

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., April 10, 2019
Wayzata City Hall

WORK SESSION

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

Members present: Dan Baasen, Wayzata; Ben Brandt, Mound; Bill Cook, Greenwood; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Mark Kroll, Orono; Chris Rich, Woodland; Nicole Stone, Minnetonka; and Jake Walesch, Deephaven.

Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matthew Cook, Environmental Administrative Technician.

Members absent: Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; Gregg Thomas, Tonka Bay; and Deborah Zorn, Shorewood. (Excelsior Vacant.)

Audience: Gabriel Jabbour, Tonka Bay Marina; Jerry Rockvam, Rockvam Boatyards; Rich Anderson, North Shore Marina; Travis Anderson, North Shore Marina; Bill Olson, Howards Point Marina; Bob Sarna, 500NNL; Dave Briggs, Wayzata Marine; Jay Soule, Al & Alma's; Josh Leddy, Back Channel Brewing; Brett Niccum, Niccum Docks; Victoria Seals, Orono City Council; Matt Johnson, Orono City Council. Some individuals may not be listed since the sign-in sheet was not completed.

Acting Chair Baasen called the Work Session to order at 6:05 p.m.

1. COMMUNICATIONS AND ENGAGEMENT

Hoelscher stated that a couple of members and staff had recently had an informal meeting with a communications consultant regarding the LMCD's public engagement efforts. She asked the Board to provide input as to whether the Workgroup should solicit bids from other communications consultants to assist in executing the District's Communications Plan and developing public engagement tools.

Rich asked what price the communications consultant offered for his or her services.

Hoelscher stated that the consultant stated a quote of \$20,000 to \$25,000 depending on scope of services.

Cook stated that he believed the Board needs to more clearly define what it hopes to get out of a communications consultant before requesting proposals for communications services.

Gilchrist suggests that a draft RFP be created for the board to consider.

2. MOBILE MEETINGS

Hoelscher stated that the Excelsior City Council has decided to hold some of its meetings in different locations within the city to connect with the community. She suggested that the LMCD consider a similar approach, holding LMCD Board meetings around Lake Minnetonka. Hoelscher acknowledged that mobile meeting logistics may prove difficult to accommodate.

Cook noted that most of the city halls around the lake are wired to record and/or broadcast meetings, so the LMCD Board could reasonably expect to use those facilities.

Baasen noted that there may be a cost involved with renting different meeting rooms. He added that the LMCD's contract with the City of Wayzata for the current LMCD Board meeting room may be impacted.

Kroll suggested the LMCD come to Orono City Hall or one of the marinas in Orono.

Rich stated that the LMCD having a consistent location for Board meetings makes it easier for the public to find and provide input.

Hughes noted that the LMCD Board has 14 members, and most city council chambers will not be big enough to host the LMCD Board.

Baasen suggested the LMCD gather more information regarding mobile meetings for future consideration.

Hoelscher stated that the LMCD could also wait to learn from the experience of the city councils around the lake that are testing out the mobile meeting model.

3. MULTIPLE DOCK LICENSEES LISTENING SESSION

Baasen stated that if by the end of the listening session, the Licensees felt like they had more to say, the LMCD Board could schedule more time at a future meeting.

Jabbour stated that he wanted to talk to the LMCD Board about its relationship with the marinas on Lake Minnetonka. He noted that the marina owners and operators met last weekend at the Shorewood Yacht Club to discuss their shared frustrations.

Jabbour stated that he believed that the LMCD needed to meet regularly with marina owners. Jabbour said that each of the marinas he owns have been foreclosed upon or filed for bankruptcy. He provided a Hennepin County tax statement for Al & Almas Queen of Excelsior, 687 Excelsior Boulevard stating the taxes have gone up a lot.

Jabbour listed some things he has done for the lake and stated he doesn't feel appreciated. He provided a letter, signed by the former Hennepin County Sheriff supporting marinas.

Jabbour stated that he has spent over \$41,000 to investigate the LMCD and he has invested millions around the lake.

Jabbour noted that the City of Minnetonka Beach's Comprehensive Plan pledges to give 100% of city residents boat slips.

Jabbour stated that he personally saw two issues with the LMCD. He said the first issue was that the LMCD

Board does not appear to like him anymore or appreciate his contributions to the Lake. Jabbour said that the second issue he sees is that the LMCD Board does not get out on the lake enough.

Jabbour stated he questioned the LMCD's authority to require licenses and charge license fees, wanted to question the State Auditor, and intends to bring a legal challenge against the LMCD. He added that he paid for the additional deputy on the Lake for three years.

Rockvam stated that he and his wife started Rockvam Boatyards in 1961, before the LMCD was established. He said that the Legislature created the LMCD in 1967 to address a poorly-maintained marina. Rockvam said that the LMCD had many lawsuits in the following years, adopting an adversarial relationship with marinas.

Rockvam stated that proposals for fuel boats have come to the LMCD Board three times and have gotten more attention than the marinas have. He said that the LMCD Board needs to decide if they believe the marinas provide value on the lake.

Jabbour asked to meet with some of the Board members to discuss these topics further.

