

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., February 28, 2018
Wayzata Council Chambers

WORK SESSION

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

Members present: Jay Green, Mound; Gregg Thomas, Tonka Bay; Bill Cook, Greenwood; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; Andrew Punch, Excelsior; Chris Rich, Woodland; Sue Shuff, Minnetonka; and, Jake Walesch, Deephaven. Also present: Troy Gilchrist, LMCD Legal Counsel and Vickie Schleuning, Executive Director.

Members absent: Dan Baasen, Wayzata; Ann Hoelscher, Victoria; Mark Kroll, Orono and Deborah Zorn, Shorewood.

1. **Fuelbote Presentation.** John Neuens, CEO, Fuelbote and Adam McLain, Premier Lake Harvesting as the proposed Fuelbote operator presented information regarding the Fuelbote operations. Fuelbote is a dockside marine fuel delivery service that uses a shoreline route to refuel docked watercraft and vessels at residential properties and marinas. Neuens stated the proposal is to operate the Fuelbote up to 5 days a week, avoiding busy times such as holidays and weekends. They have been operating at other lakes since 2007. They are working with Kathy Smith at the state regarding CVA grants for sewage pumpout. The operation carries hazmat materials and is also used as emergency response. They operate in Lake Geneva, Lake Powell, Lake Okauchee, and others. They refuel off water. They launch each day. Operators have extensive training and often meet requirements marinas do not.

Klohs stated that this could provide a good service for residents. He understood that many marinas did not necessarily want to provide fuel but did to accommodate customers. If properly controlled, this could be a good opportunity for the Lake and LMCD.

Neuens stated that they often provide a stipend to regulating agencies of the lake.

Gilchrist stated this is not currently allowed by code and would require a code change since this is sales/concessions on the lake.

Neuens stated that he thought this was no different than rip rap or dock installers.

Green expressed concerns that this could open the door for sales and get out of control.

It was mentioned that insurance or bonds could help ensure the operator was legitimate and met the highest standards.

Schleuning asked if testing for the integrity of the joints and metals was included as part of the ongoing maintenance of the boats, such as nondestructive metal testing to ensure contamination does not occur.

Neuens stated that they are inspected regularly, and would consider other tests if needed.

Molitor stated that other concerns regarding hours of operation, noise and other nuisances should be addressed.

Neuens stated that the boats operate at 32 decibels.

Green stated that if this was to move forward, input from the marinas would be important as part of the process.

Gilchrist explained that in his opinion a code change would be required.

It was determined that the board should consider this as part of a future discussion regarding sales on the lake and appropriate control measures.

2. **Buoy Inquiry and Discussion.** Schleuning stated that a request from the City of Excelsior was received to extend the slow wake zone in Excelsior Bay. The concerns included wakes, safety and erosion of lakeshore especially in light of the additional docks being installed by the City of Excelsior. In general, she is considering and asking for input regarding the methodology of determining the types, location, and costs of buoys. What are the concerns, is it related to not enough buoys, or could the buoys be better positioned?

Other comments included if there are statistics or other data to indicate there is a problem to indicate changing the slow zone is needed. Many bays would like special considerations, but the lake needs to be viewed as a whole as well to ensure public accessibility and overall use. A public hearing is required to change or extend no wake or slow zones. It was noted that the winds also created substantial wakes in this bay. The traffic at 500NNL might be reduced with overnight storage, even though additional boat and transient slips are planned at Excelsior docks.

Rich stated that the Park Board has reviewed information indicating the erosion of the point over the years. The channel was filled in during the 1920s. He could obtain this information to share with the Board.

3. **AIS Programs and Survey Results.** Schleuning stated that the Board will be considering options and costs of AIS prevention and maintenance programs at a future meeting in March to determine the AIS programs for 2018. Some background information has been provided for preliminary review. She stated that it seems that a significant amount of money is spent to manage or control AIS compared to the amount spent on prevention. The costs could get higher depending on the types of AIS. One of the only ways to prevent AIS is watercraft inspections. While the funding for LMCD's watercraft inspection program was eliminated in 2018 due to the reduction in grants throughout the years and budgetary constraints, a grant was recently received from Hennepin County in the amount of \$10,000. In addition, a cost-share of 35% was submitted to the MCWD. The remaining funds would need to be provided by the LMCD.

For harvesting, we could not meet the needs of the harvesting requests last year. Further, there are some known issues regarding the consequences of harvesting. An option would be to incorporate addressing these needs into the program. Other options include reducing the scope to provide better performance or increasing service to meet the needs, which increases costs. Other options will be explored as well such as public, private, and city partnerships. Since time is limited at this Work Session, more information will be presented to the Board for decisions about the harvesting and watercraft inspection program.

The Work Session adjourned at 6:55 p.m.

