

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

6:00 P.M., October 14, 2020  
Virtual Meeting

Due to COVID-19 Guidelines, pursuant to a statement issued by the presiding officer (Board Chair) under Minnesota Statutes, section 13D.021, the meeting was conducted remotely through electronic means using Zoom. The LMCD's usual meeting room was not open or available to the public or the Directors.

**WORK SESSION**

6:00 p.m.

**Members Present:**

Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Apfelbacher 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 Matthew Cook, Environmental Administrative Technician.

**Members Absent:**

Bill Cook, Greenwood; and Dan Baasen, Wayzata.

**Persons in Audience:**

Mark Apfelbacher, Jorj Ayaz, Kathleen Daniels, Eric Evenson, Tom Frahm, Dennis Libby, Debra Netsch, and Neal Netsch.

**1. AIS Grant Opportunities and Options Including Watercraft Cleaning Tools at Public Launches**

Newell presented information regarding a CD3 station that provides tools to boaters to remove plants as part of AIS prevention. He has had reviewed some options and stated the County may assist in funding for purchase on ongoing maintenance. He referred to the board memo attachment.

Schleuning stated that staff will email information about previous submittals and the studies completed in 2006 if the Board wanted the information.

Chair Thomas commented that he has seen the CD3 units but has not used them.

Brandt commented that he has worked with the owners of both companies, noting that they do some great things for the lake. He stated that when the tools are installed there is a redesign of the launch, therefore it is a big project. He commented that he has used the CD3 at Long Lake. He noted that the tool is there to be used but that does not mean that everyone uses them. He commented that there are usage statistics for each tool on the CD3 machine which allows for the unit to gather that usage data.

Mark Apfelbacher provided an overview on the CD3 systems. He stated that he would like to see Lake Minnetonka take a stand to fight the spread of AIS. He noted that people need the tools in order to

properly clean their boats. He stated that the data shows that these machines are helping people to take the actions necessary to make progress against AIS. He stated that he would like to help empower the public and see LMCD help to put the tools in place to assist.

Hughes commented that he would like to see the tools open earlier in the spring.

Anderson asked why the MNDNR is there if the tools are already available.

Apfelbacher commented that the CD3 machines can be placed at all the MNDNR access locations. He explained that the MNDNR can see that having an inspector onsite helps, which it does, but an inspector can only be onsite during certain hours or when there are funds available for the position. He commented that it is similar to any other campaign, where having someone onsite to explain and assist helps in making this a normal procedure that people get in the habit of doing.

Hoelscher asked the cost that would be involved. She commented that it seems that LMCD should partner with the County and/or MNDNR.

Apfelbacher replied that the County is purchasing three to four units per year. He stated that the County is willing to take on operations and management of the equipment as part of a partnership with LMCD as the County is interested in preventing the spread of AIS. He stated that the DNR is also willing to allow the LMCD to place the equipment at a DNR owned access.

Chair Thomas stated that if there is interest from the Board, staff could then follow up with the County and DNR.

Schleuning stated that some of the main concerns last year were related to maintenance costs and noted that appears to have changed based on these comments. She stated that previously Hennepin County wanted to see matching funds but noted that she could follow up with the County. She noted that the designs, safety, and AIS tools vary for the public launches, therefore the machine sizes and locations would need to be reviewed for options. This was noted during the Lake Minnetonka Vegetation & AIS Master Plan and should continue to be reviewed further.

Apfelbacher replied that there are five different tool/size options.

Stone commented that she would not want the LMCD to be solely responsible, but would be interested in pursuing a partnership opportunity.

Klohs stated that it appears there is great potential but recognized that funding would be an issue. He noted that perhaps this should be considered after the next TAG meeting as this is one item that could potentially be funded given the limited budget. He asked for some type of cost estimate.

Apfelbacher replied that the purchase price of the large unit is \$30,000 and ongoing is about \$1,200 per unit, per year, noting that the County is in a position to handle the maintenance. He stated that the equipment can be leased to own through a program they have with a third party. He stated that the lease to own terms range from two to five years. He commented that the smallest machine is about \$2,000.

