

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., January 23, 2019  
Wayzata City Hall

**WORK SESSION**

**6:10 p.m. to 6:54 p.m.**

**Members present:** Bill Cook, Greenwood; Ann Hoelscher, Victoria; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Chris Rich, Woodland; Sue Shuff, Minnetonka.

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

**Members absent:** Gregg Thomas, Tonka Bay; Mike Molitor, Minnetrista; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood.

Also: Sheriff David Hutchinson, Hennepin County Sheriff's Office (HCSO); Lieutenant Bob Staube, HCSO; Lieutenant Kent Vnuk, HCSO; Rich Anderson, North Shore Marina; and, Eric Evenson, Lake Minnetonka Association (LMA).

**1. Introduction of Sheriff David Hutchinson**

Hoelscher thanked Sheriff Hutchinson, Lt. Staube, and Lt. Vnuk for meeting with the LMCD Board of Directors.

Hutchinson stated that the assignment of a deputy to Lake Minnetonka – typically funded by a grant from the LMCD's Save the Lake fund – is an important factor in maintaining the safety of the lake during the summer, both through the deputy's enforcement and education activities. He said that there may be a possibility to not only continue providing a deputy dedicated to Lake Minnetonka, as funded by the LMCD grant, but to add another deputy using other funding. Hutchinson said that the additional deputy is not a certainty, but is an opportunity his office will look into.

Hutchinson said that he looks forward to working with the LMCD as Sheriff.

Vnuk said that the LMCD Board should expect its relationship with the HCSO to be the same, if not better, in coming years.

Klohs asked if there were any plans to reduce the number of Water Patrol deputies available for service on Lake Minnetonka. He noted that there have been some rumors that there were going to be cuts.

Hutchinson stated that there will be no reduction in the number of deputies on Lake Minnetonka.

Klohs suggested Sheriff Hutchinson consider making a public statement that there will be no cuts to Water Patrol to dispel the aforementioned rumors.

Hutchinson said that could easily be done.

Baasen noted that the HCSO should send in its request for funds as early as possible to help the LMCD plan effectively for how it may use its Save the Lake contributions. He asked how much the HCSO would need to fully fund a deputy for Lake Minnetonka for the duration of a summer.

Vnuk replied that \$35,000 would cover a deputy for the summer.

Tallen asked how many special deputies would be patrolling for the HCSO for the upcoming season.

Vnuk stated that he expects the number of special deputies for Water Patrol to remain the same or increase. He noted that the time commitment is significant, which may be discouraging some from signing up to be a special deputy.

Klohs asked if the deputies patrolling the lake could perform AIS early detection monitoring activities.

Vnuk noted that while deputies report unfamiliar AIS they notice, it's not an explicit duty of the position.

Tallen stated his appreciation for the HCSO's past work with his office and the LMCD Board of Directors to develop ordinances to address safety issues on the lake. He explained that the Social Host ordinance appears to have helped greatly to decrease underage drinking on the lake.

Hoelscher noted that the education efforts undertaken by the HCSO and LMCD prior to July 4<sup>th</sup> last year helped to reduce incidences of boating while intoxicated.

Schleuning provided a brief overview of the LMCD for Sheriff Hutchinson, noting that the LMCD has a variety of stakeholders, many with competing demands of the organization, and an ever-changing Lake Minnetonka. She explained that to face these challenges, the LMCD has sought to streamline its processes, coordinate its messaging with its partners, and adopt a proactive approach to lake management.

Hoelscher asked if LMCD Board Directors were still welcome to join Water Patrol for a ride-along.

Vnuk confirmed that LMCD Board Directors are welcome to arrange a ride-along with Water Patrol. He underscored that busy times – weekends – are the best time for a ride-along.

Gilchrist stated that he has enjoyed working with the HCSO, Mr. Tallen, and the LMCD Board to develop Code language to address public safety concerns. He invited the HCSO to continue providing suggestions regarding code language.

Rich stated that some years ago, there were some drowning deaths on Lake Minnetonka. He asked if there was any fencing or signage that the Water Patrol could put up to prevent people from crossing channels in winter.

