

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., May 10, 2017  
Wayzata City Hall

**WORK SESSION**

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

**Members present:** Jay Green, Mound; Gregg Thomas, Tonka Bay; Ann Hoelscher, Victoria; Dan Baasen, Wayzata; Bill Cook, Greenwood; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; Mike Molitor, Minnetrista; Sue Shuff, Minnetonka; and, Deborah Zorn, Shorewood. Also present: Vickie Schleuning, Executive Director; Emily Herman, Administrative Technician; and Andrew Biggerstaff, LMCD Legal Counsel.

**Members absent:** Chris Jewett, Deephaven; Gregg Prest, Excelsior; the City of Orono did not have representation present.

1. Recodification Workgroup Update

Green solicited comments from the members of the Recodification Workgroup. Klohs believed: 1) the process was going well, especially with the option to meet via teleconference, 2) with establishment of the recodification format, the process should move faster, and 3) that all members are very respectful to each other and it is a productive environment. He reiterated that the process is to reorganize what is currently offered in the Code and not to create new policies. Hughes concurred that the ability to utilize teleconference has allowed the group to prosper in its accomplishments. Hughes serves on many committee and work groups and is excited about the accomplishments of this one.

Zorn arrived at 6:12 p.m.

2. Review of draft Save the Lake Solicitation Letter

The Board reviewed the draft Spring, 2017 Save the Lake solicitation letter. The following comments were offered:

- Specific revisions were offered for consideration.
- The recommendation to tailor a second copy as a flyer for handouts.
- Considered use of key missions for the year and future program funding interests.
- Acknowledgement that the contribution envelopes provide the ability for contributors to give via a general contribution to the fund or to select a funded program, e.g., solar lights, boater safety, etc. Additionally, one can contribute in memory or honor of someone.
- The recommendation to possibly add "public navigation" as a support option and a letter/production date.

3. LMCD 2017-2018 Strategic Business Plan

Zorn directed the Board to a draft business plan, dated 5/10/17, within their handout folders for their review and comments. She asked Schleuning to send a reminder out to the Board for return of comments within the week. In considering how the plan would be used going forward, a similar formatted work plan will be

established that will incorporate a dashboard (grid of accomplishments) that she provided an overview about.

Thomas asked if the plan included the LMCD strategic plan consultant's recommendations and how will the Board be assured the strategic plan stays in front of them. Zorn responded as follows: 1) the document does include the recommendations offered by the consultant; acknowledging that some of the initiatives have changed since the original discussion and 2) the use of the dashboard, described above, will assure that the plan stays in front of the Board (providing for a detailed summary of assessments throughout the year).

It was the consensus of the Board to utilize the remaining time left within the Work Session to discuss the draft letter to the member cities relative to the 2018 draft budget. Schleuning directed the Board to the letter within their handout folders, dated 5/12/17, and provided a detailed overview of the letter. The following is a summary of the discussion:

- A review of State law relative to the maximum levy that can be assessed. She stressed that the formula is based off of the "total" net tax capacity and not the "adjusted" or "limited" net tax capacity.
- A few adjustments were made to the draft budget to reflect some discrepancies where the total net tax capacity was not used. She confirmed those figures by speaking directly with the county assessors or who they recommended.
- The Board offered revisions to the letter, one of which included removing the figures of unbudgeted items such as Save the Lake funding requests (Water Patrol, Libbs).

## **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; Gregg Thomas, Tonka Bay; Ann Hoelscher, Victoria; Dan Baasen, Wayzata; Bill Cook, Greenwood; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; Mike Molitor, Minnetrista; Sue Shuff, Minnetonka; and, Deborah Zorn, Shorewood. Also present: Vickie Schleuning, Executive Director; Emily Herman, Administrative Technician; and Andrew Biggerstaff, LMCD Legal Counsel.

**Members absent:** Chris Jewett, Deephaven; Gregg Prest, Excelsior. The City of Orono did not have representation present.

**4. APPROVAL OF AGENDA**

**MOTION:** Hughes moved, Baasen seconded to approve the agenda.

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

There were no chair announcements.

**6. APPROVAL OF MINUTES-** 4/26/17 LMCD Regular Board Meeting

Green referred to page 9 of the minutes, under the fourth bullet point, and requested the spelling of "Croppie" be changed to "Crappie".