Zorn commented that she would agree that the LMCD needs to tag this in the greater scheme of options and allow the AIS consultant to assess this further. She stated that this should remain on the radar.

Chair Thomas stated that there is general interest with additional questions related to cost and partnership opportunities.

Klohs suggested that the Board hold on this until after the next TAG meeting rather than running in different directions before a global direction is known.

Newell stated that the Board does not know what it does not know. He suggested that a complete report be done with costs and partnership opportunities to present to the Board. He stated that there is a budget of \$80,000 and if a Lake Manager is added that simply takes some of those funds for administrative purposes rather than being able to put those funds into the lake.

Anderson asked for an update on when the TAG meeting is going to occur.

Chair Thomas commented that would be discussed at the regular meeting.

Brandt stated that Hennepin County is in the top 10 for the State and believed that anything the LMCD does towards AIS should be in partnership with the County. He suggested that staff reach out to potential partnership opportunities.

Chair Thomas stated that perhaps staff could look into this further when there is time available, noting that this would not need to be top priority.

Schleuning stated that staff has done research in the past and could gather more information. She commented on the timing of grant deadlines, which typically fall within December and February.

Newell volunteered to assist staff in the process.

Anderson provided background on the I-LID technology.

Erik Evenson, LMA, stated that there were a few units around the lake about ten or 15 years ago but noted that the technology has changed since then. He stated that this would go back to the issue of changing behavior related to AIS. He stated that these units have been installed in various locations throughout Minnesota and Wisconsin. He explained that I-LIDS are a video and audio system that play an audio message alerting vehicles to check for materials and records data. He stated that it is a good tool to help change behavior. He stated that this would also collect good information related to the types of boats going on and off the lake and the times the boats are coming on and off the lake. He stated that he would be interested in seeing a combination of the I-LIDS and CD3 machines as they would be complimentary to each other.

Schleuning provided background supporting much of the information being reintroduced noting that LMCD submitted grant applications the previous year but the County chose not to award any of these

grants. She stated that the LMCD could submit grant requests again.

Anderson stated that he would be willing to offer his services to assist with researching this possibility, similar to how Newell will assist with CD3. He noted that I-LIDS could assist with watercraft density without using additional staff time.

Brandt commented that the lake his family has a cabin on in Wisconsin has an I-LIDS and confirmed it is a visible deterrent. He asked if the message could be customized as to what it says.

Brandt asked who would manage/filter the video/data.

Evenson commented that is all done by the company in real time. He stated that it takes some skill to know what you are looking at and what you are looking for, therefore the company has that experience. He noted that is part of the annual cost, for that company to view the video and provide the reports. He confirmed that in Wisconsin the video is sometimes used for enforcement action as well.

Kirkwood commented that this sounds like a good idea and he would like more information on enforcement application.

Newell stated that he supports looking at anything that could improve the lake. He stated that this is not making a commitment and he supports gathering information that can help guide the Board in its decision. He noted that he would be happy to assist Anderson in gathering information.

It was the consensus of the Board that additional information will be gathered on both possible technologies to bring back for discussion.

## **2. Review of Lights, Reflectors, and Visibility Options for Multiple Dock and Mooring Facilities**

Schleuning provided background information about the legal formatting to track changes for Code amendments such as the use of underline and strikethrough. She provided an overview on lights, reflectors, and visibility options for multiple dock and mooring facilities. She reviewed the relevant code sections and indicated the history and basis of the implementation of lights and the alternative of reflectors for multiple docks and mooring facilities. She emphasized that the board had requested the same language to be used during the recodification clarification, which was done, and then she had followed up regarding the code standards as they have been applied in the past. She inquired if the Board wished to change the code language and how the code has been interpreted and applied in the past.

Chair Thomas referenced the first sentence in subdivision three and asked if the language should state lighted "or reflectorized?" He believed that would be clearer, rather than having to look in two different sections.

