

LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS
7:00 P.M., March 8, 2017
Wayzata City Hall

WORK SESSION

6:00 p.m. to 7:00 p.m.

Green called the meeting to order at 6:05 p.m.

1. Information Regarding Proposed Reconfiguration of Multiple Dock Structure – The Cove Homeowners Association, Paul Robinson

Mr. Paul Robinson, representing The Cove Homeowners Association (Association), thanked the LMCD for providing the Association an opportunity to review proposed changes to their currently approved multiple dock license before they filed an application. He provided a detailed overview of the proposed changes via a PowerPoint presentation and as outlined within the Board packet. The Association is proposing to reallocate two of the approved 30 boat storage units from the peninsula area to the channel area (reducing the lots within the peninsula from ten to seven and storing four vs. three watercraft at each lot) and revise an approved restriction that watercraft may not be longer than the length of the slip to allow a length four feet past the end of the slip. In considering the latter, Robinson provided a detailed overview of the channel's estimated water depth (5 ft) and the location of aquatic vegetation. He estimated the channel width to provide for one and one-half boat length to navigate a boat while exiting a slip.

The Board had a brief discussion on the use of the channel area as it pertained to the water depth and existing vegetation. The members that had been through the channel recognized more navigational area was offered than thought at time the license was originally issued. A concern was raised as to potential damage to the lake bottom due to the turning of the watercraft motors.

2. AIS Budget Review (2016/2017) – Chair Green

Green presented an overview of the LMCD aquatic invasive species (AIS) budget that included the Eurasian Watermilfoil Harvesting and Watercraft Inspection Programs. Via a PowerPoint presentation, he presented the following information:

- Pictures of the LMCD harvesting equipment. He informed the Board that the pontoon utilized in the program had significant damage that compromised the watercraft's safety and that one harvester was down in 2016 with mechanical issues but is now in working order.
- The 2016 estimated budget of \$97,624 (\$60,062 for harvesting and \$37,562 for watercraft inspections). That budget was revised to reflect funding from the LMCD member cities' levy, Minnehaha Creek Watershed District grant, and a transfer from reserves; providing for actual budgeted numbers of \$71,000, \$12,574, \$17,509, respectively, plus \$500 from interest. The 2016 watercraft inspections provided for coverage at the Carsons, Halstead, and Wayzata public accesses (66 days, 1,815.5 hours).
- The 2017 Watercraft Inspection Program is proposed and budgeted for 49 inspection days (May 26th – September 4th) at the same public accesses as 2016. Days of coverage will include Fridays (11

a.m. to 7 p.m.) and Saturday, Sunday, and holidays (6 a.m. to 6 p.m.). The LMCD plans to contract with the Three Rivers Park District and Green recommended the Board consider approval of the contract under the formal session portion of this meeting. The hourly rate would be \$19.50 per hour. The program cost would be \$30,888; however, with the MCWD Grant, the net cost would be reduced to \$15,444.

- The 2017 Harvesting Program overview included: 1) the equipment (utilizing two vs. three harvesters again this year), 2) 30-day cutting season (Monday through Thursday; 10 hour days), 3) six employees (manager, supervisor, and four staff members), 4) the contracting of trucking and maintenance. The program cost is budgeted at \$76,177. In summary, 2017 projected program costs were reported at \$107,065.
- He outlined options for the Board's consideration: 1) no AIS programs, 2) eliminate one of the two, 3) proceed with the harvesting program (split funding), or 4) something entirely different.
- In considering the pontoon that was utilized extensively during the harvesting season, he outlined the following options: 1) use by staff for site inspections, 2) sell/donate old pontoon, MACO, trailer, and lift, or 3) seek newer pontoon (donation/purchase).
- He entertained questions and comments from the Board.

Board comments included an overview of the AIS transportation, violations as it pertained to the watercraft inspection program, the MN DNR's watercraft inspection program, what public relations concerns would arise if the LMCD did not have an inspection program, an overview of the number of truck loads and fuel costs, the inability to contract the harvesting program out within the same budgeted amount, and discussion of the pontoon and other related harvesting equipment. Green stated that Lake Minnetonka is often considered a problem for AIS and it could look bad if the LMCD didn't support watercraft inspections. The combined educational efforts seemed to be effective since fewer violations were found at Lake Minnetonka than other years. Based on past research, the Harvesting costs were more reasonable by LMCD than what a contractor would charge.

3. Recodification Workgroup Update

Gilchrist reported that a conference call meeting was held this date with the Recodification Workgroup. He stated the group discussed identifying sections of the code. The main topic of the section discussed was residential use (adding clarity such as the type of residential use, what the LMCD regulates, and whether a permit is required for a single/multiple/permanent dock structures.) In considering how to approach restructuring of the code, it was made clear that no more new policies would be considered as part of the recodification process as such an action would bring the project to a halt. Any amendments would be handled separately at this time.

