

MOTION: Shuff moved, Green seconded to approve the 4/22/15 LMCD Special Board Meeting minutes as submitted.

VOTE: Ayes (9), Abstained (5, Hoelscher, Klohs, Lang, Morris, and Zorn); motion carried.

MOTION: Zorn moved, Roy seconded to approve the 4/22/15 LMCD Regular Board Meeting minutes as submitted.

VOTE: Ayes (10), Abstained (4, Hoelscher, Klohs, Lang, and Morris); motion carried.

6. APPROVAL OF CONSENT AGENDA

Green moved, Shuff seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved included: **6A)** Audit of vouchers (4/24/15 – 5/15/15); **6B) MCWD**, approval of Cost-Share Agreement for 2015 Lake Minnetonka Watercraft Inspection Program; and **6C)** Approval of 2015 State of Minnesota Grant Contracts (LMCD Watercraft Inspection and Harvesting Programs).

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

There were no public comments.

8. PUBLIC HEARING

- **T & T Boatworks Marina**, 2015 new multiple dock and special density license applications to increase Boat Storage Units from 90 to 99 on 1,104 feet of continuous shoreline on Wayzata Bay.

Baasen asked Harper for an overview of this agenda item.

Harper directed the Board to his staff memo, dated 5/8/15. He stated a new multiple dock license application has been submitted to add nine overnight boat storage units (BSU). This site is currently licensed for 90 BSU (80 overnight and 10 transient) with a storage density of 1:12' (1,104 feet of approved shoreline). The proposed changes would include adding: 1) six tie-on BSUs to the north portion of the south dock, 2) a dock structure to create a three sided slip to form BSU 81, and 3) BSU 89 (with two tie poles). He provided a detailed overview of a relevant code section pertaining to this application (Qualified Commercial Marina), as well respective staff comments that were outlined within his memo. He recommended the Board approve the new multiple dock license application for the 2015 season, subject to submitting a revised as-built survey. He entertained questions and comments from the Board, in which he confirmed the dimensions of BSU #81.

Baasen invited the applicant to address the Board, in which the applicant declined. He opened the public meeting at 7:16 p.m. There being no comments, Baasen closed the public hearing at 7:17 p.m.

MOTION: Jabbour moved, Green seconded to approve the 2015 T&T Boatworks Marina new multiple dock license application, subject to staff's recommendation.

VOTE: Motion carried unanimously.

9. OTHER BUSINESS

A. U of M Carlson School of Management, presentation of Lake Minnetonka survey findings

Baasen stated that representatives from the University of Minnesota (U of M) Carlson School of Management were present to report on a survey commissioned by Jabbour prior to his service on the Board. He welcomed the representatives and asked Zorn (who Jabbour asked to coordinate as a resident of Lake Minnetonka) if she would like to preface this project.

Zorn stated that she and Jabbour met with representatives from the U of M relative to the surveying of Lake Minnetonka stakeholders as it pertains to the LMCD. She and Jabbour assisted in identifying the stakeholders, as well as in the review of the surveyed questions; with the students making the ultimate decision. She further stated that the City of Shorewood (in which she represents) had requested that the survey be a direct mail to their residents. However, that data analysis, as well as the surveying through a Lake Minnetonka Association direct mail, were not included within this meeting's upcoming presentation (but were found to be in line with the results being presented).

Messrs. Brian Grundtner, Mark Tucher, and Dan Ochs and Ms. Anan Luo introduced themselves as first year Master of Business Administration students (with an emphasis in Marketing and Strategy or Entrepreneurship). Grundtner Tucher, and Ochs previously served in the Armed Forces, in which those in attendance thanked them for their service.

Grundtner stated the team was a part of the Carlson Brand Enterprise whereby students come together to provide both short and long-term research and analysis of client based businesses. This effort is utilized by paying customers based on the team's use of best practices for research and analysis, unbiased results, and access to faculty advisors and Ph.D. marketing research professionals. He provided the following outline of their presentation, which was offered as a handout to the Board and via a PowerPoint presentation.

Project Overview

- Project Scope was to determine the awareness and perception of success that the LMCD has with their key stakeholders.
- Project Objectives included: 1) determining the key stakeholder groups, 2) assessing awareness and perception of success each stakeholder has, and 3) analyzing and reporting findings to the LMCD.
- The Project Deliverable included assessment analysis and primary research data in raw format.

Project Methodology

- Stakeholder research;

- Conduct the survey and interviews; and
- Assess and report to the LMCD.

Stakeholder Identification (Geographic Representation; Stakeholder's Choice of Best Represented)

- Lake Users;
- Home Owners;
- Government Representatives; and
- Business Owners.

