2015 for 2014 was flawed and that the use of the above evaluation process with his assistance was recommended; eliminating the need to utilize LMCD staff throughout this process.

Baasen asked the Board if they had any questions and comments about the rating system, in which none were offered.

Lynn continued by offering the Board a detailed overview of the recommended evaluation process utilizing the skill of "organizational expertise." In closing, he stated that this process would provide the Board with the ability to evaluate the ED on 10 competencies and skills, as well as provide specific comments that he and the Task Force could utilize to construct the improvement plan for the ED that would provide an objective and fair process. He entertained questions and comments from the Board.

Hoelscher believed this matter has been a long and difficult process for both the Board and Nybeck. She thanked Lynn for his assistance and asked Nybeck how he felt about the proposed process.

Baasen agreed that the evaluation process for 2014 was flawed in a number of ways. He stated the intent vs. the results were inconsistent, and that hiring an outside consultant was a good move (providing more fairness and progress; less argumentative).

Hoelscher stated that her question was directed towards Nybeck if that would be appropriate to ask.

Baasen apologized and turned to Nybeck for a response.

Nybeck was encouraged with the proposed evaluation process for 2016. However, he had reservations for putting together a new evaluation process in 2015 when there are three weeks left to a 52 week period. He stated if the Board had an interest in proceeding with a 2015 evaluation based on the new process, it should have been communicated to him at the beginning of that calendar year. He believed the Board did have the ability to evaluate him based on his performance of the approved position description.

Lynn stated that he did not concur with Nybeck's assessment of completing his performance evaluation based on the approved position description. He believed a senior executive should be evaluated on major work accomplished for the organization; offering the Board setting strategic goals for the enterprise and expecting the senior executive to get the work done. Lynn believed the evaluation of an employee based on a job description was a process utilized for support staff. He concurred with Nybeck that it would have been better to have communicated this process at the beginning of the year for his 2015 evaluation. However, the Board just finalized the 2014 process in 2015 and was encouraged that they were at least going to finalize this process within the same evaluation period. To this end, he recommended the Board at least get the 2015 evaluation done. He believed moving forward, the 2016 evaluation would provide for a more enriched and robust evaluation tool that will incorporate not only the skills and competencies but the ability to evaluate based on set goals and objectives.

Jabbour believed the proposed process was a major step forward. He encouraged the Board to utilize the expertise and keep in mind the large number of stakeholders they represent (providing for the need to be fair to the people that sent the members to this position). He thanked Lynn for his work.

**MOTION:** Jabbour moved, Zorn seconded to approve continuing to work with Lynn to implement the 2015 and 2016 ED evaluation process outlined above with full Board participation for a timely process.

Hughes asked Lynn to confirm the date the Board members are to have the 2015 ED evaluation form returned.

Lynn confirmed December 21<sup>st</sup>.

Shuff asked that Lynn establish a process to ensure that all Board members participate in this process.

Lynn confirmed he would contact all Board members that do not respond to this process; utilizing his assertiveness training to insure participation from all Board members.

Herman asked Baasen to restate the motion.

Baasen reviewed the motion by stating the Board was to direct Dr. Lynn to proceed with the process outlined, putting together an ED review for 2015 with respective action plan for the first quarter of 2016, as well as utilize a forthcoming, approved strategic plan for drafting the 2016 review process.

Gilchrist pointed out that some Board members are, or will be, in the process of transitioning in and out. Therefore, as a legal perspective, it would be important to note that only Board members that are officially selected and sworn may participate in the above noted evaluation process.

Baasen offered that the City of Excelsior had removed their Board member as of, he believed, December 1<sup>st</sup> and the new representative was to be sworn in this evening but was ill. He asked Gilchrist if that new Board member was disqualified from participating in this process.



Gilchrist believed, in reading that section of the minutes when considered, that successor was to retain the position until the selected representative was to be brought in.

Hoelscher questioned if Caron had the ability to be sworn in outside of a Board meeting.

Gilchrist confirmed that a member is not prevented from being sworn in outside of the meeting, as long as that representative does so in front of a notary republic and that the document is delivered to the LMCD office.

Hoelscher recommended the LMCD staff follow-up with Caron on that matter.

**VOTE:** Motion carried unanimously.

#### **B1. Consideration of Winter Special Event Requests**

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

Nybeck stated the LMCD received two independent public inquiries relative to holding winter special events on Lake Minnetonka. He outlined the inquiries as follows:

##### Christopher Olmanson

- He directed the Board to an email from Olmanson, dated 11/13/15, within their handout folders.
- Olmanson proposed to hold a special event Saturday, January 23<sup>rd</sup> on Wayzata Bay to raise scholarship funds for the Wayzata Community Church Summer Camp. This event would provide for ice fishing, broomball, and closest to the pin golf contests.
- Olmanson inquired as to whether food could be sold on the ice for his proposed event.
- The code prohibits this type of activity during the summer months (to sell food from all watercraft except charter boats). However, the code does not prohibit such activity during the winter months on the ice.

