

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., December 12, 2018  
Wayzata City Hall

**WORK SESSION**

**6:05 p.m. to 7:00 p.m.**

**Members present:** Jay Green, Mound; Gregg Thomas, Tonka Bay; Ann Hoelscher, Victoria; 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; Matthew Cook, Environmental Administrative Technician.

**Members absent:** Bill Cook, Greenwood; and Andrew Punch, Excelsior.

Also, John Neuens, Fuelbote, LLC.; Adam McLain, Premier Lake Harvesting; Gabriel Jabbour, Tonka Bay Marina; Rich Anderson, North Shore Marina; Eric Evenson, Lake Minnetonka Association (LMA); and, Tom Fletcher.

**1. Update Regarding Legal Matters**

Gilchrist said that the LMCD Board has been receiving legal inquiries via email and legal counsel has been sending responses to said inquiries. Information was provided in the packet. He asked the Board how they would like to be kept up-to-date regarding these ongoing legal matters.

Thomas suggested that when legal counsel sends out a response, that the Board receive a copy of legal counsel's response.

**2. AIS Harvesting Program Review (Continued)**

Green noted that on November 16, 2018, the LMCD hosted an interagency meeting, including members of the Minnesota Department of Natural Resources (MN DNR), Minnehaha Creek Watershed District (MCWD), and Three Rivers Park District (TRPD), to review the harvesting program. He said that other concerned parties were in attendance either in person or via phone. Green asked LMCD Board members who were present to share their impressions of the meeting.

Klohs said that the meeting was very informative; he expressed his appreciation of the time shared with experts in the field of aquatic invasive species management. He recalled that MN DNR staff suggested that aquatic invasive species (AIS) would likely be spread throughout the lake by boat traffic, with or without harvesters present on the lake. Klohs underscored that MN DNR staff noted that harvesting operators would be a means of early detection of newly-introduced AIS, as harvesting operators would be on the lake daily. Klohs said that shutting down the harvesting program on the grounds of the spread of AIS was not worthwhile.

Walesch said that after the meeting, he understood that while harvesting was a "tool in the toolbox" for

managing AIS, harvesting would not be the best method for early detection. He explained that while he did not believe that anyone at the meeting was suggesting the complete stoppage of the harvesting program, he gathered that the agency staff recommended that the LMCD gather more information and data about harvesting and the condition of Lake Minnetonka to use in an evaluation of the harvesting program.

Shuff said that the agency staff provided clear information and approached the situation with common sense.

Hughes said that he understood that agency staff recommended that the LMCD gather more information up front and on an ongoing basis to inform the harvesting program's operation.

Hoelscher stated that the LMCD's AIS programming was not encompassed by the Harvesting program. She explained that while the Harvesting program might provide a short-term solution to some navigational issues on the lake, the overall management of AIS on Lake Minnetonka would need to include efforts other than Harvesting.

Green said that he did not believe that there would be a difference between the amount of AIS spread by boats alone and the amount spread by boats and harvesting equipment. He stated that the LMCD needs to meaningfully re-engage with the concept of lake-wide AIS management. Green noted that many of the aspects of the 2012 Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Management Plan remain unimplemented.

Green said that the amount of research, monitoring, management, and prevention activities that need to be managed and coordinated around Lake Minnetonka could easily fill the time of a full-time AIS expert. He stated that while the LMCD may well eventually need such a position on staff, he saw at least the need to hire a consultant or contractor to provide similar services in the near future. Green explained that the LMCD will need an expert to help develop a plan for AIS monitoring, as well as a plan for response to the introduction of new AIS. He underscored that the LMCD had similar experts involved in the development of the 2012 Comprehensive plan, and the LMCD needs to focus on the big picture and execute this time around.

Klohs stated that the input the LMCD received to develop the 2012 Comprehensive Plan was rich and informative. He noted that the funds needed to hire such a position and run such a program are not present at the moment.

Rich said that the LMCD ought to call upon the MN DNR staff as much as possible to provide the technical expertise needed for such operations.

Green stated that while the MN DNR has several staff devoted to such fields, the LMCD would still need a staff person in-house to understand and make use of any external support the LMCD received. He underscored that in addition to the needed expertise of an AIS specialist, the LMCD would need additional staff time to manage all the aspects of AIS management. Green said that the Executive

Director could not reasonably be expected to perform her regular duties, pursue the strategic objectives of the Board laid out in the Strategic Plan, and develop and run a lake-wide AIS management program all at once going out to identify weeds.

