

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, November 4, 2015
City of Mound Council Chambers

1. CALL TO ORDER

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

2. ROLL CALL

Members present: Dan Baasen, Wayzata; Gregg Thomas, Tonka Bay; Gary Hughes, Spring Park; Jay Green, Mound; Ann Hoelscher, Victoria; Gabriel Jabbour, Orono; Chris Jewett, Deephaven; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; Sue Shuff, Minnetonka; and Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Counsel; Greg Nybeck, Executive Director; and Emily Herman, Administrative Assistant. There was no representation for the City of Excelsior.

Members absent: Bret Niccum, Minnetrista; Rob Roy, Greenwood

3. APPROVAL OF AGENDA

MOTION: Shuff moved and it was seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Baasen

Baasen made the following two Chair announcements: 1) former Administrative Technician, Judd Harper had accepted a position with another company. He stated Harper provided great value to the LMCD and he wished him well in his new endeavor and 2) that Jennifer Caron was unable to attend this meeting to be sworn in as a representative for the City of Excelsior.

5. APPROVAL OF MINUTES- 10/14/15 LMCD Regular Board Meeting

Hoelscher directed the Board to the last sentence in the final paragraph on page 10. She requested the word "He" be changed to "She" and that the word "additional" be inserted after "any." The sentence would read, "She requested LeFevere clarify that,.... existed without any additional supporting facts."

MOTION: Hoelscher moved, Zorn seconded to approve the 10/14/15 LMCD Regular Board Meeting minutes as amended, making the changes noted above.

VOTE: Ayes (10), Abstained (1, Klohs); motion carried

6. APPROVAL OF CONSENT AGENDA

Baasen requested item 6A be removed from the consent agenda [considered after 9E].

Gabriel requested item 6D be considered as new item 9C1.

The Board unanimously approved the Consent Agenda as amended, removing the items noted above. Items so approved included **6B)** September financial summary and balance sheet; **6C)** Draft letter to be forwarded to LMCD Member Cities regarding Board appointments for 2016, and **6E) Bean's Greenwood Marina**, approval of draft Record of Decision and LMCD Resolution 142 ordering a negative declaration on the need for an Environmental Impact Statement (EIS) for the Mandatory Environmental Assessment Worksheet (EAW) document.

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) Lynn & Associates, consideration of proposal to bring closure to the current review process for the Executive Director and develop a performance management system for the Executive Director position (previously discussed at 10/14/15 LMCD Regular Board Meeting)

Baasen asked Thomas to provide an update on this agenda item.

Thomas stated that, in Baasen's absence, Nybeck asked for his assistance in the continued coordination of amending Dr. Lynn's original draft proposal based on the Board's October 14th discussion. Therefore, he met with Lynn and requested an amended proposal consistent with the Board's discussion (which they reviewed together). He stated he did his best to share with Lynn the sentiments of the Board and what they were looking to address within the proposal. Lastly, he worked with Herman in the coordination of an email to the Board asking for those interested in serving on a Human Resources (HR) Task Force with Lynn to address the defined goals outlined within the proposal. Herman's communication requested the interested parties submit an outline of their HR experience. Thomas confirmed the receipt and Lynn's willingness to work with the following five Board members that expressed interest and provided sufficient HR experience: Baasen, Hughes, Jabbour, Shuff, and Zorn. He solicited the Board's consideration of approval for the amended documents and proposed task force and recommended members. He entertained questions and comments from the Board.

Zorn believed the seven outlined methods of implementation on page two of the proposal did not clearly separate the two defining tasks; assist in finalizing the current review of the Executive Director and establishing the future process of such.

Thomas believed the proposal clearly outlined the two defining tasks; offering they would not be performed at the same time.

Baasen believed the intent to separate the two defining processes was present within the draft proposal and recommended Zorn's concerns be addressed within the task force itself.

MOTION: Thomas moved, Shuff seconded to approve Lynn and Associates revised Proposal for Services and respective Consultant Services Agreement.

