

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., April 22, 2020
Wayzata City Hall

WORK SESSION

6:00 p.m. to 6:42 p.m.

Members Present:

Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, 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:

None

Persons in Audience:

Eric Evenson; Patrick Foss; Emily Hope; Gabriel Jabbour; Matt Johnson; Peter Johnson; Shane Magnuson; Gary Matson; Celia Raney; Sunny Ryan; and, Angela [last name not provided].

1. Zoom Best Practices

Schleuning reviewed the best practices for meetings conducted on Zoom.

2. 2021 Budget Discussion

Cook stated that a draft budget was completed based on current activities and historical information. He emphasized the reserves, which are based on the 2019 audit. He noted that the remainder of the information was gathered from the monthly profit and loss statements. He reviewed the expenses, highlighting any potential increases or decreases from the current budget year. He asked the Board to review the draft budget and provide any comments. He stated that he will present the final budget at the next Board meeting for consideration of approval. He explained that the budget must be approved in May in order to forward to the member cities prior to the June deadline.

Anderson asked who the members of the Budget Committee are.

Cook replied that the Budget Workgroup is himself, Newell and Hughes.

Anderson asked the reasoning behind using mailers, as that seems to be a large amount of money for an outdated form of communication. He was also curious about the cost of a lake scientist.

Cook commented that the lake scientist is a continuing process, confirming that there are funds included in both the 2020 and 2021 budgets.

Walesch stated that Cook is going to develop an RFP and the Board will review that RFP to determine if that is an action they want to continue with.

Anderson commented that he believed that there was \$25,000 allocated for communications, but it shows as \$20,000.

Hoelscher believed that \$25,000 was allocated in 2019.

Cook confirmed that to be true.

Anderson referenced the reserve fund and thought the last numbers he noticed were higher than specified in this document.

Cook explained that the auditors complete the audit at the end of the year, which is what he uses for the reserve account. He explained that it is difficult to account for the reserves on a monthly basis on the profit and loss statements. He stated that he is personally troubled by carrying large reserve funds. He noted that the auditors recommend that the reserve funds be equal to 30 to 50 percent of the annual expenses and the LMCD is above that amount. He stated that he is troubled with accumulating cash of that amount. He stated that he does not want to spend these balances on the monthly operating costs and instead wants to use the funds for specific projects.

Anderson stated that he was also curious about the high reserve balances.

Newell stated that he has enjoyed working with Cook throughout this process. He noted that this is the fourth iteration of the budget thus far.

Kirkwood referenced the AIS Prevention Program line item and asked for details on the jump from one year to the next.

Cook replied that those additional funds were used on the lake management plan, vegetation plan and a survey of AIS vegetation in the lake.

Chair Thomas thanked Cook and the Budget Workgroup for their continued hard work.

3. Recodification Clarification Regarding Shoreline

Gilchrist noted that this is one of the amendments that came before the Board recently and was postponed. He stated that the primary purpose of the recodification was to make the language more user friendly. He explained that some areas of the code became difficult to discern because of expansions that occurred over the years. He stated that there was not a declarative statement as to how shoreline was measured and his intent was to provide that statement, but his attempt was clearly a miss. He stated that the proposed amendment tonight attempts to clarify the language in the code.

Newell stated that perhaps a simple graphic would help to explain this.

Schleuning confirmed that staff could provide graphic examples.

Kroll stated that it is a tough job to measure shoreline. He stated that in order to measure shoreline, you have to specify the length being measured out from shore. He stated that this is not a new problem and he would be happy to provide examples.

Gilchrist confirmed that the intent of the work session discussion was to introduce this topic again after the last discussion. He noted that the intent of the recodification was not to make any substantive changes but to clarify the language and make it more user friendly.

Chair Thomas stated that it will be helpful to have the graphic when this comes back to the Board.

Hoelscher referenced subdivision two, where multiple docks were removed from the heading, and asked why that was removed from the heading if the special rule applies to multiple docks.

Gilchrist commented that he was unsure how that language got into the header as the rule is not limited to multiple docks and therefore is another cleanup of language.

Hoelscher referenced Item B, which states that shoreline will only be adjusted for multiple dock licenses.

