

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., January 9, 2019
Wayzata City Hall

WORK SESSION

6:07 p.m. to 7:00 p.m.

Members present: Gregg Thomas, Tonka Bay; Bill Cook, Greenwood; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Orono; Andrew Punch, Excelsior; Chris Rich, Woodland;

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

Members absent: Dan Baasen, Wayzata; Mike Molitor, Minnetrista; Sue Shuff, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood.

Also: Rich Anderson, North Shore Marina; and, Eric Evenson, Lake Minnetonka Association (LMA).

1. Prosecuting Attorney Annual Update

Tallen said that he serves as the LMCD's prosecuting attorney for misdemeanor LMCD Code violations. He explained that, due to an agreement between the State of Minnesota, the Hennepin County Sheriff's Office, and the LMCD, he also prosecutes gross misdemeanor charges of driving (watercraft) while intoxicated.

Tallen stated that the Minnesota Legislature changed the law governing driving while intoxicated (DWI) to treat violations more similarly, regardless of what kind of vehicle is being driven (e.g., automobile, snowmobile, watercraft...). He explained that this means that if convicted of a DWI while operating a snowmobile or watercraft, a person's licensed driving privileges may be impacted.

Tallen said that the fine revenue that the LMCD received from December 2017 through the end of November 2018 outweighed the prosecuting expenses during the same period.

Tallen believed a lot was accomplished this year and thanked the Board for providing him the opportunity to serve as the prosecuting attorney.

The Board and staff thanked him for his service.

2. Draft Amendment Emergency Response Authority

Gilchrist stated that a handout provided to the Board contained draft language for a Code amendment to be proposed at a future Board meeting. He explained that the amendment formalized the process and authority for executive action taken by the Executive Director in emergency situations. Gilchrist asked for feedback from the Board, which would inform the further development of the language before being brought to a future Board meeting for formal consideration.

Cook stated that he would like to see more specific language that directly tied the report that the Executive Director would supply to the Board to the conditions for exercising of such authority, as currently written in the draft language.

Gilchrist added that an exploration of cost recovery language for Emergency Response actions – namely, what authority does the LMCD have to recover costs, and in what manner may the LMCD recover costs – could be researched for further review by the Board.

3. Other

Cook stated that he, with the help of the Board Officers, had developed a Request for Proposals document that outlined the type of expertise and services the LMCD sought to develop a lake-wide Aquatic Invasive Species (AIS) Master Plan. He underscored that the structure of the RFP was such that portions of the Master Plan implementation – namely, actions meant to prevent the spread of starry stonewort to Lake Minnetonka – would be executed early on, while the data-gathering and program review portions of the Master Plan were also underway. Cook said that he wanted two program reviews: a scientific review of the validity of the LMCD's harvesting program as an AIS management program; and, a process review of the LMCD's harvesting program operations. He said that a threat assessment of different varieties of AIS, an emergency response plan, and other crucial portions of the Master Plan would need to be further developed before formal review by the Board.

Thomas, Rich, and Kroll expressed their appreciation for Cook's efforts in preparing the draft RFP.

Kroll asked how potential finalists would be selected once the RFP was published.

Cook said that the draft of the RFP that the Board would review at a future meeting would also have to lay out a review and selection process for submitted proposals.

Zorn entered the meeting at this time (6:47 P.M.)

Evenson offered information of completed vegetation surveys for six bays on Lake Minnetonka, commissioned by the Lake Minnetonka Association (LMA).

Thomas thanked Hoelscher for her work in developing a draft media release regarding the potential suspension of the harvesting program.

Kroll stated that the LMA had, the day before, also sent out a media release regarding the LMCD's harvesting program. The LMCD had not been made aware of the media release.

Baasen entered the meeting at this time (6:50 P.M.)

Schleuning stated that a representative from the Lake Koronis Association reached out to LMCD staff to inquire about leasing the LMCD's harvesting transport barge and shore conveyor during the summer of 2019.

Cook stated that the Board would have to receive a formal written proposal before considering leasing out

its harvesting equipment. He added that he was uncomfortable of the idea of using the LMCD's equipment in another lake for a variety of reasons, including public perception.

Hughes said that the LMCD may need its harvesting equipment for 2019 for part or all the season.

Zorn stated that the staff time spent on managing such an agreement may not be worthwhile.

Schleuning stated that she would request a written proposal from the Lake Koronis Association.