Ochs presented pages 8 through 13. He directed the Board to a pie chart that represented the four stakeholder categories (62% home owner, 17% lake user, 11% business owner, and 10% government) based on the receipt of 205 responses. He prefaced that two databases existed (those offered within this presentation and the other stakeholders that Zorn referred to). The results referenced by Zorn will be forwarded to the LMCD at a later date; however, he stated the results were consistent to what is being presented via the 205 responses outlined within this meeting. He provided the following comments to the respective survey questions:

LMCD Awareness on a 1:7 Scale (Effective Communication)

- Who manages Lake Minnetonka (top of the mind awareness write in question): 47% recognized and were familiar with the LMCD (58% home owner, 16% Lake users, 14% business owners, and 12% government).
- How familiar are you with the LMCD (name prompted question): 53% originally did not recognize LMCD but when prompted had positive familiarity ratings (66% home owner, 18% Lake users, and 8% both business owner and government).

LMCD Efforts on a 1:7 Scale (Ineffective)

- High Familiarity: 44% of the 66% sample population believed the LMCD was ineffective (22% effective).
- Low Familiarity: 11% of the 15% sample population believed the LMCD was ineffective (4% effective).

Stakeholder Core Mission Importance - Effectiveness on a 1:7 Scale (AIS, Regulation, Safety, Lake Access)

- AIS (2.6 effectiveness- 6.2 importance).
- Regulation (3.6 effectiveness- 5.0 importance).
- Safety (3.5 effectiveness- 5.6 importance).
- Lake Access (3.4 effectiveness- 4.4 importance).

Luo presented pages 14 through 17, which provided an overview (“..at a Glance”) of each represented stakeholder category (Lake user, business owners, home owners, and government representatives) offering: 1) the percentage of respective stakeholders who recognized the LMCD as a lake management organization without prompting, 2) their level of discontent to a specific topic (AIS, regulation, safety, and Lake access), 3) the ineffective rate of those that were highly familiar with the LMCD, and 4) top three values.

Tucher presented pages 18 through 23. He stated that the LMCD maintained a consistent level of overall stakeholder familiarity as compared to the Minnehaha Creek Watershed District (MCWD) and the Minnesota Department of Natural Resources (MN DNR). The stakeholders believed the LMCD was better suited for Lake use regulations while the MN DNR was seen as more suitable for leading the efforts of AIS and Lake access. Additionally, both agencies were viewed as highly active with the LMCD's effectiveness declining. The Board members rated the LMCD's effectiveness as a 5.9 on a scale of 10; having the highest average rating of LMCD effectiveness among all stakeholders.

Grundtner stated their team was asked to collect, analyze, apply scientific methods, and present the analyzed data. He believed there was a good representative sample of the population. To this end, the team left the Board with the following recommended ideas: 1) communicate, 2) leverage, and 3) reassess. He stated more communication would provide the stakeholders with a better knowledge of the LMCD's effectiveness, additional partnerships would increase its leverage, and the reassessment of priorities would assist in keeping the priorities on track. He entertained questions and comments from the Board.

Zorn asked if the team could speak to what their goal was for the surveyed respondents and did you meet the proper number to provide an adequate analysis.

Grundtner stated their advisor confirmed a sampling of 100 responders would offer a factual statistical analysis; offering that they doubled that amount.

Baasen asked if there was a particular segment that responded past their level of expectations.

Tucher stated that in an effort to gain access to potential Lake users, they solicited various emails from the member cities. Additionally, they tried to pull in the various clubs that were affiliated with the Lake.

Zorn, in recognizing that the responders' email address was confidential, asked Tucher if their system was capable of tracking what percentage actually completed the survey; acknowledging that the respondent had the ability to self-select the category in which they fell into (i.e., a business owner could document themselves as a home owner).

Tucher stated the team knew exactly who was taking the survey based on their respective Internet Protocol (IP) address. However, that information is just a number as multiple surveys could have been completed from one computer. He confirmed they were able to track unfinished surveys; however, it made it difficult to ascertain the information. He stated that a lot of their analysis was completed by utilizing parts of the front and back of a respondent's survey to compare similarities (tossing out data that is opposite).

Hughes asked for further clarification of the additional respondents Zorn referred to (including confirmation that the data would also be analyzed and submitted to the LMCD).

Grundtner stated that data had not been "cleaned" to date. Therefore, more work needed to be done prior to

releasing that data, which will then be submitted to the LMCD.

Jabbour thanked the team. He stated that he commissioned the survey process during a time when he was not serving on the Board (over a year ago) and wanted to go on record that he has not been involved in this process other than offering some respondent names. Additionally, he pointed out that this company is the best one could obtain in Minnesota. He asked the team if this body was included in the "Government Representatives" category of statistical analysis (offering that also included the member city administrators and mayors).

Luo stated that this body was surveyed; however, their response was based on their personal identification of themselves (i.e., if they chose "Government Representatives" their response would have been analyzed within the presented statistics).

Baasen asked if the perceptions from this Board were off of the direct interview or from the survey itself. Additionally, he asked if there would have been as large of an ineffective rate if AIS was set aside from the survey results.

Ochs stated some of the interview questions were quantified (i.e., top three or a specific score out of 10). If it was quantifiable, it was compared against quantifiable data. However, if it was qualitative they were presented as general trends within a quote. Lastly, he stated that the LMCD rated ineffective on the other three core missions (Regulation, Safety, and Lake Access).