##### Bob Ziton, Bayview Event Center

- He directed the Board to an email from Ziton, dated 11/18/15, within their handout folders.
- Ziton proposed to serve beer, wine and snacks (via their caterer's permit) in six foot by 12 foot guided fish houses on Carsons Bay; catering to private corporate groups only.
- He reiterated food and liquor have been offered through a caterer's permit (regulated by the state)
- Ziton has requested: 1) eliminating the tent that was adjacent to their facility on Excelsior Bay and 2) relocating the private, corporate events to fishing houses on Carsons Bay (with the continued ability to provide snacks, beer, and wine by a Bayview Event Center employee).
- This event was previously approved for a number of years by the LMCD and HCSO Water Patrol (only by the Water Patrol since 2011/2012). Originally, a request was made in March of 2009 to amend the code to allow for the current tent on Excelsior Bay (near their property) for private corporate events. At that time, the Board considered the following two options: 1) LMCD to issue a license for liquor sales on the ice, which would have required a legislative change and 2) allow for this type of activity to take place through a caterer's permit (regulated through the special event permitting process). The consensus of the Board was for the latter option.

In considering both requests, Nybeck asked the Board:: 1) if they had any particular concerns regarding either of the requests, 2) if there was a concern in moving of the Bayview Event Center's event away from their adjacent property on Excelsior Bay to Carsons Bay, 3) if they would like to communicate any particular conditions to the Water Patrol for placement within their proposed special event permit, and 4) if they would like to consider any amendments to the code to more specifically address events on the ice. He stated that he did speak with Board member Jewett who was unable to attend this meeting. Jewett expressed an interest in receiving feedback from the City of Deephaven (Carsons Bay) relative to Ziton's request. Nybeck stated that both Olmanson and Ziton were in attendance to address the Board. He entertained questions and comments in which none were offered.

Hughes asked, relative to Ziton's request, if the serving of liquor would be via a bartender or supplied to the corporate attendees for their own reach.

Baasen asked Ziton to address the Board.

Mr. Bob Ziton, Manager, Bayview Event Center, stated he was proposing three fish houses that will have a cooler of beer and wine present within each. They are required, by insurance, to serve the participants via a Bayview Event Center employee (confirming no self-service will be offered). Additionally, he confirmed no liquor would be served (only canned beer or bottled wine).

Jabbour expressed concern in not receiving this request until this day. He assured the Board that his city, through him, would be extremely opposed to Ziton's request. He stated that when he moved to Lake Minnetonka, he chose to live in a residential area and that, not for a million years, would he have expected to have a bar across the ice from him. This concern has nothing to do with Ziton as he works closely with him on other projects. He asked the Board what they would be telling the people that have invested in the Lake; recognizing he knows that beer trucks on the Lake exist as he has personally transported one on his barge. He asked Nybeck to provide an overview of prior concerns expressed by Carson Bay residents relative to preventing cruise boats from entering that area.

Nybeck stated Carsons Bay residents previously expressed concerns relative to: 1) charter boats passing through the narrow passage north of Lighthouse Island and 2) the entrance of the charter boats within the bay in general.

Jabbour continued to express concern about starting more diversity within our community by taking on more commercial activity. He recognized that he owns a lot of commercial land on Lake Minnetonka. He previously had expressed an interest in maintaining commercial harbors, in which he believed Ziton's request would have been ideal for such a location. He believed the Bayview Event Center tent in front to their dock is different than in a residential location (recognizing the ice belongs to everyone).

Nybeck stated he owes a response to both event coordinators. He was unsure how to respond to their requests and wanted the two representatives to be able to address the Board (the LMCD policy makers).

Baasen inquired on any comparisons to the annual Chili Open winter event.

Ziton stated that the Chili Open is a public event. The event held by the Bayview Event Center will provide for private gathering of four to five individuals within an ice house at one time simulating a golf game via fishing. This event is a portion of a larger, private event. Past participants have been lukewarm about the

event as they were not catching any fish. Therefore, he spoke with the fishing guide, which every one of the events is managed by, who communicated they needed to relocate to Carsons Bay to catch fish. Those five participants will stay in a fish house for about 20 minutes and then move on to the next fish house, "golf hole," etc. He asked the Board to recognize that if this was a fishing guide that was bringing their own customers out on the ice; the participants are allowed to bring their own beer and wine. However, the Bayview Event Center must service such through the caterer's permit that requires the service of food. To that end, he reiterated that their proposed event is private and very dignified.

Zorn asked Ziton to provide an overview of the placement schedule of the fish houses, if the sole purpose in moving to Carsons Bay was to catch fish, and whether he surveyed any of the residents in that area. She offered that had she lived in that area, she would too be frustrated in having a commercial operation on a regular basis outside of her home on the ice.