Hoelscher volunteered to be part of that group.

Baasen stated that the LMCD Board would discuss the matter and reach out to Jabbour with a plan.

R. Anderson stated that he felt Matt Johnson of the Orono City Council should have been able to speak longer at the last LMCD Board meeting or speak about an item on the agenda. He expressed his concern about Minnetonka Beach opposing the legislation to remove LMCD regulation of off-lake boat storage facilities, the term "high-use marinas", and stated marina owners keep their marinas clean.

Jabbour added that he believed that docks on city land could not be allocated exclusively to residents of the same city. He explained that residents of other areas should have the same access to a city dock as other public resources.

REGULAR MEETING

7:00 p.m.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Dan Baasen, Wayzata; Ben Brandt, Mound; Bill Cook, Greenwood; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Mark Kroll, Orono; Chris Rich, Woodland; Nicole Stone, Minnetonka; and Jake Walesch, Deephaven.

Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matthew Cook, Environmental Administrative Technician.

Members absent: Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; Gregg Thomas, Tonka Bay; and Deborah Zorn, Shorewood. (Excelsior Vacant.)

4. APPROVAL OF AGENDA

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

Hoelscher requested amend the motion to amend the agenda, moving Item 10 to be considered as Item 8.

VOTE: Motion carried unanimously.

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

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Acting Chair Baasen commented that there was an incident this afternoon on Lake Minnetonka. He stated that a man and his wife were found dead in their bed. He stated that the LMCD respects the loss of the Jacobs.

6. APPROVAL OF MINUTES- 03/27/2019 LMCD Regular Board Meeting

Rich noted on page nine, paragraph four, it should state, "~~... did not see it appropriate that this issue should have been pushed through without addressing or alerting the LMCD~~ believed the LMCD should have been notified first."

MOTION: Baasen moved, Rich seconded to approve the 03/27/2019 LMCD Regular Board Meeting minutes as amended.

VOTE: Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Cook moved, Kroll seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (04/01/2019 – 04/15/2019); **7B)** March Financial Summary and Balance Sheets; and, **7C)** Resolution Accepting Save the Lake Contributions (02/27/2019 – 03/31/2019).

VOTE: Motion carried unanimously.

8. OTHER BUSINESS

A) Hennepin County Sheriff Office Presentation

Dave Hutchinson, Hennepin County Sheriff, stated that ice out is approaching. He stated that the Sheriff's Office intends to continue and improve communications with the LMCD and Freshwater Society. He stated that they will have four boats on the lakes and are attempting to find additional funds to provide another person on Water Patrol. He stated that Lake Minnetonka is the largest and most public part of the Water Patrol division and remains a focus. He stated that he is committed to this effort and hopes that the relationship between the organizations will continue to grow. He provided details on staffing levels and water safety education. He stated that although enforcement will continue to be an element, they would also like to use education to prevent things from reaching those points. He hoped that the Sheriff's Office will have a stronger presence at events this summer. He provided a summary of the incidents from the past year including warnings, citations, and other enforcement and incident information. He stated that he is excited to be here.

Acting Chair Baasen thanked Hennepin County and the Sheriff's Office Water Patrol for all their efforts. He stated that the LMCD has had good relationships with the partnership for the past 20 to 25 years and will continue to provide support.

Hoelscher gave credit to the Sheriff for the drug sniffing goat video, which received a lot of attention. She commented that using humor to engage people is a great way to get attention.

Acting Chair Baasen stated that the Sheriff's Office assists with the boater safety classes with the LMCD and the information shared is helpful.

Sheriff Hutchinson stated that education is a huge focus, to keep people safe and avoid having to issue citations.

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

Richie Anderson, 3205 Crystal Bay Road, stated that he has two marinas and has been operating marinas in Orono since 1976. He stated that last week he asked an elected official, Matt Johnson, to come and talk about some of the agenda items. He stated the Chair did not let him talk long enough or comment on certain agenda items. He stated that he was not pleased with comments made about Orono or the city's ability to police the marina activity. A previous open forum commenter was allowed to talk for 25 minutes.

Acting Chair Baasen stated that the members of the Board are changed every two years on average. He stated that the LMCD can pursue the issue that was discussed with Mr. Anderson at the workshop.

Victoria Seals, 3620 Eileen Street, stated that as appointed or elected people it is the responsibility to listen. She noted that often elected officials take heat from the public. She stated that the LMCD Board is appointed by their city and requested that the LMCD reach out to member cities.

10. PUBLIC HEARING

There were no public hearings.

11. OLD BUSINESS

A) Annual Financial Audit Report

Steven McDonald, Abdo, Eick & Meyers, presented the 2018 audited financial statement and the results of the audit. He reported that the field work was completed in February and the draft report was finalized. He stated that they provide an opinion on the financial statements and provided an unmodified/clean opinion, which is the highest-ranking result. He stated that they also check for Minnesota legal compliance and there were no issues of noncompliance. He advised that they review the internal controls and preparation of financial statements, noting that there are not enough checks and balances in that process because of the limited number of staff similar to other agencies of small size. He provided a summary of the fund balance information. He thanked staff for their assistance in this process.

