

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
7:00 P.M., October 27, 2021  
Virtual Meeting**

Due to COVID-19 Guidelines, pursuant to a statement issued by the presiding officer (Board Chair) under Minnesota Statutes, section 13D.021, the meeting was conducted remotely through electronic means using Zoom. The LMCD's usual meeting room was not open or available to the public or the Directors.

**1. CALL TO ORDER**

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; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista (arrived at 7:15 p.m.); Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Matt Cook, Environmental Administrative Technician.

**Members absent:** None.

**Persons in audience:** Jane Anderson, Gabriel Jabbour, David Sime, and Jay Soule.

**4. APPROVAL OF AGENDA**

**MOTION:** Baasen moved, Stone seconded to approve the agenda as submitted.

**VOTE: A roll call vote was performed:**

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	absent
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

There were no Chair announcements.

**6. APPROVAL OF MINUTES-** 10/13/2021 LMCD Regular Board Meeting

**MOTION:** Thomas moved, Zorn seconded to approve the 10/13/2021 LMCD Regular Board Meeting minutes as submitted.

**VOTE: A roll call vote was performed:**

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	absent
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

**7. APPROVAL OF CONSENT AGENDA**

Anderson stated that a check was written to Hennepin County Water Patrol that is included on the Audit of Vouchers and noted that he will provide more comments about that during the Treasurers Report.

**MOTION:** Baasen moved, Kroll seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (10/16/2021 – 10/31/2021); **7B)** New Multiple Dock License Application for Qualified Yacht Club, Variance for Dock Use Area, and New District Mooring License, Minnetonka Yacht Club, 19800 Minnetonka Blvd, Deephaven, MN 55331, Carson Bay; and **7C)** Resolution Approving Committee Rosters After Resignations.

**VOTE: A roll call vote was performed:**

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	absent
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

**8. CONTRIBUTION RECOGNITION**

Baasen provided an update on the summer campaign which has garnered \$19,200 for the summer campaign with the goal to exceed \$36,000.

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

There were no public comments.

**10. PUBLIC HEARING**

**A)** Public Hearing for New Multiple Dock License Application for a Qualified Commercial Marina, Tonka Bay Sales Site 2, 141 Minnetonka Blvd (PIDs 35-117-23-22-0182 and 35-117-23-21-0010), Excelsior MN 55331, St. Albans Bay

M. Cook presented an application for a new multiple dock license from Tonka Bay Sales at 141 Minnetonka Boulevard. He stated that the applicant currently has a Commercial Marina and would like to change the classification to Qualified Commercial Marina. He noted that the request would also change the classification of five BSUs from government service watercraft to rental for the general public. He stated that the proposal appears to meet all Code requirements and there is no change to the function of the site or storage of watercraft. He stated that staff does not recommend an EAW. He displayed the current approved site plan and proposed site plan. He stated that all of the BSUs would be classified for rent under the new proposal and advised that there is no change proposed to the structure. He reported that there were no comments received from public agencies and there were a few public inquiries regarding the proposal, but no comments received

as of noon on October 27, 2021. He stated that staff recommends approval with the typical conditions.

Schleuning provided some photographs of the site to provide additional context.

Zorn stated that she had a few questions related to the staff comments about the Code that applies. She noted that sometimes staff would say the proposal meets code and other times it would state the request appears to meet code.

M. Cook stated that in the case where “generally meets” or “appears to meet” is used, that is typically a general statement. He used the example of acknowledging that a survey was received, and staff is trusting that information rather than verifying all the information on the survey. He stated that if the report states that an item meets the criteria, it is a cut and dry matter such as feet of shoreline or something exact.

Anderson stated that when a person signs their name on a survey, that is considered gospel as a surveyor would not sign unless the information is good.

Klohs commented that if a surveyor signs off that is as they dictate but more often than not another surveyor may find small changes. He stated that would agree with the explanation of staff.

Schleuning stated that she can provide more specific examples at a future worksession if the Board desires.

Baasen stated that this request appears to be cut and dry and therefore does not have a question on the request. He appreciates Mr. Jabbour requesting the changes in the proper format and would support approval.

Thomas opened the public hearing at 7:24 p.m.

Gabriel Jabbour, applicant, stated that the five slips proposed to change use have been used by multiple public entities over the years including the DNR, watershed, USGS and Corps of Engineers. He stated that during COVID those entities chose not to use the slips and therefore there was pressure to make the slips available to other people. He noted that if those entities desired slips in the future, he would continue to offer space to them whether at this site or another site he owns.