VOTE: Motion carried unanimously.

Nybeck recommended the Board formally approve the Human Resources Task Force and its respective members.

MOTION: Jewett moved, Green seconded to approve the Human Resources Task Force and its members; Dr. Lynn and Board members Baasen, Hughes, Jabbour, Shuff, and Zorn.

VOTE: Motion carried unanimously.

B) EOF Investments, LLC, draft Findings of Fact and Order to approve a variance that was remanded back to the LMCD from the MN Court of Appeals

Baasen asked Gilchrist to provide an update on this agenda item.

Gilchrist directed the Board to the Findings of Fact and Order (Findings) with respective briefs and memorandum for EOF Investments, LLC (EOF) within their packet. He stated the procedural background offered within the Findings and outlined below is more detailed than what one would typically provide. With that said, he provided the following document summary:

Procedural Background

The Board granted EOF a variance on October 8, 2014. The variance was appealed to the Minnesota Court of Appeals due to the LMCD Code (Code) referencing different standards for granting variances. The Court remanded the matter back to the LMCD to act under the “undue hardship” standard within the Code. The Board discussed the EOF variance application at its October 14, 2015 meeting and passed a motion directing staff to prepare Findings of Fact and Order granting the variance under the undue hardship standard in the Code.

Factual Background

The factual background for the variance request has not changed since originally presented to the Board, so the same reasons for seeking the variance continue to exist.

Amended and Restated Findings

The Findings outline what an “undue hardship” means under the Code. Gilchrist pointed out that the undue hardship standard that was previously applicable to cities when deciding whether to grant variances from zoning regulations does not apply to the Code (separate statutory authority). He further referenced that the LMCD is not a part of Minnesota Statutes, section 462.357, subd. 6 zoning ordinance and that such strict language referenced within the memo as the “no reasonable use test” was not added to the statute until after the LMCD had already incorporated the undue hardship standard into the Code. He believed the original body that drafted the LMCD’s 1970 code relative to undue hardship was looking at the state statute based on the similarities in the language. However, at that time, the strict language was not a part of the state statute. To this end, the former Board could not have intended to incorporate language from the state statute that did not exist at that time. Additionally, at the time EOF had requested the variance, the strict language (the “no reasonable use

test”) had already been removed from the statute.

The LMCD Board utilized the following two step process in considering a variance application under the undue hardship standard: 1) whether there is a hardship (no hardship equals no variance) and 2) if there is a hardship, the Board must then determine if the hardship is “undue” in the circumstances of that particular case. The Findings define an undue hardship “in the sense that imposition of the hardship is unwarranted, unnecessary, inappropriate, or unreasonable given the circumstances of the case.” That provides for the factor of whether a hardship crosses the line from a “due” to an “undue” hardship. The undue hardship in this matter is that the Code significantly limits the dock use area because the underlying zoning would not result in a dock that is any longer than a dock that has been in place since 1985. Based on the earlier variance order, the orientation of the slips under the current variance request will actually reduce the impact of the existing facility. The granting of the variance will not adversely affect the purposes of the Code, public health, safety, welfare, and reasonable access to or use of the Lake by the public or riparian owners and that granting the variance will be in keeping with the spirit and intent of the Code. Additionally, he stated the granting of this variance offers the same configuration of what was previously approved, including the granting of the multiple dock license and previously outlined restrictions.

He entertained questions and comments from the Board.

MOTION: Thomas moved, Baasen seconded to approve EOF Investments, LLC, draft Findings of Fact and Order as written.

VOTE: Ayes (8); Nays (2, Jabbour and Meyer); Abstained (1, Jewett); motion carried.

C) Selection Committee update on 2016 LMCD Civil and Legal Services Attorney

Baasen asked Hoelscher to provide an update on this agenda item.