Klohs stated that one option for the LMCD would be to cease harvesting and leave the cutting, pulling, and chemical treatment of AIS to lakeshore owners and LMA Bay Captains to organize.

Thomas stated that he was impressed when he re-read the 2012 Comprehensive Plan. He noted that while he wanted to review and change the Harvesting program and potentially develop a lake-wide management program, the LMCD would need funds to do so. Thomas suggested short-term use of the LMCD's reserves to prepare the LMCD's programs for the organization's long-term goals.

Shuff stated that the LMCD Board had recently selected Mr. Green to lead a subcommittee to review the LMCD Harvesting program. She suggested that the Board allow the subcommittee to work with LMCD staff and spend more time gathering information before the Board makes a formal decision regarding the Harvesting program.

Hoelscher said that the LMCD would need to hire someone to develop the LMCD's plan for AIS, and clearly define what the LMCD needs from said hire or contractor.

Molitor stated that hiring someone to coordinate AIS management across the Lake does not address the concerns the LMCD received regarding the safety of the Harvesting program.

Green stated that, as he saw it, the LMCD had three tasks to complete:

1. Hire needed skills (AIS expertise)
2. Conduct independent, outside review of Harvesting program
3. Determine cost-effectiveness and funding of AIS programs

Shuff stated that navigational safety, which can be improved via mechanical harvesting, is an important aspect of the public trust which the Board is charged with protecting.

## **REGULAR SESSION**

**7:07 p.m.**

### **1. CALL TO ORDER**

Chair Green called the meeting to order at 7:07 p.m.

### **2. PLEDGE OF ALLEGIANCE**

### **3. ROLL CALL**

**Members present:** Jay Green, Mound; Gregg Thomas, Tonka Bay; Ann Hoelscher, Victoria; 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:** Bill Cook, Greenwood; and Andrew Punch, Excelsior.

#### 4. APPROVAL OF AGENDA

Kroll noted that at the last meeting the request from Orono to opt out of the harvesting program was postponed and therefore requested that this item be considered separately and as the first item under old business tonight.

**MOTION:** Baasen moved, Rich seconded to approve the agenda as amended, making the change noted by Kroll above.

#### 5. CHAIR ANNOUNCEMENTS

There were no Chair announcements.

#### 6. APPROVAL OF MINUTES- 11/14/2018 LMCD Regular Board Meeting

**MOTION:** Thomas moved, Zorn seconded to approve the 11/14/2018 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** Ayes (12), Abstained (0). Motion carried.

#### 7. APPROVAL OF CONSENT AGENDA

**MOTION:** Kroll moved, Shuff seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (11/16/2018 – 11/30/2018); **7B)** November Financial Summary and Balance Sheet; **7C)** Resolution Accepting Save the Lake Contributions (10/16/2018 – 11/30/2018); and **7D)** LMCD Board Meetings Contracts/Agreements: City of Wayzata, agreement for use of Community Room and Video Production Studio; Lake Minnetonka Communications Commission, agreement for Video on Demand Streaming Services; Producer Agreement, Mark Hodges; and Timesaver Off Site Secretarial, Inc.

**VOTE:** Motion carried unanimously.

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

Gabriel Jabbour thanked the Board for the productive discussion in the work session meeting. He stated that the Board should be aware that some of his comments are driven from the fact that he has been around the State and across the Country working with AIS. He stated that he felt that the operators of the harvesters

must be professionals and then can be the eyes and ears on the Lake for AIS. He stated that he believed the LMCD used to be an organization that others called for input and now the group is playing catchup. He stated that this business model used by the LMCD today is underfunded and unmanageable and new legislation is needed. He urged the Board to ask for assistance and include specifics if the harvesting contract is going to be rewritten to make it more efficient.

Richie Anderson stated that he has three marinas on Lake Minnetonka. He referenced the letter from the DNR, which suggests that one person be hired to coordinate between the entities and he believed that would be a great choice and that a delineated harvesting map is needed. He stated that in their bay, the residents each contributed funds to remove the milfoil and stated that there are plenty of places where chemical treatment for weed removal is just as good, if not better than mechanical weed removal. He noted that he believes the complaints have been recent which he thinks means the problems have begun more recently.

Eric Evenson, Director of Lake Minnetonka Association, stated that after the meeting last month he had an opportunity to speak with Cook and Schleuning. He stated that the County has funds available through grants and noted that he would be more than happy for his organization to work with the LMCD to apply for those grant funds to complete the delineation which would allow the organization to look at the lake comprehensively.

Green stated that perhaps additional assistance would be gained by working with the watershed.