Jabbour stated that the team was provided the MN DNR's Service Provider list for the "Business Owner" category (businesses that are not located on Lake Minnetonka but reside in Hennepin, Wright, and Carver counties).

Grundtner stated the "Business Owners" list itself was more than double the individual referenced contacts (confirming one only needs a dataset of 40 to provide for a quantitative analysis). He believed this information would reaffirm that this and all surveys analyzed could not be from biased information.

Baasen asked if their school performed surveys for other regulatory agencies and, if so, how did that agency compare to the LMCD.

Tucher stated that their team has not performed a survey for another regulatory agency.

Luo stated that she asked that question of her advisor who confirmed surveying of regulatory agencies was not common within this region (more globally).

Gross requested confirmation: 1) that the samples taken were not of a represented population (i.e., specific zip code area) but from individuals that have a biased interest in the Lake and 2) as to the targeted confidence level the team was aiming for with their statistical design.

Grundtner confirmed this project was a targeted survey of LMCD stakeholders and that they were targeting a 90% confidence level.

Klohs requested clarification on what the advisor had stated was not common in this region.

Grundtner confirmed it was not common to perform a constituent or awareness survey for regulatory agencies within the region.

Jabbour stated that 10 years ago he commissioned this school to perform a city-wide survey on the City of Shorewood (specifically why they live within). He believed that survey was telling of the purpose. Additionally, in serving on a commercial and redevelopment board, he also commissioned a need study for the East Hennepin Commercial Association.

Thomas thanked the team for their efforts and believed this information would be of service (specifically with the Board's upcoming strategic planning process).

On behalf of the LMCD, Baasen thanked the team for their work. He expressed an interest in maintaining contact on this matter.

B. Ordinance Amendment, first reading of a draft ordinance relating to Quiet Waters on North Seton Channel.

Baasen asked Nybeck for an overview of this agenda item.

Nybeck directed the Board to a draft ordinance relating to changes for an established Quiet Water Area (QWA) within the North Seton Channel. He stated Seton Village Homeowners Association (Seton Village), which is located to the east of the Seton channel, raised concern with watercraft operators speeding through the currently approved QWA (marked with three minimum wake buoys). The Board considered this matter at their April 8th meeting, at which time Nybeck communicated that he previously worked with Tony Brough of Hennepin County Environment and Energy who did not want to add additional buoys but was willing to relocate them (as described within the April 8th minutes). If the Board concurred with the draft ordinance, he recommended they approve the first reading, waive the second and third readings and adopt.

MOTION: Green moved, Hughes seconded to approve the first reading of the draft ordinance amendment as submitted, to waive the second and third readings, and adopt it.

VOTE: Motion carried unanimously.

C. Executive Committee, update of proposed changes to the LMCD Code for Lake Minnetonka yacht clubs and sailing schools

Baasen asked LeFevere to provide an overview of this agenda item.

LeFevere stated that the Executive Committee has been meeting with the yacht clubs in an effort to consider various regulations pertaining to their operation. This effort is similar to the Board's prior work in establishing regulations for commercial marinas; the establishment of "Qualified Commercial Marinas" (QCM). This effort provided for additional rights previously not available to them. In working with the yacht clubs, the committee held a series of meetings which resulted in the receipt of a unified proposal from the yacht clubs and, in turn, direction from the committee to draft a list of recommended ordinances for the Board's consideration. He directed the Board to an outline of those recommendations within their packet, dated 4/28/15. He prefaced that the recommendations were outlined in more detail than what was proposed by the yacht clubs or discussed and given direction by the committee. This was based on additional restrictions and limitations that were previously considered and approved with the QCMs. He provided a detailed overview of the following recommendations:

Definitions

"Qualified Yacht Club" (QYC); a non-profit corporation, owned by its members, volunteer-driven, created to further the sport of sailing, with a least 25 boat storage units (BSU) at the licensed site.

"Qualified Sailing School" (QSS); a 501(c)3 corporation created to educate and train for the sport of sailing and associated on the same site with a QYC.

Extension of Docks to 200 Feet

- Subject to evaluation by the Board (utilizing subjective criteria outlined within Section 2.03);
- Extensions allowed at facilities with variances if a new variance is granted. This is based on the possibility of the documented hardship for the currently approved variance being removed with the proposed extension;
- No extensions that: 1) overlap another dock use area (DUA), 2) interfere with navigation or access to another DUA or district mooring area, or 3) require removal of emergent vegetation; and
- Allow expansion of density for facilities that are non-conforming (maintaining a density currently not allowed by code) without limiting total square footage of slips. Such sites can currently expand and reconfigure; however, they are not able to increase their total square footage of all of the BSUs added together.

Boat Storage Density and Special Density Licenses

- Eliminate special density licenses for QYCs and QSSs;
- Establish new density standard of 1:10 for QYCs and QSSs;
- Make initial increase in density above current authorized density subject to review by the Board, using the subjective criteria for commercial and multiple docks under Section 2.03;
- Addition of BSUs allowed at facilities with variances only if a new variance is granted;
- Shoreline calculation subject to a straight line measurement rule; and
- No increase in density that requires removal of emergent vegetation.