Hoelscher stated the Board advertised Requests for Proposals and established a selection committee (consisting of Board members Baasen, Hoelscher, Hughes, Jabbour, Thomas, and Zorn) for the solicitation of a 2016 civil and legal services attorney. The committee recently interviewed two representatives from the three proposals received. Hoelscher stated that both candidates would have served the LMCD well and that, personally, she believed Gilchrist offered a diverse background in which the LMCD could draw upon that knowledge. To that end, the committee recommended the Board direct staff to draft a 2016 Civil and Legal Services contract approving Troy Gilchrist of Kennedy and Graven, Chartered as the represented LMCD legal counsel for 2016. She entertained questions and comments from the Board.

Jabbour added that the committee’s decision was unanimous.

MOTION: Jabbour moved, Hughes seconded to approve the appointment of Troy Gilchrist of Kennedy and Graven, Chartered, for the 2016 Civil and Legal Services attorney and direct staff to prepare such contract.

VOTE: Motion carried unanimously

Baasen thanked Gilchrist for his service.

- C1)** Approval of appointments for 2016, as recommended in 10/29/15 staff memo: Auditor Selection- Abdo,- Eick, & Meyers (for 2015 Audit), Prosecuting Attorney- Tallen & Baertschi, Official Newspaper- Lakeshore Weekly News, and Banking Depository for 2016- Beacon Bank (Excelsior)

Jabbour stated that he will be abstaining as he is a Beacon Bank stockholder.

Baasen questioned if the Board should consider more than one official newspaper; based on positive coverage offered from multiple media sources.

Nybeck stated that the LMCD is required to name one newspaper for official record, i.e., the publishing of public hearing notices. This approval would not prevent media coverage from multiple sources.

Baasen had reminded the Board that Beacon Bank is in the process of transferring their rights to another buyer (as documented within the packet). He believed, in talking with a banking representative, that the same standards would transfer to the new owner.

Green questioned if that standard included the new owner not requiring personal information from the Board when acquiring Certificates of Deposits (CD) as allowed by the Patriot Act.

Baasen stated that if the standard(s) change, the LMCD would have to address the matter with the new owner. He offered that not being more restrictive than what the Patriot Act documented and their ability to provide the level of collateralization required by the LMCD were two positives that drew the Board to the bank originally.

MOTION: Shuff moved, Green seconded to approve the appointments outlined above.

VOTE: Ayes (12), Abstained (1, Jabbour); motion carried

- D)** 2015 Final Eurasian Watermilfoil (EWM) Harvesting Program Report

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

Nybeck directed the Board to a report previously drafted by Harper within their packet. He provided the following overview:

- A summary of the season's harvesting data, which included: 1) 31 working days (June 16th through August 13th) and 2) operation included 10-hour days, four to five days a week.
- The Lake's water levels were significantly lower than the historical high water levels of 2014 but consistent overall.
- A comparison of the working days, acres harvested, and truck loads. The 2015 seasonal data provided for 31, 576, and 155, respectively. He believed the additional 51 acres harvested in Carmans Bay (previously treated with herbicides and not harvested but was not involved in the

- 2015 coordinated herbicide treatments) and the 31 acres harvested in Browns Bay (heavy growth along the north shore) contributed to the higher than normal number of acres harvested in 2015.
- In 2015, there were seven bays identified for large scale herbicide treatments; Phelps, Grays, Gideons, St. Albans, North Arm, Carsons and St. Louis; therefore, mechanical harvesting was not conducted in some of these areas due to the herbicide treatments.
 - An overview of the operating highlights (priorities, schedule, cutting sequence/methods, and specific compost sites used).
 - He confirmed improved communication with the Lake Minnetonka Association (LMA) for the coordination of harvesting within the bays that had or would be chemically treated, as well as continued communication with the Three Rivers Park District for delivery of harvested loads to various sites.
 - Personnel included former LMCD employee Judd Harper acting as project manager, as well as six additional employees (one of which was the Site Supervisor Tom Elmer). Staff will assess whether to continue supervising this program in house or contract out (based on Harper's resignation).
 - The use of a fleet mechanic for routine maintenance and repairs.
 - An analysis of the program's 2015 budget of \$95,000. He stated a \$30,000 grant was expected from the Minnesota Department of Natural Resources (MN DNR) and that additional funding was provided by the member cities. He stated expenses totaled approximately \$85,000 through the end of October. He referenced a pending invoice from Hennepin County for the loading and removal of the harvesters, which he stated he would follow-up on.
 - He entertained questions and comments from the Board.

