

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., November 14, 2018
Wayzata City Hall

WORK SESSION

6:00 p.m. to 6:55 p.m.

Members present: Jay Green, Mound; Gregg Thomas, Tonka Bay; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Gary Hughes, Spring Park; Mark Kroll, Orono; Mike Molitor, Minnetrista; Chris Rich, Woodland; Dennis Klohs, Minnetonka Beach; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood; and Sue Shuff, Minnetonka. Also present: Troy Gilchrist, LMCD Legal Counsel; and Vickie Schleuning, Executive Director.

Members absent: Andrew Punch, Excelsior

1. AIS Harvesting Program Review Continued

Executive Director Vickie Schleuning provided an overview of the LMCD harvesting program, its operations, changes made over the past two seasons, observations over the past two seasons, examples of proactive coordination with residents and bay captains for more targeted implementation, and a response to some public comments as the Board requested. She indicated that the LMCD works with the MN DNR to enhance services to improve lake safety and ecology and piloted a couple items in 2018. Harvesting staff also picked up trash and lost objects on the lake and offload sites, and also monitored and reported suspicious or atypical vegetation. A copy of the program manual was passed around for review, noting that similar to other programs, the AIS Harvesting Program continues to evolve.

The LMA, represented by Eric Evanson, provided a presentation to share its opinions about the harvesting program and its objections based on its assumptions.

REGULAR SESSION

7:00 p.m.

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; Bill Cook, Greenwood; Dan Baasen, Wayzata; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Orono; Mike Molitor, Minnetrista; Chris Rich, Woodland; Sue Shuff, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

Members absent: Andrew Punch, Excelsior;

4. APPROVAL OF AGENDA

MOTION: Rich moved, Thomas seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Green commented that he will not be seeking reappointment to the Board and therefore Mound will be appointing a new representative.

6. APPROVAL OF MINUTES- 10/24/18 LMCD Regular Board Meeting

MOTION: Kroll moved, Shuff seconded to approve the 10/24/18 LMCD Regular Board Meeting minutes as submitted.

VOTE: Ayes (11), Abstained (2). (Zorn and Walesch) Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Thomas moved, Cook seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (11/1/18 – 11/15/18); **7B)** November Financial Summary and Balance Sheet; and, **7C)** 2019 Appointments for Legal Services, Auditor, Bank Depository, and Official Newspaper

VOTE: Motion carried unanimously.

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

Lori Clark, Wayzata resident, stated that she grew up in Minnetonka Beach. She brought forward a concern with proposed parking that could cause a problem with runoff.

Chair Green replied that the LMCD would not have jurisdiction over that and perhaps the watershed would be the appropriate place to voice that concern.

9. PUBLIC HEARING

There were no public hearings.

10. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

A) AIS Harvesting Program Review Status

Chair Green asked who attended the LMA meeting and asked for input.

Baasen stated that he expressed the opinion that people should be happy that the LMCD is going to complete a thorough review of the program. He stated that it was his interpretation that some people would like the LMCD to stop the program without completing the review. He stated that there is enough interest in the program that the LMCD should attempt to figure out what to do next. He stated that if the LMCD does not proceed with a proper review that he believes that other people will become upset and could take legal action. He stated that the Board has a number of good opinions on possible direction but there is not a consistent opinion. He stated that he would not be opposed to placing a moratorium on the program while the LMCD goes through its process. He stated that perhaps a Task Force should be created to weigh the pros and cons and make a recommendation.

Cook stated that his takeaway from the meeting was that the Director from the University had a lot of good information that was scientifically based. He stated that he did not get a sense from that information that the LMCD should stop its program. He stated that the second speaker was a premier contractor on the lake that works with chemical solutions and therefore was interested in the chemical solutions. He stated that in his opinion, he is not interested in stopping the program without a lot of process and understanding. He stated that he would be interested in taking the opportunity to suspend the harvesting program in a certain part of the lake to conduct a scientific review in the differences that arise to provide an answer to whether the LMCD should be harvesting.

Hoelscher asked if the Director from the University provided a recommendation.

Cook stated that he was very careful not to tell the LMCD what to do, other than harvesting is a tool in the tool box. He stated that Baasen's idea of having a Task Force would be appropriate as long as the AIS Committee is involved.

Thomas agreed that it was a good meeting. He stated that it was mentioned that harvesting is never a long-term solution. He noted that science is making advances, but there is not an immediate cure today. He stated that he was a bit surprised as he felt that LMCD was under the spotlight as the "bad guys". He stated that the members of the LMCD Board just want what is best for the lake. He stated that the Mayor of Tonka Bay stated that everyone has the same interest at heart and wants what is best for Lake Minnetonka and need to work together rather than pointing fingers.

Kroll stated that perhaps the right approach is to place a moratorium on one part of the lake which would allow the organization to collect data. He offered Orono for the test case, to opt out of the harvesting for

2019.

Chair Green stated that the LMCD needs to work with someone qualified to develop the parameters of a study in order to learn from the study. He believed that the right players would need to be on board to gather this data.

Kroll stated that this could be done in parallel. He suggested starting this process by having a moratorium on the Orono boundaries of the lake.