Thomas underscored that the Board did not appear to be particularly interested in such an arrangement but would entertain a formal proposal at a later meeting should the Lake Koronis Association see fit to pursue the matter.

REGULAR SESSION

7:03pm

1. CALL TO ORDER

Acting Chair Thomas called the meeting to order at 7:03 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Members absent: Mike Molitor, Minnetrista; Sue Shuff, Minnetonka; and Jake Walesch, Deephaven.

4. APPROVAL OF AGENDA

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

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Thomas stated that Mound has appointed a new member to the Board, Ben Brandt.

A) Administer Oath of Office to Ben Brandt – New LMCD Board Member (City of Mound)

Gilchrist administered the Oath of Office to new member Brandt.

Brandt introduced himself to the other members of the Board and provided background information on himself and his applicable experience. He stated that he looks forward to giving back to his community and also protecting the lake.

B) Other

Thomas noted that the Board has the next meeting schedule for January 23rd. He noted that he will continue to serve as Acting Chair until the time a new Chair is appointed/elected but advised that he has a prior commitment that night and will not be in attendance. He noted that Cook may also have a conflict on that date. He confirmed that there would be a quorum at that meeting and Hoelscher will be the Acting Chair that meeting.

6. APPROVAL OF MINUTES- 12/12/18 LMCD Regular Board Meeting

MOTION: Hughes moved, Zorn seconded to approve the 12/12/18 LMCD Regular Board Meeting minutes as submitted.

VOTE: Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Baasen moved, Kroll seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (12/16/18 – 12/31/18) and (01/01/19 – 01/15/19); **7B)** Resolution Accepting Save the Lake Contributions (12/01/18 - 12/13/18); and, **7C)** Acceptance of LMCD 2018 Lake Minnetonka Harvesting Report.

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) Direction Regarding Fuelbote Request

Thomas stated that he spoke with Schleuning stating that the Fuelbote people have presented to the Board a few times, although they have not submitted a formal application. They have spent a fair amount of time providing information to the Board. He stated that the direction from the Board thus far has been that the ordinance does not allow the activity and therefore if a request comes forward, that request would be denied until such time when the ordinance is reviewed. He asked the Board if there is desire to review the ordinance language, either specific to the Fuelbote activity or in general. He stated that this has been one of the more well-prepared proposals and there has been sentiment that this would be a good service.

Hoelscher suggested that the general idea of sale of goods on the lake be discussed in a work session setting before this actual proposal is discussed.

Kroll agreed with that sentiment. He stated that since the last meeting he has given the idea a fair amount of thought as well as some of the concerns that people have regarding sales on the lake. He stated that they do not want the lake to be full of vendors but noted that he is less concerned about that issue as there is a supply and demand limitation and therefore it would be self-limiting. He stated that he does not want to see the magic of the lake ruined, but the dark reality is that this lake is no longer the quiet lake that you might see further north as that has been destroyed by the wake boats. He believed that there would be very little negative impact if a vendor was allowed to sell ice cream via boat. He agreed with the previous statement that the Board should discuss the general ordinance in a future work session.

Hughes stated that in the work session he would like staff to provide information on previous minutes and opinions expressed in the past about sales on the lake and any requirements.

Gilchrist stated that commercial sales could potentially be a huge issue, ranging from a quaint ice cream boat to a much larger scale. He stated that if the Board is inclined to want to take a step in that direction, a pilot project could be used to allow a certain number of temporary sales activities with specific conditions. He noted that would be a way for the Board to ease into the issue.

Baasen stated that the Board would need to be concerned with precedence and agreed that the topic should be discussed in work session only at this time.

Richie Anderson, owner of three marinas on Lake Minnetonka, stated that there has not been one year since 1976 that he has been able to sell one bottle of soda on the docks because of the LMCD regulations. He disagreed that there would be a limited number of vendors selling food, as he has had interest from many vendors. He stated that he has lived on his bay for 40 years and there were wake boats at that time as well.

MOTION: Cook moved, Klohs seconded to add the topic of the ordinance regarding commercial sales on the lake to a work session agenda in February.

VOTE: Motion carried unanimously.