Chair Thomas noted that Item D also references multiple docks.

Gilchrist confirmed that he would edit to add multiple docks back into the header.

Anderson referenced the chart for side setbacks, which he believed was good. He stated that the measurement of the shoreline comes from the survey, which is different than the straight across and what can be built within the straight across setbacks. He stated that a chart would be great for this item as well.

The work session adjourned at 6:42 p.m.

FORMAL MEETING

Members Present:

Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, 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:

None

Persons in Audience:

Ben Bjorklund; Barbara Burwell; Eric Evenson; Gerald Ferrer; Tiffane Ferrer; Patrick Foss; Emily Hope; Gabriel Jabbour; Matt Johnson; Peter Johnson; Shane Magnuson; Gary Matson; Steve McDonald; Tom Nicol; Celia Raney; Sunny Ryan; Travis Van Liere; Jacob Youngren; and, Angela [last name not provided].

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; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, 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: None.

4. APPROVAL OF AGENDA

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

A roll call vote was performed:

| | |
|-----------|-----|
| Anderson | aye |
| Baasen | aye |
| Brandt | aye |
| Cook | aye |
| Hoelscher | aye |
| Hughes | aye |
| Kirkwood | aye |
| Klohs | aye |
| Kroll | aye |
| Newell | aye |
| Stone | aye |
| Thomas | aye |
| Walesch | aye |

Zorn aye

Motion carried.

5. CHAIR ANNOUNCEMENTS

Chair Thomas commented that members of the Board should use their LMCD email address for correspondence between Board and staff members. He also requested that the Board not send emails to all Board members as that could result in a violation of open meeting law. He noted that the Board should instead send emails to staff for distribution.

6. APPROVAL OF MINUTES- 04/08/2020 LMCD Regular Board Meeting

Thomas noted that under the approval of the agenda, two roll call votes were performed to modify and approve the agenda and those roll calls should be clarified. He noted on page four, under the Shorewood Yacht Club request, the first paragraph, it should state, "...the proposed action would combine two multiple dock licenses into one, which would change the classification from club to qualified marina, and..."

Anderson noted on page 12, it should state, "He does not want dock installers and marina delivery..."

MOTION: Walesch moved, Kroll seconded to approve the 4/08/20 LMCD Regular Board Meeting minutes as amended.

A roll call vote was performed:

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|-----------|-----|
| Anderson | aye |
| Baasen | aye |
| Brandt | aye |
| Cook | aye |
| Hoelscher | aye |
| Hughes | aye |
| Kirkwood | aye |
| Klohs | aye |
| Kroll | aye |
| Newell | aye |
| Stone | aye |
| Thomas | aye |
| Walesch | aye |
| Zorn | aye |

Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Zorn moved, Anderson seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (04/16/20 – 04/30/20); **7B)** Approval of Findings of Fact and Order for Shorewood Yacht Club (Shorewood Marina) Sites 1 & 2, Commercial Multiple Dock License and Variance, Qualified Commercial Marina, 23500 Smithtown Road, Shorewood, MN 55331.

Further discussion: Gilchrist noted that staff noticed a need for a correction in the Order and provided additional details on finding number 16.

Kroll stated that he would like Item B to be removed from the Consent Agenda because he received feedback that the issue was rushed at the last meeting.

Thomas noted that Kroll distributed a memorandum from Kroll prior to the meeting.

A roll call vote was performed:

| | |
|-----------|---------|
| Anderson | aye |
| Baasen | aye |
| Brandt | aye |
| Cook | aye |
| Hoelscher | aye |
| Hughes | aye |
| Kirkwood | nay |
| Klohs | nay |
| Kroll | nay |
| Newell | abstain |
| Stone | aye |
| Thomas | aye |
| Walesch | aye |
| Zorn | aye |

Motion carried.

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

Patrick Foss, 456 Lafayette, stated that staff alerted him that if an item is not removed from the consent agenda it is not open to discussion and asked if that is correct.

Thomas confirmed that procedure to be true.