Gilchrist confirmed that to be true. He agreed that the sentence on its own is dependent on other sections of Code.

Anderson reviewed some of the changes that came through for these sections in the recodification. He

stated that initially he thought lighting the mooring field would be a bad idea but now believes it is a good idea. He provided photographs that he took at night of Excelsior Municipal Docks, noting that you cannot see the mooring field at night if it is not lit. He stated that reflectorized materials are only good if there is light to reflect. He stated that he does not believe the Code should be changed but instead enforced.

Chair Thomas stated that it appears that there is a difference in Anderson's interpretation of the Code. He stated that in the interest of time this discussion should close and noted that if desired a discussion could occur at an upcoming work session related to mooring areas and whether they should be lit.

There being no further business, the work session was adjourned at 7:05 p.m.

## FORMAL MEETING

7:10 p.m.

### 1. CALL TO ORDER

Chair Thomas called the meeting to order at 7:10 p.m.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

**Members present:** Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; 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 Matthew Cook, Environmental Administrative Technician.

**Members absent:** Dan Baasen, Wayzata; Bill Cook, Greenwood; and Deborah Zorn, Shorewood.

#### **Persons in Audience:**

Apfelbacher Apfelbacher, Jorj Ayaz, Kathleen Daniels, Eric Evenson, Tom Frahm, Lori Hays, Dennis Libby, Debra Netsch, and Neal Netsch.

### 4. APPROVAL OF AGENDA

**MOTION:** Newell moved, Kroll seconded to approve the agenda as submitted.

**VOTE:** A roll call vote was performed:

Anderson	aye
Brandt	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye

Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye

Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

Chair Thomas commented that Cook is still recovering from his accident and therefore the items on the agenda that he would typically provide an update on will not have discussion, such as the Treasurer's Report and AIS Task Force.

Chair Thomas announced that M. Cook is getting married this weekend and the Board congratulated him.

**6. APPROVAL OF MINUTES- 09/23/2020 LMCD Regular Board Meeting**

Kirkwood referenced the discussion related to slow and no wake during high water events. He noted that there were five instances where it referenced shutting down the bay and believed that those should be replaced with slow/no wake.

Walesch asked if the language could be changed, as the Board members actually used those words.

Gilchrist stated that the meaning of what was said cannot be changed but if someone misspoke or used the wrong terminology that could be corrected. He noted that a footnote could also be added with an explanation of the change.

Kirkwood stated that he is only concerned that the intent of the Board could be misinterpreted by the public. He stated that people can still use the lake under high water declaration, just under slow or no wake conditions.

Gilchrist commented that now reading those examples of where "shut down" was used, he would be inclined to recommend that those statements remain and if inclined, the Board could add an explanation that shut down refers to slow/no wake.

Chair Thomas stated that no one has ever seriously considered shutting down a bay in the manner that no boats are allowed. He suggested that the language stand as written.

**MOTION:** No motion made, but a roll call was taken to approve the 09/23/2020 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** A roll call vote was performed:

Anderson	aye
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NOTE: Board ratified approval of minutes at 10/28/2020 Board Meeting.
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Brandt	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye

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 (10/01/2020 – 10/15/2020).

**VOTE:** A roll call vote was performed:

Anderson	aye
Brandt	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	absent/lost connection
Kroll	aye
Newell	aye
Thomas	aye
Stone	aye
Walesch	aye

Motion carried unanimously.

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

Dennis Libby, 1000 Heritage Lane in Orono, commented on the summer seasonal treatment of flowering rush within Smiths Bay. He stated that the effectiveness of the treatment was demonstrable. He stated that he spoke with several of his neighbors about creating a LID for the bay and did not receive one negative response. He stated that he will attempt to form a LID and wanted to share that the treatment was effective against flowering rush.

Anderson thanked Mr. Libby for sharing his experience and input.