Mr. Evenson stated that the watershed has a much larger budget than the LMCD. Many of the watershed funds are going down stream. He stated he would be willing to work with the LMCD in order to attempt for the watershed to help fund projects on the lake.

## **9. PUBLIC HEARING**

There were no public hearings.

## **10. OTHER BUSINESS**

There was no other business.

## **11. OLD BUSINESS**

### **A) Request from Orono to opt out of Harvesting Program**

Kroll asked if he should open the discussion with the motion he made at the last meeting.

Green stated that at the last meeting the Board directed staff to provide maps, delineating where the Orono boundaries are.

Gilchrist stated that his recommendation would be that the topic is active, and it would make sense for the motion to

be restated with debate and then a vote. He reviewed the motion that was made at the last meeting. Reading the following motion from the previous meeting:

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

Gilchrist stated that any changes to that motion would require a new motion to be made in order to amend.

Kroll stated that no further amendment would be needed.

Molitor stated that now that the Board has the map in front of them, there are some pretty straightforward boundaries, but noted that definition would be harder where there are bays shared with other city boundaries. He asked how the shared boundary bays would be defined.

Kroll stated that the intent of Orono would be that there would not be harvesting around Big Island because that is within the boundaries of Orono. He stated that they would ask that the boundary line extend into the water, acknowledging that it wouldn't be exact.

Molitor provided a few examples where the boundaries appear to be more equally split.

Green noted that in some instances the clippings would still be alleged to go to shore on Orono boundaries.

Kroll acknowledged that and stated that Orono would accept that. He stated that the intent of the motion would not be intended to go the area expressed in concern by Green because that is closer to Minnetonka Beach than Orono.

Shuff asked for input on the public trust and governance of the waters.

Gilchrist stated that public trust is a concept where the State owns/control certain natural resources on behalf of the public and along with the authority comes the duty to do it correctly. He was unsure how that would interplay in this instance. He stated that he did not see this as a violation of the trust. He stated that the LMCD has the authority to have a harvesting program but does not have the obligation to do so.

Shuff stated that her concern is with the term city boundaries as presented since the cities do not extend into the water and would be difficult to determine. She stated that she would be open to a study. She stated that the map contains virtually half the lake and her concern would be that the AIS could prevent recreation in much of the lake.

Green stated that the Board needs to make the decision on the request made by Orono. He explained that any city can make a request, but each city has a vote in what the LMCD will do.

Kroll stated that staff distributed a map which identified the city boundaries. He stated that Orono recognized that they do not have control over the lake and that is why they have requested this action. He stated that there is no disadvantage to the rest of the lake to have Orono opt out for one year from the harvesting. He stated that this would improve the LMCD budget and allow the LMCD to do a better job of harvesting elsewhere in the lake. He

stated that maybe the milfoil project should be pushed down to individual municipalities or neighbors rather than through the LMCD. He noted that this could also be used as case control study, explaining that one large area of the lake would not have harvesting and there could then be a comparison to the other side of the lake that experienced harvesting. He humbly asked for the support of the Board in the request from Orono.

Green stated that he would be concerned with precedent as any city can make a request of the LMCD, but ultimately the LMCD Board must then consider that request to decide what is best for the lake.

Molitor stated that he agreed that he is always concerned with precedent. He stated that his concern is that Orono has made a request that does not include an additional funding component. He noted that this would save the LMCD money and direct the use of those funds to another area. He stated that this is the opposite of an additional funding request and therefore he does not see that this would be an issue of precedent.

Zorn stated that in regard to the time period of one year, she was unsure why the period of one year was chosen. She stated that if this program was going to be reviewed, the LMCD would need to determine which areas would be scaled back. She believed that this request goes outside of the overall purpose of the Board to review the program.

Kroll stated that the Council did not want a 12-month period, it was his belief that the Council wanted an indefinite moratorium. He stated that his proposal was for a short-term moratorium that would allow the Board to study the effects. He stated that perhaps after the boating season, the Orono Council would change their position on harvesting.

Zorn asked who would do the study, an outside agency or the Orono Council.

Kroll replied that the LMCD would be free to do more studies and this would provide a solid case control, with a significant part of the lake not experiencing harvesting. He stated that the decision from the Orono City Council is a political decision that reflects the opinions and desires of the City of Orono Council. He stated that the Orono Council may receive complaints about the lack of harvesting, which would then change the thinking for 2020.

Shuff stated that the original request from Orono did not mention anything about that. She reviewed some of the elements that were included in the original request and did not believe that this was well defined. She stated that it would make more sense for the LMCD to define a study area.