FORMAL BOARD AGENDA

7:00 p.m. to Adjournment

1. CALL TO ORDER

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; Bill Cook, Greenwood; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; Andrew Punch, Excelsior; Chris Rich, Woodland; Sue Shuff, Minnetonka and Jake Walesch, Deephaven. Also present: Troy Gilchrist, LMCD Legal Counsel and, Vickie Schleuning, Executive Director.

Members absent: Dan Baasen, Wayzata; Ann Hoelscher, Victoria; Mark Kroll, Orono and Deborah Zorn, Shorewood.

4. APPROVAL OF AGENDA

MOTION: Cook moved, Hughes seconded to approve the agenda.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

There were no Chair announcements.

6. APPROVAL OF MINUTES- 02/07/18 LMCD Regular Board Meeting

MOTION: Thomas moved, Rich seconded to approve the 02/07/18 LMCD Regular Board Meeting minutes as presented.

VOTE: Ayes (9), Abstained (1, Cook); Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Shuff moved, Punch seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (02/16/2018 – 02/28/2018)

VOTE: Motion carried unanimously.

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

Richie Anderson, 3205 Crystal Bay Road, Wayzata inquired about the procedure with the Fuelbote and if it will include a public hearing. He is torn on the idea but stated it could relieve pressure at his fuel dock and provide service to everyone on the lake. He referred to the National Fire Protection Association (NFPA) Section 11.2.2 of the code and stated he is unsure how to get around it.

Green stated they needed to determine the commercial license component and if it is allowed under the current code. It would then go through a process that would involve public input. He would want to reach out to marina owners to help in the discussion and answer questions.

Gilchrist stated the code does not require a public hearing, but if the Board wished to allow this activity, he would advise they amend the code to accommodate this item. The code amendment would take place after a policy discussion on what is allowed and how permitting would be handled.

9. PUBLIC HEARING

There were no public hearings.

10. OTHER BUSINESS

A) Hennepin County Sheriff's Office Water Patrol Annual Report

Sheriff Stanek and Lieutenant Vnuk presented the 2017 Water Patrol Annual Report. Sheriff Stanek provided an overview of the Hennepin County Sheriff's Office and jurisdiction, agency leadership, the Sheriff's responsibilities, Eight Lines of Business, and the three public safety partnership areas. Sheriff Stanek provided the following details related to the 2017 Water Patrol:

- The Water Patrol includes a Lieutenant, Sergeant, eight full-time Deputies and 20 Special Deputy Volunteers. There are five additional Special Deputies currently in training.
- The LMCD Deputy Grant from Save the Lake funds provided 620 patrol hours on Lake Minnetonka, 106 incident responses, 5 BUI arrests, 96 citations, and 556 verbal warnings.

- 2017 Achievements include: electronic message signs on the Arcola and Narrows bridges; a new 28-foot emergency response watercraft; and two paramedics on the new emergency response watercraft with North Memorial Medical Center over the Fourth of July holiday.
- In 2017, there were 104 permitted events on Hennepin County waterways, which is up 12 percent from 2016. Lake Minnetonka accounted for a majority of the events.
- Fourth of July Weekend:
 - The Water Patrol had 31 personnel working July 1 through July 4, 2017. This included eight boats on Lake Minnetonka, two County patrol boats, one patrol boat on the Mississippi River, four land-based marked squads in the Lake Minnetonka area, two deputies assigned to Water Patrol headquarters, and four fireboats from surrounding agencies. This resulted in 14 public safety boats on the water during the weekend.
 - Statistics: 404 generated CAD calls countywide, which is a 28 percent increase; no serious injuries or deaths; seven medicals, which is a 36 percent increase; 13 BUI arrests, which is down one from 2016; 112 citations for safety violations, which is down one from 2016; and 41 Minor Consumption citations issued, which is down 19 percent from 2016.
- Winter Operations: three vehicles broken through the ice; all channels and known pressure ridges were posted with thin ice signs and were heavily patrolled; five electronic message signs were placed throughout Lake Minnetonka at key locations warning of ice danger; and ice out was March 27, which is 14 days ahead of the April 14 average.
- Year End Summary: over 6,384.5 patrol hours on Lake Minnetonka; 35 BWI and 2DWI arrests; zero summertime drownings on Lake Minnetonka (countywide there were eight drowning and 10 near drowning incidents); one fatal medical-related accident on Lake Minnetonka from a person falling off a sailboat; 675 other reports: theft, vandalism, and medicals; 451 citations on Lake Minnetonka, all LMCD ordinance violations, which is a 16 percent increase from 2016; and 93 water safety presentations, which is up 61 percent from 2016.

Hughes inquired if the electronic signs are shut off in the evening.