FORMAL BOARD AGENDA

7:00 p.m. to Adjournment

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Jay Green, Mound; Chris Jewett, Deephaven; Gregg Thomas, Tonka Bay; Dan Baasen, Wayzata; Bill Cook, Greenwood; James Doak, Woodland; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Gregg Prest, Excelsior; David Rahn, Orono; Sue Shuff, Minnetonka; and, Deborah Zorn, Shorewood. Also present: Vickie Schleuning, Executive Director; Emily Herman, Administrative Technician; and Troy Gilchrist, LMCD Legal Counsel. The City of Minnetrista did not have representation present.

Members absent: There were no members absent.

4. APPROVAL OF AGENDA

Green requested item No. 10(C) be moved ahead of item No. 10(A).

MOTION: Hughes moved, Jewett seconded to approve the agenda as amended.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Green reminded everyone to speak into their microphones.

6. APPROVAL OF MINUTES - 2/22/17 LMCD Regular Board Meeting

Green referred to page 7, fourth paragraph, and requested part of the paragraph read, "5) Carmans Bay would like LMCD support in forming a Lake Improvement District."

MOTION: Shuff moved, Thomas seconded to approve the amended 2/22/17 LMCD Regular Board Meeting minutes.

VOTE: Ayes (11), Abstained (1, Jewett); motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Jewett moved, Hughes seconded to approve the consent agenda. Items so approved included: **7A)** Audit of Vouchers (3/1/17 – 3/15/17); **7B)** Amended 2017 Meeting Producer Professional Services Agreement; **7C)** Letter Supporting Hennepin County Sheriff's Office Electric Signage Project.

VOTE: Motion carried unanimously.

Zorn arrived at 7:10 p.m.

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

There were no public comments.

9. PUBLIC HEARING

There were no public hearings.

10. OTHER BUSINESS

C) Hennepin County Sheriff's Office Funding Request

Lieutenant Kent Vnuk, Hennepin County Sheriff's Office, explained they are requesting \$50,000 for additional Law Enforcement on Lake Minnetonka from Save the Lake funds, similar to requests the past few years.

Baasen stated the LMCD is experiencing some budgeting issues and inquired what adjustments the Sheriff's office would make if they were unable to provide the entire \$50,000.

Lt. Vnuk stated they would have to reduce hours and focus on prime hours, like Fourth for of July, Memorial Day, and weekends, Thursday through Sunday.

Green noted last year, the hourly rate was \$68/hour. He inquired what the hourly pay rate would be for services provided by the Sheriff's office.

Lt. Vnuk responded he would have to check, but he believes the wage increase this year was 2.5 percent. He pointed out it is common that people provide funds for extra services. In a similar program in downtown Minneapolis called SafeZone, businesses provide four full-time deputies in a six-block area from 1:00 p.m. to 11:00 p.m.

Hoelscher inquired how much the LMCD has available for funding this year.

Baasen stated they can meet requests for up to 25 percent of the reserve fund for Save the Lake. There was an adjustment in the reserve fund last year because less money was raised. At the end of 2016, the reserve fund had a balance of \$172,000, and 25 percent of that would be about \$43,000. After boater education and administrative expenses, Save the Lake would have about \$36,000 available. He is unsure if the LMCD was planning on covering recodification through the reserve funds or the operating budget.

Prest reminded the Board that in December they took action to consolidate the Save the Lake and LMCD fund. It is an LMCD fund and not money being dedicated from Save the Lake. Baasen stated he recalled they were consolidated, but remained separated through dedicated funds.

MOTION: Prest moved, Zorn seconded for the LMCD to provide \$36,000 to the Hennepin County Sheriff's office for additional Law Enforcement on Lake Minnetonka.

Klohs advised there is a budget workgroup meeting tomorrow and inquired about the level of confidence in allocating \$36,000.

Green stated he wants to know the budget numbers before allocating money.

Jewett asked Prest where he came up with \$36,000. Prest responded Baasen had just provided that number in reference to the money that was left over after Save the Lake expenses.

Jewett stated they are still unsure how far they are going to cut back on administrative costs. There is a cost to fundraise and that money needs to come from donated money versus money from the cities.

Prest stated the money is all in the same pocket now. A decision was made last fall that there was going to be one unified fund. He agrees they should be accepting both statutory funds and donations.

Hoelscher commented she understood any money that came in was LMCD money, but money that was raised through donations by Save the Lake was money that needs to be spent separately from the enabling legislation. The levy would fund the programs that the Legislature gave the authority to govern and donations would cover additional things. Shuff agreed that was her understanding as well.

