

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS
7:00 P.M., August 9, 2017
Wayzata City Hall**

1. CALL TO ORDER

Vice Chair Thomas called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Chris Jewett, Deephaven; Dan Baasen, Wayzata; Bill Cook, Greenwood; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Orono; Fred Meyer, Woodland; Mike Molitor, Minnetrista; Gregg Prest, Excelsior; and, Sue Shuff, Minnetonka.
Also present: Vickie Schleuning, Executive Director; and Troy Gilchrist, LMCD Legal Counsel.

Members absent: Jay Green, Mound; Ann Hoelscher, Victoria; and, Deborah Zorn, Shorewood.

4. APPROVAL OF AGENDA

MOTION: Shuff moved, Molitor seconded to approve the agenda.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

There were no chair announcements.

6. APPROVAL OF MINUTES- 7/26/17 LMCD Regular Board Meeting

MOTION: Shuff moved, Cook seconded to approve the 7/26/17 LMCD Regular Board Meeting minutes.

VOTE: Ayes (6), Abstained (4, Hughes, Jewett, Kroll, and Thomas); motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Jewett moved, Kroll seconded to approve the consent agenda as submitted. Items so approved included: **7A)** Audit of Vouchers (08/01/2017-08/15/2017); **7B)** July Financial Summary and Balance Sheet; and, **7C)** State of Minnesota Joint Powers Agreement with Criminal Justice Agency and Court Data Services Subscriber Amendment to CJDN Subscriber Agreement

VOTE: Motion carried unanimously.

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

There were no public comments.

Baasen arrived at the meeting at 7:04 p.m.

9. PUBLIC HEARING

A) Non-Intoxicating Liquor License Application for PaddleTap LLC

Schleuning directed the Board to the staff memo, dated August 9, 2017, and provided the following information:

- An overview of the action presented to the Board; berthing location is 5th Street Ventures in Spring Park, and ports of call include Lord Fletchers, Spring Park; Metro Lake Marina, Mound; City of Wayzata Docks, Wayzata; City of Excelsior Dock, Excelsior.
- This application is for the watercraft for hire Rossi. The tour will be three hours long and the charter boat to be constructed will be 30 feet long with two decks and bathroom facilities. Total capacity of the boat is 26, which includes two crew members.
- They have received approval from two of the four port of call Cities.
- The watercraft for hire portion of the application will be completed administratively, and they will also make sure the construction of the boat meets inspection requirements. This would include an inspection from the State boilers license and other safety inspections from the State Water Patrol.
- After public notification in the official newspaper, no public comments have been received based on this application.

Kroll inquired if this was a boat that people pedal while they drink beer. Schleuning confirmed it was.

Thomas inquired if PaddleTap's other two boats had non-intoxicating liquor licenses. Schleuning responded in the affirmative stating this license is required by the State and permits people to bring alcohol onto the watercraft.

Hughes stated he would hope the design of this new pontoon would meet the new standards to help reduce the spread of zebra mussels, and he likes that a toilet facility is provided on board.

Thomas opened the public hearing at 7:10 p.m.

Wells Brose, 260 Morse Avenue, Excelsior, Lead Captain for PaddleTap Inc, commented they are excited to have another boat and hope it can be designed to prevent the spread any invasive species. He agreed to verify this with the boat builder.

Meyer stated he presumed business is going well if they are purchasing a third boat. Mr. Brose stated they have seven tours per boat each weekend, with Saturday and Sunday being their busiest days. He confirmed the other two boats are also docked at 5th Street Ventures.

Hughes inquired if there will be enough people to power the proposed two-level pontoon. Mr. Brose responded they will not allow anyone on the upper deck while they are in motion. The pedaling will be done from the lower level.

In response to Kroll, Mr. Brose stated 5th Street Ventures is across from the Minnetonka drive-in near the new brewery in Spring Park.

Thomas commented they previously approved a multiple dock license for 5th Street Ventures with a few restrictions including no transient activities.