Ziton confirmed: 1) the units are trailed in and out but would have to defer to the fishing guides as to their placement schedule, 2) that the move to Carsons Bay was to catch more fish, and 3) he was informed Carsons Bay is packed with ice houses each year.

Baasen asked Green, who is a professional fisherman, to comment on the latter question.

Green confirmed there are a lot of fish houses on Carsons Bay. Although the ice houses proposed are a little bigger than most, he stated they would blend in very well.

Hoelscher asked how the LMCD's issuance of liquor licenses for a charter boat operation differs from what winter special events with the sale of beer, wine, or liquor.

Jabbour stated the charter boats pass by a resident's site within minutes.

Nybeck stated that the charter boats companies, through their liquor license application, have to document their ports of call that are approved by the cities.

Baasen solicited the Board's interest in inviting Olmanson to address the Board; after which, he stated the Board could consider both requests. As no concerns were presented, Baasen invited Olmanson to the podium.

Mr. Christopher Olmanson, 17502 County Road 101 W. in Minnetonka, stated he was in attendance to receive approval to sell food on the ice during their event to raise scholarship funds for Wayzata Community Church summer camps. The sale of the food would be more efficient on the ice as the location would be central to the ice fishing and broomball that would be taking place. He estimated \$1,000 in food proceeds alone and confirmed a dedicated team would be on hand to clean up the garbage and that a tarp would be underfoot in the area of service. Additionally, no alcohol would be served during the entire event (12:00 p.m. to 3:00 p.m). He further confirmed the event would take place near the causeway of the County Road 101 bridge.

Hoelscher asked if there was a provision that would prevent the ability to give away food.

Nybeck believed there was nothing to prohibit the sale of food on the ice at this point. However, he brought this matter to the Board after talking with Gilchrist because staff would benefit from Board feedback on both requests.

Olmanson confirmed that he has submitted his special event application to the Water Patrol and was pending anticipated approval.

Gilchrist made the following comments:

- Nybeck was able to provide him historical documents as to when the Board previously discussed events such as this.
- To his knowledge, a prohibition to sell food on the ice does not exist within the code. Although the code does require the issuance of a special event permit, he stated this Body has delegated such to the Water Patrol.
- He believed it was a good idea to bring the Ziton request, especially, to the Board based on the movement of the event that sells beer and wine away from the adjacent sponsor.
- He questioned if the Board was comfortable with all presented or would they like to consider any recommended conditions to the Water Patrol that could be placed on their special event license.
- He wanted to educate the Board on the fact that although the code does not have specific provisions to regulate such activity, the Board itself does have the authority to, as an example, limit such activity within a certain distance from the facility that is sponsoring the event.
- The liquor license for this event did not come from this Body as the LMCD's authority to issue such is limited, by law, to boats. To this end, Ziton has the ability to be mobile with their liquor sales through their caterer's license as long as it is associated with the sale of food.
- State law, referenced above, does have some broad language. He quoted the following excerpt from Chapter 437 of the Laws of Minnesota for 1986 (Section 6, Subd. 4), "The district may, however, impose further regulations or restrictions on any sale or possession of intoxicating liquor, nonintoxicating malt liquor or wine, or the operation of bottle club on or over the waters of the Lake." In his opinion, the Board could enact regulations that would restrict the liquor portion of a special event. The Board could also enact further restrictions relative to the sale of food. To this end, in his view, the Board's only authority is to make recommendations to the Water Patrol and that any further control would require an amendment to the code.

Green recognized the increase in special events on the ice, especially within the City of Excelsior. He questioned if this request would open the flood gates to other such events. He was not as concerned with considering a case-by-case basis as much as opening this opportunity for many others.

Shuff concurred with Green. She was not as concerned with non-profit groups, i.e., Olmanson's request, but more others that could go out and just sell hot chocolate and cookies. She recommended the Board look at a bunch of alternatives.

Hoelscher believed the Board should construct a policy for selling on the Lake that would be consistent for both seasons. She expressed a need to articulate the differences offered between seasons and the various events (e.g., commercial vs. non-profit, etc.).

Baasen believed that the summer policy was written to prevent vendors from putting down stakes at, as an example, Big Island.