Thomas commented that Jabbour has always been a generous supporter of the Water Patrol and other governmental entities.

No additional comments were offered, and the public hearing was closed at 7:27 p.m.

**MOTION:** Baasen moved, Anderson seconded to direct staff and LMCD legal counsel to draft Findings of Fact and Order approving the Tonka Bay Sales, Site 2 (Excelsior Marina) 2021 Multiple Dock License Application for the property located at 141 Minnetonka Blvd in the City of Excelsior as presented for consideration at the November 10, 2021 Board meeting.

**VOTE:** A roll call vote was performed:

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

## 11. OTHER BUSINESS

There was no other business.

## 12. OLD BUSINESS

### A) AIS Grants/Supplemental Funding for Bays for AIS Management

Brandt stated that the AIS Committee was tasked to develop a new AIS strategy for the lake that would function for the broader Board and lake. He stated that the AIS Master Plan has been sunset, and they have been working on the new strategy for the lake which would work with partners to address AIS in the lake. He reviewed the goals that the strategy was designed to accomplish and stated that the committee came to the conclusion that the LMCD has limited resources, staff, and time to accomplish efforts. He commented that he believes there are other organizations equipped and able to handle this matter, but the Board is still critical in supporting those efforts. He stated that the strategy is meant to act as a funding source or incubator for first time treatments, such as bay treatments. He stated that there are many bays with established treatment plans and the goal would be to provide funding and support resources for new bays that would like to pursue treatment options. He presented the recommendation of the committee for the LMCD to fund AIS bay treatment plans up to 25 percent for the first-year costs, and up to 35 percent of AIS surveys total cost. He noted that any applications for treatment in subsequent years would have to be reviewed and are not guaranteed. He stated that interested parties would submit applications that would be reviewed by the AIS Committee. He stated that the committee would then vote on whether to approve the request and bring the request to the Board for formal funding. He provided details on the different applications that would be available related to the initial bay treatment, initial bay survey, and others to be determined as the program evolves as well as the information that would be included on the application.

Thomas commended Brandt and the AIS Committee for a great job.

Newell stated that perhaps they should require a report to be submitted after the treatment is completed, if a grant is awarded, to show what is accomplished with the funds.

Brandt acknowledged that this is a draft form and therefore the style or legal wording may be changed, but the intent would remain the same unless directed by the Board.

Cook thanked Brandt for his presentation.

Hoelscher stated that this is a great idea and opportunity for the LMCD to get involved. She noted that this talks about bay treatment and therefore would seem it would not apply to multiple dock licensees or association dock systems. She asked how this would be communicated to the bays that are or are not organized. She asked what would be done with the parts of the lake that are not a bay and how the LMCD could help those parts of the lake.

Brandt stated that the committee had a lot of discussion as to whether there would be a minimum square footage or number of participants but believed it would be too arbitrary to put specifics on that. He stated that they used bay to be intentionally broad and/or undefined. He stated that if they receive an application that is not a bay, they could still work with them but would want to avoid a situation where three neighbors want spot treatment in front of their docks. He stated that they recognized that there are bays with longstanding treatment plans in place and this program is intended to act as a start up to get new treatment programs going. He stated that the program is not intended for bays in third, fourth or fifth years of treatment at this time but perhaps the program would be expanded in the future.

Hoelscher asked if communication would be made to bays that are not yet established with treatment or how the word would get out.

Brandt stated that the LMCD is not intending to take on organization and start up efforts, but it would be in partnership with the bays and LMA, as they work closely with different groups and herbicide companies.

Schleuning stated that Harrison Bay has started creating an outline of the process and potential costs that can be shared with other bays and through the LMCD website.

Brandt stated that is a great example of how the bay has done start up work and the LMCD has been able to provide resources as well to begin treatment next year.

Thomas stated that he would believe there are two ways treatment could be initiated. He stated that one would be with the LMA and the second would be through a LID.

Schleuning agreed that the communication of the LMCD goes beyond placing the information on the website as they are involved with City staff and other methods as well. She stated that there are associations that are

not LIDs that are also doing good work.

Brandt stated that this is not an endorsement for LIDs either. He stated that announcements could be made in newsletters, information could be posted on the website, and other methods of communication could be used to reach out to residents not currently involved in LIDs.

Hoelscher stated that the members of the Board could also reach out to the bays in their city to help organize them and alert them to this opportunity.

Brandt agreed that communication of the Board members back to their cities would be an important step as well.

Anderson asked for clarification on the proposed motion of approval in the staff report and whether that matches the intent of the committee.

