

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, January 28, 2015
Wayzata City Hall

1. CALL TO ORDER

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

2. ROLL CALL

Members present: Dan Baasen, Wayzata; Jay Green, Mound; Gary Hughes, Spring Park; Jennifer Caron, Excelsior; James Doak, Woodland; Ann Hoelscher, Victoria; Dave Lang, Minnetrista; Rob Roy, Greenwood; Sue Shuff, Minnetonka; Gregg Thomas, Tonka Bay; and Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

Members absent: Gabriel Jabbour, Orono; Chris Jewett, Deephaven; and Dennis Klohs, Minnetonka Beach

4. CHAIR ANNOUNCEMENTS, Chair Baasen

Baasen made the following announcements:

- The City of Woodland has re-appointed James Doak to the LMCD Board to accommodate Meyer's absence. Upon his arrival, the LMCD will swear him in as a member of the Board.
- He directed the Board to a draft document within their handout folders entitled, "Board Member Expectations." This document is offered in follow-up to discussions held at the January 10th workshop. He asked the Board to review the document and provide constructive comments.
- The first of three Boater Safety Education Program training sessions has been scheduled for Saturday, March 14th at the Westonka Public Schools' Educational Service Center. Two other sessions are planned in June; dates to be determined.
- He is currently coordinating a Lake clean-up event prior to ice out; providing further details.
- The Save the Lake Recognition Banquet is scheduled for March 19th. The committee is trying to expand the event to increase attendance (offering a live auction, etc.). Minnesota Department of Natural Resources Commissioner Tom Landwehr has been confirmed as one of the guest speakers.
- The annual meeting with the Hennepin County Sheriff's Office has been scheduled for February 4th (5:30 p.m. at the Water Patrol office in Spring Park).
- In follow-up to the January 10th Workshop relative to the Strategic Plan, he stated a committee has been formed to review and draft an update to the adopted Plan (offering himself, Chris Jewett, Deborah Zorn, and Tom Skramstad as members). He believed a progression of that update will be presented to the Board in early February.

3. APPROVAL OF AGENDA

MOTION: Hughes moved, Hoelscher seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. APPROVAL OF MINUTES- 1/14/15 LMCD Regular Board Meeting

Thomas requested the word “parking” be added to the last parenthesized statement within the second bullet point on page 5. The sentence would read, “The two accesses.... Echo Bay in Tonka Bay (no on-street parking is allowed east of County Road 19).” He further directed the Board to the second sentence within the third bullet point on page 7. He asked Green if the word “outside” was correctly used within the following sentence: “b) consider alternative employee sources outside of the private sector, with would...”

Green confirmed that word was utilized correctly.

MOTION: Green moved, Lang seconded to approve the minutes of the 1/14/15 LMCD Regular Board Meeting as amended, making the first change noted by Thomas above.

VOTE: Motion carried unanimously.

Doak arrived at 7:07 p.m. Baasen asked Gilchrist to administer the Oath of Office, in which he did. Baasen welcomed Doak who was seated as a member of the Board.

6. APPROVAL OF CONSENT AGENDA

Green referenced the amended Audit of vouchers within the Board’s handout folder.

Nybeck thanked Green and directed the Board to an amended Audit of vouchers (1/15/15 – 1/31/15) within their handout folders. He outlined the following: 1) EFT15-12, in the amount of \$122.70 for the preparations and submittal of the annual payroll tax forms and 2) check #20521 to Green in the amount of \$92.15 to reimburse him for the hotel stay in attending the recent AIS Summit held in St. Cloud. He recommended Board approval of the amended Audit of vouchers (agenda item 6A).

Zorn moved, Thomas seconded to approve the consent agenda as amended, making the change noted by Nybeck above. Motion carried unanimously. Items so approved included: **6A)** Audit of vouchers (1/15/15 – 1/31/15); **6B)** December financial summary and balance sheet; and **6C) Save the Lake**, approval of 2015 Save the Lake Funding Proposals, as outlined in 1/22/15 memo. Motion carried unanimously.

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

There were no public comments.

8. PUBLIC HEARINGS

There were no public hearings.

9. OTHER BUSINESS

A. Public Safety Committee, committee update on petition for Quiet Water Area for the north-south channel between Shadywood Point and west end of Deering Island

Baasen asked Hughes for an update on this agenda item.

Hughes stated that the Public Safety Committee met on January 21st to further review the petitioned area's public safety information that was available. He clarified that there really was not public safety information available (in particular accident or citation history). Based on that information, the committee recommends the LMCD deny the remaining portion of the petition submitted on August 5th (the north-south channel).

Baasen requested clarification that the committee reconvened and further studied the north-south channel after the Board's decision to deny the petition (excluding this area).