Executive Director's Authority to Approved Changes

Executive Director would have authority to approve changes in dock licenses of conforming QYCs and QSSs subject to the following limitations:

- No increase in number of watercraft or dock length; and
- The change will not adversely affect nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment.

Executive Director would have authority to approve changes in dock licenses of non-conforming QYCs and QSSs subject to the following limitations:

- Not a conversion to slides to slips; and
- No substantial change in the amount of the Lake obstructed or occupied by the dock.

Count Sailing Boats up to 20 Feet Long as Unrestricted Watercraft

Allow non-motorized boats up to a 20 foot hull length, stored on land, at a QYC or QSS to be counted as unrestricted watercraft (and therefore not count for density purposes unless stored in water). This is a new recommendation not previously considered with the QCMs. He further explained that all sailboats greater than 16 feet are considered restricted (providing for the watercraft to be counted against their density and placed in a respective BSU).

Allow Additional Density of Restricted Watercraft Used for Coaching and Safety

Allow up to one powerboat of up to 20 feet in length and 90 horsepower for each six student boats. The additional restricted watercraft would not be counted for density purposes provided they are operated exclusively by the QSS for safety, education, coaching, or managing sailboat races and are stored on land, a slide, or a small boat launch ramp. This is a new recommendation not previously considered with the QCMs.

LeFevere entertained questions and comments from the Board.

Gross expressed concern about the proposed definition of a QSS; specifically, the use of the words "... associated on the same site with a Qualified Yacht Club." He requested further clarification on the definition of the word "site."

LeFevere stated "site" is a defined term within the code; a legally subdivided lot, parcel, or other piece of property that is identified by a single property tax identification (PID) number.

Gross stated Minnetonka Yacht Club's sailing school owns the island (deed holder) and is not on the same site as the respective yacht club [with Jabbour interjecting the same holds true for the Wayzata Yacht Club]. Therefore, he requested clarification as based on the proposed definitions; the two respective sailing schools would not be considered a QSS.

LeFevere deferred that question to the yacht clubs as it was his understanding that the sailing schools and

yacht clubs were affiliated and associated with all the respective multiple dock licenses on the Lake.

Gross expressed concern that the definition could be discriminatory as it prevents other future 501(c) 3 sailing schools from obtaining QSS status (possibly the Boy Scouts or a future municipal sailing school).

LeFevere stated that decision would ultimately be up to the Board. The recommendations being discussed were specifically for the yacht clubs and do not go beyond that scope (granting additional rights or considerations for other sailing schools).

Baasen invited Jonathon McDonagh to address the Board.

Mr. Jonathon McDonagh introduced himself as Rear Commodore of the Wayzata Yacht Club. He confirmed that the yacht clubs' proposal utilized the word "associated" in referencing a sailing school and its respective yacht club. He could not speak to the LMCD's definition of the word "site."

Jabbour believed the LMCD representatives were pushing for the yacht clubs to have a sailing school with 501(c) 3 statuses in considering use of the term "qualified." He did not believe it was the LMCD's intention that they must be on the same site as defined by code (referencing they are two different entities).

Gross stated that the Internal Revenue Service (IRS) does not like the word "associated" as they do not want tax deductible dollars subsidizing a sport.

McDonagh stated that, in all cases, the yacht clubs support their sailing school with donations, manpower, and volunteers. He confirmed that the sailing schools are not, by any stretch of the means, supporting the yacht clubs.

Gross believed that respective clause could be removed from the definition, in which McDonagh concurred.

Baasen stated that the Board chose to consider these efforts with individual groups (commercial marinas, yacht clubs, and municipalities) based on their individually unique aspects. This effort was not to reinvent the wheel but to facilitate operation that was not free of regulation but with more efficient execution of their needs. He believed the yacht clubs have provided a proposal that meets that intent. Therefore, he believed the Board needed to focus on the intent of the efforts and work within all means to utilize proper terminology to meet the goals.

Gross directed the Board to the use of the words "... students' boats" (within the last paragraph on page two of the recommendations); offering it as an undefined term.

LeFevere questioned what other boats would be at a sailing school than those utilized for students.

Baasen believed the intent was to consider all boats used for the purpose of safety, education, etc., of all ages.

McDonagh stated the proposal provided for an educational boat to be defined as “a non-motorized boat up to 20’ hull length, manually stored completely onshore, operated by a Qualified Sailing School, and used exclusively for educational purposes.”

Jabbour recommended the word “native” be placed in front of any reference to “emergent vegetation.”

Green asked McDonough, on behalf of all the proposed QYCs and QSSs, if they were in sync with the recommendations offered (other than the changes discussed at this meeting).

McDonagh believed all parties were in sync with the recommendations. However, he requested confirmation that the existing density of the non-conforming sites would be maintained via the recommendations offered and that recommendation #4, “Shoreline calculation subject to a straight line measurement rule” offered under Boat Storage Density and Special Density Licenses was the same recommendation staff had previously explained to him during the processing of a former application, in which McDonough referenced the Board and staff nodding in a “yes” fashion to both.

