

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., August 28, 2019
Wayzata City Hall

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Orono; Nicole Stone, Minnetonka; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

Members absent: Ann Hoelscher, Victoria; Mike Molitor, Minnetrista; Chris Rich, Woodland; and Jake Walesch, Deephaven. Excelsior Vacant.

4. APPROVAL OF AGENDA

MOTION: Hughes moved, Zorn seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

There were no Chair announcements.

6. APPROVAL OF MINUTES- 08/14/2019 LMCD Regular Board Meeting

MOTION: Baasen moved, Stone seconded to approve the 8/14/2019 LMCD Regular Board Meeting minutes as submitted.

VOTE: Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Kroll moved, Brandt seconded to approve the consent agenda as presented. Items so approved included: **7A**) Audit of Vouchers (08/16/2019 – 08/31/2019) and **7B**) Resolution Accepting Save the Lake Contributions (07/02/2019 – 08/20/2019).

VOTE: Motion carried unanimously.

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

There were no public comments.

9. PUBLIC HEARING

There were no public hearings.

10. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

A) Watercraft Wastewater Discharge Options - Update

Chair Thomas noted that Walesch was unable to attend the meeting tonight but did provide an email to Schleuning.

Schleuning reported that an update was provided to the Board noting that the group has been in contact with many stakeholders to gather information on possible options. She stated that Walesch will continue to follow up and will then work with staff and legal counsel to create a draft ordinance for the Board to potentially review at the end of September.

B) Ordinance Amendment to Comply with Minnesota 2019, 1st Spec. Sess. Chapter 4, Article 3, Section 75, Commercial Marina Legislation

Gilchrist stated that the Board discussed this item at the previous meeting with the intention for the Board to consider adoption at tonight's meeting. He provided background information on the legislation related to commercial marina activity above the high-water mark and summarized the changes that were made in order to match the legislative changes. He provided additional explanation on the special density licensing, noting that it is not an attempt to regulate above the water, it simply provides an option for applicants to obtain additional water density in return for providing public amenities. He stated that it is in everyone's best interest to continue with special density licenses.

Kroll stated that he prefers the numerals used in the recodification.

Gilchrist stated that the numbering system for the recodification code is completely different.

Chair Thomas stated that he would not want to see special density licenses go away and did not believe that marinas would want that license to go away either. He thanked Gilchrist for the additional explanation.

Gilchrist stated that the LMCD is not regulating the amenities.

Klohs stated that it may require LMCD staff or Board members going to the marina to determine that the amenities still exist.

Gilchrist stated that if the LMCD cannot confirm the amenities on the property, eligibility for the special density license would be lost, and the license would be revoked.

Klohs stated that this would be one of the nuances in which the land and water are not completely separate, and where the LMCD and cities have worked together in the past.

MOTION: Cook moved, Zorn seconded to approve the ordinance amendment to comply with Minnesota 2019, 1st Spec. Sess. Chapter 4, Article 3, Section 75, Commercial Marina Legislation and its publication in its entirety.

VOTE: Aye (8) Nay (1) (Kroll). Motion carried.

C) Ordinance Adopting Recodification of the LMCD Code of Ordinances

Chair Thomas reviewed the members of the work group that helped to create the recodification. He noted that the proposed draft includes the old language related to commercial marinas and advised that the newly adopted language would need to be incorporated. He stated that he provided grammatical changes to staff. He stated that a long time was spent updating the language to make it easier for the Board and other users to understand and user friendly.

Baasen stated that it would serve members of the Board well to read through the document as it will help each member better serve.

Gilchrist noted that he also found it helpful to read through the information. He stated that months ago, Board members reviewed individual sections of the Code to provide input. He noted that staff can make grammatical changes with no problem. He anticipated that there may be a need for clean-up amendments going forward.

Schleunig requested that the effective date allow 30 to 60 days, as staff will need to work with the court system and water patrol to transition the numbers.

Chair Thomas commented that this was very well written.

Gilchrist asked and received confirmation from staff that the language could state 60 days from adoption.

MOTION: Thomas moved, Zorn seconded to approve the ordinance adopting the recodification of Lake Minnetonka Conservation District Code of Ordinances with an effective date of 60 days from adoption of this ordinance.

VOTE: Motion carried unanimously.

MOTION: Thomas moved, Cook seconded to adopt the resolution approving summary language of the ordinance for publication.

VOTE: Aye (8) Abstain (1) (Kroll). Motion carried.

Thomas expressed great appreciation to the work group for their great efforts on this document.

12. NEW BUSINESS

There was no new business.

13. TREASURER REPORT

No report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Watercraft Inspection Program: With the available funding they were able to rotate between three bays. A final report will be available by the end of the year.
- Lake Water Levels: Reading of 929.45 feet on August 28th. This year is the second wettest year to date since record keeping began.
- Eurasian Watermillfoil Management on Christmas Lake: Volunteers and students have been conducting research to determine the effectiveness of a weevil as a biological control.
- James J. Hill Day: Join the Board members on Saturday, September 7th from 10 a.m. to 6 p.m. and September 8th from 10 a.m. to 2 p.m.
- Upcoming Lake Events: A list of upcoming events on the lake was reviewed.

A) Lake Minnetonka Vegetation & AIS Master Plan Progress

Schleuning reported that progress continues to be made. She provided details on a regulatory meeting that will take place in the future. She stated that the District received additional information on AIS reporting to be used for the lakewide vegetation mapping. She encouraged people to continue to comment and provide input through the reporting map and survey.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Recodification Workgroup: Gilchrist thanked the work group for all the assistance that was provided in the past 18 to 24 months.

Save the Lake Committee: Baasen reported that a significant amount of money has been added due to the solicitation letter. He stated that is reassuring to continue to have that support, especially with the lack of harvesting and critical comments of recent. He stated that people continue to provide support. He stated that a summary of items was included in the report and provided examples of the branded materials which have been provided in return for contributions provided. He stated that the handouts are also helpful when meeting with people at events. He encouraged members of the Board to come to James J. Hill days, which is a heavily attended event. He appreciated any member that could volunteer to assist with a shift.

Chair Thomas also encouraged other Board members to volunteer for a shift as Baasen will be staffing two booths at once and therefore it would be helpful to have additional Board members assist.

Kroll noted that he will follow up with Schleuning to schedule a shift.

Other: Schleuning provided a brief update on the status of the communications consultant.

16. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:43 p.m.

Gregg Thomas, Chair

Ann Hoelscher, Secretary