## 9. PUBLIC HEARING

**A) Variance for Adjusted Use Area for Setback, 1657 Dove Lane, Mound, MN 55364**

M. Cook presented a slide show regarding the application from 1657 Dove Lane in Mound related to a variance for adjusted use area for setback. He provided background information on the site and the requested setback from each side site line with three proposed BSUs. He provided an aerial photograph showing the existing dock along with the proposed site plan. He reviewed the variance standards for the Board to consider. He stated that notification was sent to the applicable public agencies and no responses were received. He noted that one public comment was received in favor of the application from a nearby resident and one comment in support if the dock remains within the site's extended side site lines. He confirmed that the proposed dock would remain within the site's extended side site lines. He reviewed some considerations for the Board to think about related to this request. He reviewed the minimum recommendations of staff for this request, should the Board choose to approve the request:

1. A minimum five-foot setback from the west side site line
2. A Zero-foot setback from the north side site line
3. Three BSUs with acknowledgment of potential limited sizes
4. Watercraft and other structures fit entirely within the boat storage units/side setbacks
5. Standard variance conditions reflecting environmental, nuisances, maintenance, etc.

M. Cook read the following language from LMCD Code Section 2-3.03, Subd. 3, paragraph (c):

"Sites with 50 feet of Width or Less – February 2, 1970. If a site in existence on February 2, 1970 has an authorized dock use area with a width of 50 feet or less, the authorized dock use area may be expanded to a side setback limitation of five feet, provided that such setback in no way impairs access to neighboring docks."

M. Cook explained that the property to the north is not guaranteed a minimized setback of 5 feet due to the wording of the Code excerpt: "...provided that such setback in no way impairs access to neighboring docks." He noted that the property to the north may need to meet a 10-foot setback from the applicant's site.

M. Cook noted that the LMCD has been in contact with the property owners of the applicant's property (1657 Dove Lane) and the property to the north (1649 Dove Lane) since 2019, and has discussed the interaction between the sites and how LMCD regulations apply to the dock use areas with both parties together and separately.

M. Cook underscored that the board is only considering the variance applied for, but the applicant's property and property to the north may be impacted by any decision.

Schleuning asked Cook to explain the illustration of the extended side site lines and the limited depth of land related to the property to the north. She also asked about previous conversations regarding dock use areas.

M. Cook stated that staff spoke with the applicant about a rotated approach and other options, but the applicant can provide details on why they chose this design.



Walesch asked for the opinion of the neighbor to the north and whether they have provided input.

M. Cook stated that staff has not received input but noted that the resident is in attendance at the meeting tonight and can provide input.

Walesch asked for details on BSU three and whether that would be approved without implying any sort of access or width of access.

M. Cook confirmed that is his understanding. He was unsure how that would be reflected in the legal document.

Kirkwood asked if the applicants proposed the dock configuration and BSUs, or whether staff assisted in the process.

M. Cook replied that staff does not codesign docks but attempts to provide input. He stated that it is still the decision of the applicant to propose their request to the Board.

Kirkwood stated that it appears the space on the left could be a potential BSU and asked why that was not considered.

M. Cook stated that he would assume it has something to do with navigation around the platform but noted that the applicant could provide that answer.

Kirkwood asked if the dock to the north is part of the City of Mound owned docks.

M. Cook replied that the dock to the north is privately owned. He identified the dock further north that is part of the Mound configuration.

Anderson stated that he would want to see that all the BSUs are owned by the property owner. He asked for details on the 50-foot rule.

M. Cook stated that the intent of the staff recommendation was not to meet the 50-foot code requirement but to provide additional space to the request as allowed for in other sections of the code.

Anderson commented that BSU three is wide open and would be a hinderance to the property to the north. He stated that he liked the suggestion that it be limited to something like a jet ski.

Brandt stated that he would be concerned with the BSU three location and whether it would make more sense to move that to the other side of the dock configuration. He stated that he drove by the site today and it is a tight space with the converging lot lines.

Newell agreed with the comments of Kirkwood. He stated that there would be a potential space for a jet ski or personal watercraft on the left side of BSU one. He stated that he likes the idea of moving the installation five or ten feet to the right and putting BSU three on the other side as that would be a cleaner approach and would cause less problems with the property to the north.

