

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., February 22, 2017  
Wayzata City Hall

**WORK SESSION**

**6:00 p.m. to 7:00 p.m.**

Green called the meeting to order at 6:00 p.m. In regards to the Hennepin County Sheriff's Office update, he stated that the Sheriff was detained; therefore, Work Session item 2 would be addressed first. Additionally, this agenda item would also be heard during the Formal Board agenda, at which time they will amend the agenda to accommodate the presentation.

2. AIS Funding Request from Libbs Lake Property Owners Association- Additional Follow-up

Schleuning directed the Board to her memo, dated 2/22/17, and the attached funding request from Libbs Lake Property Owners Association (POA). She provided an overview of: 1) what was approved for funding in 2016, 2) what was actually funded, and 3) three recommended funding options outlined by the POA at the top of page 6 of their submittal. She solicited Shuff's comments.

Shuff provided an overview of: 1) the POA members and their current change in representation, 2) background information on what methods of aquatic plant removal was more effective and their respective costs, the area within the Lake they have typically treated, and their consideration of creating a Lake Improvement District (LID) that did not seem to be a viable option.

Baasen reviewed the Coordinated Herbicide Treatment Pilot Project that was completed between 2007 and 2011, as well as the final conclusion that ongoing funding of herbicide treatments was not effective on an on-going basis. He offered that the technique of using scuba divers is an extremely expensive option. With that said, he wanted to help the POA and asked what could be done to assist in their needs.

Green stated he is working on a formal presentation of the LMCD aquatic invasive species (AIS) budgets (historically and preliminary for 2018). He recommended his presentation be scheduled for the March 8<sup>th</sup> meeting; after which, the Board can make a decision on the POA request.

The Board discussed various options for the POA to consider, as well as the recognition that other areas of the Lake are not harvested nor receiving funding assistance. Green offered that if the LMCD's harvester could fit within the Lake, the area would have been harvested as other public navigational channels throughout the Lake. It was the consensus of the Board to wait to consider this request until after Green's presentation.

1. Hennepin County Sheriff's Office, Report Regarding 2016 Water Patrol Activities on Lake Minnetonka

Sheriff Richard Stanek, Major Jeff Storms, and Lieutenant Kent Vnuk were present to provide the 2016 Water Patrol Activities Update. The report was provided in detail by Storms as outlined within the Formal Board Agenda minutes below. Sheriff Stanek also addressed the Board entertaining questions. A brief discussion was held on the proposed expansion of the electronic signage project and a recommendation was offered by

the Sheriff to consider a resolution in support of the signage project.

### 3. Feedback Regarding New Structure of Board Meeting

The Board and staff briefly discussed the recent change in the LMCD Regular Board meeting schedule and the logistics of having the work session scheduled prior to the formal Board agenda. The main discussion involved the timing of the work session and whether it should remain as scheduled, moved one-half hour either direction, and the Open Meeting Law requirements that are required to be met. It was the consensus of the Board to maintain the current schedule and assess the process after more time has passed.

### 4. Recodification Workgroup Update

Gilchrist provided the following overview of the Recodification Workgroup's first meeting of February 14<sup>th</sup> and steps in moving forward:

- The objective of the meeting was to confirm the group's direction. A summary of the findings included: 1) work to clarify/consolidate, 2) the preference to adopt state statutes by reference as much as possible, 3) discussion of what recodification is and is not.
- It was important to manage expectations and acknowledge that this process is an "opportunity" so that the LMCD can clarify and consolidate.
- The most effective means to this process is to do a total rewrite vs. strike out and underline amendments.
- The process will not resolve all the issues; it is an ongoing process.
- The group will meet by conference call in two weeks.
- The importance in resolving the following questions: 1) how do we communicate with partners, 2) how and when do we get input. It was recognized that much of this work can be done within the group without Gilchrist and then the group can report back its findings.
- A brief overview of the proposed restructuring and the Board's interest to receive the information in that manner.
- Language is currently being considered, as well as the development of uniformity; moving through sections of licenses, etc.