Hughes confirmed that assessment was correct (providing a detailed overview of the December 10th action). He stated that representatives of the Water Patrol that were attendance at the committee meeting reaffirmed that a public safety history was not established for that area.

MOTION: Green moved, Roy seconded to deny the petition to establish a QWA for the north-south channel between Shadywood Point and west end of Deering Island.

Thomas referenced Hughes' January 22nd memo to the Board within the packet; specifically paragraph IV. He asked if he was in attendance at the committee meeting since he was not listed within that paragraph reference.

Hughes confirmed that he was in attendance.

Zorn asked if the committee received any new information, documentation, or supporting evidence.

Hughes confirmed that they did not. He further stated three individuals were in the audience, in which one of the attendees (Orono Mayor Lili McMillan) addressed the committee. The committee offered the remaining two individuals the opportunity to comment, as well. All three attendees provided comments; however, none of which provided new information from what was previously offered.

VOTE: Motion carried unanimously.

Baasen questioned if the committee talked about entertaining a future public forum on possible ordinance amendments to High Water ordinance.

Nybeck stated that the committee provided recommendations on amendments to High Water at the Board's August 27th meeting, at which time the Board sent the matter back to the committee for further consideration. He believed the matter would be scheduled for discussion at the next committee meeting (since the petition for a new QWA has been resolved by the Board). He further stated that he and Baasen had discussed the recent article that was offered in the LMCD newsletter, in which the public was informed that a future public meeting was anticipated after the first of the year to allow stakeholders an opportunity to comment on: 1) possible changes to the High Water ordinance and 2) personal experiences and raised interest (no-wake Wednesday's, etc.) that transpired during last season's

historical high water levels.

B. MN DNR, 2015 Watercraft Inspections Grant Application Administered by Local Government Units

Baasen asked Nybeck for an overview of this agenda item.

Nybeck directed the Board to a draft 2015 Minnesota Department of Natural Resources (MN DNR) grant application for watercraft inspections. He recognized that further discussion is pending on the logistics of a 2015 LMCD Watercraft Inspection Program (based on discussions held at the Board's January 14th meeting). However, due to the MN DNR's grant application deadline of February 17th, he recommended approval to submit the grant application; acknowledging it can always be pulled should the 2015 program go a different direction. The maximum grant available in 2015 is \$4,000 (down from \$5,000 in 2014).

MOVED: Green moved, Thomas seconded to approve the submittal of the draft 2015 MN DNR's Watercraft Inspections Grant Application Administered by Local Government Units.

VOTE: Motion carried unanimously.

C. Staff update on Board member terms that expire in January.

Baasen asked Nybeck for an update on this agenda item.

Nybeck directed the Board to his staff memo, dated 1/22/15, in which he provided an overview of the members' terms that will expire on January 31st and respective city appointments made. He offered that eight of the nine member cities followed the LMCD's recommendation of their respective term to provide for staggering expiration dates.

Baasen asked Nybeck to provide an overview of how many Board members' terms would be expiring in 2016.

Nybeck stated that ideally the LMCD would like to see no greater than five members' terms expire at one time. He believed that 2016 would offer six to seven, which is moving towards the LMCD's goal of offering more staggered terms.

D. Nominating committee recommendations for 2015 LMCD Board Officers

Baasen asked Zorn for an update on this agenda item.

Zorn stated the Nominating Committee met just prior to this meeting. It is the committee's recommendations that the following Board officers be appointed in 2015: Chair- Dan Baasen; Vice Chair- Jay Green; Secretary- Greg Thomas; and Treasurer- Gary Hughes.

Baasen asked Nybeck for procedural clarification on approving such.

Nybeck stated that it would be appropriate to provide for the following: 1) a motion to accept the recommended slate of officers, 2) a call to the floor to see if other members would like to provide individual nominations and, if none were offered, 3) a motion to approve the slate of officers.

MOTION: Green moved, Shuff seconded to accept the slate of 2015 LMCD Board Officers (as recommended by the nominating committee).

VOTE: Motion carried unanimously

Baasen entertained other nominations from the floor, in which there were none.

MOTION: Lang moved, Shuff seconded to approve the slate of 2015 LMCD Board Officers as recommended by the Nominating Committee.

VOTE: Motion carried unanimously

E. LMCD Resolution 139, draft resolution designating appointments for 2015

Baasen asked Nybeck for an overview of this agenda item.

Nybeck directed the Board to a draft resolution within their packet. He stated this draft was put together based on the Board's feedback. However, since that date, he received a request from the Chair to be added to the Ordinance Review Committee. Lastly, he stated that the draft resolution did not offer appointed chairs to the individual committees. He solicited the Board's interest in either: 1) re-appointing the 2014 committee chairs or 2) going through an individual committee nomination process.

Baasen entertained comments, questions, and/or a motion from the Board in consideration of comments offered above. He further stated any motion should include amending the document to add his name to the Ordinance Review Committee.