Green stated that the motion is straightforward and simple. He stated that what the LMCD does with the funds collected by Orono for harvesting will still be collected and the LMCD would determine what to do with those funds. He noted that the element of a study or what to do with the additional funds that may or may not be saved from not harvesting within Orono are not included in this motion.

Klohs stated that the LMCD does not have a baseline for a do-nothing scenario to study. He noted that this map identifies five closed-in bays. He stated that the LMCD could do a study on those five bays but believed that a period of more than one year would be needed. He did not think the half bay areas would be beneficial to providing information for a study.

Hoelscher stated that while she appreciates the position and request from Orono, she would not be inclined to support the motion because the LMCD is attempting to figure out what to do with the harvesting program on a whole-lake basis. She stated that the Board can keep in mind the request from Orono when considering the overall harvesting program and perhaps certain areas in Orono may be avoided.

Rich stated that he met with his City Council this week and his Council felt it is important that the critical areas be kept clean, such as channels, for navigational purposes. He stated that if the purpose is to determine whether this would be beneficial for the lake, it should be a multi-year endeavor with identified criteria included.

Molitor stated that the request has been made for one year and the comment has been made that perhaps multiple years would be needed. He stated that it would be easy to extend the time period of a moratorium if needed.

Kroll stated that he would be open to amendments, specifying certain channels for harvesting, although he was not sure that would be critical as boats tend to keep the channels open.

Walesch asked if Kroll would be open to having this moratorium contained to the five bays which are solely contained within Orono.

Kroll stated that would not reflect the wishes of the Orono City Council. He noted that some of the complaints are from bays that have split boundaries and therefore would not accomplish the intent of the motion.

Shuff stated that she is not sure that people in favor of harvesting often come forward with comments. She referenced a marina within Browns Bay that stated that they are in favor of the harvesting and have no problem cleaning up the weeds that come ashore.

**VOTE:** Ayes 5 (Thomas, Green, Molitor, Kroll, and Walesch), Opposed 7. Motion failed.

Kroll thanked the Board for allowing Orono to bring forward their request.

## **B) Fuelbote LLC Follow Up**

Adam McClain stated that his intent is to provide an overview and address previous concerns. He stated that the Fuelbote is a convenient and membership-based fuel delivery service for owners on Lake Minnetonka. He stated that customers would sign up for the program, would then place a request for fuel, would be uploaded to the schedule for delivery, and then customers would be invoiced after the service is provided.

John Neuens, Fuelbote, LLC stated that the main purpose is to provide convenience for boat owners on Lake Minnetonka. He thanked the Board for allowing the review. He stated that he provided additional details as requested including the stability report. He stated that the value would be to save time for boat owners, as the fuel could be delivered and fueled while still on the water. He stated that they hope to take the reviews and information provided as perhaps a step in a one-year trial period that would allow the Board to measure the value and compliance along with the value received by the residents along the lake.



Shuff asked if the other lakes are providing this service in Minnesota.

Neuens replied that this would be the first lake in Minnesota but noted that the company does service seven lakes in Wisconsin and multiple lakes in Florida. He stated that the boat has a non-prohibitive status from the State as it complies with the national fire code.

Shuff asked if the company has ever had any accidents.

Neuens replied that they have never had an accident.

Klohs asked if there are any comments from the marina owners on whether or not they would be in favor of this.

Neuens replied that he does not have that information as he did not believe that the Board would consider that germane.

Klohs stated that he would find that information helpful.

Neuens replied that he has talked with some of the marina owners informally after the last meeting and there were comments that it was an interesting concept, but comments were not made in support or opposition.

McClain stated that information was requested in one of the phone calls he made to the Board members. He stated that on page four of his report, there is information from marina owners. He stated that this is not a strategy to compete with a marina. He stated that this would simply fulfill a different market for property owners. He stated that only 10 percent of the profits from a marina are generated from fuel nationwide, and of that only 5 percent of the 10 percent is generated by lakeshore property owners.

Thomas stated that at the last meeting there were questions about safety and spills, which have been adequately addressed. He stated that the Board also struggled with the retail nature of this service as the Board has avoided allowing people to sell food services items around the lake and asked if this would open the box for allowing retail businesses.

Green stated that there are some code elements that would need to be addressed internally if this were allowed.

Thomas noted that the issue within the code has not yet been addressed.

Neuens stated that they have come across that issue in other markets and they have not been considered retail because the sale occurs online and is subscription based.