Thomas closed the public hearing at 7:13 p.m.

MOTION: Prest moved, Kroll seconded to approve the PaddleTap LLC 2017 Non-Intoxicating Liquor License with the following authorized ports of call: Lord Fletchers, Spring Park; Metro Lakes Marina, Mound; City of Wayzata Docks, Wayzata; City of Excelsior Docks, Excelsior on condition of an acceptable background investigation by HCSO and approval from the respective city for the port of call.

VOTE: Motion carried unanimously.

10. OTHER BUSINESS

There was no other business.

11. UPDATE FROM STANDING LMCD COMMITTEES

Aquatic Invasive Species Committee/Taskforce: Schleuning reported on Saturday, June 5, LMCD participated with LMA and MAISRC in Starry Trek at Excelsior Commons. About ten people attended to learn how to identify starry stonewort and other invasive species and check for in certain lakes. No Starry stonewort was found. However, one sample was sent in to MN DNR for further testing. If Starry stonewort is found, fast response is critical to its management. They hope more events like this will be held in the future.

Budget Workgroup: none.

Recodification Workgroup: Gilchrist reported they had a Workgroup call this morning and discussed moving to one call a month versus twice a month, and how to get the word out to the public for comment when the draft is completed. The goal is to have a draft by the end of the year to be reviewed by the Board. He also commented on the draft of the index and progress document provided to the Board. Blue represents the items he has been working on that involve more hands-on work, green represents the easily reformatted items, and gray represents items that need more work and a decision on whether they require a separate article.

Jewett stated, based on the color coding, it appears they are more than half way done with the document. Gilchrist commented he does not want the index and progress document to misrepresent their progress. There is a substantial amount of work left not represented on the progress document that involves going back through and making sure all the cross-references are right as well as making sure everything is included from the original document. He estimates it is between 30 and 40 percent complete.

Kroll inquired if there was any software that helps with the recodification process. Gilchrist responded he is not aware of any software and has been doing the work himself in order to learn the details of the code. The biggest modification he has incorporated has to do with the proposed changes and updates to the liquor laws. The Board had directed him at a previous meeting to address this as part of the recodification update. It involves determining conflicts between the current code and state statute and revising them to reflect current law.

Thomas inquired if there is anything the Board could do help with the process. Gilchrist responded the Workgroup has been supportive and helpful. He does not live on the lake and does not want to inadvertently misinterpret something throughout this process. He requested the Board be attentive to make sure he does not miss anything.

Kroll commented the noise ordinance is important in North Arm Bay and inquired where it was included. Gilchrist stated it is under the nuisance provisions.

Save the Lake Committee: Baasen commented they will have a booth at James J. Hill Days in Wayzata on September 9 and 10, and requested help from Board members with staffing the booth. He encouraged Board members to have a booth at their own City's events. He reported they have had some good responses to the summer solicitation letter, are in line with where they were last year, and will have another campaign in November.

Thomas commented he has helped at James J. Hill Days in the past and it was a lot of fun.

Strategic Plan Subcommittee: Schleuning directed the Board to the LMCD Strategic Plan 2017-2018 Dashboard document in the meeting packet. It reflects comments made by the Board at the previous meeting. This document represents what is posted on the website, reflecting a more public-friendly format. She commented they may change the description to define who the Lake community is and to send her any comments. The plan is to include the dashboard as part of the Board agenda quarterly for an update.

Thomas advised it would be helpful if it were included in the agenda that gets sent out versus just put in the packets received at the meeting. Schleuning agreed.

12. EXECUTIVE DIRECTOR UPDATE

Schleuning reported Hennepin County will be unveiling the CD3 watercraft cleaning station on Monday August 21 at Spring Park public boat access. It is an opportunity that gives boaters a tool to prevent the spread of invasive species and she will send out more information about the event to the Board.

Schleuning commented LMCC provided a short video about top safety issues that people should be aware of and it is posted on the LMCD website. It was edited from the boater safety course video.