Schleunig asked Cook to explain the implication of moving the dock structure to the east in relation to the dock allowance to the north.

M. Cook referenced the idea of moving the configuration to the east. He stated that it is his understanding that if the dock structure is slid too far east, BSU would align with the dock to the north, which would make the turn into the slip more difficult. He stated that if BSU three were not relocated and the dock were moved to the east, that would make the access even more difficult.

Chair Thomas opened the public hearing and invited the applicant to address the Board.

Neil Netsch, the applicant, stated that if the configuration were moved to the east they would be backing right into the dock to the north. He stated that a jet ski is impractical in the bay because of the weeds. He stated that the water depth is also an issue in this area.

Debra Netsch stated that they are attempting to open the area up for everyone to navigate safely. She stated that the dock to the north is new and was placed last summer. She stated that this situation is not ideal for anyone, but they are attempting to open that navigation for everyone as it became problematic when the new dock was added to the north.

Mr. Netsch referenced the platform on the west edge, which he put in place for fishing. He stated that they are not opposed to shifting six inches to meet the five foot side setback, although he would like to keep the 11.5 foot platform. He stated that he never intended to park a boat on that side as it would not be practical.

Ms. Netsch stated that BSU three is only intended for guests and is not intended for long-term use.

Mr. Netsch provided dimensions on his boats, noting that he could place those in the ten and 11-foot BSUs. He agreed that it would be difficult to navigate into BSU three which is why they do not plan to use it often.

Walesch asked if the applicants understand that BSU three could be restricted and if approved, that could become more restricted.

Ms. Netsch stated that is a concern that they have because they would like access to their lakeshore.

Walesch stated that the applicants are asking for multiple variances and even if the neighbor to the north did something allowed by Code, that would further restrict the access to BSU three.

Ms. Netsch asked if the Board has recommendations.

Walesch replied that he does not but explained that it is important that the applicants understand that if the neighbor to the north proposing something in the future allowed by Code, that would further restrict access to BSU three.

Mr. Netsch commented that if the lot to the north made changes, it would make it harder to back out their boats and would decrease safety. He stated that there is no way they could slide that configuration to the east

because of that reason.

Chair Thomas suggested that the Netsch's continue to work with the neighbors because of the unique lot configurations in this area. He stated that there is only so much the LMCD can do as a governmental body. He stated that related to access, they do not have to provide access for multiple boats.

Jorg Ayaz, neighbor to the north, stated that his dock configuration does not currently show how it should be by Code. He stated that currently there are two boats parked, noting that the pontoon should be parked to the south of the speedboat, by Code. He stated that he was waiting for the applicant to bring forward a configuration that would allow them both to coexist in this area. He stated that if the pontoon were moved to the south of the speedboat and the Code specified setbacks were followed, he would fine with that layout, and he would meet the setbacks to the north and south. He feels he is entitled to a 5 foot setback. He commented that would definitely limit proposed BSU three. He stated that he cannot complete his configuration because of the existing layout of the applicant's dock. He stated that as he sees the shoreline of the applicant, the applicant is pointed direct north, but the dock configuration is slanted to the right, northeast. He stated that if the natural contour of the shore were followed, pointing to the deepest point of the lake, that would turn the entire dock system towards the bay. He stated that this proposed configuration follows the lot lines rather than the shoreline. He stated that the fishing platform added to the three BSU would then disappear. He stated that with the configuration he proposes, it would allow the applicant to navigate into his dock much easier. He again noted that his pontoon is currently located in the wrong spot because he cannot complete his dock configuration without interfering with the applicant's dock. He stated that the last L shaped section of the applicant's dock as it stands today, was built without permitting. He stated that he has a right to place his dock within his setbacks with the quantities and lengths allowed on his property. He stated that this should be designed simultaneously to ensure that both docks work together. He believed that the dock should be designed along the shoreline rather than the property line as that would perfectly point the applicant's dock north rather than northeast as proposed.