Vnuk noted that while the HCSO can declare an emergency and block off public accesses to the lake, they cannot prevent people from physically accessing the lake. He noted that fencing often becomes a hazard, as snowmobilers often end up driving over fences.

Vnuk stated that the Water Patrol does post "Thin Ice" signs on all the channel bridges.

Schleuning added that educating the public regarding the costs of extracting a vehicle that has broken through the lake ice may help discourage some people from driving on the lake in dangerous areas.

Walesch entered at this time.

Hughes asked if any more of the digital signs could be installed around the lake.

Vnuk noted that the digital signs are costly, and that Hennepin County provided most of the funds for the signs through a grant.

There being no more business to discuss, the meeting was adjourned at 6:54 p.m.

## **REGULAR SESSION**

**7:00pm**

### **1. CALL TO ORDER**

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

### **2. PLEDGE OF ALLEGIANCE**

### **3. ROLL CALL**

**Members present:** Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Andrew Punch, Excelsior; Chris Rich, Woodland; Sue Shuff, Minnetonka; and Jake Walesch, Deephaven. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

**Members absent:** Gregg Thomas, Tonka Bay; Mark Kroll, Orono; Mike Molitor, Minnetrista; and Deborah Zorn, Shorewood.

### **4. APPROVAL OF AGENDA**

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

**VOTE:** Motion carried unanimously.

### **5. CHAIR ANNOUNCEMENTS**

Acting Chair Hoelscher stated that Sheriff Hutchinson attended the work session meeting prior to tonight's regular meeting and she is excited that the Water Patrol partnership will continue this year and staffing levels will remain the same.

**6. APPROVAL OF MINUTES-** 01/23/2019 LMCD Regular Board Meeting

**MOTION:** Cook moved, Klohs seconded to approve the 01/23/2019 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** Ayes (8), Abstained (Shuff and Walesch). Motion carried.

**7. APPROVAL OF CONSENT AGENDA**

**MOTION:** Walesch moved, Hughes seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (01/16/2019 – 01/31/2019); **7B)** Acceptance of LMCD 2018 Watercraft Inspection Program 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) Vegetation and AIS Master Plan Updates**

Schleunig stated that a few draft versions of the RFP were included in the packet. She stated that the purpose of the master plan is to look at the entire lake for AIS management options. She noted that the consultant would assist in developing that master plan as well as a plan for implementation.

Cook referred to the tentative timeline that was developed for this process. He advised that a final document will come back before the Board prior to publishing. He acknowledged that this is an aggressive timeline and noted that the RFP includes a section on the proposal and selection process. He asked the Board to review these sections as approval of that process will be requested at the next meeting. He asked for permission from the Board to send this draft for additional comments from stakeholders and vendors before it is finalized.

Shuff stated that she has spoken with business people and City Council members and they all support the idea of continuing harvesting. She asked if City Council members would be included in the group of stakeholders.

Cook agreed that cities would be an important stakeholder, among others. He welcomed input on the RFP or

selection process.

Shuff stated that this draft looks great, along with the comments that have been received. She stated that it appears that some of the information has already been vetted. She stated that the parties that she has spoken with feel that the risk of not harvesting outweigh the risk of harvesting. She stated that while Minnetonka may have the smallest amount of lakeshore, they by far have the highest number of users of the lake and wants to ensure the safety of those lake users. She stated that there have been some negative comments regarding the operations of the harvesting program and thought it would be interesting for the Board members to talk to the people that are actually involved and therefore she invited the supervisor, Mr. Elmer to attend the meeting tonight.

Hoelscher stated that it would be unusual to have a member of the public provide comments during a presentation. She stated that discussing operations is off topic of tonight's discussion but noted that she would allow it if someone has a direct question for Mr. Elmer.

Shuff stated that she attempted to have an organized way to facilitate this discussion but it has been blocked thus far and that is why she is attempting this method.

Mr. Elmer introduced himself, noting that he is the Site Supervisor for the harvesting program.

Walesch asked the opinion of Mr. Elmer.

Mr. Elmer stated that he is not an expert on the program, but his general opinion is that the numbers speak for themselves. He reported that they remove 70,000 pounds of biomass out of the lake on any given day, which helps to keep the channels clear. He stated that they respond to needs and attempt to accommodate property owners and fisherman on the lake. He referenced the comment that has been made that the program is unsafe and stated that in 30 years there has not been a workers's comp claim. He stated that they are strict with the rules.