Green asked if: 1) he expected any additional invoices other than the one referenced from Hennepin County, 2) there were any major mechanical issues that would need to be addressed for next year, and 3) the map offered within the packet accounted for the second harvesting rounds.

Nybeck responded as follows: 1) he anticipated the remaining invoices to be minimal, 2) he would communicate with the mechanic as to any additional needs; offering his belief that the equipment ran well, and 3) that the map did account for the second round of harvesting. He referenced the MN DNR's reduction in grant funds for next year. He anticipated a \$20,000 surplus in funds post harvesting and watercraft inspection program budget audits; therefore, he did not believe the use of Save the Lake funds was warranted.

Meyer inquired on the amount of documented maintenance.

Nybeck stated that pre- and post-preventative maintenance is performed on a daily basis, i.e., greasing the cutter heads, etc.

Jabbour urged staff to consider all aspects of harvesting, a global view, when planning for future programming; referencing the estimated \$29,000 reduction in future MN DNR grant funding and the \$20,000 reduction of the aquatic invasive species (AIS) member cities levy.

Thomas and Zorn had questioned the AIS Task Force and Strategic Plan Subcommittee, respectively, as possible working group options.

Nybeck recommended a working group at the Board level to consider future programming.

Jabbour was a strong proponent that the group remain at the Board level.

Baasen summarized Jabbour's concerns by stating that the LMCD is dealing with financial constraints beyond their control; therefore, the LMCD must be careful in considering all options of whether or how to operate the program.

Jabbour concurred with Baasen's summary and Nybeck's assessment that this be handled at the Board and not a committee level (based on too much ownership in the program).

Green asked Nybeck to consider whether one person could run both the administrative and operational aspects of the harvesting program.

Nybeck stated there are advantages to having staff run the administrative aspect of the program. He stated that at one time, the program was run as Green questioned and it did not work very well (recognizing that does not mean it could not be considered again). He confirmed that staff is currently evaluating three out of four of the LMCD staff positions, now that one of the positions is open and making recommended changes to the job descriptions.

E) Accept resignation letter from Judd Harper (LMCD Administrative Technician)

MOTION: Baasen moved, Hughes seconded to accept LMCD Administrative Technician Judd Harper's resignation, with regrets, effective October 30, 2015.

VOTE: Motion carried unanimously

6A) Audit of vouchers (10/16/15 – 10/31/15) and (11/1/15 – 11/15/15)

Nybeck stated that the Audit of vouchers for November 1st through the 15th included Judd Harper's severance payout. He stated Harper had 158 vacation hours and 474 sick leave hours. Per the LMCD Personnel Policy, one cannot carry over 160 hours of vacation and there is a cap of 720 hours for sick leave. The policy allows for an employee to receive their full payout of vacation hours; however, the payout of sick leave is at 25% of the remaining balance after serving three years in good standing; providing for Harper to receive a payout of 118 of his sick leave balance. To this end, the check represented a gross payment of \$8,335.77 (including taxes) at Harper's ending hourly rate. He stated this is an unbudgeted expense but that the funds would be absorbed in the amount of time it will take the LMCD to rehire for the open position. He continued to state that he will be assessing the job descriptions of the administrative technician, assistant, and clerk in an effort to consider global changes. He will be bringing his recommendations to the Executive Committee when they meet on November 18th with their further recommendations to the Board on December 9th.