Thomas asked if the application would come back to the Board for another review or whether it would be appropriate to approve as is.

Brandt commented that he would not intend to bring the application back.

Newell stated that the additional statement at the end would not necessarily need to be included. He noted that this is a startup program and therefore subsequent requests would not be guaranteed.

**MOTION:** Anderson moved, Cook seconded for the LMCD to fund AIS bay treatment plans up to 25 percent for the first-year cost, and up to 35 percent of AIS surveys total cost; any applications for treatments in subsequent years of the project initiative will require new application and will not be guaranteed and to approve the application form and review process for the grants for final Board review and potential approval at a future LMCD Board meeting.

Further discussion: Klohs asked if a reference could be put in stating that if someone could put together enough contiguous land to match the smallest bay, that could be considered. He asked how budgeting would be done.

Brandt stated that the AIS Committee would be reviewing geography details and would take into account the project area before bringing a project request to the Board.

Klohs stated that people may interpret that this program is only open to those on bays. He stated that if people could put together enough homeowners with contiguous shoreline, they should also be considered.

Brandt commented that the purpose of the word bay is because the treatment would extend further into the lake and not just near the dock use area of property owners.

Klohs asked how this is budgeted.

Brandt replied that the committee reviewed different budget scenarios, considering previous bay treatment costs in order to determine what 25 percent of treatment costs and 35 percent of survey costs would be. He believed that the AIS budget would be sufficient. He noted that if the program becomes more successful, that would be great.

Klohs agreed that it would be nice to have the problem where too many bays are interested.

Thomas asked if the committee would only award grants within the amount budgeted each year.

Brandt confirmed that the funds would be available on a first come, first serve basis. He stated that if the applications received exceed that amount, they would either need to deny the request or bring forward a request to use reserves.

Walesch referenced the second portion of the motion and asked for clarity. He asked if an application would come back for future approval or whether actual requests would be brought back for future approval. He commented that the application may be tweaked a bit but did not believe the Board needed to see those minor changes and would provide that authority to the committee and make the application available to the public to generate interest.

Kirkwood asked if a group of neighbors could submit a request related to navigation issues.

Brandt confirmed that he would find that acceptable as an application.

Anderson provided additional details on a littoral zone as defined and allowed by the DNR for treatment.

Cook stated that if there are a high number of requests, the committee could also submit to amend their budget. He stated that if there is a good project outside of the budgeted amount, the committee may bring forward that request for Board review.

Thomas agreed. He stated that there is nothing in the motions made that provided any sort of project approval.

Walesch stated that the intent is for the committee to provide a recommendation on applications to the Board for review and consideration.

Schleuning reminded the Board that for 2022 the AIS levy was suspended.

Anderson noted that \$80,000 was funded in 2022.

Thomas stated that there was a recommendation to approve the application as presented. He suggested a revision to the application to include the word "recommended" in terms of the AIS Committee approval.



Walesch stated that change would be acceptable. He stated that the committee would hopefully have the authority to make minor changes to the application. He noted that formal request of applications would still go forward to the Board.

Thomas confirmed that he would not have an issue with the AIS Committee making tweaks to the application.

Anderson and Cook confirmed that he would accept the amended language.

Gilchrist confirmed that is a minor change with consensus and a formal motion on that change is not needed.

**VOTE: A roll call vote was performed:**

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

**13. NEW BUSINESS**

**A) Draft City Letter of Appointment of 2022 LMCD Board Members**

Schleuning stated that reappointment letters are sent to the cities each year. She stated that they look at attendance and participation as well as committee and work group membership. She asked if the information included on the letter is accurate for each Board member. She stated that she would like to see everyone return for 2022, if it works for their schedules. She stated that if there are any suggested changes the Board members can reach out to her. She noted that the letter will be mailed to the cities within the week.

Thomas encouraged members to alert Schleuning to any changes that may be needed.

**B) LMCD 2022 Employee Benefits Package**

Schleuning stated that each year they attempt to put together a benefits package. She provided a highlight of the proposed benefits package. She also provided comparison information on the benefits provided by some of the member municipalities.

Anderson recalled that last year there were three options and asked which option Schleuning would like to recommend. He noted that perhaps one employee would select family coverage where they did not in the past.

Schleuning stated that the Board did approve family coverage and one employee chose that for a portion of the year. She noted that all staff members are currently on single coverage. She noted that option one still allows for a family option.