Jabbour offered the following comments:

- He used to purchase hotdogs from a vendor operating from a pontoon in the 1970's. Although he was not speaking for the Water Patrol, he stated that they historically expressed concern for the non-defined, converging of many boats to a solid point (the pontoon) in the middle of the Lake. This provided for a lack of safety in serving to multiple boats. He confirmed two accidents resulted in this matter and that the Water Patrol had articulated their concerns in the LMCD's historical records.
- He believed there was a profound difference in having a boat moving from one bay to the next while, on the way, having a drink and eating a meal vs. having a stationary object in front of a house that was purchased in a residential district.
- When the LMCD's Management Plan was written, commercial areas were taken into consideration which provided for communication of such with the member cities.
- Last year, there were six events on one Saturday that he assisted in managing (offering the Excelsior Brewery successfully maintained two or three events on a single Saturday).
- As custodian of Big Island Park, he is called regularly to assist in events at that location, which are prohibited by a conservation easement.
- He offers his private land for a Fat Bike Race event.
- There are two or three companies that presently use a public parking lot without permission to congregate for ice fishing; offering he is shocked to see how some of the individuals are dressed (i.e., high heels).
- The Water Patrol assisted in nine events on one Saturday (four of which were in Excelsior); therefore, he recommended the Board be prepared for the increase of such.
- If the law does not prohibit such activity, one has the right to maintain their event. He was not happy with that; however, recognized their right.

Baasen, to Gilchrist's point, believed that if the LMCD were to handle this matter judicially, the Board should approach the Water Patrol to learn about their permitting process and consider restrictions to prevent multiple events from being approved for one day.

Gilchrist stated that he was referring to the following two analyses:

- For a specific event, are there any particular conditions this Body would like to recommend that the Water Patrol add to that particular special event permit. He reiterated Nybeck's comment that the Water Patrol's focus is on safety and that the Board may have more particular concerns that should be reflected; and
- From a larger policy perspective, as quoted from state law above, he believed it was only fair to the Water Patrol, that if the Board had interest in imposing more general restrictions or limitations, they should add them to the code. This would eliminate putting the Water Patrol in an awkward position in trying to interpret Board concerns.

Baasen did not believe the Board had enough information to provide comment or consider restrictions on the two events before them, except the consideration of requiring them to contact the respective cities whereby the event is being held. He recognized that both applied, or will be applying, to the Water Patrol and are awaiting approval.

Olmanson stated that he did contact the City of Minnetonka and was informed that he could purchase an \$80 food sales permit for land base sales; however, that the water was out of their jurisdiction and was referred to the LMCD.

Baasen solicited the Board interest in providing a motion to approve, continue, or deny the requests.

Gilchrist clarified that the respective permits being considered are not before the Board to act on. He reiterated that the Board's only options are to: 1) decide whether they would like to impose any conditions to the Water Patrol to add to the respective special event permit or 2) consider code amendments adding further conditions or restrictions.

Olmanson stated that the Water Patrol's Special Event application requires the applicant to contact the respective city if food is proposed to be sold.

Gilchrist stated that if a food permit is not required by the respective city, he believed the applicant would be deferred to the respective county for food sold on the ice. That is not a matter for this Board as they do not regulate such unless the Board amends the code to require the applicant to obtain all required permits.

Jabbour stated the Board did not discuss the use of the National Sanitation Foundation (NSF) standards, which he believed is not within the LMCD's regulatory authority. However, if the Board were to make any comments, they should consider clean up of litter after the fact.

Nybeck recommended Ziton contact the City of Deephaven to see if there is a process offered to receive feedback from not only the city council but the residents. In regards to Olmanson's request, he stressed the need to maintain their litter clean-up process.

Shuff, in referencing Olmanson's comment that the City of Minnetonka referred him to the LMCD, stated it would be interesting to know what the city's conditions are for such an event on land.

Olmanson offered the city had a four page application that required the applicant to outline the event in full, including clean-up procedures.

Shuff would be interested in finding out if there were different applications for different entities (e.g., non-profit, commercial, etc.).

Gilchrist clarified, for public knowledge, that a special event permit is required by this Body for all events on Lake Minnetonka, which includes the two being considered this date, and that the LMCD's special event process is delegated to the Water Patrol for processing.

#### C. 2015 Lake Minnetonka Watercraft Inspection Report

Baasen asked Nybeck to provide background on this agenda item.

Nybeck stated that he and Green worked together on this Report; therefore, they would both be presenting. He directed the Board to a draft report within their handout folder and provided an overview via a PowerPoint presentation. He stated the program was coordinated by LMCD and that the primary goals included the inspection and education of both incoming and outgoing watercraft and trailer operators. The partners within

this program included the Minnehaha Creek Watershed District, Minnesota Department of Natural Resources, and the Three Rivers Park District (MCWD, MN DNR, and TRPD, respectively) and the methodology included the use of eight of the 11 Lake Minnetonka public accesses (not covered included Phelps, Echo, and Cooks Bays). He offered the LMCD, MN DNR, and TRPD as the components to this program as outlined below:

#### LMCD

- Received approved Delegation Agreement with MN DNR.
- Contracted inspections with TRPD: 1) Wednesdays, Thursdays, and Fridays from 11 a.m. to 7 p.m., 2) Saturdays, Sundays, and holidays from 6 a.m. to 6 p.m., and 3) Memorial Day weekend through Labor Day.
- Public accesses covered included Carsons, Halstead, and Wayzata Bays (Cities of Deephaven, Minnetrista, and Wayzata, respectively).
- LMCD contracted with TRPD to provide 2,176 inspection hours (additional costs for training, supervision, uniforms, communication equipment, and mileage between inspection sites) at the cost of not exceeding \$39,000.
- Initial schedule was amended when inspections at Cooks Bay were to be done by MN DNR only. This amendment provided for the reallocation of 520 inspection hours to Carsons, Halstead, and Wayzata Bay public accesses, which the TRPD arranged their staff coverage for on short notice.