Ms. Netsch agreed that the configuration is drawn on the property lines and asked and received confirmation that Mr. Ayaz is proposing to simply turn the dock configuration.

Mr. Ayaz commented that he wants to work together and believes that the desired number of boats could be fit in this area. He confirmed that if the entire design were tilted and pointed towards the north it would provide benefit to both properties. He stated that if the fishing platform is switched with BSU three, it would be a better design. He believed that those changes would allow the applicant to have three BSU and a fishing platform and would also allow him to complete his dock and store his two boats.

Ms. Netsch stated that originally, they submitted a request to be grandfathered in as the dock has been there for six years.

Mr. Netsch stated that if the fishing platform were relocated and the dock were rotated, he does not believe BSU three would fit because of the narrow width. He stated that if the fishing platform were moved to the right, he would be fishing into the neighbor's boats.

Ms. Netsch asked why Mr. Ayaz would add more dock if there is already space to park two boats.

Mr. Ayaz commented that he put the straight section in five feet from the property line and commented that the boat to the north encroaches into the do not park area because that is not his land. He commented that there is plenty of space to the north of his pontoon and he is okay with that but acknowledges that this encroaches to the north. He stated that if staff approves of that encroachment, he would be fine with this parking arrangement, but recognized that the pontoon is currently encroaching. He stated that out of respect for the applicant, he is currently illegally parking the pontoon.

Ms. Netsch stated that she believed that the setback only applies to the dock.

M. Cook replied that the setback applies to both structures and boats.

Mr. Netsch stated that it is his understanding that the property to the north is City owned property and therefore the pontoon is hanging over on the City property. He stated that perhaps permission could be granted to allow Mr. Ayaz to park on that side as that would open the corner for everyone.

Walesch stated that it seems that both parties are knowledgeable about this area and are reasonable. He stated that it seems that the applicant and neighbor can work together and work with the City. He suggested that the applicant and Mr. Ayaz work together with staff and the City to find a proposal that would work for everyone. He stated that it would be impossible for everyone to make a decision that everyone is happy with tonight. He stated that it seems that there could be cooperation that would present something that works for everyone.

Mr. Netsch agreed that if the City agreed to that encroachment that would make things easier for everyone.

Mr. Ayaz agreed as well. He stated that this would provide one more option to expand the footprint of where the boats sit. He suggested that he and the Netsch's provide a proposed diagram that could be compared and reviewed for overlaps to find the best option.

Mr. Netsch suggested that the first step be reaching out to the City to determine what it will or will not allow.

Walesch commented that he appreciates the cooperative attitude of the neighbors and hope that they can come to a solution.

Gilchrist asked if this should be continued to the next meeting.

No additional comments were offered, and the public hearing was closed.

**MOTION:** Walesch moved, Klohs seconded to continue this request to such time the applicant comes back to the LMCD with a revised layout or with the same layout following attempts to work with the neighbor and City.

Further discussion: M. Cook stated that the notice period may need to be restarted because of the potential involvement of another property.

Gilchrist stated that he would be more worried about the 60-day rule. He stated that staff will need to be aware and work with the applicant to secure an extension, if necessary. He confirmed that a re-notice may be necessary but that would not be a large issue.

M. Cook stated that one extension has already been granted and believed the 120-day Apfelbacher would approach early in November. He confirmed that the applicant can grant further extension.

Anderson asked for clarification related to shoreline area and BSU designation.

M. Cook provided additional explanation.

**VOTE:** A roll call vote was performed:

Anderson	aye
Brandt	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Thomas	aye
Stone	aye
Walesch	aye

Motion carried unanimously.

## 10. OTHER BUSINESS

There was no other business.

## 11. OLD BUSINESS

There was no old business.

## 12. NEW BUSINESS

### A) Draft City Letter of Appointment of 2021 LMCD Board Members

Schleuning stated that this is the process completed each year in order to verify continuation of Board members or appointment of new Board members. She reviewed the information within the letter and thanked the Board members for the time they serve and service they provide as a member of the Board. She recognized the challenges and complexities of lake issues and expressed appreciation to the Board.