Nybeck recommended the Board follow the same process offered in consideration of the QCMs’ proposal (based on the Board’s approval): 1) review the committee’s recommendations (completed this evening), 2) direct LeFevere to draft an ordinance amendment for consideration at a future meeting, and 3) schedule a public meeting (directing staff to submit the draft ordinance to the public for review and comment). He recommended that the review of the draft ordinance be schedule for the June 10th Regular Board’s meeting.

MOTION: Jabbour moved, Green seconded to adopt Nybeck’s process offered above.

Thomas concurred with Jabbour’s comment about adding the word “native” in front of emergent vegetation (referencing the LMCD harvesting emergent vegetation on a seasonal basis).

LeFevere clarified that emergent vegetation was a Minnesota Department of Natural Resources (MN DNR) definition for cattails and that Eurasian watermilfoil would be a submerged vegetation.

Gross requested further consideration in the use of the words “associated” and “site” as discussed above.

LeFevere stated that he will act on the Board’s direction.

Jabbour stated that the Board wants to make sure the yacht clubs have value added through the sailing schools, which is a delivered service that would qualify them as a QYC. He believed the use of the word “affiliated” would be an appropriate term. He asked McDonagh if the yacht clubs had a concern with the use of that word, in which McDonagh stated they would not.

Gross continued to express concern in limiting QSSs to those associated with a yacht club. He referenced the

City of Minneapolis running a sailing school on Lake Harriet that also offers value but is not associated with a yacht club.

Baasen asked LeFevere to explain why an LMCD member city could not operate a sailing school on the Lake.

LeFevere stated that, based on the proposed recommendations, a member city could not operate as a QSS as they would not be affiliated with a QYC (requiring 25 BSUs, non-profit status, owned by its members, etc.). This, however, did not prevent them from operating on the Lake.

Green stated the benefits are being offered to the sailing schools not the yacht clubs.

LeFevere stated the proposed recommendations provide dual rights to a QYC and QSS; both can extend out to 200 feet and maintain a density of 1:10, etc.

Green stated that sailing schools not affiliated with a yacht club would not receive the benefits of the proposed recommendations.

LeFevere stated the question proposed is whether a sailing school not associated with a yacht club should receive benefits.

Green stated the Board would have to figure that out when the time comes.

Baasen asked if there had been any yacht clubs on the Lake that did not make it.

Jabbour stated the Lake has lost a substantial amount of sailboats over the years (referencing a 1984 to 2014 MN DNR Boating Trends Report on the LMCD's website for accurate statistics). He urged the Board not to lose sight of this effort; acknowledging a great deal of research went into the recommendation of the 200 foot extension and the ability to turn a yacht club with an affiliated sailing school into a conforming facility so that they could proceed with updates needed to operate within current standards. He welcomed additional sailing schools on the Lake; however, recognized that the recommendations were drafted to accommodate the yacht clubs listed within the proposal.

McDonagh was not against another sailing school requesting their affiliation to the current yacht clubs.

Shuff asked LeFevere to clarify the options offered for the establishment of a new sailing school on the Lake.

LeFevere confirmed that the proposed recommendations do not prevent another sailing school from establishing themselves on the Lake. However, if they are not affiliated with a yacht club, they would not receive the status of a QSS nor receive the proposed benefits of such.

Meyer took that one step further and requested clarification if a sailing school was a 501(c) 3.

LeFevere confirmed the school would not be considered a QSS. However, they may qualify as a QCM or provide enough amenities to qualify for an approved special density license, etc. In closing, he would draft the ordinance based on the direction of the Board.

Jabbour stated, to Meyer's point, he currently has a sailing school housed within his commercial marina that operates independent of themselves.

Nybeck recommended the Board take a vote on the motion. If approved, LeFevere can begin drafting the ordinance knowing that both Board and yacht club representatives are available to him for any questions that may arise.

LeFevere believed that it would just be a matter of removing a clause from a draft ordinance should the Board decide, at a later date, that they did want to extend the additional benefits to those not affiliated with a yacht club.

Morris concurred with Gross and did not see any point in making the QSSs more restrictive as the removal of the affiliated clause would grant all benefits to everyone. It also leaves the door open for all sailing schools that would like to establish themselves on the Lake.

VOTE: Motion carried unanimously

D. Craig Rapp, LLC, update on LMCD Strategic Plan Facilitator Proposal

Baasen asked Zorn for an update on this agenda item.

Zorn directed the Board to an amended proposal from Rapp, dated 5/11/15, which was offered in response to a May 5th meeting. At this meeting, Board representatives in attendance expressed an interest in further refining the proposal to: 1) minimize the cost and scope of the project, 2) offer a menu approach; preserving a core proposal for strategic planning, and 3) establish strategic priorities, measurable outcomes, and performance targets for a three year period. She provided an overview of the amended proposal, in which the Board would dedicate the first Wednesday of June through approximately September. She further stated that at their April 8th meeting, the Board approved expending up to \$16,500 on a proposal with Rapp (subject to further defining the scope of the proposal). The current amended proposal has been reduced to \$7,500 with the option to select individually priced sessions as this process proceeds. She recommended the Board consider approval of this proposal, as well as dedicating the first meeting (working with staff to identify any matters that need to be addressed under a short Regular Board meeting). She asked Nybeck to expound on the Board's meeting schedule and any respective needs over and above the strategic planning.