Schleuning commented they just had their financial audit and this needs to be looked at comprehensively. There are donations that are specifically earmarked for a particular use. This topic will be reviewed at the board meeting on March 22. It is a similar process being conducted for AIS. This conversation is great and needs to happen, but more time will be required than we have right now.

Jewett stated he is uncomfortable with allocating \$36,000. He would like to see the audited budget numbers before allocating a specific amount. He wants to give money to this great program, but they need to know what their budget is.

VOTE: Ayes (2), Nays (11); motion failed.

Green stated he is opposed because he wants to see the audited numbers first, not because he is against the program.

Baasen stated that for the past two years, they provided the funding answer to the Sheriff's Office in April.

Cook inquired if this could be discussed at the next LMCD meeting. Green confirmed it will be discussed then.

A) Lake Minnetonka Association Update – Eric Evenson, Executive Director

Eric Evenson, Executive Director of the Lake Minnetonka Association (LMA), commented he is honored to be

working for the LMCD. Lake treatments have been going very well and the frequency of milfoil is down significantly from 2009. There have been problems with native plants, but expected that to stabilize after a few years. He provided the following information:

- Gray's Bay has 24 percent coverage versus 90 percent in 2011;
- Carson/St. Louis has 11 percent coverage versus 66 percent in 2010;
- Due to budgetary reasons, North Arm did not receive treatment in 2016, but coverage is down to 46 percent from 73 percent in 2014;
- Carman's Bay has 25 percent coverage versus 60 percent in 2007;
- They are doing GPS mapping of all the milfoil they are treating and only applying it where it is needed.
- In 2017, they will treat Gray's Bay, Carman's Bay, Gideon's Bay, Carson's Bay, North Arm, and St. Albans. They will also be conducting workshops and continue cleanup at Big Island.
- They will not be treating Phelps Bay due to lack of funding.
- They are considering treating a larger area around public accesses as a way of preventing invasive plants that could leave the lake.
- There is concern with the condition of the buoys. The reflective tape is coming off them and they are becoming a hazard at night. They plan to bring up the frequency of replacement with the County.

Klohs inquired to know the LMA's funding sources and annual budget. Mr. Evenson responded their annual budget is about \$100,000 and the funding sources are the people that live on the lake. They are funded through private donations and grants. The Bay Captains are instrumental in acquiring funding.

Green stated they will try to coordinate their harvesting efforts with the LMA's treating efforts again this year. Mr. Evenson stated he will work with Schleuning to coordinate efforts.

Jewett requested more information regarding their strategy regarding the buoys. Mr. Evenson stated they have not yet had conversations with the County, but has had conversations with some of the deputies. The residents on the lake have expressed concern because the buoys can no longer be seen at night. He plans to ask the County to recondition or replace them as needed.

Green stated the LMCD could also have a conversation with the County to accelerate a solution. Jewett agreed.

Schleuning commented she had a conversation with staff at the County to share the concerns about the buoys. They told her there is a specific schedule for replacement, but they would look into it. She has not heard anything since then. Jewett suggested they review the schedule to see the last time anything was done. Schleuning stated she would request the schedule.

B) Electric Shock Syndrome and Update Regarding New Electrical Regulations – Ed Lethert

Ed Lethert, Electric Shock Drowning Safety Specialist, provided the following overview via a PowerPoint presentation:

- Electric Shock Drowning (ESD) Board of Directors primarily comprised of people who have lost loved ones to ESD.

- Minnetonka Power Squadron won 2016 Boat U.S. National Civic Distinguished Service Award.
- An overview of the history and research about ESD.
- As of February 2, 2017, 84 know deaths and 49 “near miss” incidents have been documented. 50 percent were dock wiring issues and 50 percent were boat wiring issues.
- Examples of electricity near the water include shore power to boats and boat lifts, fountains, aerators, and weed eaters.
- An overview of the definition and causes of ESD, and how it affects the victim.
- An overview of ways they are educating the public about ESD, and the correct way to provide power to marinas and boats.
- New code language going into effect July 2011, who is required to comply, ground-fault protection, and signage requirements.
- Details of ground-fault protection and proposed minimum requirements.
- Alternatives include battery powered boat lifts or dock lights with solar chargers.
- Advised there is a very low risk of an ESD incident when the electrical equipment or wiring is 150 feet away from the water.

Mr. Lethert volunteered to assist the LMCD to produce a booklet for the water patrol and fire departments that has information for each public marina regarding the location of their power and how to shut it off.

Hughes referred to an ESD incident in Minnesota. Mr. Lethert commented the fatal incident was in Big Lake where a man was carrying his battery charger out to the boat while it was still plugged in and fell in the water.

Hughes inquired how Mr. Lethert got started in his career. Mr. Lethert stated he enlisted in the Air Force and they sent him to electronic school. He was an electronic technician, a consultant, and now a teacher.