Green questioned if the Board needed to approve the listed auditor, banking depository, legal counsels, and newspapers.

Nybeck stated that the Board previously approved those appointments and they are listed within the resolution for documentation purposes only.

MOTION: Shuff moved, Hoelscher seconded to approve Resolution #139, designating appointments for the year 2015, subject to: 1) the re-appointment of the 2014 committee chairs and 2) the addition of Baasen to the Ordinance Review Committee.

VOTE: Motion carried unanimously

F. Staff update on 2014-2015 de-icing inspections

Baasen asked Harper for an update on this agenda item.

Harper stated that 33 de-icing licenses were issued for the 2014-2015 season. Inspections were conducted to verify compliance with LMCD Code Section 2.09 on January 23rd and 26th (providing an overview of what is documented and the process involved in staying in compliance). Of the 33 sites initially inspected, 25 past first inspections, four failed (one of which resolved their concern the same day), and three were not de-icing. Inspection reports were sent to respective licensees (explaining results and corrective action, if needed). Re-inspections will be conducted shortly for those that failed. He provided an overview (with pictures) of various sites. He entertained questions and comments from the Board.

Nybeck asked Harper to provide an overview of what a de-icing curtain was.

Harper stated that a de-icing curtain is comprised of material placed in the water to stop the flow of; acknowledging a licensed site must contain all open water within a defined Authorized De-icing Area.

Nybeck further stated it is an anchored curtain dropped to the bottom of the Lake. He referenced a site on County Road 15 that resolved concerns utilizing that option.

G. Discussion of process for annual performance review of LMCD Executive Director

Baasen stated that Nybeck prepares and communicates the annual review of the LMCD staff members. With that said, the Executive Committee has expressed an interest to also spend some time with each of the staff members this year. That process will be completed in the near future. In regards to the annual review of the Executive Director, the Executive Committee will be reviewing a requested self-appraisal of Nybeck at their February 4th meeting (from which Nybeck will either meet with Baasen or offer the review in close session with the Board). This process is scheduled to be completed by the middle of February.

10. UPDATE FROM STANDING LMCD COMMITTEES

Baasen asked if the committee chairs had anything to report.

Green stated that he had recently attended a number of meetings relative to aquatic invasive species (AIS). He provided the following overview of each meeting:

2015 Aquatic Invaders Summit, St. Cloud (January 20th and 21st):

He attended this summit on behalf of the LMCD, which was sponsored by the Initiative Foundation, Minnesota Lakes and Rivers Advocates, Minnesota Association of Watershed Districts, and the Minnesota Department of Natural Resources (MN DNR). The theme of the program provided for empowering local programs. There were over 400 participants, in which 57 of the 87 counties were represented (including six county commissioners). Some of the topics discussed included:

- Setting up local AIS programs, including the management of, pros and cons, inspections, decontamination, etc.
- Mike Hoff, U.S. Fish and Wildlife Service, presented on global AIS risk assessments. He pointed out that there were 4,000 freshwater ornamental fish of which one billion were imported into the United States between 2005 and 2008. He referenced that Eurasian Watermilfoil came from an aquacultural industries in which the ornamental fish also came from; documenting a large hole in the

- system's process. To this end, U.S. Fish and Wildlife are working on programs to address that area of concern.
- State Senator Rod Skoe (District 2) provided a brief overview of what the legislature is working on. He referenced the postponement of the MN DNR's AIS training and trailer decal program so that the legislature could consider additional changes. In the interim, Skoe reinforced the legislature's commitment to AIS education.
 - Jabbour, who was in attendance at an ABYC AIS Summit in Las Vegas, also presented at this respective Summit on what Minnesota had learned from the AIS prevention programs that have been in place over the last 30 years (in particular the importance of forming partnerships). Green believed that was a key presentation topic based on attendees that were new to the management of local AIS programs. These individuals were not alone; providing for established programs and partnerships to assist them.
 - Many of the programs focused on inspections, containment, and decontamination processes. He attended sessions that offered more of the hands on the ground processes (inspections, decontamination, etc.). Many of the presenters were people that have been doing this out west for a while now (more restrictive, fewer bodies of water).
 - Bob Wilshire, Executive Director of the Invasive Species Action Network in Montana, talked about the spread of AIS via recreational boats. He stated that personal responsibility is paramount in the prevention of such; however, it is not 100% as other gaps existed.
 - An economist talked about the impacts of AIS (treatment vs. benefits). He compared the different models of treating the infestation of AIS for places such as Lake Erie vs. Lake Michigan. More specific, what would be the economic impact difference for specific areas (i.e., fisheries, etc.). He stated areas proved to suffer very individual results.
 - Containment and decontamination were heavily discussed, in which Lake Minnetonka was utilized as an example during those presentations. He stated that the MN DNR is going to require the decontamination of a wakeboard boat when it comes off a body of water that has a decontamination unit present.
 - Fines, increased enforcement, and the tagging of boats for outbound inspections were discussed.