Schleuning reported a boat burning and suppression demonstration was held of Gideon's Bay earlier today. It will be helpful for training and educating the public in how to prevent boat fires. HCSO will send the results and videos to the LMCD to share.

Schleuning announced an aquatic plant seminar will be held next Thursday by the LMA and MN DNR. Board members are invited and should let her know if they are interested. More information will be sent regarding the

event.

Kroll commented he heard from a constituent who got stuck in milfoil while kayaking, and inquired if they are done harvesting in Maxwell Bay. Schleuning responded this is the last week for harvesting, there has been a lot more weeds this year than in the past, and they are not scheduled to go into Maxwell Bay again.

Thomas inquired where the budget is at with harvesting. Schleuning responded Jewett and she looked at projections, and they will be close to what was budgeted. They thought it would be higher with all the equipment breakdowns, but the repairs ended up costing less than expected.

Kroll inquired if a neighborhood could pay extra to have harvesting done. Schleuning responded that can be discussed when they talk about AIS and harvesting for next year.

Jewett commented private companies can be hired, but it could become difficult to manage groups to do that.

Kroll stated he knows people who would be interested in hiring someone, and it would be for quasi-public areas. One area would be east of County Road 135/Tonkawa Road and north of Boy Scout Bridge. Jewett explained the LMCD harvests Eurasian watermilfoil in an effort to support navigation and they do not clear-cut an entire bay. With the past two warm winters and early ice out, they are seeing a lot of additional weed growth.

Baasen suggested they create a list of what needs to be repaired with the harvesters so they can be ready for next year, and suggested they use funds from Save the Lake for repairs. Schleuning stated two of the three harvesters were operated this year and they can look at some of the repairs before next year. Jewett suggested the head mechanic come in and provide an assessment of the equipment, and advised there is enough money in the reserve for repairs.

Thomas summarized they have harvested what they intended to, they will be close to what was budgeted, and this is the last week of harvesting. Schleuning stated that based on their observations in spring, they also obtained permits from MN DNR for Curly-leaf pondweed and harvested those areas.

Jewett stated they will also gather information on how many loads and acreage were done this year to help plan for the budget in the future and they may need to increase the hourly rate in order to fill the harvesting positions. Thomas stated they should also consider how many harvesters to operate next year. Meyer suggested the possibility of using herbicides in areas the harvesters cannot access. Thomas suggested it be a future topic for discussion so Green could be present.

Jewett commented historically they have helped supplement Libbs Lake to have a harvester or chemical treatment. The chemicals are extremely expensive versus harvesting. They did a five-year, three bay test trial, and it cost \$150,000.

Baasen commented during the five-year test, they did not use the harvester in the areas being treated. He inquired if Grays Bay has been harvested this year. Schleuning confirmed they were in Grays Bay in the navigational areas. In an effort to address the issue more strategically, they are now gathering information on what is being done in certain areas, and who is doing what. Chemical treatment in some areas may not be an option, but it might work

well in others. Through research, chemical treatment is not quite as expensive, and it can be more focused on certain plants. In September, they plan to send out a survey to gain more input.

Jewett commented St. Albans Bay was off limits during the test period and they had been treating it themselves. He inquired if they received a call to harvest in that area or if they just went in there, and if they received any comments as to why they were in there. Schleuning stated they have been receiving calls to harvest in bays they typically had not been in, even with bays that had been receiving chemical treatment. However, they are restricted by law from specifically harvesting native plants.

Baasen commented they should consider putting together some managing expectations. This would include a description on what they do, where they do it and why, and what they do not do and why. It could be published in some form and would reduce phone calls to LMCD and anxiety for some lake residents.

Thomas agreed with Baasen and suggested it include other options for residents as well. Baasen stated it is something the Board, AIS Committee, and volunteers could put together. Kroll agreed it would good to have something to direct his constituents to when they have a question.

13. OLD BUSINESS

There was no old business.

14. NEW BUSINESS

There was no new business.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:49 p.m.

James Jay Green, Chair

Ann Hoelscher, Secretary