Zorn asked for a brief overview about the history of the company including the number of lakes and vessels served as well as the largest lake serviced.

Neuens replied the largest lake would be Lake Geneva, which is similar in size to Lake Minnetonka and is heavily populated. He stated that they operate on weekdays only on all lakes. He stated that the first permit was

constricted weekdays sun up to sun down and they continue to operate in that purview to avoid weekend traffic. He stated that they operate at seven knots top speed. He stated that they tend to hug the shoreline as much as possible. He stated that they began in 2006 with flip flags used to request fuel and have since progressed to online and phone app requests because of technical advances. He stated that there are five boats in operation in Wisconsin and another boat in Florida. He stated that they have a spotless record and have provided references.

Hughes asked what is carried on the vessel in case of a spill, in order to keep the spill contained. He asked what type of study has been conducted on Lake Minnetonka in regard to the marinas that require twists and turns or whether there are some marinas that have been ruled out.

Neuens provided information on the material that is kept on board in case of a spill. He stated that they can also act as a spill recovery vessel for other boats that may sink. He provided information on the size of the boat, noting that they are very maneuverable and therefore it is unusual that they cannot provide service. He stated that there are some areas in Wisconsin that are too shallow to provide service and therefore that may be the case for some customers that request service.

Shuff asked and received confirmation that there would only be one boat used on the lake.

McClain stated that a lot of the safety concerns and lake impact questions are contained within the packet provided and asked for information about the process used to move forward. He stated that they would either want to apply for a one-year permit or request an amendment to the code if that is the route the Board believes would be necessary.

Green stated that the Board needs to take a step back and then provided direction and stated that the answer could not be made tonight.

Gilchrist stated that at a minimum, if this was going to be entertained, the current code prohibits that activity and any effort to consider this action would include contemplation of an amendment to the code.

Shuff asked if there is language that could be used to align this service with a dock type service or of that nature.

Gilchrist stated that this activity would be prohibited as it is the sale of a product on the lake.

Hoelscher commented that this seems like a cool idea but noted that her issue would be that changing the code would open the lake up to other retail activity that has not been allowed in the past. She acknowledged that it would be a bigger discussion for the Board.

Neuens stated that it would be hard for him to see the likeness of this service compared to delivering pizza. He understood the position of the Board that an amendment may need to be discussed and offered to help in any way they can.

Richie Anderson, North Shore Marina, stated that it is illegal to dispense type one fuels, other than at a licensed marine sales facility. He stated that the boats at marinas cannot legally be filled because it states that you cannot fill

a vessel next to a barge vessel.

Neuens replied that it is legal, and it is the reason he went to the fire marshal to begin with, in order to clarify that statement. He stated the barge and fuel barge are within the code requirements and are not prohibited. He stated that the verbiage provided by the last speaker is not correct as interpreted by the fire marshal.

Green noted that those issues would need to be discussed and reviewed by the Board. He thanked the members present for their input tonight.

**C) 5<sup>th</sup> Street Ventures, LLC Multiple Dock License Renewal**

Schleuning presented a request for a renewal of a Multiple Dock License from 5<sup>th</sup> Street Ventures, LLC. She stated that the Board reviewed the original request in May with the direction for the Board to review the request after the first boating season. She stated that staff conducted an inspection of the physical structures and conditions and the site was found generally in compliance. She noted that staff will work with the property owner on some items such as signs and plumbing. She stated that the applicant was using the flagging system and overall there were not environmental or public safety issues identified. She stated that the Water Patrol did not have items documented related directly to this marina. She noted that based on the review, staff would recommend that the Board renew the license and not require the license to come back to the Board for review in the future. She stated that if issues arise, staff can bring the license back to the Board for discussion and review. She stated that there was one complaint received but that was related to people not understanding that this has been a marina for much longer than the current ownership. She commended the applicant for making improvements to the facility and operation.

**MOTION:** Hughes moved, Kroll seconded to approve the renewal application of the Multiple Dock License for 5<sup>th</sup> Street Ventures, LLC. for the year 2019 for the property located at 4681, 4665, and 4695 Shoreline Drive in Spring Park with the conditions presented in the original license approval on June 13, 2018, without the need for continual Board approval for license renewal when no changes are proposed or made.