Nybeck stated that he did not think the draft ordinance relative to the yacht clubs and sailing schools (discussed under item agenda 9C above) would result in a public hearing for the Board's June 10th meeting (recommending

this be considered at the June 24th meeting). However, approval of the draft 2016 LMCD Budget is a high priority that must receive conditional approval on June 10th.

Baasen stated that the May 5th meeting discussions with Rapp also included the January 10th Board Strategic Planning Workshop, the Carlson School of Management survey, and how the Board can make this process smoother. Therefore, the current amended proposal of \$7,500 incorporates three of the sessions within his proposal, dated 4/8/15. He stated this process could be considered as Zorn has proposed or by scheduling two four-hour sessions, two days in a row or an eight-hour session on a Saturday. To this end, he urged the Board to not be so concerned about giving up the first meeting of the month but allowing for the flexibility to move forward in a smooth fashion as determined through the process.

Jabbour solicited the Board's interest in inviting back the three former LMCD Board members that previously participated in this process (Jim Doak, Woodland; Jennifer Caron, Excelsior; and Chris Jewett, Deephaven) as a contributing guest.

Baasen confirmed he has already invited those three to continue their participation in this process, in which all three have agreed to do so.

Klohs asked if those contributing guests would be participating on equal ground (i.e., will they be able to vote).

Baasen confirmed the guests are not official members and would not be able to vote. However, this would not exclude their active participation.

The consensus of the Board was to continue with the current amended proposal. Rapp would submit a draft service agreement for the Board's approval at a future meeting.

E. 2015 EWM Harvesting Program, project overview

Baasen asked Harper for an overview of this agenda item.

Harper directed the Board to a 2015 Eurasian Watermilfoil (EWM) Harvesting program outline and offered the following comments (via a PowerPoint presentation):

- Six seasonal employees are proposed; one of which is the site supervisor. He will continue serving as EWM Project Manager and recommended the Board approve a Fleet Mechanic contract (within their packet) with Curfman Trucking and Repair, Inc.
- The program budget will remain at \$95,000 (\$65,000 of funding from the member cities and a \$30,000 Minnesota Department of Natural Resources grant, which is based on \$100 per acre).
- Program schedule included scouting, launching of equipment, and training of crew/initiation of harvesting the weeks of June 1st, 8th, and 15th, respectively. This is a nine week program in which the seasonal employees will work four, 10 hour days Monday through Thursday from 7:00 a.m. to 5:30 p.m. The program will be shut down the week of June 29th due the July 4th holiday.

The North Upper Lake option will be implemented (subject to change based on actual EWM growth).

- The equipment consists of three paddlewheel harvesters and one transport barge. A combination of clear and channel cutting for impediment to navigation will be utilized (higher priority to matted milfoil). Tandem cutting and skimming will be emphasized to address milfoil fragments. The MN DNR permit has been secured and the grant agreement has been executed.
- He recommended the Board approve the hiring, without benefits, of: 1) Tom Elmer as Site Supervisor at the rate of \$16.50 per hour (2nd season), 2) Alex Stock (third year returning seasonal employee) at the rate of \$13 per hour, and 3) four additional seasonal employees at the rate of \$12 per hour. Additionally, he reiterated his recommendation to approve the Fleet Mechanic contract with Curfman Trucking and Repair, Inc. at the rate of \$90 per hour.
- He entertained questions and comments from the Board. He confirmed the overtime authorized during the 2014 season (based on late EWM growth during the historical high waters) was not expected to continue this season and that the seasonal employees will be certified as a Lake Service Provider.

MOTION: Roy moved, Hughes seconded to approve the 2015 EWM Harvesting Program seasonal employees and Fleet Mechanic contract as recommended by staff.

VOTE: Ayes (13), Abstained (1, Shuff); motion carried.

F. Staff overview of 2015 LMCD Residential Code Enforcement Program

Baasen asked Herman for an overview of this agenda item.

Herman directed the Board to her staff memo, dated 5/8/15. She offered the following comments (via a PowerPoint presentation):

- The Board established this program in 2006 for the purpose of enforcing watercraft storage ordinances at residential sites (offering a review of the primary enforcement efforts).
- An overview of the established communication process (offering sample letters within), as well as the process involved in submitting documentation to the prosecuting attorney should compliance efforts be exhausted.
- An update on the further refined 2014 findings.
- Staff's report (via detailed spreadsheets and staff comments within) of: 1) prosecution costs and fine revenue and 2) value and operational costs of the LMCD's 1994, 19' Mako watercraft with a 175 HP Mercury motor. This report was offered at the request of a few Board members in December of 2014.
- She recommended the Board continue this program for the 2015 boating season as previously established, as well as the re-hiring of Mr. Miles Wilson (third season) at the rate of \$13 per hour (without benefits). She stated Wilson navigates the watercraft and provides additional assistance.
- She entertained questions and comments from the Board, in which she clarified: 1) historical staff hours

obtained for both her and Wilson in performing this program (based on December 2014 presentation), as well as the Boat Storage Count Program (simultaneously) on even years only. She stated that Nybeck has recommended that the Shoreline Boat Storage Count be pushed back to 2019 vs. the next regularly scheduled year of 2016 and 2) communication relative to a site previously discussed with Jabbour.