B) AIS and Harvesting Review Updates

Thomas stated that at the last Board meeting on December 12th there was a motion to discontinue the harvesting

program until certain elements were accomplished in order to ensure the program is going in the right direction and operating safely. He stated that he, Green, Cook, and Hoelscher met with Schleuning on several occasions to discuss the progress and a Master Plan. He advised that a draft RFP has been developed and has been distributed to the Board. He stated that a draft public announcement was also created. He welcomed any questions on either item, noting that he would be asking for input on whether there is support to proceed with further development of the RFP, which would then come back to the Board for a formal decision at the next Board meeting in January. He stated that he would be looking for similar input on the press release, and whether the Board would be comfortable publishing that press release as soon as possible.

MOTION: Rich moved, Klohs seconded to move forward to continue to work on the RFP and bring that document back to the Board for consideration at the January 23, 2019 meeting.

Further discussion: Cook noted that any input or comments can be incorporated prior to the next Board meeting and the RFP would then appear in the packet for that meeting.

Kroll noted that he, Thomas, and Cook will be absent from that meeting and wondered if the item should be delayed to February.

Cook commented that he believes that this issue is too important and therefore he would like the action to take place on that date.

Hoelscher stated that members that are not able to attend the meeting can still provide their input prior to the meeting date.

VOTE: Motion carried unanimously.

MOTION: Rich moved, Kroll seconded to authorize publication of the press release.

Further discussion: Baasen asked if the press release should be delayed until the RFP is completed and the Board is certain what it will be asking for as part of the Master Plan.

Hoelscher explained that the press release is based on the motion made at the last meeting and is not contingent on the language in the RFP.

Thomas noted that the minutes and video from the previous meeting are available to the public and therefore the information is already out there.

VOTE: Motion carried Ayes (10) and Opposed (1, Baasen).

C) Adopt 2019 Public Meeting Calendar

Thomas noted that the 2019 public meeting calendar was also included in the Board packet for review.

MOTION: Punch moved, Kroll seconded to approve the 2019 public meeting calendar as presented.

VOTE: Motion carried unanimously.

12. NEW BUSINESS

A) Board Self-Evaluation

Zorn stated that at the December meeting the evaluation was distributed to allow input from the Board members. She stated that this is an opportunity for the Board to collect information that could assist in onboarding and reflect individually on productivity. She reviewed the three categories contained in the survey and noted that the recommendation has been made to utilize Survey Monkey for the survey.

MOTION: Thomas moved, Kroll seconded to authorize distribution of the Board self-evaluation survey to the members of the Board via Survey Monkey to be completed by January 23, 2019.

VOTE: Motion carried unanimously.

13. TREASURER REPORT

Cook reported that the agency ended the year with income slightly higher than budgeted and expenses slightly lower than budgeted, noting that staff is continuing to finalize the end of year billing and figures. He noted that exact figures will be provided to the Board in February.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- The new winter rules brochure was provided to the Board, with additional copies to be provided to the member cities. The information is also available on the LMCD website and social media accounts. She noted the change to the DUI/DWI regulations. In the past there was a difference between vehicle DUI/DWI and ATV/boat BUI/BWI but now the consequences are very similar. Also, as a reminder, youth ATV drivers aged 6-15 must complete both an online ATV safety course and hands on riding performance course.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Committee/Taskforce: Cook had nothing additional to report.

Budget Workgroup: Cook had nothing to report.

Nominating Committee: Zorn stated that they are looking at dates for interviews for the slate of interested officer candidates. She noted that a recommendation should be ready for the first meeting in February.

Recodification Workgroup: Gilchrist reported that he is continuing to work through the comments that were provided by the Board and noted that his goal is to complete that by the end of the month. He stated that he will provide the updated draft to Schleuning once completed for review.

Save the Lake Committee: Baasen reported that the group met the previous day to review the activities of 2018.

He stated that the group came in over the budgeted amount of contributions of \$32,000 with a total of \$36,000. He stated that the group is unsure if there will be some changes with the Water Patrol participation with the new Sheriff. They anticipate meeting with the Sheriff to discuss that program. He stated that the boating safety classes will be continued in 2019, with the consensus of the Board. He stated that he does not believe that additional solar lights will be needed in 2019.

Schleuning stated that staff has received calls of interest for the boating safety classes for 2019.

Strategic Plan Subcommittee: Zorn stated that the group discussed updating the Strategic Plan for 2019, noting that item will appear on a future work session agenda.

16. ADJOURNMENT

MOTION: Being there was no further business, the meeting was adjourned at 7:44 p.m.

VOTE: Motion carried unanimously.

Gregg Thomas, Acting Chair/Vice Chair

Ann Hoelscher, Secretary