

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

6:00 P.M., Wednesday, May 25, 2016  
Wayzata City Hall

**1. CALL TO ORDER**

Chair Green called the meeting to order at 6:00 p.m.

**2. ROLL CALL**

**Members present:** Jay Green, Mound; Deborah Zorn, Shorewood; Gregg Thomas, Tonka Bay; Dan Baasen, Wayzata; Gary Hughes, Spring Park; Gabriel Jabbour, Orono; Dennis Klohs, Minnetonka Beach; Bret Niccum, Minnetrista; Rob Roy, Greenwood; Gregg Prest, Excelsior; Sue Shuff, Minnetonka; and Fred Meyer, Woodland. Also present: Jim Brimeyer, Interim Executive Director and Troy Gilchrist, LMCD Legal Counsel.

**Members absent:** Ann Hoelscher, Minnetrista and Chris Jewett, Deephaven

Gilchrist administered to the Oath of Office to new member Gregg Prest, representing the City of Excelsior.

**3. APPROVAL OF AGENDA**

Chair Green asked that Item 6B be moved to Item 5, "Consideration of Libbs Lake Owners Association request for financial assistance for EWM control" and that Items 5 and 6 be renamed to 7 and 8, respectively.

**MOTION:** Baasen moved, Roy seconded to approve the agenda, as amended.

**VOTE:** Motion carried unanimously.

**4. APPROVAL OF CONSENT AGENDA**

Chair Green asked that Item 6B, "Consideration of Libbs Lake Owners Association request for financial assistance for EWM control" be made Item #5 on the agenda. He also requested that Items 6D and 6E be reversed in order for discussion.

Thomas moved, Niccum seconded to approve the consent agenda as submitted.

Motion carried unanimously.

Items so approved included: **4A)** Audit of vouchers (5/16/16– 5/31/16) and **4B)** April financial summary and balance sheet, **4C)** Approval of seasonal workers - Robert Swanson, Alyssa Swartzter, Wyatt Tatge and William Toomey **4D)** Agreement between the Minnehaha Watershed District and the Lake Minnetonka Conservation District for watercraft inspection for AIS program.

**5. Consideration of Libbs Lake Owners Association request for financial assistance for EWM control**

Green moved, Shuff seconded to approve \$2,500.00 for weed harvesting in Libbs Lake with funds to be provided from the AIS Reserve funds. Baasen noted that the Save the Lake (STL) Committee endorses this project, but funds would not be used from STL. Members agreed that this was a "unique" situation given that LMCD harvesters cannot navigate into the Libbs Lake area. It was also noted that this effort is not just for boat users but also for the use of

the beach and other area needs. It was noted that the land owners in the area are making a substantial contribution toward paying for this contract.

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

There were no public comments.

**7. OTHER BUSINESS**

**A) Update from Water Patrol for 2016 boating season on Lake Minnetonka**

Lt. Vnuk discussed a variety of topics:

- Several drownings have occurred in the area, awaiting toxicology tests to determine causes;
- The Summer Deputy started on April 11<sup>th</sup> and will be working Thursday through Sunday - 1:00 p.m. to 11:00 p.m.;
- There will be eight full-time and two part-time officers from the Minnesota Department of Natural Resources working 4:00 p.m. to 2:00 a.m.;
- Water first aid training has been completed;
- Safety Lanes around Big Island have been extended and 12" x 12" signs will be placed on buoys that are color coded to allow for faster access by the water patrol in the event of emergencies;
- An announced Memorial Day event has been moved from Saturday, May 28<sup>th</sup> to Sunday, May 29<sup>th</sup>. The group had not applied for the required Special Event permit and it is likely they will not be able to complete this prior to May 29. Therefore, the event will likely cause some issues. The Orono police have agreed to assist if needed;
- The Water Patrol will be conducting "saturation patrols" to deal with littering, noise, and underage consumption.
- The Lt. invited members to "ride along" with the patrol. Anyone wanting to do this should call in advance.

**C) Revised Bylaws**

After a brief discussion, it was agreed to put this item on the June 8<sup>th</sup> agenda for adoption. Gilchrist to check on Section 4.8 Interactive Television for clarification before the June 8<sup>th</sup> meeting.

**D) Permanent Executive Director search process update**

Zorn reviewed the latest Position Profile. Several minor changes were provided and Zorn will incorporate those into the profile. The Working Group will be posting the announcement for the position the week of May 31st. Several suggestions were made for additional announcement locations. The consensus of the Board was that the Working Group should move forward with the process and periodically inform the Board of next steps.

**E) Interim Staffing Recommendations from Interim Director**

Brimeyer presented some observations and thoughts on the current staffing situation and workload. It is his observation that someone needs to be in the technical role on more than a part-time basis. It is also his observation that the Interim Executive Director (IED) is not the person for that responsibility, given his "learning curve" is quite steep and his time is better spent on other tasks. The IED recommends that the Administrative Assistant be placed in the technician role and maintain her position as Administrative Assistant. Her responsibility would be 60-70% as technician and 30-40% as Assistant. The IED further indicated that he intends to negotiate some contract time from the former technician to assist the staff with code interpretation and provide some historical perspective on a variety of topics. With this change the IED recommends the Administrative Assistant/Technician hourly rate be adjusted to \$28.00 per hour from the current \$24.97 per hour effective May 31, 2016. There will be a need to adjust the budget in July to reflect this increase as well as some consideration to modify the budget to consider a re-codification of the codes and the cost to begin converting files to an electronic form. Brimeyer also suggested that the minute preparation for the Board meetings could be outsourced, saving significant staff time for other, more technical tasks.

**F) Data Practices and Open Meeting Law Discussion**

The attorney brought several items to the attention of the Board. Among those items, he advised:

- Avoid a series of calls with other members, referred to as a "daisy chain;"
- When a quorum is present, it is a public meeting and public notice is required;
- Avoid conducting a series of meetings to discuss an issue;
- The "working group" concept is acceptable - provided there are no scheduled meetings, it is a volunteer appointment and it is very informal with specific duties;
- The penalty for violating the Open Meeting law is \$300.00. If three offenses, individual is dismissed from the office and pays the penalties and legal fees. If it is a "defensible" alleged violation, the League Insurance Trust would cover legal fees, not to exceed \$13,000.00;
- The resumes of candidates for the Executive Director position are private data, until finalists are chosen for an interview, which then becomes public information;
- Private emails are subject to "discovery" in the event of any legal action;
- If there is a threat of litigation, members should avoid any discussion with any parties affiliated with the litigation;
- Retain all data, do not erase anything, and do not give "informal" advice to anyone - this conversation is also subject to discovery in the event of legal action.

There being no further business, the meeting was adjourned at 8:10 p.m.

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James Jay Green, Chair

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Gregory J. Thomas, Secretary