Klohs recommended the Board keep in mind this process will consume a lot of the Executive Director's time.

In other business, Schleuning stated that the A/V producers were working on the system. She was advised that it is recommended that individuals speak 8" to 12" away from the microphone to optimize the sound system.

The meeting was adjourned at 7:00 p.m.

**FORMAL BOARD AGENDA**  
**7:00 p.m. to Adjournment**

**1. CALL TO ORDER**

Chair Green called the meeting to order at 7:08 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**Members present:** Jay Green, Mound; Gregg Thomas, Tonka Bay; Dan Baasen, Wayzata; Bill Cook, Greenwood; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Gregg Prest, Excelsior; and, Sue Shuff, Minnetonka. Also present: Vickie Schleuning, Executive Director; Emily Herman, Administrative Assistant; and Troy Gilchrist, LMCD Legal Counsel.

**Members absent:** James Doak, Woodland; Ann Hoelscher, Victoria; Chris Jewett, Deephaven; Bret Niccum, Minnetrista; David Rahn, Orono; and, Deborah Zorn, Shorewood.

**4. APPROVAL OF AGENDA**

Green requested the update from the Sheriff's department be added to the agenda as item 10A and the LMCD Organization Presentation become item 10B.

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

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

- Administer Oath of Office to Bret Niccum – LMCD Board Member (City of Minnetrista)  
Niccum was not present at this meeting.

**6. APPROVAL OF MINUTES-** 2/8/17 LMCD Regular Board Meeting

**MOTION:** Thomas moved, Shuff seconded to approve the 2/8/17 LMCD Regular Board Meeting minutes as presented.

**VOTE:** Ayes (7), Abstained (1, Prest); motion carried.

**7. APPROVAL OF CONSENT AGENDA**

**MOTION:** Hughes moved, Prest seconded to approve the consent agenda. Items so approved included: **7A)** Audit of Vouchers (2/16/17 – 2/28/17) and **7B)** January Financial Summary and Balance Sheet.

**VOTE:** Motion carried unanimously.

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

There were no public comments.

**9. PUBLIC HEARING**

There were no public hearings.

**10. OTHER BUSINESS**

**A) Update from Hennepin County Sheriff's Department**

Major Jeff Storms, Hennepin County Sheriff's Office (HCSO), thanked everyone for their service to the communities and public safety. The following 2016 update was provided:

- An overview of the following statistics: 1) 7,845 Lake Minnetonka patrol hours provided by the Sheriff's department, 2) 56 boating while intoxicated arrests, 3) two snowmobile while intoxicated arrests, 4) two driving while intoxicated arrests, 5) 447 citations that were written under the LMCD Code of Ordinances, 6) 582 calls covering theft, vandalism, and medical emergencies, and 7) no fatal boating accidents.
- He recognized the cooperation of a variety of volunteers and organizations that assisted in public safety.
- The summer deputy funded by the LMCD provided 620 additional patrol hours on the lake, made 14 boating under the influence arrests, and issued 41 citations.
- The July 4<sup>th</sup> weekend provided for 36 personnel, eight patrol boats on Lake Minnetonka, two county patrol boats, five land-based marked squads in the Lake Minnetonka area, and two deputies assigned to the Water Patrol headquarters to process arrests and citations. They responded to calls that included safety violations, medicals (11 of which were alcohol related), boating under the influence arrests (14), and minor consumption citations (51). No serious injuries or deaths in Hennepin County occurred over that holiday weekend. The Sheriff's Office also partnered with marina owners, the MN DNR to further enhance safety and enforcement (three enforcement boats and six officers), and local fire departments of which Excelsior, Mound, and St. Bonifacius Fire Departments provided fire boats. Pre-planned staging areas were also established to assist in medical incidents at the new Arcola Public Safety dock.
- During the 2015-2016 winter seasons, three vehicles went through the ice, which is an 88 percent decrease since 2013. This is due to ice awareness communication and public education. He provided an overview of the Sheriff's electronic sign project, the types of messages projected, and the proposed expansion to the Arcola Bridge.
- He entertained questions and comments from the Board.