9. PUBLIC HEARING

A) Public Hearing for Variance for Adjusted Dock Use Area for Dock Length, 980 Heritage Lane, Orono, MN

55391

M. Cook presented a request for a variance for adjusted dock use area for dock length at 980 Heritage Lane in Orono. He provided background information noting that the dock proposed is about 184 feet long but extends 144 feet from the OHW. He reviewed the proposed site plan, noting that the appropriate setbacks would be met through the request. He reviewed the variance criteria. He noted that that the DNR and City of Orono did not provide comments. He reviewed the comment received from the MCWD related that the need for a WCA decision. He also reviewed comments from the neighbor to the immediate north related to concerns of the setback and obstruction of view. He highlighted some elements the Board should consider during its discussion.

Kirkwood referenced the property line shown on the site plan and asked for details on the notch shown.

M. Cook stated that for some reason some property lines shown are extended into the lake. He explained that this is common on surveys of some lake properties. He explained that once a property line extends over public, it is not private property.

Kirkwood asked why the dock would have to be at the northern edge of the drawing, rather than the middle coming out perpendicular.

M. Cook stated that the applicant could provide additional details. He stated that if the dock were to begin more in the central portion of the property, the physical dock would need to be longer to extend into better depth. He explained that using the least amount of dock, the dock would begin to the east and extend in the direction proposed.

Brandt asked if there is a house on the plat north of the applicant.

M. Cook replied that there is not currently a home on the property. He noted that lot was recently purchased with the intent of constructing a home.

Brandt asked if this would be a seasonal or permanent dock.

M. Cook replied that he is under the impression that this is a seasonal dock but noted that the applicant could confirm that.

Newell stated that it would appear that even if the start of the dock were positioned in the center of the property, a greater length would be needed to reach the same depth and the navigability would remain the same.

Walesch asked if staff feels it has enough information to make a recommendation.

M. Cook stated that he is relatively comfortable.

Schleuning stated that given the recent comments, additional discussion with the applicant could be helpful. She noted that perhaps the applicant could provide that detail and response tonight.

Kirkwood asked the obligation of the LMCD to assure any homeowner that they could have a dock that reaches a certain depth.

M. Cook provided details on the language in the code related to dock depth.

Kirkwood asked if there are any circumstances that the LMCD has denied a request to reach that depth.

M. Cook stated that he does not have the historical data but commented that he would think there would need to be extraordinary circumstances if that decision were made.

Schleuning stated that staff spoke with the applicant to review methods to minimize the length of the dock, so the dock would not have to go out to five feet. She stated that there are some areas on the lake where homeowners could not get a boat out because of the lack of depth. She explained that requests must be reviewed and there is no guarantee based on the characteristics of a property.

Kirkwood asked if dredging is allowed.

Schleuning stated that an applicant would need to request that action through the Watershed District and reviewed some things that must be considered for dredging requests.

Anderson stated that he will hold his comments until the applicant speaks.

Zorn asked if the LMCD has a record of a dock ever being installed at this property in the past.

M. Cook stated that he was not aware of a house previously being on this site.

Barbara Burwell, resident, commented that all the homes in this area are new construction.

Thomas invited the applicant to address the Board.

Tiffane Ferrer, 980 Heritage Lane, stated that they purchased this parcel of land and at that time the owner had the proposed dock in the same area. She explained that position was chosen with the thought that the neighboring properties will have docks as well. She noted that they attempted to propose the least amount of dock possible in order to reach a depth that would support a boat.

Thomas opened the public hearing at 7:40 p.m.

Jake Youngren, Tonka Built, stated that currently in the southern most slip the depth would be 4 foot 2 inches and for the northern most slip the depth would be about four feet. He stated that they are not attempting to extend the dock to the maximum of five feet. He stated that this depth would accommodate the two boats that

the property owner has. He stated that the proposed configuration was the only area within the setbacks that could possibly achieve the depths required to accommodate the two boats. He stated that any other placements within 100 feet of the shoreline were coming in at less than 2.5 feet of depth.

Barbara Burwell, neighboring property owner, welcomed the new property owners to the lake noting that her home is two docks over from the subject property. She noted that all neighbors on Tanager would have been notified of the request tonight. She stated that the variance and the depth would not necessarily be an issue, explaining that the issue would be with the length of the dock as this bay can become very busy because of the marina. She stated that she would not be concerned if dredging were completed to shorten the length of the dock. She explained that the lake becomes busy with watercraft traffic and wanted to ensure that this length would not impact turn lanes on the lake.

