

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., December 13, 2017  
Wayzata City Hall

**1. CALL TO ORDER**

Green called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**Members present:** Jay Green, Mound; Gregg Thomas, Tonka Bay; Ann Hoelscher, Victoria; 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:** Deborah Zorn, Shorewood.

**4. APPROVAL OF AGENDA**

**MOTION:** Shuff moved, Baasen seconded to approve the agenda.

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

**A)** Resolution Recognizing Herb J. Suerth, Jr.

Green announced long-time LMCD Board member Herb Suerth, Jr. and AIS Committee member recently passed away. He acknowledged Herb's wife and grandson in the audience, and read a resolution in his honor.

**MOTION:** Green moved, Klohs seconded to adopt Resolution No. 165, Recognizing Herb Suerth Jr.'s Stewardship of Lake Minnetonka.

**VOTE:** Motion carried unanimously.

Green thanked Mr. Suerth's family and friends for their support in allowing Herb to serve on the LMCD Board and presented his family with a framed copy of the resolution.

Mrs. Suerth commented Mr. Suerth dedicated a lot of his time to invasive species and was very passionate about the Lake.

Baasen noted he admired Mr. Suerth for his integrity, beliefs and commitment to Lake Minnetonka.

**6. APPROVAL OF MINUTES-** 11/8/17 LMCD Regular Board Meeting

**MOTION:** Meyer moved, Hughes seconded to approve the 11/8/17 LMCD Regular Board Meeting minutes.

**VOTE:** Ayes (11), Abstained (2, Jewett and Molitor); motion carried.

**7. APPROVAL OF CONSENT AGENDA**

**MOTION:** Baasen moved, Shuff seconded to approve the consent agenda as submitted. Items so approved included: **7A)** Audit of Vouchers (11/16/17 – 11/30/17); **7B)** November Financial Summary and Balance Sheet; and, **7C)** LMCD Board Meeting Contracts/Agreements:

- City of Wayzata, agreements for use of Community Room and Video Production studio
- Lake Minnetonka Communications Commission, agreement for Video on Demand Streaming Services
- Producer Agreement, Mark Hodges
- Timesaver Off Site Secretarial, Inc.

**7D)** Resolution accepting Save the Lake Contributions (9/7/17 – 11/13/17).

**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**

None.

**10. OTHER BUSINESS**

None.

**11. UPDATE FROM STANDING LMCD COMMITTEES**

Aquatic Invasive Species Committee/Taskforce: Green reported he was contacted by *Outdoor News* regarding the DNR cutting the grant money for invasive species. He let them know the Legislature needs to allocate more money to the DNR, so they can get the grants back. These budget cuts also affect the number of inspectors next summer, reducing them from 105 to 92.

Budget Workgroup: Jewett commented they reviewed the budget and overall things look good for wrapping up 2017, barring any unanticipated items.

Save the Lake Committee: Baasen stated a solicitation letter went out two weeks ago, an insert was included in the newsletter, and there will be a solicitation ad in the *Lakeshore News*. He noted that contributions are coming in and

thanked the Board for their contributions and efforts in getting the word out.

Recodification Workgroup: Gilchrist reported that through November, approximately \$17,000 has been spent on the recodification project, which is below the \$45,000 estimate. It is anticipated that the primary work should cost a total of \$25,000 to \$28,000. He has made good progress and recently sent articles to the Executive Director for review regarding commercial, municipal, and residential uses and structures and the general standards on uses and structures. His goal is to have his work on this project mostly complete in January. Then the Executive Director will need to review the sections for content comparison. After further review by the Board, it should be ready for adoption later in the summer.

Kroll inquired if they will be able to agree on a tolerance on measurements, such as a proposed 1/10<sup>th</sup> of a foot.

Gilchrist responded he removed it from the code because it created a larger issue, and does not intend to put it back in at this point. If it needs to be resolved in the future, it should be done separately from the recodification. The code should be easier to amend moving forward because it will be better organized and easier to understand. They will need to further discuss how they want to roll out the new code to stakeholders for review and comment.

Klohs commented the workgroup agreed they want to do this right and not fast, to make sure it will work for people. They are content with the current progress and timeframe.

Schleuning thanked Gilchrist for his work on this project and the workgroup members. After the code is adopted, they will take time to look at the standards and determine what makes sense for today. It is important to receive feedback from the public and they need to make sure they allow sufficient time for input.

Strategic Plan Subcommittee: Schleuning noted they are working on accomplishing a few things by the end of the year and will provide an update on the dashboard in January.

## **12. EXECUTIVE DIRECTOR UPDATE**

Schleuning asked the Board to discuss some items provided in the folder and based on current requests. One is the general philosophy for alcohol service at special events, which some items are related to the Super Bowl. She also referred to the letter from the City of Greenwood which expresses their support for the LMCD to be more aggressive toward monitoring and responding to aquatic invasive species threats. They are looking to gain public feedback on this topic and encouraged people to take the AIS survey online. They will use this and other information they have gathered, and present it to the Board early next year.

### **A) 2018 Public Meeting Calendar Draft Review**

Schleuning referred to the calendar provided in the meeting packet and noted February 14 may be a conflict for some Board members.

Molitor noted he will not be able to make either a February 7 or 14 meeting.

After discussion, Schleuning stated she will let the Board know if February 7 is an option in place of February 14 for

a meeting room and producer.

In regards to the letter from the City of Greenwood, Thomas inquired if Cook had any more specifics on what the City of Greenwood meant regarding AIS.