MOTION: Kroll moved, Molitor seconded to approve a moratorium on milfoil harvesting within the Orono City boundaries for 2019.

In further discussion, Hoelscher stated that if a city does not want harvesting in their boundaries, then absent public safety concerns the LMCD should respect that.

Chair Green asked what that would accomplish. He explained that Orono is a large area and weeds spread.

Molitor stated that the action would respect the wishes of the community. He stated that like it or not, Orono does not want to participate in harvesting activity in 2019 and that should be acknowledged.

Klohs stated that while he did not attend the meeting, staff from Minnetonka Beach attended the meeting and the City Council discussed the topic at length. He stated that chemical treatment was discussed in the past in depth. He stated that generalizations do not work in the lake because of the large size and different conditions in the different areas and bays. He stated that it seemed that the outcome of the meeting was that there was a lot of criticism at the meeting without any solutions being proposed. He stated that chemical treatments do seem to work, but only for one to two years. It has a high cost and therefore that would be an endless tax on the lake. He stated that the majority of the people on the lake do not support chemical treatments on the lake or support the cost for that item. He stated that Minnetonka Beach is unanimous in continuing the program. He stated that the lake is too dynamic and different and therefore isolating Orono would not provide solid scientific information. He stated that it would be difficult to tell which cuttings resulted from harvesting and which cuttings were a result of the number of boats on the lake. He suggested that the LMCD has already researched this matter in depth in the past. He stated that this is not new, and the program is not new. He believed that everyone should educate themselves in order to have an educated discussion. He recognized that there are emotions involved but there is a lot of data available through the LMCD and the University. He did not think it would be appropriate to vote until the people are educated on the topic.

Molitor stated that what was discussed was to stop the harvesting in Orono and using that information for a scientific study. He explained that the motion was simply to stop the harvesting in Orono for 2019. He stated that if a study is going to be conducted, that it can be discussed in a separate motion.

Hoelscher stated that if the LMCD is going to vote on the motion that the Board should know exactly what is proposed. She stated that she would need to see a map with lines indicating where in Orono harvesting

should not occur.

Kroll stated that perhaps reasonable interpretations could be made towards bays that would include multiple cities.

Hoelscher asked if Kroll would be open to postponing his motion until those further details are known.

Kroll agreed with the need to clarify this going forward but stated that he does not want to continue to drive down the road without taking an affirmative step that the program is going to be evaluated. He believed that a clear vote tonight will help to drive the decisions and actions and gives the LMCD staff direction on what will need to occur. He stated that he does want a vote on his motion and agreed that at the next meeting an amendment could be made to deal with technical issues, using the example of bays that include multiple municipalities.

Chair Green stated that Orono has the most lakeshore.

Walesch stated that this last year the LMA rep asked that harvesting not occur in Carsons Bay and that was approved, and he did not receive a single complaint. He stated that if the LMCD is only cutting weeds that will grow back, that is not solving the problem. He stated that if there is not a safety issue and navigation is allowed, he does not care if Orono is harvested. He stated that it would also save the LMCD money. He did not see harm in not harvesting Orono if that is what the city is requesting. He stated that if someone is asking not to harvest and it will save the LMCD time and money, he does not see an issue. He asked why the LMCD would be adamant about cutting Orono's weeds if they do not want it done.

Baasen stated that his concern is that Orono is part of Lake Minnetonka and the ecosystem is not separated by municipal boundaries. He stated it would not be helpful overall to see one city pulling out of one program and other cities pulling out of other programs. He stated that the harvester would have to pass through Orono areas to reach other areas. He asked if it would be better to have the moratorium in a smaller area that would not impact other communities, as Orono is the largest community on the lake. He stated that everyone can do their job better and the LMCD is no exception. He stated that he would vote against this as it would segregate one community from the others.

Hughes stated that he would prefer for staff to develop a plan and not necessarily remove all the shoreline within Orono from harvesting. He stated that he would like to table the current motion until such time a defined plan is shown that identifies the areas of the lake that would not be harvested. He stated that the map would be created by staff.

MOTION: Hughes moved, Hoelscher seconded to postpone taking action on the motion on the floor to the next meeting.

Further discussion: Zorn echoed the comments of Baasen and Hughes noting that the intent of the agency is to be a bridging guide across the municipalities. She felt that this is a guiding principal of the agency and one city should not be segregated. The overall public should be considered.

Rich commented that it is not just Orono residents that boat in Orono waters and worries about setting precedent. He believed that there should be more of a plan as it is everyone's waters and not just the owner of the shoreline.

Gilchrist recommended taking action on the motion to table.

Schleuning stated that it will be important that staff is clear on the areas that would be harvested and not harvested, in map form, to be successful in meeting the expectations.

VOTE: Ayes (10), Opposed (3, Shuff, Molitor, Kroll) Motion carried.

Gilchrist stated that this discussion will be tabled to the next meeting.

Chair Green stated that it would be helpful to have a tangible area to be shown that would not be harvested for the next discussion.

Thomas asked for details about the AIS Taskforce/Harvesting Program meeting that has been mentioned from Friday morning.