Walesch stated that there have been comments about recapturing material that is cut and asked if there is any input on that.

Mr. Elmer replied that they were working with the vendor to find out if there were additional equipment options to further capture that material. He stated that in his opinion the materials onshore are most likely not from the harvester, and would be from the speedboats on the lake.

Rich asked if there were any new techniques incorporated to address fragments.

Mr. Elmer advised of a process that was added last summer to go back through an area that was cut to pick up any additional material that was left.

Shuff stated that the comment has been made that the LMCD harvesters are harvesting along private docks.

Mr. Elmer stated that the mission of the LMCD harvesting program is not to go between docks, the purpose is navigation and not aesthetics. He stated that two years ago, they began a program where if requested by a property owner, they will park the equipment by the dock to allow the homeowner to load their material onto the equipment for disposal. He estimated that perhaps 24 to 36 residents took advantage of the addition to the

program.

Hoelscher stated that she is going to stop this discussion as she did not want Mr. Elmer to feel that he needs to defend the program. She stated that the job of the Board is to review the program as a whole and Mr. Elmer was simply doing the job he was hired to do.

Cook stated that the RFP has an element which assesses the processes and procedures of the program. He expected that at the end of the process, they will find that the process and procedures are reasonable and adequate. He stated that they are simply gaining an independent view of those elements so that the Board can defend the program and/or make necessary changes. He stated that he has worked personally with the staff on minor issues and has always found the staff to be reasonable and knowledgeable.

Walesch reviewed the motion that the Board approved at a previous meeting regarding the harvesting program and the hiring of a specialist. He asked if the elements of the draft RFP would accomplish everything in that motion.

Cook confirmed that the elements of the RFP would address those elements. He stated that the RFP would go to a number of people that would submit proposals for review and acceptance by the Board. He stated that the selection process would be the point where the proposals are reviewed to ensure the individual is qualified to accomplish the elements the Board desires.

Rich asked if there is anything in place to vet the vetter, so to speak, specifically whether the person would have a background that would support harvesting or not harvesting in order to ensure an unbiased review.

Cook stated that would be a part of the selection process.

Schleuning stated that the proposal and selection process includes the applicants providing the background information so it can be reviewed.

Walesch agreed that the point would be to obtain an opinion that is completely subjective. He thanked Cook for spearheading this process. He stated that the cities are starting to ask questions about harvesting and he does not have the sense that there is a huge opinion, simply that they want to know. He is glad that this proposal will get the Board closer to that point in order to make a decision and communicate that to the cities.

Hoelscher agreed that the plan needs to continue to move forward or nothing will happen this year. She stated that if the Board attempts to micromanage, nothing will happen. She asked that the Board try to move forward together in attempt to create something that the LMCD is proud of.

Shuff stated that she invited Mr. Elmer because the information the Board has gotten from the program has all been very negative and antidotal comments which resulted from other staff or previous years. She stated that while there have not been accidents with the staff, there has been a loss of life in the past from weed. Therefore, she is concerned that there would be a safety issue is harvesting is stopped.

Hoelscher state that the RFP does not make decisions, it simply brings someone in to help the LMCD decide on the best path to move forward.

Klohs stated that this is an aggressive schedule. He stated that this is a difficult process and wanted to ensure that all the interested parties are a part of the process to ensure support in the future. He stated that perhaps there is a main body of the RFP with add on alternatives that incorporate the comments from other agencies. He stated that a two-week turnaround to receive and integrate comments would be nearly impossible. He wanted to ensure that this was done right, rather than done fast. He stated that in past discussions, simply on the topic of chemical treatments, there were 200 people in the audience and the opinion was split 50/50.

Walesch agreed that while quick is great, it would not be good at the expense of validity.

**MOTION:** Cook moved, Walesch seconded to authorize the officers to distribute the draft RFP to interested stakeholders and potential vendors in order to receive input from those parties.