Baasen requested more information regarding staffing on Lake Minnetonka during peak boating season. Major Storms responded that, in addition to Lt. Vnuk and Sgt. Waldon, the Water Patrol has eight full-time deputies (recently increased by two), plus the deputy funded by the LMCD. The deputies are assigned the 103 area lakes and rivers, with two of these deputies assigned to the Lake Minnetonka area.

Green thanked the Sheriff's Department for their work in keeping the lake safe. He stated that he spent time with the HCSO over the 4<sup>th</sup> of July weekend and witnessed their efforts in person.

**MOTION:** Prest moved, Hughes seconded for the LMCD to endorse the Hennepin County Sheriff's Office Electronic Sign project and that the LMCD encourage cities to support this important safety project.

Green stated he wants to support the sign project, but suggested they acquire additional information before moving forward on it.

Lt. Kent Vnuk, Hennepin County Water Patrol, provided an overview of the currently placed electronic signs that are in existence only during the winter season. He believed that the unsafe ice awareness messages have assisted in the decrease of injuries and death on the ice. He stated they are proposing to put a message sign near the Arcola Bridge. It would be operating during daylight hours unless there is an emergency. The purpose is to promote public safety with simple messages, with the ability for emergency management to use the sign when needed. A similar message sign is used in Spring Park Bay and there have been no concerns.

Thomas stated the Tonka Bay City Council expressed support of the message signs.

Klohs inquired if city ordinances apply to the message signs or if the Sheriff's department can use it however they want to. Lt. Vnuk clarified the City of Tonka Bay felt they did not have jurisdiction over the Narrows Bridge and they are working with Orono to amend their ordinances regarding the use of the sign in its city. The Narrows Bridge is a county bridge and Hennepin County has no issues with the sign.

Klohs commented generally people are not opposed to the sign unless they are providing a negative effect to their property. He suggested amending the motion to support the concept of the sign, but waiting for final approval until there are more details about the sign and the language surrounding the amendments to the ordinances.

Cook mentioned that motion should be about showing support and encourage for the Sheriff's activities, and not necessarily the details of the sign.

Baasen stated the LMCD was a financial partner with the sign at Spring Park Bay and the endorsement of this current sign does not mean they are financial partners. Green concurred.

The motion was clarified.

**VOTE:** The motion carried unanimously.

Shuff inquired as to what would be the typical citations regarding safety on the lake. Major Storms responded

most citations are life jacket and registration related.

Hughes inquired about baffles for the sign on the Narrows Bridge. Major Storms stated baffles are used to direct the message to the people coming at the sign and would not allow it to be seen from the sides.

Hughes commented there is a big difference between the night time and daylight brightness of the signs.

## **B) LMCD Organization Presentation Input**

Schleuning shared an LMCD Organizational PowerPoint she recently created and used for a club presentation. She provided the following overview of presentation content:

- Statistics of Lake Minnetonka
- LMCD history, Board members, and member cities
- Public agencies, residents, businesses and special interest groups involved in protecting the lake
- LMCD mission, vision, and strategic priorities
- Services and activities provided by the LMCD, including Aquatic Invasive Species and Save the Lake Fund
- LMCD 2017 Initiatives including recodification, communications, and collaborations

Schleuning requested input from the Board about the presentation, as well as suggestions for future audiences.