Lieutenant Vnuk responded they are typically shut off at dusk each day and operated again at sunrise.

Schleuning thanked the Hennepin County Sheriff's Office and the Water Patrol for their proactive education efforts. A significant amount of time is spent to prevent problems.

Sheriff Stanek stated they handpick the people who work with the Water Patrol.

Thomas inquired if the unmarked boat initiative by Cruiser's Cove was successful and if they planned to do it again.

Lieutenant Vnuk said they held some events last year and they have three more planned this year. The public safety dock has been beneficial and was used at least 70 times over the Fourth of July weekend. It provides a secure area where they can work with paramedics and has significantly helped the safety of people on the lake.

Sheriff Stanek also noted they now have access to drones and they believe in using technology to help with public safety needs.

Green stated he spent a shift with the water patrol over the Fourth of July one year and was amazed at what they do on the water. He also found it interesting how bold people were on the water.

11. UPDATE FROM STANDING LMCD COMMITTEES

Aquatic Invasive Species Committee/Taskforce: Green reported there will be an AIS meeting on Friday, March 9 at 8:30 a.m. at the LMCD offices. He also noted that Dr. McCartney was approved to go on for the full proposal for research, and he will provide more information as it becomes available. He requested Cook get in touch with Dr. McCartney.

Cook commented the AIS Summit began today and was great. There were some interesting presentations about future threats and he will update the Board after he organizes the information.

Budget Workgroup: Green stated they met to discuss timing and will meet shortly to review options. The budgets are due to the cities by July 1, and they discussed working on a budget for 2020 as well. They will also add a treasurer's report to the LMCD Board meetings that will provide an update on how the accounts are doing.

Schleuning noted she is hoping to receive preliminary results from the audit and will send out an email regarding the next meeting.

Communications Workgroup: Thomas reported Hughes has agreed to co-chair the group with him and they have had two meetings. They have discussed how they are going to structure putting together a communications plan and considered possible templates to use. The next meeting will take place on March 8 at 8:30 a.m. at the LMCD offices.

Recodification Workgroup: Gilchrist reported Schleuning and LMCD staff are reviewing the permitting provisions to make sure they are right. Once that is completed, the next stage will include providing it to Board members for initial review.

Save the Lake Committee: Shuff noted there is a Boater Safety Class on March 17 and information is available on the website. Thomas stated Baasen is always looking for volunteers to help out with the class. He noted the helpers will also need to pay \$22.50 to get into the class but will be reimbursed after the class.

Green stated participants take the test the same day as the class and there are hands-on experiences as well. He encouraged the Board to attend and help out.

Strategic Plan Subcommittee: None.

12. EXECUTIVE DIRECTOR UPDATE

Schleuning reported they are planning to update the meeting agenda to provide a better flow to the meeting and include a treasurer's report.

She stated she may have lost a few emails during the IT/IS update and migration. Everything is working now and it will be a big improvement. They were generally able to meet the budget and she thanked the Board for their support.

Schleuning announced on Monday, March 5 ice shelters need to be removed from the lake. They cannot be stored on the public access and more information will be available on the website. She also reminded people to clean up after their pets and have them under control near the ice as the weather gets warmer. She doesn't want to see animals or those who try to rescue them harmed.

She reported they sent out licenses for multiple docks for those who completed the process and the liquor licenses are at the Hennepin County Sheriff's office for background checks.

Green inquired if there had been any deicing issues.

Schleuning responded overall it has been good. They leave a business card so people know they were onsite. They made contact with people through the emergency contact number if there was anything they saw that was or could become a problem.

13. OLD BUSINESS

A) Resolution Authorizing Appointment of Committee Members

Green inquired if anyone had questions regarding the resolution.

MOTION: Thomas moved, Shuff seconded to approve Resolution 167 authorizing the appointment of committee members for the year 2018.

VOTE: Motion carried unanimously.

B) CLOSED SESSION to Conduct Performance Evaluation of the Executive Director Pursuant to Minnesota Statute §13D.05, Subd. 3(a) – Continued

MOTION: Shuff moved, Thomas seconded to go into closed session to Conduct Performance Evaluation of the Executive Director Pursuant to Minnesota Statute §13D.05, Subd. 3(a).

VOTE: Motion carried unanimously.

The regular meeting was re-opened.

MOTION: Green moved, Rich seconded a motion to increase the Executive Directors salary by 5% and increase vacation by five additional days retroactive to the anniversary date.

VOTE: Motion carried unanimously.

The Board thanked Schleuning for her work and accomplishments.

Schleuning thanked the Board for all their work and support. She stated it has been a wonderful year and she looks forward to more successes this coming year.

14. NEW BUSINESS

None.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:48 p.m.

James Jay Green, Chair

Ann Hoelscher, Secretary