Mr. Youngren stated that the issue is with navigable water. He stated that if the depth could be obtained at a shorter length or another configuration, they would do that. He stated that he checked four different locations and was unable to find any other length or configuration. He stated that this would be a temporary dock system that is being installed permanently. He stated that the style is the same as 95 percent of the seasonal docks but is not required to be removed because of specifications in that area. He explained that the dock could still be removed in a matter of hours.

Ms. Ferrer stated that she would like to avoid having a long dock but stated that they have been working on this for a very long time and this is the best option that would result in the least amount of docking that would not interfere with the future docks for lots one and three.

Ms. Burrell asked if the variance would impact the sale of lots one or three.

M. Cook explained that the variance would be recorded with the property.

Matt Johnson stated that when the marina was extended, it shrunk the usable area of Tanager and therefore as the docks extends further out, it is less usable area. He stated that he visited the subject site in his boat and the huge weed line is not reflected in the drawing. He stated that the weedy area is not navigable area and therefore watercraft is already avoiding that area.

Ms. Burrell stated that Tanager has a special group of residents that get along and want to protect the lake and promote safety. She commented that she does not want the homeowners to feel attacked, noting that she simply had concerns with the dock length. She stated that she prefers to think of the weeds as the wetland area and asked if that would be further impacted.

Travis Van Liere, landscape architect representing the property owners at 975 Heritage Lane, stated that they began designing the initial stages of placing the home and determining the design on the adjacent parcel. He stated that this request caught them off guard. He noted that the lot to the north is restrictive because of required setbacks to the wetlands and trail, along with the lake setback, which pinches the buildable area on the property. He explained that the buildable area is set further back and places it in direct alignment with the proposed dock. He stated that the angle also cuts off the shoreline and points at the front door of the home to

be constructed. He commented that it would have been helpful for the applicants to reach out to them to discuss any concerns prior to review of this request tonight. He noted that their main concern is the length of the dock and obstruction on the view to the north.

No additional comments were offered, and the public hearing was closed at 7:58 p.m.

Newell stated that it would be helpful to have a topographical map which would allow the Board to view the details visually, as there is no way for the Board to see what is happening under the water.

M. Cook stated that within the packet are measurements from the dock installers and provided information on the depths reported.

Schleunig stated that the code specifies that a depth of five feet could be requested. She noted that while this request does not go to that depth, additional elements were explored to minimize length, such as type of boat lift. She stated that this request fits within the dock use area for the site. She stated that if the concern about the walkway to the land and the walkway is moved, it would not minimize the length but could change the perception.

Ms. Ferrer stated that they have reviewed every scenario possible using the least amount of dock possible. She referred a significant drop off on the property which cannot be touched and therefore was unsure how another placement could work.

Kirkwood asked and received confirmation that the documents received from Mr. Van Lierie would be included in the public packet.

Schleunig confirmed that those items were included in the public packet and are available for viewing on the LMCD website.

Kirkwood referenced the document which shows the view infringement on the new potential home. He stated that he would be concerned with that element.

Thomas stated that it is a good point but recognized that all the properties have riparian rights and this request meets side setbacks and follows the other elements of the LMCD code. He recognized that there are lot configurations that cause a different view than in other locations. He noted that he looks out from his home to other docks as well.

Ms. Burwell stated that she would be concerned for the neighboring sight lines. She stated that her family has been impacted by dock issues on several occasions.

Anderson stated that this request meets the extension guidelines to reach water depth and meets setbacks. He stated that this request also minimizes impact on the littoral zone. He stated that this dock would be similar to any other dock in the bay, which is a seasonal dock that will be left in rather than removed. He noted that the request could include three slips, but only includes two. He noted that this request is

conservative in its ask. He noted that the length extension is no further out than a neighboring existing dock. He stated that this lot is the most challenged by side yard setbacks on both sides. He referenced the concern of view infringement noting that the view is different for every home and most homes see docks with canopy slips. He stated that this location is the best location related to the sloping bank of the property. He stated that he believes that this is a reasonable request with less impact to the littoral zone. He stated that on November 13, 2019 a length and dock use variance was granted in Orono by the LMCD.