**VOTE:** Motion carried unanimously.

Cook stated that he has seen this comment about timing before regarding input. He stated that he expects that the work in the RFP will be highly interactive with all the stakeholders. He stated that the LMCD will need to separate the requests of the RFP and obtaining a specialist from the hard work that will entail after the specialist is obtained and to prepare the Plan. He stated that the input on the RFP will allow for an interactive discussion with the stakeholders during this process. He agreed that the work included in the RFP would not be fast but believed that moving the RFP at this proposed schedule would be sufficient.

Klohs stated that the reality is that the LMCD is a budget strapped organization and would not be able to accomplish whatever is identified throughout this process. He stated that there has to be reality for the City Councils that additional funding would be needed in order to accomplish anything above what the LMCD has been doing for the past 30 years. He stated that he would be cautious of developing a program that could not be implemented. He stated that perhaps the Board should begin by asking their City Councils if they would support the LMCD requesting additional funds.

Hoelscher stated that this will be an important process and is something the lake needs at this time. She stated that there will be hurdles along the way, but this needs to move forward.

Walesch stated that the process includes identification and discussion of funding sources. He did not think it would make sense to approach member City Councils prior to having a plan. He stated that the harvesting program review is scheduled for December 31, 2019. He asked if that timeline would provide an answer to whether the harvesting will occur this year.

Cook stated that an adjustment can be made to that timeline, to include a quick timeline to determine if harvesting can occur this year.

Shuff stated that she spoke with a City Council member from another city that stated that the cost for this review was not included in the approved budget.

## **B) Board Self-Evaluation Update**

Schleuning reminded the Board that Zorn had submitted an evaluation form which has been made available as an

online survey. She stated that the deadline for submissions is today and asked any Board members still interested in completing the review do that tonight. She asked when the results should be presented to the Board.

Hoelscher stated that perhaps the results should be shared with the Board through email and then the Board could decide whether further discussion is necessary at a work session meeting.

## 12. NEW BUSINESS

### A) Executive Director Annual Performance Evaluation Process

Hoelscher stated that included in the packet is the performance review process that was used last year and worked well. She stated that the information will be sent out in an online format, similar to the Board evaluation process. She welcomed any additional comments on the process. She directed Schleuning to send the questions out in the online format. She stated that she will then compile the answers for review.

## 13. TREASURER REPORT

Cook reported that he will report the final numbers once completed.

## 14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- She noted the importance of education that was mentioned in the Watercraft Inspection Report. She stated that there were violations found and action is taken when violations are identified. Extra hours were included by Three Rivers Park District to meet the highest times of use and a change in behavior has been noticed, most likely in response to the added education and enforcement.
- She referenced the Hennepin County Public Access Report, noting that some of the launches were redesigned to make them more convenient. She stated that it has been found if the tools are available and the design is more convenient, people are more likely to be in compliance and help reduce the spread of AIS.
- Minneapolis Boat Show will take place January 24-27<sup>th</sup>
- Destination Imagination, which is a youth team of third to fifth graders, is doing their project on Lake Minnetonka water pollution.

## 15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Nominating Committee: Baasen reported that the self-nomination phase of the process has been completed and interviews will then be completed with those that have self-volunteered. A recommendation for the slate of officers would then be proposed to the Board, at which time additional nominations for specific positions could be made. He stated that the people that have self-volunteered and their skills is very encouraging.

Recodification Workgroup: Gilchrist reported that he has reviewed the comments from the Board and has integrated those comments. He believed that he would be on track to send out the draft the first week in February for additional internal comments, which could also include the Sheriff's office.

Save the Lake Committee: Baasen reported that the group will meet again in March and will consider the total fundraising for 2018, review the demands for the funds, and provide additional comments and next steps that would come forward to the Board. He stated that dates for potential boater safety classes would also be developed and come back to the Board.

Strategic Plan Subcommittee: Schleuning reported that her plan is to come back to the Board in work session at the second meeting in February.

Shuff stated that she has not applied for reappointment and will continue to serve until a new person is appointed to the Board. She stated that she has appreciated the ability to serve and believes that this is a great group of respectful people with a diverse skill set. She stated that it has been a great experience to work with people of different backgrounds and find a common ground.

Hoelscher thanked Shuff for her contributions to the Board.

## 16. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:57 p.m.

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Ann Hoelscher, Acting Chair / Secretary

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Bill Cook, Treasurer