MOTION: Thomas moved, Shuff seconded to proceed with the 2015 Proactive Code Enforcement Program, including the hiring of Miles Wilson at the rate of \$13 per hour (without benefits).

VOTE: Motion carried unanimously.

10. UPDATE FROM STANDING LMCD COMMITTEES

Green stated the AIS Task Force met last Friday. Topics of discussion included:

- An update from the Three Rivers Park District (TRPD) on the hiring of seasonal watercraft inspectors for the 2015 LMCD Watercraft Inspection Program.
- An update from the Minnehaha Creek Watershed District (MCWD) on an Initiative Foundation (Lessard Sams) funded multi-phase project relative to the continued prevention and management of AIS at launching ramps around the Lake via watercraft operators obtaining a permit (police enforced) after going through a defined decontamination or educational process to park at a specific public access. The MCWD was awarded up to \$700,000 for use in 2016. During the interim, the MCWD will be talking with watercraft inspectors, as well as representatives from the 14 member cities. He stated that a number of the Task Force members had strong feelings relative to this subject; however, hesitancy on the proposed parking ordinance was expressed based on: 1) Lake Minnetonka being too large of an entity to initiate a pilot study on this project, 2) a watercraft operator going to a smaller lake would have to stand in a decontamination line with 20 other operators going to Lake Minnetonka, and 3) that there are so many public accesses that this effort could push the Lake user back to using the fire lanes or parking on the street. He had a personal concern of enforcing AIS regulations after a watercraft operator had already launched the boat. He raised this matter so that the Board could educate their respective cities, as well. He offered all to contact him with questions that may arise.

Thomas asked if this was something the LMCD Board needed to take a position on.

Green believed the Board will need to consider this at a future date. He stated this project would be an all or nothing, as one city could not opt in and another out.

Jabbour stated that he, Green, and John Barten from the TRPD serve on the Initiative Foundation Board that approved this grant. It was disheartening to him and Barten that the two components that they found of value are not currently being pursued.

Green stated Barten's concern was that the project had to be tried (a pilot program), which goes back

to Green's concern that the pilot should not be on such a large body of water; referencing Lake Minnetonka's variables.

Morris believed challenges existed with the enforcement aspect.

Jabbour believed the peace officers would have to have the permission of the public access owner (e.g., Minnesota Department of Natural Resources or other public organizations) to write tickets on their land.

Green stated that since the permits would be issued via a local ordinance, their respective peace officers would be the only enforcer. Additionally, some of the accesses are federally funded which could cause further difficulties. On a side note, he stated that John Barten, who was an original member of the AIS Task Force (formerly known as the EWM Task Force) will be retiring from the TRPD next month. He expressed an interest in recognizing Barten at an upcoming Board meeting.

MOTION: Green moved, Jabbour seconded to approve the recognition of John Barten's service at an upcoming LMCD Board meeting.

VOTE: Motion carried unanimously.

Green stated that he recently presented to the Mound City Council, in which one of the topics discussed was obtaining their approval to utilize Cooks Bay for watercraft inspections (Right of Entry Authorization). The Council, specifically the Mayor, expressed concerns about the program based on the 2014 quality of service. To this end, the LMCD does not currently have permission to perform watercraft inspections at this site. Therefore, they asked him to respond to the following: 1) how effective is the watercraft inspection program, 2) how much money has the LMCD put into Cooks Bay (estimated \$9,000), 3) report back with recommendations or alternatives as to where those funds would be better spent as opposed to doing the inspections, and 4) what are the other member cities' thoughts relative to this matter. He solicited the Board's comments on this matter.

Zorn believed those questions pose a good example of what should be discussed within the strategic planning sessions (evaluation of the LMCD's activities).

Gross referenced the survey presented under item agenda 9A above, which referenced the ineffectiveness of AIS. He would like to see an empirical study of how AIS inspections slow the rate AIS spreads and are they cost effective.

Morris paraphrased Barten by stating inspections are 98% affective.

Meyer stated there is a notion out there that Lake Minnetonka is responsible for the spread of AIS throughout the state. He believed the LMCD was obligated to try and stop the spread (whether it is from the Lake or not).

He questioned how far the LMCD needs to go to meet that obligation.

Jabbour concurred with Meyer that the Lake is labeled, by state, as a super spreader. He believed that Doug Jensen from the Minnesota Sea Grant could provide multiple charts that document Minnesota as being extremely affective in slowing rapid spread of AIS. He reminded the Board that there are other AIS that Lake Minnetonka is still at risk of and that the current inspection goal is 50% ingoing and 50% outgoing. Lastly, he spoke of Lake Service Providers that are currently getting ticketed with the presence of zebra mussel residue; therefore, those individuals are going to start utilizing accesses such as Cooks Bay that are currently not being manned.