Kirkwood asked legal counsel for input on riparian rights and how conflicts between property owners would be resolved.

Gilchrist stated that typically riparian rights are related to the ability access water, specifically navigable water. He stated that those rights typically do not extend into viewsapes but is limited to access and navigation. He commented that anything less than this request would not allow the applicant to reach navigable water.

Ms. Burwell stated that if the concern of the Blakes is with their view, perhaps the boat slips could be flipped to the other side of the dock.

M. Cook replied that flipping the docks to the south of the main dock would extend well within the setback to the adjacent property, which would increase the impact on the property to the south and would require an additional variance from the LMCD. He stated that if the whole layout were to be mirrored horizontally, the BSUs would remain in the same location.

Thomas asked if the applicants would like the Board to continue with the review or would like additional time to amend the request.

Ms. Ferrer replied that they have already looked at every other configuration and this is the best option therefore they would like the Board to consider the request as submitted.

MOTION: Anderson moved, Walesch seconded to direct staff and legal counsel to prepare Findings of Fact and Order approving the variance application from Gerard and Tiffane Ferrer for the property located at 980 Heritage Lane in Orono for final approval at the May 13, 2020 LMCD Board meeting.

A roll call vote was performed:

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| Anderson | aye |
| Baasen | aye |
| Brandt | aye |
| Cook | aye |
| Hoelscher | aye |
| Hughes | aye |
| Kirkwood | aye |
| Klohs | aye |

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| Kroll | abstain/lost connection |
| Newell | aye |
| Stone | aye |
| Thomas | aye |
| Walesch | aye |
| Zorn | aye |

Motion carried.

10. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

There was no old business.

12. NEW BUSINESS

A) 2019 Financial Audit Presentation

Steve McDonald, Abdo, Eick and Meyers, presented the results of the 2019 audit. He reported that the LMCD received a clean or unmodified opinion on the financial statement and there were no instances of noncompliance with State Statutes. He stated that internal controls are also reviewed and reported one finding that there is a limited number of staff involved in preparing financial statements. He noted that is a typical comment for many small entities. He provided details related to the general fund, cash balances and invasive species fund.

Mr. McDonald lost connection.

Cook stated that he has some questions that he will address with the auditor. He noted that the fund balances appear to be the same, but the auditor appears to be dividing by a different numerator, which provides a different total and percentage.

Thomas commented that the office and staff continue to do a great job monitoring the finances.

Anderson stated that he has an issue with the 2.04 percent increase to the cities but recognized that the cities have not been opposed to that increase. He referenced the reserve fund balances and asked for input.

Mr. McDonald rejoined the meeting.

Mr. McDonald continued to review details related to the invasive species fund, save the lake fund, equipment replacement fund.

Cook stated that he would like to follow up with Mr. McDonald to compare the different percentage rates that he calculated. He noted that he would follow up with Mr. McDonald offline.

Anderson stated that he will follow up with Cook to address his concerns with the reserve balances.

Thomas thanked Mr. McDonald for another thorough audit.

13. TREASURER REPORT

Cook reported that the first quarter profit and loss statement was included in the Board packet. He encouraged the Board to reach out with specific questions.

Anderson referenced the reserve balances and asked for input from the more tenured members as to how some of those funds could possibly be used, such as funding another water patrol member.

Baasen stated that there have been a few major projects in the last few years which ran higher than anticipated and noted that once those two items are completed that will provide a better idea of the reserve account balances. He stated that there are a number of topics on the Save the Lake Meeting on May 5th for consideration. He stated that over the past several years Save the Lake has used a little more than collected. He commented that Cook has been doing a good job of managing the funds and balancing the budget. He noted that once the final budget is presented, there will be a better picture.

Hoelscher echoed the comments of Baasen. She appreciated the comments of Anderson, noting that perhaps those are policy discussions as to how the Board prioritizes and chooses to spend funds. She stated that it will be important for the RFP to be completed for the lake management professional. She stated that she is comfortable where the LMCD is now and would want to see the final proposed budget.

Anderson agreed that it makes sense to wait and expressed appreciation for the input from Baasen and Hoelscher.