Schleuning advised this information was posted on the LMCD Facebook page and Twitter account, and they have already received comments and inquiries about ESD. The Board thanked him for the presentation.

D) Activities for Aquatic Invasive Species (AIS) Program

Green reported the LMCD has received a verbal agreement from the Three Rivers Park District to provide 1,584 hours of watercraft inspection coverage up to \$30,745, half of which will be reimbursed by a grant from the Minnehaha Creek Watershed District. He requested the Board approve the contract so they could move forward with the program.

MOTION: Klohs moved, Thomas seconded to approve the Watercraft Inspection Program contract with Three Rivers Watershed District.

VOTE: The motion carried unanimously.

Green advised they will get half of the money reimbursed this year by the Minnehaha Creek Watershed District, but it will not be available next year. The Watershed District will be focusing their efforts more on the creek.

11. UPDATE FROM STANDING LMCD COMMITTEES

Aquatic Invasive Species Committee/Taskforce: Green stated he visited the Legislature to follow up on funding issues for AIS activities. The LMCD did receive \$4,999 from the DNR for harvesting. They are trying to get an AIS surcharge on boat licenses. There is a bill to remove the 3/16 of a percent of sales tax that went to the Clean Water Fund, and redirect it to roads and bridges. Only 10 percent of the money would go to the Clean Water Fund. Another bill was introduced that would remove all rule-making authority from the Pollution Control Agency and DNR. All decisions on all rules would have to go through the Legislature.

Budget Workgroup: Green advised the Budget Workgroup is meeting tomorrow at 2:00 p.m. to look at the current budget and plan for 2018.

Recodification Workgroup: Progress continues to be made with the recodification project.

Save the Lake Committee: Baasen commented the Save the Lake Committee met on Tuesday, March 7 at their new time of 5:00 p.m. The committee will meet again in April before the Boater Education class that is scheduled in June. They would like some guidance from the Board during a Work Session regarding the direction of Save the Lake in the future. Donations are at approximately \$15,000 for this year.

Schleuning advised timing is important and they hope to include a holistic review of Save the Lake at the Work Session in two weeks.

Strategic Plan Subcommittee: Zorn advised they will meet tomorrow from 11:00 a.m. – 1:00 p.m. at the office and invited others to join. Zorn stated a dial-in number will be available. Schleuning stated they will send out the dial-in number if people choose to participate in this way.

12. EXECUTIVE DIRECTOR UPDATE

Schleuning advised the draft of the second half 2016 report was emailed out to board members. She thanked Thomas and Zorn for their work on this document. She requested comments be directed back to her so the final copy could be distributed the end of the week.

Schleuning provided an update regarding de-icing activities. She stated they received a lot of positive comments about the code application, but with the wind and ice, a lot of the docks sustained damage. Information was provided on the LMCD Facebook and Twitter, as well as home page of the website.

Jewett stated docks and fencing in Excelsior were being pushed in February. Schleuning stated a license is not required March 1 through 15. However, during that time fencing is required around the outside of the area. This year, by the end of February, the weather was similar to the end of March. Signage and reasonable precautions were needed.

Jewett inquired what happens on March 15. Schleuning stated signage and fencing are no longer needed.

Jewett stated in the future, they may need to call an emergency meeting to allow people to go with the March 15 guidelines earlier. The ability to act quickly is important.

Schleuning stated that with the climate conditions this year, the reports from customers, and based on discussions with the LMCD legal counsel, it was determined that it was important to make adjustments quickly to prevent additional hazards. The licensees and public were notified of the change in the application of the code. She stated the businesses and residents were overall very cooperative and responsive.

13. OLD BUSINESS

Thomas inquired about the letter they received from the City of Greenwood within their handout folder regarding a request for additional harvesting in their area. Green advised he will discuss expectations with them and file it with the harvesting information.

14. NEW BUSINESS

Jewett commented the harvesters were brought in for harvesting milfoil. He inquired if they could be used to cut paths through native vegetation. Green advised the harvesters cannot be used for harvesting native vegetation because they do not have a permit from the DNR. A different permit may be needed to address the letter from the City of Greenwood.

Jewett inquired about emails regarding the Open Meeting Law. Schleuning stated that when she sends out emails to the Board, she often sends it as a blind copy so no one can accidentally hit 'Reply All.' This helps prevent violations of the Open Meeting Law. Responding directly to a customer without other Directors on the email is not a violation.

Gilchrist explained one-way communication is not an exchange. They encourage everyone not to send a group email to avoid a possible 'Reply All' response, so that it does not look like a discussion is happening outside of the meeting.

Jewett commented at the next work session, it would be helpful to determine a common word for committee, subcommittee, or work group with all the groups.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:23 p.m.

James Jay Green, Chair

Ann Hoelscher, Secretary