Jabbour stated that prior to Nybeck's efforts on this matter; he believed the Board should redefine the goals and objectives of the LMCD. As an example, he is a strong proponent in eliminating the Proactive Code Enforcement Program (going back to the formal complaint process). He believed this program provided for

negativity amongst the stakeholders.

Nybeck stated that staff had listed that program within the LMCD's core activities when they met with the Strategic Planning Subcommittee; who in turn recommended that program be considered by the Board as a whole.

Jabbour concurred with Nybeck that the job descriptions needed to be reconsidered. He recommended the Board first define their job prior to the re-writing of the job descriptions. He stated that he will be working to change many aspects of the LMCD and did not recommend hiring for the open position until the Board concludes what changes need to be made.

Thomas stated that he heard Nybeck state that he is not posting the open position until after the LMCD assesses the job descriptions and works through the strategic planning process. He believed that process was consistent with Jabbour's interests.

Baasen, too, concurred with Nybeck's assessment to allow him some time to reevaluate the employment needs of the LMCD.

Nybeck directed the Board to a letter from Harper, dated 10/15/15, within the packet that Nybeck requested he consider submitting. He continued to state that Harper provided a level of information technology within the office that may require his future assistance or training. He recommended the Board approve staff's ability to retain Harper, when needed, at the rate of \$50 per hour.

Zorn asked Nybeck to provide an estimated amount of hours Harper's services would be needed, as well as a summary of what tasks may have not been finalized within his last two weeks of employment.

Nybeck believed Harper's assistance would be minimal; roughly estimated at five or ten hours. He is able to complete any remaining tasks that were not finalized as he was formally the administrative technician for the LMCD. This would include his ability to train for the individual that is approved for the open position.

MOTION: Baasen moved, Meyer seconded to: 1) approve the expenditure of up to \$1,000 in contracting services with Judd Harper as needed and 2) the ability for the Board to increase that amount.

VOTE: Motion carried unanimously

MOTION: Baasen moved, Hughes seconded to approve the Audit of vouchers (10/16/15 – 10/31/15) and (11/1/15 – 11/15/15).

VOTE: Motion carried unanimously.

Zorn stated that she may have missed the opportunity to pull item 6C, "Draft letter to be forwarded to LMCD Member Cities regarding Board appointments for 2016" from the consent agenda and asked if that item was approved.

Baasen stated that item was approved. He deferred to Gilchrist to see if it could be further discussed.

Gilchrist stated that the Board is not prevented in fielding questions on an approved agenda item.

Zorn had requested the attendance sheet attached to the memorandum, within the packet, be edited to provide for the separation of LMCD Special and Regular meetings, as well as adding a list of the LMCD committees in which the Board members may serve on.

Nybeck provided an overview of what constitutes a regular vs. special meeting.

The Board had a brief discussion on the importance of member city and future representatives having an understanding of what is entailed in serving on the Board, including the fact that a large portion of those that would like to serve on a committee are unable to based on work and/or family schedules when committee meetings are held outside of the regularly scheduled Board meetings.

MOTION: Zorn moved, Jabbour seconded to edit the attendance record as noted above.

VOTE: Ayes (9); Nays (1, Baasen); Abstained (1, Shuff); motion carried.

10. UPDATE FROM STANDING LMCD COMMITTEES

Baasen asked if the committee chairs had anything to report.

Klohs stated that Nybeck is coordinating a meeting with the Hennepin County Sheriff's office representatives and LMCD prosecuting and legal counsels to compare the LMCD Code with various state laws for consideration of possible code amendments.