**VOTE:** Motion carried unanimously.

**D) AIS Harvesting Program Review Update**

Green stated that there was a healthy discussion during the work session tonight. He proposed that the LMCD suspend harvesting operations for 2019 until the LMCD contracts with or hires an AIS specialist that would perform the following: 1) would be responsible for day to day AIS activities, 2) would initiate a harvesting program review to identify areas that should or should not be harvested which would be used as part of the delineation study required by the DNR, and 3) would develop an AIS monitoring plan and response plan; and the LMCD should initiate an independent operations review with an outside consultant to review: 1) personnel qualifications and the cost association with such, including certifications, 2) safety and emergency procedures, 3) equipment review to ensure compliance with OSHA, whether there is a need for the pontoon, whether there are equipment certifications needed, and 4) a cost analysis to determine the cost to run the program correctly versus the money that the LMCD has available. He stated that this is an issue that needs to be addressed and now is the time to take a step back to

address all the issues to ensure the LMCD moves forward in a logical manner.

Hoelscher agreed with the comments made by Green. She stated that Green basically stated all the things she was thinking as the LMCD needs an independent person to come in and conduct the review of the program. She believed that there were funds available to hire the AIS person. She also believed the equipment review would be needed if the specialist determines that the program should continue. She also agreed that a cost analysis would be important.

Klohs stated that Green would consider redirecting the harvesting funds identified in the 2019 budget to hire the AIS specialist.

Green agreed that could be part of the motion. He stated that if the milestones are not reached, the program would simply not continue. He acknowledged that his time on the Board is ending but noted that he would stay involved with AIS for a longer period to assist the Board.

Klohs stated that he thinks Green has the most knowledge on AIS and if this is his recommendation, he would be hard pressed not to take this recommendation.

Green stated that he has been a big supporter of the harvesting program, despite the fact that it kills fish. He stated that the harvesting has to be done correctly and the harvester is a giant piece of equipment and he wants to ensure that things are done correctly and there are not issues with safety. He stated that he believed the Board would not be having this discussion if things were being done correctly/smoothly at this time.

Molitor stated that he would be concerned with hiring someone as that would imply a continued position. He strongly urged that this be a contracted position.

Green stated that the Board could work with the watershed to have a specified begin and end date. He stated that there are AIS detectors with the University that have requirements for a number of years of service and the Board could tap into that to gain the benefit. He stated that there are resources that could be used but an outside source would be needed to identify those resources and coordinate those efforts on a big picture scale.

Molitor stated that from a tactical perspective he would want hard timeframes on when the decision would be made. He stated that if this moves forward the decision would need to be made not to harvest in 2019.

Shuff stated that at the last meeting there was a motion to have a Task Force to study this issue with the deadline for a recommendation of January 30<sup>th</sup>. She was unsure why that group could not be the beginning of that to review the elements that might be available.

Green stated that the Board directed him to put together a group to come up with recommendations. He stated that the reality is that if the Board is not part of the discussion, things will not happen. He stated that if he picks four people, the discussion will focus on why those four people were chosen. He stated that he will not be on the Board in 60 days.

Shuff stated that she does not agree that the Board would not be discussing this if there was not a problem. She noted that there are some City Councils that would like the Board to continue with harvesting as there is concern with the safety and recreation on the lake and many positive comments.

Hughes stated that the statements by Green are good but asked what could be done so that harvesting could be implemented in 2019.

Green stated that he was unsure whether that could be done in time to harvest in 2019. He stated that personally he believes that the operation of the program needs to be dealt with and the delineation for harvesting has to be completed as part of the permit with the DNR. He explained that the LMCD needs to decide why they harvest where they harvest. He stated that some of the areas currently harvested do not seem to make sense.

Baasen stated that he respects the suggestion by Green and believes his recommendation to have merit. He stated that he would be a fool to say that the LMCD could not do the harvesting program better. He stated that the steps seem sound. He agreed that whether the LMCD would harvest in 2019 would be dependent upon the progress that is made on the issue in the next six months. He stated that to ban harvesting in 2019 without the data would not be appropriate.

Green stated that he did not say that harvesting could not occur in 2019, his suggestion was that those elements need to be addressed before harvesting could occur. He stated that the Board has been at this point at least three or four times and has simply pushed the issue down the road.

Thomas stated that the Board has received a lot of good advice and counsel from the MN DNR, watershed, and County in addition to public comments. He believed that there was enough input received to believe that the LMCD needs to do something differently and agreed that the LMCD does not have the appropriate staff to get things moving further. He believed that the recommendations of Green are appropriate because that would provide the resources to answer the questions that have been brought forward. He stated that he is not opposed to harvesting but is opposed to continuing to operate the program in the manner it has been done.

Shuff asked if the Board would agree to implement the Task Force that was agreed upon at a previous meeting to gather the information.