**MOTION:** Anderson moved, Kroll seconded to approve the employee benefit package as recommended with the employer paying to up \$850 per single coverage and up to \$1,300 family coverage for health insurance; and continuing the other portions of the current benefit package.

**VOTE: A roll call vote was performed:**

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

#### 14. TREASURER REPORT

Anderson provided a summary of the third quarter report. He stated that a check was written to Hennepin County Water Patrol from Save the Lake in the amount of \$84,000, which was included in the audit of vouchers earlier tonight. He stated that \$16,784 would be needed from the reserves to cover the balance of the check to Hennepin County.

**MOTION:** Thomas moved, Zorn seconded to transfer \$16,784 from the reserves to cover the balance of the check written to Hennepin County.

Further discussion: Baasen stated that typically less funds are generated from the summer solicitation compared to the fall solicitation and therefore the funds generated from the fall solicitation letter could go back into the reserves to replace this transfer.

Anderson noted that in reviewing the previous year's contributions to Hennepin County Water Patrol, the checks are sometimes written in late December and therefore the full amount is received prior to that time.

**VOTE: A roll call vote was performed:**

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

Anderson commented that he has now been the Treasurer for the past nine months and as part of that role became involved in multiple committees in order to obtain a full scope of the financial needs. He acknowledged that he has lacked on being the second signer on checks and advised staff that he would pick up that duty.

Schleunig stated that during COVID they limited people coming into the office, but now she has spoken with Anderson about beginning that task.

Thomas commented that he has been the second signer on the checks as he comes into the office for Board meetings. He stated that once the audit of vouchers is approved, he has been signing the checks as he is also an authorized signer. He stated that he will be more than happy to turn that duty over to Anderson.

## 15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- A Board update will be provided regarding pending projects as planning has begun for winter projects.
- Staff met with Minnetonka, MN DNR, and Hennepin County at Grays Bay launch to review the AIS equipment. The trailer has been winterized and the smaller unit should be received in November. The equipment will be installed next spring. Payment for the matching grant will be sought as the board was previously updated.
- The Strategic Plan has been updated and formatted for the website.
- New communication items have been added to the fact sheet and will be reviewed by the Communications Committee.
- The Board would meet November 10<sup>th</sup> and December 8<sup>th</sup> with the second meetings of those months canceled. If circumstances change, staff would alert the Board.
- The University of Minnesota Boat Generated Wake Study is out for international review and hope to receive comments within the next few weeks. Any necessary changes would be made, and they hope to have the document available by the end of the year.

Kirkwood complimented Schleuning. He noted that he and Schleuning are presenting to his city and a wonderful PowerPoint was provided by staff.

## 16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt thanked the committee for their assistance in formulating the AIS strategy and the discussions they had on it over the last several meetings. He thanked the Board for its unanimous approval and is excited to see where it can go.

Communications: Hoelscher reported that the committee met the previous week and thanked Walesch for his participation on the committee, noting that he has resigned. She stated that the committee reviewed the winter rules sheet and provided input to staff. She stated that they have a fact sheet and the PowerPoint available that Board members can use. She stated that there were events this summer that had an LMCD presence and thanked the Board members that assisted in those events.

Finance: Anderson stated that the group shared ideas with the Operations Committee related to the new hire position. He stated that hopefully the committee will meet again to review the tasks within the Strategic Plan.

Operations: Hoelscher reported that the group met earlier this month and will meet again in November. A Strategic Plan update will be provided forthcoming.

Save the Lake: Baasen reported that the Save the Lake campaign is not over and even though they used reserves, they intend to have some funds replaced before the end of the year. He stated that the fall solicitation letter should be out within the next 10 to 12 days. He stated that in fundraising it is really important to have Board involvement. He stated that if the Board could make contributions to the Save the Lake campaign, in whatever amount, it would be a great thing to advertise that the Board has 100 percent participation. He stated that the fact sheet is great to use with the solicitation letter if a member is speaking

with a key donor. He stated that the committee is only eight members and could use the help of the Board.

Thomas echoed the request to have 100 percent participation in the Save the Lake Donations from the Board.

Anderson stated that he spoke with Schleuning and recalled Thomas volunteering to stuff envelopes. He noted that he would assist with that as well.

Thomas confirmed that he would assist with that task.

Kirkwood also volunteered.

## 17. ADJOURNMENT

**MOTION:** Walesch moved, Kirkwood seconded to adjourn the meeting at 8:40 p.m.

**VOTE: A roll call vote was performed:**

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	absent

Motion carried unanimously.

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Gregg Thomas, Chair

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Dan Baasen, Secretary