#### MN DNR

- Provided for Level 1 and 2 inspections, in which both levels can 1) inspect for plants, other aquatic invasive species (AIS), and water, 2) notify licensed peace officers for alleged AIS violations, 3) deny a launch or use (when appropriate), and 4) require actions for problematic watercraft. Additionally, Level 2 inspectors can visually inspect the inside and outside of a watercraft and conduct decontamination efforts (when deemed necessary and appropriate).
- Both levels generally focused on Grays, Maxwell, North Arm, and Spring Park public accesses during peak times. Non-peak times included covering the majority of public access on the Lake.
- The inspections were conducted at no cost to the Lake Minnetonka community.

#### TRPD

- Contracted with the LMCD to provide watercraft inspections.
- Provided an additional estimated 1,000 hours of in-kind inspection coverage at the Lake Minnetonka Regional Park through their gate attendance on weekends prior to Memorial Day, seven days a week (Memorial Day - Labor Day) from 9 a.m. to 5 p.m.
- This partnership worked well.

Green provided an overview of the LMCD (TRPD)/MN DNR total and in- and out-bound inspections offered within the draft report and offered the following summary comments:

#### Inbound

- Of the 6,515 total inspections for Carsons, Cooks, Halstead, and Wayzata Bays, 2.39 were completed per hour, which is a little higher than the average across the state. He compared this to a report provided by Hubbard County in which they completed 21,000 inspections at the average rate of 1.4 per hour. He believed the extra traffic/days picked up at Carsons Bay contributed to the higher per hour inspection rate.

- The number of violations for entering an access on Lake Minnetonka with the plug already in was comparable to last year's rate (5% to 6%).
- Only 19 of the 712 (3.51%) violations offered for entering an access on Lake Minnetonka with plants/animals found on arrival required decontamination. He offered that the MN DNR statistics also provided for a low number that required decontamination, in which a request has been submitted for the MN DNR to clarify the accuracy of that statistic. Furthermore, the MN DNR offered courtesy decontamination of watercraft during slower periods of time for owners that were not launching but wanted the procedure done prior to transportation to another location.
- 70% of the total inspections documented, outside of the Cooks Bay access, watercraft being previously on Lake Minnetonka.

#### Outbound

- 23 watercraft were documented as having a drain plug in on exit. An additional statistic was offered for those that did not remove the plug when requested, which provided for only four. This does not represent the fact that they may have removed it before they left the access.
- There was a significantly higher rate compared to last year, 30%, of watercraft that were documented as having plants and animals found on exit but only nine actually had zebra mussels on it that required decontamination. In clarifying this with the MN DNR, he was informed that at the time of the inspection, when the boat came out, there were weeds on the boat. That does not provide for an indication that 30% left the access with such. He stated that was a change in the MN DNR statistics from last year. He stated he did ask, at the State AIS Committee, if the MN DNR could further clarify that as other organizations are providing the same questions.
- 70% of the outbound inspections communicated that the next body of water would be Lake Minnetonka. He believed that was a reasonable amount of boats that are staying on the Lake. Additionally, 90% of the outbound inspections communicated that they had been on the Lake for the day.

Nybeck summarized this presentation by stating: 1) the inspections have been coordinated since early 2000's and have been becoming more comprehensive, 2) he believed the change in contracting for watercraft inspectors with the TRPD provided for a very positive move; offering slightly over 100% of the inspection hours were provided by TRPD (including early and late season scheduling challenges), 3) the quality and supervision of the watercraft inspections greatly improved, and 4) he reiterated how well the TRPD reacted to the late May schedule changes (including the road construction on Eastman Lane near Wayzata Bay).

Green stated that the road construction on Eastman Lane contributed to the lower statistics in that area; offering not only did the boats have trouble getting in and out but the inspectors themselves, as well.

Nybeck and Green entertained questions and comments from the Board.

Zorn recalled that the MN DNR would be reducing their grant funds next year. She believed the report should incorporate a more in-depth financial component taking into consideration next year's programming needs and a line item of LMCD staff time and funds should the TRPD continue to provide 100% of the coordinated inspections.