Baasen stated the Save the Lake Committee met on April 28th to review the results of the fundraising event that took placed at this year's banquet. The committee will reconvene in June, which is when the last two Boater Safety Education Program training sessions will be held (Saturday the 20th and Monday the 22nd). The Executive Committee met on April 28th at which time they discussed the yacht clubs and sailing schools proposal, as well as delivered the Executive Director's 2014 annual performance evaluation.

Green stated that the Mound City Council suggested the LMCD have a Boater Safety Education (with AIS education) booth at one of their farmers' market events and during the Spirit of the Lake celebration. Additionally, they asked if the boater safety sessions could expand to adults.

Baasen stated the committee is looking into the adult sessions; acknowledging that a number of states have adopted that practice. He confirmed the sessions are reaching many adults through the youth sessions.

Klohs stated the Ordinance Review Committee is meeting on May 27th to continue their discussion with the municipalities relative to ordinance amendments.

11. EXECUTIVE DIRECTOR REPORT

Nybeck directed the Board to his Executive Director Report, dated 5/7/15. This report provided an outline of pending activities and projects within the LMCD office. Additionally, he highlighted the following information:

Memorial Day Weekend Projects

1. LMCD Watercraft Inspections:

- Inspections will take place at Carsons, Halstead, and Wayzata Bay public accesses (Cooks Bay public access pending approval). Right of entry forms have been secured from the Cities of Deephaven (Carsons Bay), Minnetrista (Halstead Bay), and Wayzata (Wayzata Bay);
- LMCD tablets have been forwarded to the Three Rivers Park District (TRPD) and their seasonal employees have been secured; and
- Grant funds have been secured from the MN DNR (\$4,000) and Minnehaha Creek Watershed District (50% of total costs).

2. Added Water Patrol Presence:

- He had been in communication with Lt. Kent Vnuk; and
- The added Hennepin County Sheriff's Water Patrol deputy (per an approved Save the Lake funded project) have been trained and assigned for additional coverage specific to Lake Minnetonka on Fridays, Saturdays, Sundays, and holidays (1 p.m. to 9 p.m.) from Memorial Day weekend through Labor Day. This project will provide for monthly reporting with a mid-season update to the Board.

Spring Park Public Access Upgrades

Hennepin County Environment and Energy has planned upgrades to the Spring Park public access during the 2015 boating season with infrastructure, including electrical and repaving, planned for the month of June. They have delayed progress until after the Memorial Day weekend to accommodate traffic launches (specifically due to the restrictions offered at the Grays Bay public access because of County Road 101 construction). They will obtain bids on the electronic changeable message sign (partial Save the Lake funding approved) mid-summer. A tentative completion date for this project has been set for late summer or early fall.

Browns Bay Marina (Site 2), Tanager Lake

The south opening slips for the south dock have been removed and the dock structure was aligned to the north. Per the approved variance order, an as-built survey has been received and is pending staff and legal counsel review. In regards to the pending litigation relative to this site, the Minnesota State Supreme Court declined a Petition for Review (e-mail forwarded to the Board on April 29th) and the Minnesota Court of Appeals has scheduled Oral Arguments for June 18th at 10:30 a.m. in St. Paul, in which he plans on attending (open to public).

He entertained questions and comments from the Board, in which Jabbour requested he forward the briefs to the Board.

12. OLD BUSINESS

Jabbour stated he met with Three Rivers Park District Superintendent Boe Carlson and their Public Safety Director. This gathering resulted in their verbal agreement to place a manned patrol boat at Tonka Bay Marina for the 2015 boating season. He recommended the LMCD send a letter of appreciation to the TRPD (with Jabbour forwarding the details to the LMCD).

13. NEW BUSINESS

Baasen asked Nybeck to expound on whether the May 27th meeting should be cancelled.

Nybeck stated that various Board members had previously commented to him that the LMCD should consider cancelling meetings that are short in nature. At this time, the LMCD has agenda items that would result in a 20 to 30 minute meeting on May 27th. He made reference to the May 27th Ordinance Review Committee meeting, which could continue to take place either at this location or the LMCD office. He entertained

questions from the Board in which he confirmed: 1) the draft budget was not a concern as it will be mailed to the member cities tomorrow for a review and comment session that is scheduled for June 4th at the LMCD office, 2) Rapp's service agreement and a conditional approval of the 2016 draft budget could be approved just prior to the June 10th proposed strategic planning session, and 3) that he would communicate to the yacht clubs and sailing schools that the ordinance amendment and public hearing would be scheduled for the June 24th meeting,

MOTION: Baasen moved, Roy seconded to cancel the May 27th Regular Board Meeting.

VOTE: Motion carried unanimously.

14. ADJOURNMENT

The meeting was adjourned at 10:04 p.m.

Dan Baasen Chair

Gregg Thomas, Secretary