2015 Minnesota DNR Roundtable, Brooklyn Park (January 23rd)

The theme of this Roundtable was "Water Quality and Water Quantity." Governor Dayton was in attendance, in which he announced he will be proposing legislation to provide for a 50 foot buffer on all public and private bodies of water in the state. Although this was a huge matter to undertake, Green believed it was a necessary one. The gathering also provided for discussion of:

- Statewide water quality and conservation, i.e., the conversation of forests and grassland to agriculture (providing for the lack of buffer).
- Policy discussions relative to aquifers and their concern for water levels (referencing White Bear Lake and St. Paul). He stated that the aquifer under St. Paul provides for increased water levels based on the discontinuation of pumping cooling water to factories. However, the City of Orono water levels are decreasing and they too are not pumping water out; acknowledging a need to understand this discrepancy.
- AIS programs provided a more modest theme. He stated that some of the programs offered last year will continue. The MN DNR will continue to study residual water in boats that are leaving a body of water.

State of Minnesota AIS Advisory Committee, St. Cloud (January 22nd)

He spoke with the head of enforcement at the MN DNR in regards to watercraft inspections. That individual stated that 99% of the boats that were tagged for zebra mussels came from Lake Minnetonka and Prior Lake. To this end, he had asked that individual for clarification of those numbers. He stated that containment data will play a big part in how the watercraft inspection program will be developed and what is acceptable to the Lake community. Additionally, the MN DNR is going to pilot, on a limited basis, a search application for finding the placement of decontamination units.

Minneapolis Boat Show (January 22nd-25th)

In follow-up to Jabbour's current work with ABYC and the re-design of watercraft to lessen the spread of AIS (one of which was pontoons), he stated 85% of the pontoons at the recent Minneapolis boat show no longer had skis available on them. He believed that the industry is hearing about this effort.

Hennepin County Environmental Service Meeting (January 23rd)

He, Jabbour, John Barten from the Three Rivers Park District, and Tim Latterner of Dock and Lift were invited to attend a sponsored Hennepin County meeting with an engineering firm to discuss the establishment of an automated decontamination/washing unit at a site within the county (offering an array of logistical matters that were being considered).

He stated that his participation in the above groups provided for similar discussions, in which he was able to obtain informational material from each one. He entertained questions and comments from the Board.

Baasen asked if the number of launches were considered in the discussions above (referencing the above noted comment about Lake Minnetonka and Prior Lake).

Green referenced the question of how reliable the MN DNR's watercraft inspection survey question of what was the last body of water really was. In talking with the head of enforcement, he asked them to clarify whether those figures were from an inspector at a launch or law enforcement stopping someone on the highway. Lastly, he stated that the LMCD's AIS Task Force will meet on February 13th.

Baasen stated the Executive Committee will meet February 4th, at which time they will be considering Nybeck's annual review and a proposal on various code amendments from three yacht clubs. He asked Nybeck if he had anything to add to that.

Nybeck stated the yacht clubs have prepared a unified document, which was a prior committee recommendation.

Green stated the current legislation for the certification of lake service providers has some loop holes as to who qualifies as a provider and, in turn, are required to obtain their AIS training certification. He further stated that currently, if a provider is not handling the watercraft they are not required to be certified (offering if someone rents a trailer to another individual, the person renting is not required to be certified). Therefore, he recommended the Ordinance Review Committee consider establishing ordinances that are more restrictive than the state.

Baasen asked if the AIS Task Force was going to respond to the Governor's proposed legislation of a 50 foot buffer (as noted above). He believed that proposal would affect a lot of landowners and waterways.

Green confirmed they would at least have it as a discussion item. He further stated that the proposal would affect cities, as well.

11. EXECUTIVE DIRECTOR REPORT

Nybeck directed the Board to his Executive Director report, dated 1/28/15. He made the following comments: First, he and Thomas presented an update at last evening's Tonka Bay City Council meeting. At that same meeting, former Board member and chair Doug Babcock was recognized for his service to the LMCD. Second, he and Lang will be presenting his update to the Minnetrista City Council on February 2nd. He entertained questions and comments from the Board relative to the remaining items listed within his report.

Baasen asked if there was a matter that would need the Board's attention prior to ice out.

Nybeck stated the LMCD's current projects of licensing, permitting, inspections, and boater safety are all cyclical projects. Therefore, he suggested the Board's update on the Strategic Plan is a more unique project that will require the Board's attention, in which he has offered his support.

12. OLD BUSINESS

There was no Old Business.

13. NEW BUSINESS

There was no New Business.

14. ADJOURNMENT

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

Dan Baasen Chair

Jay Green, Vice Chair