Hoelscher stated that she feels that has been done as Green has provided a recommendation after speaking to the relevant parties. She believed that more information would not be gained by a Task Force and if things do not move forward, there will not be time for anything to be done.

Klohs agreed that the last meeting of the AIS Committee accomplished that goal as there were experts included in the discussion. He stated that this has been talked about endlessly and something different needs to be done. He stated that Green has spent more time on this topic than anyone else and would accept his recommendation.

Shuff stated that funding and operations were not talked about at the AIS meeting and believed that additional steps are needed.

Green agreed that funding will be a huge part of the discussion. He did not believe that would prohibit the Board from moving forward to research the other elements. He stated that if the funds are not available, the program simply could not move forward.

Molitor stated that from a strategic perspective there are valid points but did not see that this could be implemented before harvesting season in 2019. He noted that harvesting staff would need to be hired and that would take time as well. He stated that he would like to be realistic and say that the Board will not harvest in 2019 and will spend those funds to contract with an AIS specialist to answer the questions brought forward. He noted that the hiring process will be a lengthy process just for the AIS specialist and then there is time for onboarding. He believed that the harvesting funds for 2019 should be used to fund the AIS specialist and the decision on harvesting should be reviewed in 2020.

Walesch stated that he did not take the proposal to state that harvesting would not occur in 2019 but agreed that harvesting should not continue until the answers are provided. He agreed that the issues have existed for many years and action simply needs to occur.

Klohs stated that surgical harvesting could occur through contracting with another party while this occurs, if harvesting is needed.

Green noted that there are other agencies that could complete harvesting if needed, such as Three Rivers Park District.

Baasen stated that he was unsure that legally the Board could pass a motion stating that it will not harvest in 2019 and then contract for harvesting if desired.

Green clarified that his motion was to suspend the LMCD harvesting program and not harvest in general from outside parties.

**MOTION:** Green moved, Thomas seconded to suspend the LMCD harvesting operation until: 1) the LMCD contract with an AIS trained specialist that would accomplish a review of the harvesting program, review the harvesting acreage and delineation, develop a monitoring program and response program, 2) the Board initiate an independent and outside review of the operation of the program which would include the personnel qualifications and cost, training and safety procedures, equipment, specifically that the equipment needs and shortfalls be addressed to be in compliance with OSHA, and professional certifications that would be applicable; 3) to initiate a program cost analysis to determine the cost of the program and identify funding sources.

**VOTE:** Ayes 7, Opposed 5 (Baasen, Hughes, Molitor, Rich and Shuff). Motion carried.

Thomas stated that his only concern is with implementation as Green is leaving the Board.

Green confirmed that he would assist with implementation as he will continue with AIS elements even though he is leaving the Board.

## 12. NEW BUSINESS

### A) 2019 LMCD Employee Annual Wage Adjustment

Schleuning presented proposed annual wage and benefit adjustments for 2019. She stated that the proposal would be whether to include a cost of living increase. She recommended an adjustment of an increase of 2.75 percent based on other agency adjustments. She stated that the organization would also need to conduct a more thorough review of job market adjustments in the future.

Molitor asked if this would simply include a cost of living increase and not a merit increase.

Schleuning stated that a merit increase would not be proposed but noted that some comparable organizations use a merit increase. She noted that the organization has experienced some changes and therefore job descriptions and duties have changed and need to be adjusted and therefore the market review is also being suggested. She stated that there is one vacant position that is \$14 per hour for two days per week and has not received any interest. She stated that there are additional staffing resources needed and the alternative would be to update the current administrative position to four days per week, which would require benefits. She stated that it is not unusual to provide benefits to part-time employees because of the tight labor market.

Kroll left the meeting.

Thomas asked and received confirmation that only the cost of living increase is being addressed at this time.

**MOTION:** Thomas moved, Walesch seconded to approve the annual base wage adjustments for employees in 2019 at a rate of 2.75 percent.

**VOTE:** Motion carried unanimously.

Thomas noted that Mr. Evenson made the proposal to partner with the LMCD on a lake wide delineation. He stated that is the type of cooperation that the LMCD would benefit from. He stated that he would support partnering with LMA and other organizations and agencies as that would be a coordinated and beneficial effort.

Shuff stated that one month was lost already and wanted to see implementation begin.

Green stated that the first thing would be to sit down with staff to complete an initial timeline and then assign resources to do that.