Chair Thomas commented that he believes that the use of Zoom has provided the ability of increased attendance of

the Board members. He stated that he has only been elected by his city on a yearly basis and his term is not three years.

Schleunig encouraged Board members to alert her to any other corrections that should be made.

**MOTION:** Walesch moved, Kirkwood seconded to authorize staff to send a letter to member cities regarding LMCD Board appointments for 2021.

**VOTE:** A roll call vote was performed:

Anderson	aye
Brandt	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye

Motion carried unanimously.

**B) Bylaw Amendment – Conflict of Interest**

Gilchrist provided background information on the previous work session discussions the Board held on this topic. He reviewed the proposed language to be added related to conflict of interest.

**MOTION:** Thomas moved, Hughes seconded to adopt the resolution amending the bylaws of the Lake Minnetonka Conservation District.

Further discussion: Gilchrist provided additional input on conflict of interest.

Walesch commented that perhaps there should be language that there be concurrence with legal counsel rather than just letting the Board decide whether there is conflict of interest. He noted that on multiple occasions someone has raised a potential conflict of interest for a Board member that is clearly not a conflict of interest.

Gilchrist commented that the Board can take this action right now, the bylaw does not give it greater authority and is instead spelling out the process. He stated that while he would like to think the Board would follow his advice, it does not have to. He stated that he could add the language that the Board seek the opinion of legal counsel rather than concurrence.

Walesch stated that he would feel more comfortable with the statement added.

Chair Thomas stated that if a member declares that they have a conflict of interest, or if the Board votes that the member has a conflict of interest, that does not make that member a bad person or say anything about their character. He stated that he has faith that with a majority of a 14-member Board required, that the right decision would be made.

**MOTION:** Walesch moved, Anderson seconded to amend the motion to add the language “before voting on the motion to prohibit someone from participating the opinion of the LMCD attorney shall be obtained”.

**VOTE:** A roll call vote was performed:

Anderson	aye
Brandt	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye

Motion carried unanimously.

Chair Thomas stated that the amendment was approved and requested the roll call vote be performed for the original motion.

**VOTE:** A roll call vote was performed:

Anderson	aye
Brandt	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye

Motion carried unanimously.

### 13. TREASURER REPORT

No comments.

### 14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Information was sent to the TAG meeting facilitator and was hoping to provide an update soon.
- Changes were made to the Board packet formatting and she provided an overview
- Solar lights are in the process of being removed and the County will be removing the buoys during the next month
- Special thanks to those that install the lights on the buoys and assist with maintenance
- The annual report was released regarding boating accidents and drownings

### 15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Communications and Legislative Relations: Kirkwood reported that the group has engaged a writer that could assist with adding to publications, both electronic and print media. He stated that currently the woman is working on a Save the Lake campaign brochure and may assist with an interview/profiling of people important on the lake such as Shane Magnuson.

Hoelscher commented that Kirkwood took on this task and found this great writer, who has reasonable rates and is excited to work with the group.

Schleuning provided an update on the website update. She stated that the consultant agrees to the multi-year agreement proposed by the Board.

Save the Lake Committee: No report.

Strategic Plan Subcommittee: Hoelscher stated that Zorn is asking for feedback from the Board. She asked for input from staff.

Schleuning commented that there are a lot of tasks staff completes that are not captured. She stated that the process can begin now, and staff can provide feedback as to whether it is working and whether the Board finds it helpful.

Kirkwood commented that he wants to ensure that the tracking is easy for staff.

Hoelscher stated that she does not want the Board to get in the business of micromanaging staff and therefore wants to ensure that this will be a helpful tool.



**16. ADJOURNMENT**

**MOTION:** Kirkwood moved, Walesch seconded to adjourn the meeting at 9:15 p.m.

**VOTE:** A roll call vote was performed:

Anderson	aye
Brandt	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye

Motion carried unanimously.

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Gregg Thomas, Chair

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Dan Baasen, Secretary