Cook responded the City of Greenwood and the St. Albans Bay Lake Improvement District have been receiving advice from contractors regarding AIS in the bay and he suggested they bring these comments to the LMCD. He noted the City of Greenwood is interested in supporting AIS both financially and with their resources.

Schleuning then referred to the memo dated December 13, 2017 regarding liquor sales at special events. She inquired if alcohol has been allowed at special events on the lake in the past.

Jewett noted the Chilly Open is held on the lake and Bayview Event Center has held events as well.

Schleuning stated the code talks about requiring a license and that only charter boats are eligible for liquor licenses. Recent concerns pertain with event size and safety with tents, generators, other structures, and what the ice can safely hold. The City of Bloomington has standards with how often events can be held and inferences to nuisances.

Jewett commented alcohol is not served on the lake at the Chilly Open, but they must have a permit to hold the event on the lake. He also noted the pond hockey tournament in Excelsior and bike races are on the lake. He did not recall any problems with these events and does not see the need to seek out problems that are not there.

Baasen noted alcohol is served in town at the Chilly Open, but not on the lake.

Schleuning stated they are starting to receive more requests from the water patrol, and events are starting to become more concerning. Alcohol is not allowed on the lake, but it is allowed on the land.

Jewett pointed out the LMCD does not manage the land. He suggested they deal with it internally with the Sheriff before they spend LMCD time and resources to find a solution for something that is not yet a problem.

Green suggested they meet with the Sheriff's office to further discuss this.

Schleuning noted there will be a meeting in the future, but wanted the Board's viewpoint.

Jewett inquired how many more requests have been received this year in comparison to other years.

Schleuning stated they have received four or five for the coming month which is more than has been requested in the past.

Gilchrist explained the code requires a permit for special events on the lake and the Board delegates the issuance of a permit to the Sheriff's office. Caterers that have a restaurant with a liquor license can get a caterer's permit with the State to sell food and liquor off site. Some of the recent requests are inquiring if they can bring a caterer on the ice for an event to sell food and liquor. The code allows charter boats to sell liquor on the lake and there is a consumption and display permit. Based on this, the code does not allow a caterer to sell liquor on the ice. Also,

because the special event permits have been delegated to the Sheriff's office, it creates a dichotomy where the Board is the licensing authority for liquor and the Sheriff's office is the licensing authority for special events. If the Board wants to allow liquor at these special events, they would need to work towards doing so soon.

Kroll requested an example of who is requesting to sell liquor at an event.

Schleuning responded the largest request they received could potentially have 5,000 to 15,000 people over a period of days at an event that is associated with the Super Bowl. She has not received an official application, but has had conversations on the phone.

Jewett commented it is a high risk proposition because they have no idea what the ice is going to be like at the time of the event. They should have had received a request a long time ago and they need to support the Sheriff's office.

Green stated there is not enough time to sort it all out. He suggested they meet with the Sheriff to determine how to handle these requests.

Gilchrist inquired who would be interested in engaging with the Sheriff's office on this topic.

Green stated he would be willing to part of the conversation.

Jewett commented ice is significantly more dangerous than the water in the summer and they do not allow it in the summer. It is an undue risk and they should not allow it. They have collaborated with the Sheriff's department in the past and it has worked well.

Shuff noted the option is still there to serve alcohol on the shore.

Prest pointed out they have already delegated authority to the Water Patrol and suggested it stay there.

Green stated the Sheriff's department can send an application back to the LMCD or they can request to see it if desired. There have been events in the past where they have worked together to determine how to proceed.

Schleuning stated they have had a great working relationship with the Sheriff's department, and it would be difficult to accommodate all the special events, especially with adding ice conditions, alcohol, and nuisance conditions. If the Board agrees, she suggested they continue to not issue alcohol licenses for special events on the ice. The Board agreed.

Gilchrist commented he wanted to have this discussion in case a Board member got a call from someone regarding an event.

Meyer inquired if there was a difference between an event where they set up a bar and sell drinks and an event where they charge an admission fee and give away liquor.

Gilchrist responded legally there is not a difference since liquor is being sold and distributed either way.

Schleuning commented it has been an amazing year and thanked the Board for their work.

The Board thanked Schleuning for her work as well.

Kroll reported after he and Schleuning met with the Orono City Council, they were very complimentary to the LMCD and its efforts in taking care of Lake Minnetonka, and the work Schleuning is doing as the Executive Director.

### **13. OLD BUSINESS**

Baasen highlighted the nomination process outlined in Resolution No. 150. People who wish to offer nominations or serve as an officer should contact the Executive Director by January 4. They plan to meet with existing officers on either January 4 or 9 to hear their intent and hope to have a full list of officers before the Board at the February 14<sup>th</sup> meeting. He also plans to have this list of officers to Board members ahead of that meeting.

Green inquired if there were any open positions that have not yet been reappointed.

Schleuning responded Jewett has resigned and the Treasurer position will be open. Meyer also has a replacement since he is moving out of the City he represents.

Green thanked Meyer and Jewett for their work on the LMCD Board. The Board and staff expressed appreciation of their service.

### **14. NEW BUSINESS**

Jewett commented that with the potential relocation of the crime lab, the Sheriff's Office may be down a couple of deputies next year. They need to stay involved and cannot afford to lose them.

Schleuning noted the recent vote was to keep the crime lab under the Hennepin County Sheriff's office.

Prest stated the amendment was pulled from the agenda, but it is not a done deal yet.

### **15. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:57 p.m.

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James Jay Green, Chair

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Ann Hoelscher, Secretary