Schleuning stated that there was a request to develop different timelines and options. She stated that a draft request for proposals was distributed to the Board via email. She noted that a general outline was provided to the Board for review and to provide input. She noted that the contractual language would be included at a later time. She provided additional input on a delineation and what would need to be considered for that element. She asked the Board read and provide input on the information distributed. She noted that general costs were provided along

with an estimated timeframe for the different types of lake vegetation inventory and delineations. She advised that there is information available and that time could be saved from working with those parties.

Green stated that another resource has been used in the past, the Army Corps of Engineers, that could be helpful in this process.

Schleuning stated that the MN DNR also has a lot of information. She stated that staff will begin with the information collection process.

Thomas noted that staff has already begun the informational process. He stated that perhaps Green get the officers together to speak with staff to approve the next steps.

Molitor stated that this draft was completed prior to the motion made tonight. He stated that if the motion is executed as approved tonight, this timeframe would not be specifically appropriate. He stated that if an AIS specialist is going to be contracted with, that would need to be the first step as that person may not want to go down this specific path.

Zorn stated that she will need to leave at a certain time and needed to make some announcements. She stated that included in the packet is a draft of the self-evaluation of the LMCD Board. She asked the Board read the draft and provide any comments. She stated that the Nominating Committee met tonight and will send the Board additional information. She noted that the self-nominating period has begun and will run through January 7<sup>th</sup>. She stated that interviews will be conducted, and a recommendation will be made to the Board at the end of January or beginning of February.

### **13. TREASURER REPORT**

No report.

### **14. EXECUTIVE DIRECTOR UPDATE**

Schleuning provided the following information:

- The LMCD public meeting calendar draft was provided and will be reviewed in January for formal approval
- A draft of the Third Quarter Strategic Plan update was provided and will be reviewed in January
- The 2018 update for the member cities was distributed and staff has received some positive comments.
- Ice Safety, noting that transition from summer to winter signs occurred and that ice depth varies in some areas
- Project highlights were included and will be posted online
- She attended the Hennepin County Natural Resources Partnership Forum. The group wanted input on the system 2040 plan for Three Rivers Park District and included multiple agencies and desires for collaboration on shared data.
- A merit award was received by Wayzata for a Summer Splash event, in which over 400 people attended.



- She thanked everyone for a wonderful year, from the businesses and marinas that the LMCD works with to the residents and lakeshore owners. She stated that it takes a big group and collaboration in order to be successful. She stated that she looks forward to another great year.

## 15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Committee/Taskforce: Green had nothing further to report.

Budget Workgroup: Schleuning stated that Cook reported that the budget is moving forward.

Recodification Workgroup: Gilchrist reported that he has begun reviewing comments from the Directors that have provided comments with a goal of providing an updated draft by the end of January.

Save the Lake Committee: Baasen reported that Save the Lake is enjoying a good fundraising year. He stated that the group will end over budget, noting that December is typically the best month for fundraising. He stated that during the last month, the existing Sheriff was lost and therefore the plan would be to meet with Water Patrol and the Hennepin County Sheriff to find out their plans for Water Patrol as that is funded through Save the Lake. He stated that Save the Lake thanks Green for his term as Chair and for his contributions.

Strategic Plan Subcommittee: Schleuning had nothing further to report.

Other: Neuens requested that the Board review the information submitted by Fuelbote. He stated that the marina owner that spoke earlier stating the boat was illegal said that if approved, he would be interested in purchasing four boats from him. He asked if there would be a possibility to include language for a code amendment that could be helpful for the Board to review.

Schleuning stated that any suggestions would be welcome and suggested that they be provided to her for distribution to the board.

McClain stated that the packet they submitted attempted to answer the concerns and questions. He noted that if there are other concerns and questions, they would like to be alerted so that they could be prepared and provide that information to the Board.

Green stated that it has been a privilege to serve on the Board as a representative from Mound for the past six years. He thanked the Mound City Council for allowing him to serve and provide input on behalf of Mound. He stated that a lot of things have changed in the past six years including the transition of a new Executive Director and staff. He noted that there is still work to be done. He noted that additional staffing needs to be addressed. He stated that the Board should review a comprehensive water management plan on a big picture scale to determine what the lake needs to thrive. He stated that the agency is in a good position to partner with other groups to complete that task. He encouraged the members of the Board to stay involved in their community but also with the stakeholders along the lake. He stated that it is important to build relationships and trust with the stakeholders along the lake. He wished the new Chair the best of luck, noting that listening is an important part of that task.

**16. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:12 p.m.

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Gregg Thomas, Acting Chair/Vice Chair

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Ann Hoelscher, Secretary