**MOTION:** Shuff moved, Molitor seconded to approve the 4/26/17 LMCD Regular Board Meeting minutes as amended.

**VOTE:** Motion carried unanimously.

**7. APPROVAL OF CONSENT AGENDA**

Thomas inquired about a \$270 expense on for Hennepin County room and board. Director Schleuning responded the expense has to do with the holding facility. Thomas clarified that someone was arrested, and the LMCD had to pay for their overnight stay.

Meyer inquired about an \$11,000 expense for auditors. Schleuning pointed out this expense also covered assistance with the budget preparation and some challenges with journal entries that have occurred over the years. The LMCD office will be updating their version of QuickBooks which should help in future budget preparations. The budgeted amount for the audit was \$8,700, with \$2,300 for additional help and services. Some services were credited.

**MOTION:** Thomas moved, Shuff seconded to approve the consent agenda as submitted. Item so approved included: **7A) Audit of Vouchers (5/1/17 – 5/15/17).**

**VOTE:** Motion carried unanimously.

**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

### A) Ordinance Amending LMCD Code Section 5.30 Regarding Alcoholic Beverages and Underage Drinking (Social Hosting) (*Rescheduled from April 12, 2017*)

Schleuning reported on March 22, 2017, the Board reviewed and discussed proposed amendments to LMCD Code Section 5.03 related to alcoholic beverages, underage drinking, and individuals that promote or allow it. She directed the Board to the staff memo, dated 4/12/17 and provided the following information:

- Primary changes to the revised amendment are as follows:
  - Removing the potential for individuals to be prosecuted if they are not physically at the event.
  - Adding a Good Samaritan provision to ensure individuals are not dissuaded from providing assistance to parties that are in violation of this section.
- The ordinance will probably not be needed often, but can be used as a tool if it is needed.
- There has been some positive feedback regarding the ordinance. One concern was regarding who would be held responsible and the type of event.
- The revised language will use the term “underage” in place of the word “minor”.
- In order to be enforced, possession will need to include both intent and an underage person who is drinking.
- The ordinance addresses activities year-round on the lake. It does not address land-based issues.

Meyer referred to Subd. 9(c), the immunity provision. He inquired why it is limited to “one or two persons” and not “one or more persons”. Biggerstaff responded the idea is that they do not want to prevent people from taking the right action and broader language could be used to allow for a number of good Samaritans.

Green referred to Subd. 9(b), the immunity provision. He expressed concern with people drinking more in order to get sick and avoid getting in trouble. Biggerstaff commented the purpose of this wording is for the person who needs attention, and does ask for assistance, because they do not want to get into trouble.

Green referred to Subd. 8(b)(3), the social host provision. He requested the word “or” be removed at the end of the sentence. Schleuning stated Subd. 8(c) may need to be changed to Subd. 8(b)(4), but she will follow up on it.

Hoelscher commented she likes how the ordinance has been cleaned up, but is uncomfortable with Subd. 8, the social host provision. Underage drinking is a problem on the lake, but this is not the best way to go about it. There are already laws that make it illegal to drink and provide alcohol to minors. They have provided additional funding to the Sheriff’s office to help address enforcement, and it has helped. She expressed concern with the definitions of “event” and “host”, and stated the enforceability of the Statute is ambiguous. She referred to Subd. 8(a)(1) and Subd. 8(a)(2) and stated the words “reasonably should know” and “reasonable” are not specifically

defined.

If a person gets a misdemeanor, they will fight it. The courts will have to define what is "reasonable", and the LMCD will end up paying those costs. While the intent is good, it does not solve the problem and they should use their resources to increase their social media campaign.

Cook advised he is opposed to this ordinance, for the same reasons he offered at the previous meeting.

Thomas stated he thought the prosecuting attorney and Sheriff's office requested help in developing this ordinance and that they had already gone over it so the concerns that are being talked about do not become issues. Schleuning advised the Sheriff's office and prosecuting attorney's office have been involved in the development of this ordinance from the beginning and do believe it will help with enforcement. They feel the existing Statutes do not adequately address their experiences and events on the water; they have specific cases where they were unable to enforce the existing ordinance, and they want to have a deterrent from it happening again.