The Board was generally pleased with the presentation. A summary of additional comments were offered as follows:

- To keep the presentation short so that people do not lose their attention with it. He suggested having it as a running slide show at some of the events they sit at, as well as having some of the slides presented in poster form on easels. These might include the mission statement and 2017 initiatives.
- That it was good for their new image and that every city council and all who they interact with should see it.
- An inquiry on the staff levels listed within the presentation. Schleuning stated the LMCD is approved for 3.5 staff members. Currently there is one vacant position. Additionally, funds are available for consultants.
- The need to schedule a presentation to real estate representatives.
- The recommendation to not add additional slides and to keep it at 15 to 30 minutes.
- The interface between the water and the land is confusing for a lot of people and concurred that a presentation to real estate representatives would be beneficial.
- The presentation could be used for perspective real estate buyers and new Board members.

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

Baasen offered the Save the Lake Committee met that morning and provided the following update: 1) the next meeting will be March 7 at 5:00 p.m. with the location to be determined and 2) the committee is working to redefine Save the Lake activities.

Prest inquired what the 2016 contributions were to Save the Lake. Baasen stated it was about \$25,000, but is clouded because some checks were written in December and recorded in January. The details will be provided when they give their financial report.

Thomas stated in 2016, Save the Lake received \$22,778. They were late in getting the solicitation letter out and in January of 2017, they received \$8,900 compared to \$1,750 received in January 2016.

Green offered the budgeting work group met to develop a plan for 2018. The goal is to have a preliminary budget in early April. The next meeting will be on March 9 at 2:00 p.m. at the office.

Green offered an update on aquatic invasive species: 1) the AIS Task Force met on February 12<sup>th</sup> and he will provide a more formal presentation at the next meeting regarding an AIS 2016 wrap-up and options for 2017, 2) the watershed district grant was submitted for 2017, but money will not be available in the future, 3) MN DNR Level One Summer Interns will now make \$15.00/hour, but the amount of money available has not changed; this will impact inspections statewide, 4) he met with LMA and they expressed serious concerns with starry stonewort infestation in the state, 5) Carmens Bay would like LMCD support in forming a Lake Improvement District, 6) with watershed district reimbursement grants, they put together an inspection program for \$31,000 that includes three accesses three days a week; it will be presented at the next meeting, and 7) he was meeting with the State committee and Legislature on March 23<sup>rd</sup> to talk about AIS and funding.

Prest inquired about a previous discussion regarding the amount of funding AIS received in comparison to other areas. Green stated a few years ago, the legislature granted \$10,000,000 to counties (state-wide) based on the number of public accesses they had and the number of lakes. Hennepin County has chosen to look for funding infrastructure type projects and more innovative approaches. They have asked other counties to give a presentation on their activities and will let the Board know when these presentations will take place.

Prest stated he is willing to lobby with legislators or the commissioners toward receiving more funding.

## **12. EXECUTIVE DIRECTOR UPDATE**

Schleuning reported a draft LMCD Annual Operations Calendar is provided to Board members in their folders. They are looking at workload and assessing their business needs, as well as keeping track of reoccurring items and deadlines as part of the strategic plan. It is a working document and will be adjusted as needed. It will help identify the baseline workload, efficiencies, and timing concerns. Green suggested this document show the level of importance for each items.

Schleuning continued with her report. Regarding de-icing licenses, they sent an email for licensees updating them on the deicing code of ordinance and upcoming inspections. They received a good response. With recent warmer temperatures, some fences are down, and it would be a safety hazard for them to be fixed. With additional snow coming, the ice is still weak and people and pets should not go onto the ice.

Green advised March 1<sup>st</sup> is the date when people can de-ice without a permit. Baasen advised a week ago, there was 15 inches of hard ice with two to three inches of slush on top, and now there is eight inches with less than two

inches of slush. He suggested calling Channel 11 or Channel 5 to see if they would do an announcement or story on how dangerous the ice is. Prest commented there is a fish house partially tilted through the ice, but legally they do not have to be off until the end of February.

### **13. OLD BUSINESS**

Baasen requested the part of the Strategic Plan that was approved on the Consent Agenda at the last meeting be sent out to the Board members.

### **14. NEW BUSINESS**

There was no new business.

### **15. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:00 p.m.

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James Jay Green, Chair

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Ann Hoelscher, Secretary