

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

6:00 P.M., Wednesday, July 27, 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; Chris Jewett, Deephaven; Ann Hoelscher, Victoria; Gabriel Jabbour, Orono; Dennis Klohs, Minnetonka Beach; Gregg Prest, Excelsior; Bret Niccum, Minnetrista; Sue Shuff, Minnetonka; and Fred Meyer, Woodland. Also present: Jim Brimeyer, Interim Executive Director; Troy Gilchrist, LMCD Legal Counsel; and Emily Herman, Administrative Assistant/Technician.

Members absent: Dan Baasen, Wayzata; Gary Hughes, Spring Park; Rob Roy, Greenwood; Gregg Thomas, Tonka Bay

3. APPROVAL OF AGENDA.

MOTION: Shuff moved, Prest seconded to approve the agenda, as amended.

VOTE: Motion carried unanimously.

4. APPROVAL OF CONSENT AGENDA

Niccum moved, Meyer seconded to approve the consent agenda as submitted. Motion carried unanimously with Jabbour abstaining. Items so approved included: **4A)** Audit of vouchers (6/16/16– 6/30/16) and **4B)** June financial summary and balance sheet.

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

There were no public comments.

6. OTHER BUSINESS

A) LMCD Code Discussion

District Mooring Area Policy and Criteria

Herman directed the Board to the staff memo, dated 7/21/16. She stated the Board adopted this policy on April 1, 1987. On June 8, 2016, the Board suspended the policy to allow the City of Deephaven the ability to amend their license to accommodate motorized watercraft within their District Mooring Areas (DMA). The policy was before the Board to consider maintaining, amending, incorporating language within the LMCD Code, or rescinding the policy. Herman provided a detailed outline of code provisions and possible amendments for either direction the Board would like to consider.

Gilchrist advised that non-conforming uses are treated differently on land as opposed to uses on the water. Thus, the Board has the option to enact a moratorium on this type of use, pending the outcome of further study and discussion. There was discussion to direct the staff to prepare a resolution declaring a moratorium on additional district mooring sites. It was also determined that the Board had the ability to allow the continuation of the suspension until such time the Board could re-codify the code; providing for any requests to be considered on a case-by-case basis.

Draft Amended Ordinance Regarding Nuisances

Gilchrist directed the Board to a draft ordinance within their packet. This ordinance would continue to consider the Minnesota Pollution Control Agency (PCA) rules related to noise and the use of decibel meters to monitor such, as well as the following newly defined language: 1) "unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person," or 2) "unreasonably interferes with or precludes the use or enjoyment of property, or negatively affects property value." Additionally, this ordinance added a subdivision establishing Quiet Hours (10:00 p.m. to 8:00 a.m.). Gilchrist told the Board that, although generally difficult to enforce, if an individual is willing to file a formal complaint, this would be an effective option.

The Board discussed complaints and repetitive wakeboard use within Maxwell and North Arm Bays. Members expressed support for establishing the timeframes when certain levels of noise are limited and the distance at which measurable noise can be heard. The Board discussed further enforcement action and determined, after Gilchrist has additional conversations with the Water Patrol and LMCD prosecuting attorney, that Gilchrist would have something for the Board to consider at the next meeting.

Proposed Amendments to Intoxicating Liquor and 3.2 Beer Ordinance

Gilchrist directed the Board to his memo, dated 7/22/16, and provided an overview of the following three matters for the Board's consideration: 1) amendments to Section 5.30, per Water Patrol Lieutenant Vnuk's request, to expand the references to more than "beer" to aid in enforcement, 2) the need to amend Chapter 5 to more closely track with the Minnesota Statutes, and 3) Vnuk's request to add an additional offense for an adult over 21 to allow a minor to consume alcoholic beverages in adult's presence.

The Board directed Gilchrist to prepare a draft ordinance to address the first matter listed above for the August 10th Board meeting, further consider the second matter, and address the updating of Chapter 5 prior to staff's deadline of submitting the renewal liquor, 3.2 beer, and wine licenses for the 2017 boating season. It was further discussed that Chapter 5 would be a standalone chapter that could be updated prior to the re-codification of the code.

Storage of unrestricted watercraft on structures, i.e., paddleboards, kayaks, etc.

Herman directed the Board to the staff memo within the packet. Based on frequent inquiries, staff solicited the Board's input as to whether or not they want to consider amending the code to provide for the growing interest to store unrestricted watercraft on the dock. Herman provided a detailed overview of the code for both riparian and multiple dock licensed storage. Currently the code prohibits this storage for licensed sites and it was unclear as to whether the code prohibited it for riparian sites.

The Board directed staff to not document such storage at licensed sites as a violation and they will consider

amending the code to address current use of the Lake during the re-codification process.

B) Strategic Plan Status Update; Next Steps

Interim Director Brimeyer advised that he is pursuing two objectives to begin the development of an Action Plan for the Strategic Plan. The first to gather information on what might be involved in the re-codification of the LMCD Code. He will report progress on a regular basis. The second initiative will involve inviting the Administrators from the member cities and the other state and local agencies that partner with the LMCD to discuss the role of the LMCD in the current environment and into the future.

C) Report from Executive Director Search Work Group

Zorn referred to the timeline for the process and advised the Board that the Working Group (WG) will have recommendation for finalist candidates at the August 10th meeting. The WG will be conducting phone interviews the week of August 1st; recommending the participation of additional Board members under the required quorum limit. The WG will meet again on August 9th to select finalist candidates. The interviews for the finalist candidates will take place on August 24th at Wayzata City Hall starting with a luncheon.

The Board provided input on the interview process. In working with Brimeyer, the WG will develop a schedule for the August 24th date. Board members that have not yet reviewed the resumes were encouraged to do so.

D) Meeting by Interactive Television (Bylaws discussion)

Gilchrist directed the Board to his memo, dated 7/22/16. He provided a detailed overview of an attached informational sheet that outlined the statutory requirements associated with allowing members to participate in a Board meeting remotely and some of the related practical considerations. It was undetermined if the current meeting location could accommodate the electronic needs of interactive television and that staff would research this possibility.

There being no further business, the meeting was adjourned at 8:32 p.m.

James Jay Green, Chair

Gregory J. Thomas, Secretary