Thomas stated it would be helpful to have LMCD Prosecuting Attorney Steve Tallen and a representative from the the Sheriff's office be present and address the concerns expressed by the Board.

Hughes inquired if the member cities have a social host ordinance and the problems they may have with it. Having this knowledge would allow them to address those issues with this ordinance.

Green commented he believes this is a tool the Water Patrol could use. However, he has similar concerns expressed by other members of the Board. He agreed that meeting with the Sheriff in a workshop to address these concerns would be helpful.

Schleuning commented the Sheriff's office sees this as a tool, not as a cure. They have talked about putting together a communication and education strategy as well.

Molitor stated the point of this ordinance is for it to be used as deterrent to underage people and those that enable them. He felt this ordinance would be helpful.

Green requested Schleuning schedule a meeting with agency representatives to address the expressed concerns. At that time, he recommended providing additional information on the impact of the social host section of the draft ordinance. Schleuning agreed and stated she will also see if there is more information on the impact of this type of ordinance in other cities.

Baasen stated he is concerned that law enforcement has requested the Board's help and they are about to enter their peak enforcement season. He believed the Board needed to expedite discussion and final consideration on this matter.

Shuff inquired about the timeframe for publishing an amendment. Biggerstaff responded ordinances go into

effect after adoption and publication.

## 11. UPDATE FROM STANDING LMCD COMMITTEES

Aquatic Invasive Species (AIS) Committee/Taskforce: Green offered the following: 1) Chip Welling, who served as the DNR representative on the AIS Task Force since the early 1990s passed away last Friday. Green stated Chip was a great person who will truly be missed; 2) The DNR is still fighting for funding at the State level. If funding is not received, one of the first things to go would be statewide watercraft inspections; and, 3) The harvesting program for this year is still being worked on. They have one seasonal employee and could use more. The program cannot be operated with one person.

Baasen inquired if they could raise their level of pay to attract more people. Green stated they are already living on reserves and it would be difficult to raise the pay rate. They offer \$12.00 per hour with an estimated 300 hours of work. Zorn inquired about the required minimum age for the job. Schleuning confirmed it is 18 years old because they must operate a vehicle. It would be a great fit for a college student or teacher.

Budget Workgroup: None.

Recodification Workgroup: None.

Save the Lake Committee: Baasen offered the following: 1) The committee met yesterday and added four meetings to their schedule through the end of the year (7/11/17, 9/12/17, 10/10/17; 2) The Boater Safety class being offered through LMCD is better than others because it has workshops, an exceptional teacher, and hands-on learning. They need more participants for the class on June 19, and he requested the Board be advocates in their City for the class. Additional adult instructors would be helpful to assist the youth participants with the exam; 3) The committee reviewed actions the Board had taken in providing funding for the Libbs Lake Property Owners Association and the Sheriff's Office; and 4) Cook attended the meeting and it is the committee members' hope that he will join the committee.

Green inquired if they would like a zebra mussel sniffing dog at the Boater Safety class. Baasen stated they would be interested.

Strategic Plan Subcommittee: Zorn advised an email will be coming from Schleuning for feedback on the Strategic Plan.

## 12. EXECUTIVE DIRECTOR UPDATE

Schleuning read a press release from the Governor that states at the stroke of midnight May 13<sup>th</sup>, it is proclaimed Clean Drain Dry Day.

Schleuning directed the Board to the new 2017 MN DNR brochure and respective stickers regarding carbon monoxide detector requirements for boats. She stated a detector is required if a boat has all the following:

designated sleeping area, gallery area with a sink, and a head or toilet compartment. The warning stickers are also required for specific situations. She referred to a MN DNR website that has more information.

**13. OLD BUSINESS**

There was no old business

**14. NEW BUSINESS**

There was no new business.

**15. ADJOURNMENT**

Green reminded the Board of their special meeting on Wednesday, May 17 at 7:00 p.m. at the Mound City Council Chambers for two public hearings. Baasen stated it is important they have a quorum.

There being no further business, the meeting was adjourned at 7:41 p.m.

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James Jay Green, Chair

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Ann Hoelscher, Secretary