Green reported on the following discussions held at the October 22nd State Aquatic Invasive Species (AIS) Committee that he and Jabbour attended:

- Christmas Lake was documented as having reproducing zebra mussels in isolated, non-treated areas. The Minnesota Department of Natural Resources (MN DNR) would not be seeking further treatments for this Lake.
- Lake Koronis had 253 acres of the invasive species starry stonewort. The MN DNR temporarily closed the public access off of Highway 55 for the treatment of four of those acres; future plans are undetermined;
- The eradication of hydrilla in Lake Manitou (a 735 acre lake in Indiana);
- The MN DNR's modifications to the AIS grant program for herbicide treatments (via size of acreage);
- Out of 12 road side check stations the AIS transportation violation rate was 14.32% (a decrease from last year);
- Green presented on a proposed boater licensing program in which the MN DNR stated that they would back the program if someone would take it through the legislature;
- The Initiative Foundation awarded grant money relative to three specific AIS education programs. They were: 1) targeted AIS education, e.g., wakeboarders, 2) inspectors at the boundary waters, and 3) inspector training on conflict resolution; and
- An overview of hands-on training that he and Jabbour historically offered the State AIS Committee

members which have been instrumental in the MN DNR's training of inspectors and legislative actions. Through this process, it was noted that research was lacking. Therefore, he and Jabbour have been working with the University of Minnesota (U of M) Research Center to create a study to measure veligers in residual boat water (survival rates under specific conditions). The results of this study could be incorporated in many aspects of preventions; protocols, boat designers, etc.

Green further stated that the LMCD AIS Task Force will be meeting Friday, November 13th to discuss starry stonewort, Christmas Lake, and watercraft inspections. Lastly, he stated that the United States Geological Services published their Zequanox study completed on Robinsons Bay.

Baasen thanked Jabbour for his involvement and passion in AIS prevention.

Jabbour stated it is important for all to understand that what is being done for AIS on Lake Minnetonka is affecting international decisions. He further stated that what he is trying to do is independent of the State AIS Committee but has the approval of the MN DNR and U of M. He is currently trying to connect with the number one engine company in the world with American Boat and Yacht Council (ABYC) as their support would provide approval to proceed with what is needed within his programming ideas.

Baasen asked if the LMCD could offer some type of formal action in support of your efforts.

Jabbour thanked Baasen and noted that he would address the Board when that need arose. He stated Governor Dayton, when he served as Chair of the Midwestern Governors Association, asked President Obama to assign AIS to Fish and Wildlife as the head agency; offering 18 states of the Union have no laws.

Baasen offered the Board's support via formal action, as well as presence at meetings when needed.

Baasen reported that the Save the Lake (STL) Committee met this morning and will be requesting the Board's approval to hold two boater safety education sessions next year (spring and fall). He stated bringing the sessions down from three to two would: 1) provide relief of time spent to both the instructor and staff, 2) accommodate larger attendance (excess of 100), and 3) require additional assistance to get the word out and during the actual sessions.

Klohs stated that at the last Strategic Planning Subcommittee planning for and assisting in the boater safety education sessions were discussed as one of staff's core activities. The committee members present recommended this program be considered at the Board level taking into account the staff time utilized for this program and that it does not fall within the core of the enabling legislation. He urged all to consider that legislation and whether specific projects fall within it.

Hoelscher believed STL was a very worthwhile fund that enabled projects through private contributions that the LMCD could not otherwise produce. However, she questions, at some point, if the LMCD should consider making it a separate entity.

Jewett stated that the STL Fund is managed separately via its own 501c3 tax authority.

Nybeck noted that the STL Fund is not a 501c3 organization; however, the contributions to such are generally

tax deductible under an Internal Revenue Services code for political subdivisions of the state. To this end, the STL Fund is currently being managed by the LMCD.

Thomas, who serves on the STL Committee, attested that the members did talk with Nybeck about staff time and the possibility of outsourcing. He did not believe staff would need to be present on the day of the session; however, it would be more imperative to receive volunteers from the Board to assist.

Klohs expounded on the staff's core activities that were discussed at the Strategic Planning Subcommittee. The list offered provided for 80% of fixed activities (processing of applications, inspections, etc.). He reiterated that the Board needs to consider core projects and whether additional projects fall within the mandated legislation; acknowledging the open position and reduced efficiency because of that.