Nybeck stated that the coordination with the TRPD greatly improved staff time as LMCD supervision of the contracted inspectors. In regards to his time, specifically, he believed it was more for the need to work with the TRPD during the schedule changes as Jabbour and Green coordinated the contract itself. He confirmed he did go on site to check on the inspectors periodically.

Baasen confirmed that the LMCD has been advised that the MN DNR will be dramatically reducing the grant funds for this program.

Green confirmed the \$4,000 the MN DNR gave to the LMCD in grant funds in 2015 will not be available for next year's program. Additionally, he had previously asked Nybeck to remove other financial reporting aspects mentioned by Zorn above from the draft report as he believed that was a separate matter for the Board to consider and the need to utilize this draft report, when approved, to obtain this year's funding from the Minnehaha Creek Watershed District (MCWD).

Zorn was comfortable with her recommended information, as she previously discussed with Green, not being entered into this report as long as there are plans for the Board to discuss such.

Jabbour brought forward prior Board discussion of the LMCD getting out of this program all together. However, he believed the LMCD has to be in the loop to receive the grant funds from the MCWD and would have to clarify if the MN DNR and MCWD could provide grant funds directly to the TRPD. He originally asked the TRPD to assist the LMCD based on their large pool of employees. He believed the LMCD owes the TRPD a great deal of gratitude for completing the program more efficiently at a reduced cost (taking most of the clerical and administrative tasks away from the LMCD). To this end, he requested a Letter of Appreciation be sent to the TRPD.

**MOTION:** Green moved, Baasen seconded to accept the 2015 Lake Minnetonka Watercraft Inspection Program Summary Report and that a Letter of Appreciation outlining their efforts and success of the 2015 program, with the continued interest to continue to work together, be submitted to the TRPD.

**VOTE:** Motion carried unanimously.

#### D. Discussion of Proposed 2016 LMCD Board and Committees Meeting Schedule

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

Nybeck provided the following overview:

- Board meetings have been held on the second and fourth Wednesday of each month at 7:00 p.m., excluding the fourth Wednesday in November and December.
- Staff proposed to maintain the second Wednesday meeting of each month at 7:00 p.m. for action items as previously held.
- Staff proposed the fourth Wednesday meeting be held to consider non-action items (with the ability to maintain a short action process at the beginning for minor items). This process would allow for Gilchrist and staff to provide more in-depth training programs, re-directed committee work for consideration by the full Board, and additional Board field work. He further recommended the fourth Wednesday start at 6:00 p.m. and offered that the Board can always call special meetings when needed.

- The AIS Task Force, which was scheduled to meeting this Friday and February 12th, schedule their meetings on a quarterly basis thereafter as needed. This would provide for an increase in participation by the West Metro AIS Committee. He further added that in meeting this Friday, he believed the members will be discussing their roles and responsibilities.
- For the Executive, Finance, and Personnel Committees, which have not previously provided for a regular meeting schedule, staff recommended a regular meeting time of 5:00 p.m. at Wayzata City Hall on the fourth Wednesday of each month (one hour prior to the regularly scheduled Board meeting proposed for 6:00 p.m.).
- In consultation with Committee Chairs Hughes and Klohs, staff recommended dissolving the Ordinance Review and Public Safety Committees and holding all discussion at the Board level on their fourth Wednesday meeting, incorporating any respective stakeholders as needed (e.g., Water Patrol, etc.). Staff believed that having the Board involved in the respective agenda items will be more productive and informative than as previously offered. Additionally, this process will allow Board members that are not available to attend meetings during the day to actively participate.
- In consultation with the Save the Lake Chair and staff communication to the members, it is recommended that those committee meetings be held on the second Wednesday of every other month, starting in January, at 7:30 a.m. in the LMCD office. The months in which the meetings would be held included January, March, May, July, September, and November. Other Save the Lake special meetings could be called as needed.
- The proposed changes would greatly reduce his time in attending meetings (estimated at 75 to 80 in 2015).

Jabbour respectively requested the Board eliminate the Executive Committee. He stated each of the 14 Board members had a unique and positive way to contribute to the Board. He believed the Board maintained the committee based on the requirement of the By-Laws, when in fact, it was discovered that the By-Laws did not even require a vice president. He expressed concern that four members are appointed to that committee who make all those decisions, in which he did not believe that process worked out very well the last few years. He further believed the Board was in a difficult place with the Personnel Committee; offering the inability to find when a review had occurred. In considering the upcoming election of officers, he believed a better pool could be offered when a committee does not have to carry such a heavy weight (offering others might volunteer). He believed the process he is recommending worked well within recent meetings held with both the Water Patrol and Dr. Lynn. He stated that a leader that is capable to bring people together does not mean they are qualified in human resources. To this end, he would like the Board to consider not automatically proceeding as previously offered without re-examining the process and possibly having a smaller group for personnel matters.