Kirkwood asked if it would be possible for the Board to explore a safety issue that came forward during the discussion with the Shorewood Yacht Club. He asked what it would take for the LMCD to place a slow buoy in the channel as that would help to address some of the safety concerns from those residents.

Schleuning stated that she will start the discussion with Hennepin County and the Water Patrol and come back to the Board with that information.

Thomas commented that he traveled through that channel the previous weekend. He noted that there are buoys that adequately mark the channel but agreed that perhaps slow/no wake buoys would assist.

Schleuning stated that enforcement could help as well. She noted that would be an element of the discussion with the County and Water Patrol.

Kirkwood stated that he would support enforcement along with slow/no wake buoys.

Newell agreed that the cost of a few buoys is nominal and makes a statement to boaters and will help to address safety concerns from that bay.

Anderson stated that he also agrees with that concept. He referenced a few other locations that could benefit from a slow/no wake buoy as well.

Schleuning suggested that these ideas be added to the agenda for the next slow/no wake workgroup.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- COVID-19: The LMCD website continues to be updated with information from applicable agencies such as the State/Governor and DNR.
- Watercraft Inspections: The LMCD did not receive funds and will not conduct the watercraft inspections this year. The DNR will still continue to do some inspections and understands perhaps Three Rivers Park District and maybe Hennepin County.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Communications and Legislative Relations: Hoelscher referenced the working documents that were sent to the Board. She stated that the group is open to hearing additional input and concerns from the Board.

Deicing and Permanent Dock Workgroup: Anderson reviewed the project outline for best management practices related to deicing.

Schleuning reviewed how stakeholder input could be gathered.

Anderson agreed that it is valuable to gather input from stakeholders. He stated that the most important development is an inspection sheet that can be used consistently.

High Water Declaration/Slow Wake Workgroup: No report.

Save the Lake Committee: Baasen reported that the group will meet on May 5th virtually. He noted that if current members do not want to continue on the group, they should alert staff and Board members interested in joining the group should also alert staff.

Strategic Plan Subcommittee: No report.

16. OTHER BUSINESS

Anderson referenced the responsibility of the LMCD to marina owners and boat deliverers related to disabling the macerator/grinder pumps and Y-valves on marine toilets. He suggested that perhaps that be placed on hold for one year due to the social distancing requirements.

Schleuning agreed that this year would be challenging due to COVID-19.

Thomas stated that is the requirement to disable marine toilets is something the Board did the previous year related to the disease outbreak on Big Island following the 4th of July. He agreed that these are unprecedented times. He stated that this is the time that marinas are launching boats and therefore marina owners would need to know now whether or not to disable the valve.

Anderson commented that he is unsure how that could get done under social distancing because the job requires more than one person on larger boats. He stated that perhaps the change could be implemented for the next year or that the valves could be disabled when people get a chance later in the year if the COVID-19 situation improves.

Thomas agreed that personal safety would remain the priority and the valve disabling could be delayed.

Lieutenant Magnuson noted that the intent of this action was to prevent people from getting sick and therefore it would not make sense to push this action if it would put people in harm related to COVID-19. He agreed that the requirement should be delayed.

Hoelscher agreed that the action should be delayed due to the current COVID-19 situation.

Gilchrist stated that the issue of strict enforcement of requirements is not practical under social distancing and therefore a number of communities are making the decision not to enforce certain actions. He noted that the direction for flexibility could simply be given without formal action.

Baasen noted that it is still illegal to discharge sewage into the water and that remains even if the valve is not disabled or the pump is not removed.

16. ADJOURNMENT

MOTION: Baasen moved, Cook seconded to adjourn the meeting at 9:24 p.m.

A roll call vote was performed:

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| Anderson | aye |
| Baasen | aye |
| Brandt | aye |
| Cook | aye |
| Hoelscher | aye |

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| Hughes | aye |
| Kirkwood | aye |
| Klohs | aye |
| Kroll | abstain/lost connection |
| Newell | aye |
| Stone | aye |
| Thomas | aye |
| Walesch | abstain/lost connection |
| Zorn | abstain/lost connection |

Motion carried.

Gregg Thomas, Chair

Ann Hoelscher, Secretary