Baasen respectively took exception to the following two matters: 1) he would not accept the fact that the LMCD is going to be less efficient as it is the Board's duty to make sure that does not happen and 2) the STL Committee is sensitive to the concerns and has already considered and will be considering changes, i.e., decreasing the sessions from three to two and researching the cost of the program (including outsourcing). He further stated that the committee had considered the use of dedicated funds specific to this program and expressed an interest in continuing with the program; making adjustments to staff time as noted above.

Zorn questioned if the committee had given thought to partnering with other agencies offering the same program.

Baasen stated the committee did discuss that option in which he offered the following comments: 1) the Minnetonka Power Squadron (MPS) is geared more towards adult education, 2) the City of Minnetonka does offer a half-day course and that the committee tried to work with them but was told they did not want members observing their sessions, and 3) they are currently trying to work with the City of Minnetonka to incorporate the STL program into their community education programming.

Jabbour stated that he formerly served on the Three Rivers Park District Foundation who continually addressed the concern of providing staff support and are considering removing 100 percent of such. He provided a careful warning of accepting earmarked private contributions that ultimately turn into tax payer's money, including the use of funds for the STL banquet.

Baasen stated that the STL banquet was historically used as recognition of service. He recognized that last year the committee made a decision to turn the banquet into a fundraising event. In discussing the banquet at today's STL committee meeting, a decision has been made to not plan another fundraiser and continue to re-examine what might be best. He assured the Board that their ideas will be forwarded for their consideration.

Thomas, Hoelscher, and Jabbour, respectively offered the following comments: 1) an overview of the day's event of a boater safety education session (offering differences and similarities), 2) that she supports the program and hopes that it continues but continued to question if STL, as a whole, needed to be separate from the LMCD, and 3) that the LMCD used to arrange safety classes through the MPS and that in working with the Initiative Foundation, the grant funds must go to a project that is sustainable.

Baasen stated that the committee is not ready to push the boater safety education sessions off as they

wanted to pursue the ability to continue the program through partnerships.

On a separate note, Baasen stated the committee has a general displeasure with the quality of the STL solicitation letters. That letter is currently being reformatted and mailed to key individuals (estimated 400) vs. the surrounding population of 6,000. He thanked the Board members that submitted additional names to receive an invitation to the last banquet. He believed that effort helped as the banquet had record attendance. He asked all to continue considering the submittal of names and addresses of possible key contributors within their represented city for the mailing of the upcoming STL solicitation letter.

Baasen stated the Executive-Personnel Committee will be meeting on November 18th at 4:00 p.m.

11. EXECUTIVE DIRECTOR REPORT

Nybeck reminded the Board that he sent his Executive Director Report via email early Sunday morning. With that said, he reported on the following four items: First, that he is currently coordinating a meeting with representatives from the Hennepin County Sheriff's Office, LMCD prosecuting and legal counsels, and a few select members of the Board to review LMCD public safety codes that are more restrictive than state law. Second, he is working with Green on an upcoming watercraft inspection report. He has spoken to Craig Dawson of the Minnehaha Creek Watershed District to coordinate the reimbursement of \$38,000 in grant funds after the report is presented at the Board's December 9th meeting. Third, that Herman will present her 2015 Proactive Code Enforcement Report on December 9th. Fourth, he deferred to Baasen as to whether the Board would like to consider scheduling the Effective Governance session with Strategic Planning Facilitator Craig Rapp (as approved by the Board at their October 14th Regular Board meeting).

The Board had a brief discussion on this. It was their consensus to schedule the meeting for Thursday, December 3rd at 6:00 p.m.

12. OLD BUSINESS

There was no old business.

13. NEW BUSINESS

Baasen recommended those that would like to serve on the LMCD Nominating Committee to contact Nybeck directly.

14. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:56 p.m.

Dan Baasen Chair

Gregg Thomas, Vice Chair/Secretary