Baasen stated that the Board is considering the proposed meeting schedule and believed that the structure of a committee(s) and who serves on such can be determined going forward. He believed the approval of the proposed calendar streamlines matters in general and provides for more regular vs. special meetings so that the members have the ability to amend an agenda.

Jabbour stated he is fully in support of the proposed calendar; subject to the ability to further consider the committee structures going forward.

Baasen stated that all committees are advisory to the Board who provides for the final action.

Zorn liked the proposed calendar with one recommendation. She recommended moving the proposed 5:00 p.m. Executive, Finance, and Personnel Committees meeting time to the proposed 6:00 p.m. meeting time for the fourth Wednesday of the month. She offered that the Executive Committee is a meeting she would like to attend and could not do so at 5:00 p.m.

Nybeck was pleased to hear the positive comments as he would like to give this schedule a try to provide for more streamlined and productive meetings. He solicited the Board's approval of the proposed meeting calendar; subject to eliminating the Executive Committee and holding such matters with the full Board at 6:00 p.m.

Baasen did not concur with eliminating the Executive Committee but could agree to move the committee to 6:00 p.m. for full Board attendance.

Green solicited the Board's feedback relative to the AIS Task Force. He would like to propose moving the meetings to a quarterly basis; offering the previously scheduled monthly meetings were held for consideration of the Eurasian Watermilfoil Plan, which are no longer needed. However, he would like the Task Force's direction to remain focused on Lake Minnetonka issues, with the ability to provide expertise and assistance to the West Metro area members. He directed the Board to a line item in the packet material that proposed the increase of appointees to include the West Metro members. He stated he would like to have those members participate but did not want to have too many members outside of our jurisdiction dictating the LMCD policies.

Baasen asked the Board if they were comfortable with Green's proposed message back to the AIS Task Force members that will be meeting this Friday. The Board did not offer any concerns in Green moving forward.

**MOTION:** Roy moved, Shuff seconded to approve the Proposed 2016 LMCD Board and Committees Regular Schedule as amended; moving the Executive, Finance, and Personnel Committees to 6:00 p.m. on the fourth Wednesday of the month.

**VOTE:** Motion carried unanimously.

#### E. Appointment of Nominating Committee for 2016 Board Officers

Baasen stated the Board will be approving a slate of officers at their February 10<sup>th</sup> meeting. Based on his belief that those that served last year on the Nominating Committee (committee), the current Board officers, and members that are soon transitioning off the Board, should not serve this year, he recommended the following members, who have accepted his invitation to serve on this committee, be appointed: Shuff (Minnetonka), Jabbour (Tonka Bay), soon to be appointed Caron (Excelsior), and Jewett (Deephaven). He entertained any comments from the Board.

Zorn stated that although she served last year, she would like to continue to serve once again as she believed there was a process that could be improved.

Baasen offered the size of the Board and his discussions with those that accepted who felt a change was appropriate. He hoped Zorn would feel comfortable, as well as past committee members Hoelscher and

Roy, to continue to serve in other years on the committee. He further acknowledged that the entire Board will have, of course, input and a vote on the slate of officers to be offered.

Jabbour reminded the Board that the committee would need to comply with Open Meeting Law; providing for the opportunity for Zorn to attend.

Baasen asked the Board to let the committee do the best job they can to function.

**MOTION:** Baasen moved, Hughes seconded to appoint Caron, Jabbour, Jewett, and Shuff to the Nominating Committee for 2016 Board Officers.

**VOTE:** Motion carried unanimously.

## 10. UPDATE FROM STANDING LMCD COMMITTEES

Baasen asked if the Committee chairs had anything to report.

Green offered the following comments:

- As Chair of the LMCD's Aquatic Invasive Species (AIS) Task Force, he recently sent an email to the commissioner of the Minnesota Department of Natural Resources (MN DNR) signed on by members of the Minnehaha Creek Watershed District (MCWD); Joe Shneider of the Christmas Lake Association; Tom Frahm from the Lake Minnetonka Association, and members of Carver County requesting a meeting for the commissioner to talk with them about Lake Koronis and the infestation of starry stonewort. This meeting would provide for an opportunity to review the policies and procedures utilized in addressing the new infestation and the ability for all to ask questions on the process involved. In response to that, he had received communication that the MN DNR is considering the request.
- As a member of the State AIS Committee, he stated they met on December 3<sup>rd</sup>, in which he summarized the following discussion topics:
  1. The MN DNR legislative agenda, relative to more efficient transportation measures for lake service providers and a permitting process that would allow residents (non-commercial) to transport weeds from their home to an appropriate facility.
  2. The committee listened to a number of groups relative to their watercraft inspections reports, in which one of interest was from the City of Minneapolis who documented a number of sail boats that were exclusively incrustated with zebra mussels for a second year in a row.
  3. Members of resort industries, including those from Lake Koronis, presented on resorts and hospitality in Minnesota. One of the resort owners at Lake Koronis was pushing to quarantine the Lake given the infestation of starry stonewort. Although all were passionate about AIS, the other resort owners would not agree to the recommendation of quarantining Lake Koronis.
  4. Committee members are up for re-appointment, in which he has requested to be re-appointed for another three years. This process allows for a brief one-on-one meeting with the MN DNR to talk about AIS issues.