Cook referenced the general fund balance and asked for additional information on why a reserve of that magnitude should be held.

Mr. McDonald replied that level of reserves would provide 25 to 50 percent of budgeted expenditures, which is equal to three to six months of expenses. He explained that it is important to have those funds available for times when cash is not coming in given the smaller budget.

12. NEW BUSINESS

A) Hennepin County Sheriff's Office Water Patrol Request for Funding

Acting Chair Baasen stated that he wanted to ensure that the Save the Lake Committee was able to review the request, noting that a number of different funding requests have been made throughout the years and the funding provided is dependent on the available funds. He stated that the request this year for the Water Patrol was \$42,000. He noted that Save the Lake met the previous day to consider the request and other funding obligations and recommended approving an allocation of \$30,000, which is an increase of \$5,000 from the previous year. He stated that while he wishes that they could contribute more, the available funds are dependent on the funds raised and other funding obligations.

MOTION: Kroll moved, Walesch seconded to approve a funding request in the amount of \$30,000 for the Hennepin County Sheriff Water Patrol efforts.

VOTE: Motion carried unanimously.

Sheriff Hutchinson stated that they are appreciative for the funds and will continue to provide a high level of service.

Acting Chair Baasen stated that they are also committed to continuing the partnership, which is why they were able to increase the funding from the previous year by \$5,000.

13. TREASURER REPORT

No report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Ice Out - The Hennepin County Sheriff's Office works with the Freshwater Society to determine ice out and information will be posted on the LMCD website.
- Water levels – some concerns have been raised with the higher water levels. The Watershed District has been monitoring and providing updates to ensure that the lake levels do not get too high and to prevent flooding downstream.
- Zebra Mussel research project will occur in 2019. An information sheet is available. Potential locations for buoys have been identified and there is a tentative public meeting scheduled for April 23rd at 6:00 p.m. at the Deephaven City Hall.
- Staff will begin the preparation of solar lights over the next few weeks to prepare for installation.
- Winter installation projects are wrapping up and some may not occur until next winter.

COMMUNICATIONS PROGRAM

Hoelscher stated that the workgroup talked about potentially creating an RFP to receive communications assistance. She asked if the Board would need a motion for that action.

Gilchrist confirmed that would be appropriate. He noted that the Board would still have the opportunity to review the RFP and determine if it should be distributed.

MOTION: Hoelscher moved, Baasen seconded to request staff to draft an RFP to bring back to the Board for the purpose of contracting with a communications expert.

VOTE: Motion carried unanimously.

Hoelscher stated that she was contacted by the city of Excelsior regarding a desire to have LMCD presence at Art on the Lake. She stated that the LMCD has hosted booths at different community events. She noted that this event would be Saturday June 8th and Sunday June 9th. She stated that she is not available and asked if members of the Board would be interested.

Cook stated that he could staff the booth for half a day.

Baasen stated that he could assist as well.

Cook confirmed that he could be the lead for the event and planning.

Baasen stated that former Board member Shuff would most likely be willing to help as well. He stated that the events are fun and encouraged more Board members to participate in similar outreach activities.

Hoelscher stated that the cost for the non-profit table at the event would be \$110.

MOTION: Hoelscher moved, Cook seconded to participate in the Art at the Lake event on June 8th and June 9th in Excelsior.

VOTE: Motion carried unanimously.

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce – RFP Update: Cook reported that three proposals were received for support services for AIS and the review of the harvesting program. Interviews will be held the following day and the Selection Committee will provide a recommendation to the Board at the next meeting. He noted that the proposals are consistent between the offerings, costs, and levels of experience.

Budget Workgroup: Cook reported that the group will meet to review the 2018 audit. He tasked the group with bringing forward a number of issues to the Board that will help the organization determine how to best move forward in the future relating to budget impacts.

Recodification Workgroup: Gilchrist stated that he is planning to prepare a rough draft plan to roll the document out for public comment.

Save the Lake Committee: Acting Chair Baasen reported that the group met to discuss the funding request for the Water Patrol. He stated that they also discussed the spring solicitation letter. He stated that they intend to send the spring letter in early May. He stated that the previous year the incentives to give at higher levels were effective and therefore the Committee would like to allocate up to \$3,000 to add incentives for contribution partnerships at the levels of \$250 and beyond.

MOTION: Kroll moved, Hoelscher seconded to approve funding of up to \$3,000 to add incentives for contribution partnerships at the levels of \$250 and beyond.

VOTE: Motion carried unanimously.

Acting Chair Baasen referenced the solar light program, noting that the Committee is reviewing whether that program should be expanded past simply channel buoys. He stated that they are also looking to add a second boater safety program. He encouraged new Board members to participate in the class. He stated that the program is geared for youth 12 to 17 years old.

Strategic Plan Subcommittee: Schleuning reported that the Committee met and had good discussion. She stated that a few ideas will be brought forward to the Board to prioritize.

17. ADJOURNMENT

Being no further business, the meeting was adjourned at 7:56 p.m.

Dan Baasen, Acting Chair

Ann Hoelscher, Secretary