Chair Green stated that there were comments that the Board would like to hear from the experts in order to continue discussions on harvesting. He stated that experts are being brought in from the ecological side but there had not been discussion on the operation of the program. He stated that the discussion on the operation of the program would need to be the decision of the Board. He stated that he would like to see good attendance at this meeting as these outside agency representatives are being brought in a second time to answer questions.

Hoelscher asked if there would be an option to call in on a conference call for those that cannot attend.

Schleuning confirmed that would be an option and would provide the information to the Board the following day.

Thomas stated that he found it helpful to reread the LMCD report finalized in 2012, which had a great deal of input. He stated that the consensus of the group at that time was to continue to harvest in some areas and use chemical treatment in other areas. He stated that it's been six years and the report is still good to read to receive the background information.

Chair Green stated that some things have changed in the past six to eight years that were not addressed because of other AIS that have been introduced to the lake.

Thomas agreed that a decision could not be made today based off a report from 2012 but noted that there is good background information that will continue to be helpful.

Klohs stated that he suggested to his Council last night that if the harvesting program is discontinued for two to five years, that it would provide a baseline that would allow a true comparison of the different environmental impacts. He stated that his City Council did not support that and instead supported that harvesting continue until something better is suggested.

MOTION: Baasen moved, Cook seconded that Chair Green spend the next 30 to 60 days to create a Task Force that would examine the harvesting program, which would make a recommendation to the Board based upon fact.

In further discussion, Chair Green stated that for the record he has stated that he would stay on the AIS Task Force after his departure from the Board if asked.

Molitor stated that there is already an AIS Committee and asked why that Task Force is not tasked with that issue.

Baasen stated that a number of the members of the AIS Task Force could be put onto the Task Force but this would only focus on harvesting.

Chair Green explained that harvesting is only one part of the work that the AIS Committee does.

Molitor stated that he does not see the point of creating another Task Force when the AIS Committee should be the one to handle the topic.

Thomas agreed that the AIS Committee does discuss harvesting, but this Task Force would focus solely on harvesting.

Klohs stated that AIS and harvesting are different activities. He stated that the harvesting program has never been about AIS control and is solely about navigation.

Hughes stated that the motion would ask Chair Green to create a Task Force that could include members from the AIS Committee and others that would focus on harvesting.

VOTE: Ayes (11), Opposed (2, Molitor, Kroll) Motion carried.

12. NEW BUSINESS

A) Appointment of Nominating Committee for 2019 Officers

Schleuning reported that it is important to start the process for nominating the 2019 Officers. She stated that it is important to ensure the Nominating Committee has sufficient time for the process. She recommended that the Board consider appointing members to the Nominating Committee.

Baasen, Zorn and Walesch volunteered.

MOTION: Chair Green moved, Kroll seconded to form the 2019 Nominating Committee composed of Baasen, Zorn and Walesch.

VOTE: Motion carried unanimously.

B) 2019 LMCD Employee Benefits Package

Schleuning asked the Board to consider the 2019 LMCD employee benefits package and provided background information.

MOTION: Kroll moved, Shuff seconded to approve the 2019 LMCD Employee Benefits Package as proposed.

VOTE: Motion carried unanimously.

13. TREASURER REPORT

Cook had nothing to report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- The Board of Directors guide was created to assist new members as some new members will be joining the Board, using the example of Mound.
- Staff will be posting legal notices about de-icing and the general locations where that activity will occur.
- Multiple dock licenses have been sent out and are beginning to be returned.
- Staff is seeing proposals that will improve the navigation, safety and aesthetics of some of the multiple dock facilities.
- Information will be sent updating the winter brochures.
- Staff will be adding more information to the website and Facebook page to keep residents updated about winter items.
- There will not be a second meeting in November or December because of the holidays.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Committee/Taskforce: Green reminded the Board of the meeting on Friday at 8:30 a.m.

Cook stated that he is concerned with the introduction of a new AIS into the lake and the traditional approach that the organization has taken on AIS management and control. He stated that he is concerned with Starry

Stonewort and asked the Board for support to try to proactively address the issue. He stated that he would like to issue a request for proposals that would be published and responded to, which would then provide an estimated cost. He noted that the Board could then determine if there would be interest in funding a pilot program.

MOTION: Cook moved, Kroll seconded to authorize the AIS Committee to prepare a request for proposals for a proactive response to Starry Stonewort in Lake Minnetonka for the Board to review.

VOTE: Motion carried unanimously.

Budget Workgroup: Cook had nothing further to report.

Recodification Workgroup: Gilchrist stated that he received a few more comments from members and commitment from another to complete their work. He continued to encourage the remaining members to return their comments. He stated that he would hope to reconcile the comments and prepare another draft for review in January.

Save the Lake Committee: Baasen stated that the group has not met since the last meeting. He provided a copy of the fall solicitation letter that has been mailed.

Strategic Plan Subcommittee: Zorn stated that a dashboard review will be available at the next meeting for the third quarter.

16. ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

VOTE: Motion carried unanimously.

James Jay Green, Chair

Ann Hoelscher, Secretary