Jabbour made the following comments relative to his service on the State AIS Committee:

- He and Green are never speaking on behalf of the LMCD; offering they were appointed to represent various groups (i.e., Green for the fishing industry and him for the marina owners).
- He and Green were active in changing the law that required those that transport sailboats within yacht clubs be certified lake service providers (providing for background of such).

- There is a strong perception that transient fishermen are bringing in the AIS; however, there is absolutely clear data (particularly on the Chain of the Lakes) that the majority of them were not transit fisherman. He believed his customers are a big risk, with those that have sailboats being a much larger risk.
- Lake Minnetonka is internationally labeled a super spreader of AIS. He stated a lot of boats are being stopped in Canada and elsewhere that came from Lake Minnetonka and that this region produces a great market of slightly used boats, which are being transported all around the country.
- The committee was challenged by a couple of members that they had not been doing anything over the last three years. Jabbour offered that there are a variety of members that want unfettered while others want total quarantined access. The MN DNR produced a list of 10 items in which the committee had achieved; eight of which have Lake Minnetonka's fingerprints all over it. To this end, the positives are coming from those that represent this area and it is important for the Board to understand the part in which Lake Minnetonka is playing.
- The original law stated that one could not leave a public access without going through a decontamination process. He and Green have proposed a process that was modeled after the United States Customs Service, in which he provided an in-depth overview of. In summary, this process would allow a lake service provider to post a bond for more efficient transportation process and eliminate the need for those boats to be decontaminated: those that the LMCD pays money to have their inspections performed on that are of low risk.

Baasen believed that the number of watercraft inspection violations reported this evening provided fairly consistent statistics from the prior year.

Green concurred with that comment. He further stated that decreases were not offered but they were consistent.

Klohs stated proposed code amendments, in working with representatives from the Water Patrol and LMCD prosecuting attorney, will be coming forward in January for the Board's consideration.

Jabbour stated that he attended the small working group noted above. He was pleased to announce that the LMCD's prosecuting attorney has done a wonderful job in settlement the Red Bull case, in which the LMCD will be receiving \$3,000 for the reimbursement of cleanup efforts.

A brief discussion was held by a few Board members on the benefits of holding the fourth Wednesday of each month in a workshop format (acknowledging the need to have a brief action item at the beginning to approve audit of vouchers, etc.).

Baasen stated Save the Lake Committee received applications for funding various projects in 2016. The committee will be considering the applications at their January 13<sup>th</sup> meeting prior to forwarding them to the Board for consideration of committee recommendations. Lastly, the committee submitted a re-configured Save the Lake solicitation letter that was designed by a gentleman that had expressed an interest in serving on the committee. He believed the letter was providing for positive results.

## 11. EXECUTIVE DIRECTOR REPORT

Nybeck directed the Board to his Executive Director Report, dated 12/9/15. He provided the following overview: 1) a list of meetings and events in which staff coordinated and participated in, 2) the majority of renewal deicing applications have been processed, 3) staff will be processing the recently received renewal without change multiple dock license applications for the 2016 season, 4) watercraft for hire and liquor license applications are

scheduled to be submitted within the next couple weeks, and 5) he anticipated Craig Rapp providing staff an updated summary report by day end tomorrow; after which, staff is directed to put the proposed action plan together for 2016. He will schedule a Strategic Planning Sub-committee meeting for their review of the full document prior to the Board's consideration of such at their January 13<sup>th</sup> meeting.

Roy asked that Nybeck submit the draft report to the Board upon receipt.

Nybeck confirmed he would submit such. He further stated that the January 13<sup>th</sup> meeting will not only provide a review of the draft report but a list of core activities and programs, as well as the 2016 action plans.

Hoelscher asked if the Water Patrol, based on their expressed interest, has been invited to attend one of the upcoming Board meetings. She offered her interest to have them present as much as they and this Board deemed necessary; however, she recommended at least once a month.

Baasen believed their presence would be beneficial early on in the year to establish their needs and how the LMCD can assist; after which, their presence could be scheduled on an updated need.

## **12. OLD BUSINESS**

There was no old business offered.

## **13. NEW BUSINESS**

Green stated that he recently attended a Minnesota Bass Federation meeting last Saturday. He was approached by the conservation director who was coordinating a Lake clean up with some of the youth groups in the spring (after ice out). Green encouraged the director to keep the communication open as to how the LMCD could assist them.

## **14. ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:05 p.m.

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Dan Baasen Chair

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Gregg Thomas, Vice Chair/Secretary