



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

LAKE MINNETONKA CONSERVATION DISTRICT

Wednesday, February 27, 2019

Wayzata City Hall

600 Rice Street, Wayzata, MN 55391

WORK SESSION

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

The purpose of the Work Session is to allow staff to seek input from the Board and for the Board to discuss matters in greater detail than generally available at the formal Board Session. The Board may give staff direction or express a preference, but does not formally vote on matters during Work Sessions. While all meetings of the Board are open to the public, Work Session discussions are generally limited to the Board, staff, and designated representatives. Work Sessions are not videotaped.

1. Fuel Boat Discussion
2. Strategic Plan

FORMAL BOARD AGENDA

7:00 p.m. to Adjournment

The purpose of the Formal Session is to allow the Board to conduct public hearings and to consider and take formal action on matters coming before the LMCD.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CHAIR ANNOUNCEMENTS**, Chair Gregg Thomas
 - A) Oath of Office to Chris Rich (City of Woodland)
 - B) Oath of Office to Nicole Stone (City of Minnetonka)
6. **APPROVAL OF MINUTES** – 01/23/2019 LMCD Regular Board Meeting
7. **APPROVAL OF CONSENT AGENDA**
 - A) Audit of Vouchers (02/16/2019 – 02/28/2019)

- 8. PUBLIC COMMENTS** – Persons in attendance for subjects not on the agenda (**limited to 5 minutes**)
Audience members may provide information to the Board. The Board generally will not engage in public discussion or take action on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.

9. PUBLIC PRESENTATIONS

- A) Destination Imagination – The Minnetonka Lakers

10. PUBLIC HEARINGS

- A) None

11. OTHER BUSINESS

- A) Resolution Authorizing Appointment of Committee Members

12. OLD BUSINESS

- A) Vegetation & AIS Master Plan RFP

13. NEW BUSINESS

- A) None

14. TREASURER REPORT

15. EXECUTIVE DIRECTOR UPDATE

16. STANDING LMCD COMMITTEE / WORKGROUP UPDATE

- Aquatic Invasive Species Taskforce
- Budget Workgroup
- Recodification Workgroup
- Save the Lake Committee
- Strategic Plan Subcommittee

17. CLOSED SESSION TO CONDUCT PERFORMANCE EVALUATION OF THE EXECUTIVE DIRECTOR PURSUANT TO MINN. STAT. § 13D.05, SUBD. 3(a)

18. ADJOURNMENT

Future Items – Tentative

- Lake Use Vision and Policy Discussion Continuing Series- TBD
 - Lake Sales Discussion- on hold

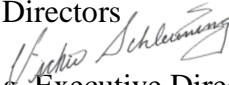


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DATE: February 27, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director 

SUBJECT: Fuel Boat Services Discussion

ACTION

Board discussion of policy considerations and agency feedback regarding the fuel boat proposal.

BACKGROUND

Fuelbote is a dockside marine fuel delivery service that uses a shoreline route to refuel docked watercraft and vessels. Other services include a sanitary waste tank pump out. Information about the sales and services was provided at a meeting in February of 2018, and at a later meeting in December of 2018.

As directed by the Board, staff conducted initial research regarding this proposed activity, applicable regulations, and advantages and disadvantages. As part of the process, staff had various communications with the Minnesota State Fire Marshal's Office, local fire departments, Minnesota Pollution Control Agency, Minnesota Weights and Measures, and others. In addition, representatives (law enforcement, unified code committee, city official) of Lake Geneva, Wisconsin, provided input regarding the current operation occurring on that lake for the past four years. Some benefits of the marine fueling service were also received.

When considering a previous proposal from Fuelbote LLC in May of 2014, President John Neuens received information from the Minnesota State Fire Marshal's Division. At that time, it was determined that the International Code Council did not include a determination of whether or not a watercraft could be used as a "marine motor fuel-dispensing facility" as prescribed in the International Fire Code. The State Fire Marshal stated that the determination of whether or not a fuel boat could meet the definition of a "marine motor fuel-dispensing facility" should be made through a code development process. Further, if the watercraft does not meet the definition of a "marine motor fuel-dispensing facility", then dispensing fuel from the watercraft is not allowed by the 2015 Minnesota State Fire Code.

In recent discussions with the Minnesota State Fire Marshal's Office, the opinion was reaffirmed. The Authority Having Jurisdiction (AHJ) would be required to provide a determination. The local fire departments were contacted regarding their decision. As of February 22, 2019, some have stated that they consider the fuel boat is not a marine motor fuel-dispensing facility and therefore could not provide the proposed refueling service. The Fire Authorities Having Jurisdiction (Fire AHJs) on Lake Minnetonka include Excelsior Fire, Long Lake Fire, Minnetonka Fire, Mound Fire, St. Bonifacius Fire, and Wayzata Fire. The Hennepin County Sheriff's Office was also contacted.

Furthermore, the LMCD received comment from the MPCA regarding the need to address certain concerns regarding the operation of fuel boats and the impact to environmental protection.

Based on the research, the uncertainties associated with the Fire Code not specifically allowing this type of fuel operation, any differing opinions among the Fire AHJ, and the lack of dedicated criteria to address environmental concerns and emergency response, staff is recommending the Board wait until the appropriate codes are in place to address this issue before considering an amendment to the LMCD Code regarding such commercial sales.

CONSIDERATIONS

- Should the Board amend the LMCD Code to create an exception to the prohibition of commercial sales on the lake for fuel boat operations?
- If such an amendment is considered, would a license be required, which standards would need to be established to address potential safety and environmental concerns on the lake, and how would any differing opinions about whether such operations are permitted among the local fire inspectors be resolved?

ATTACHMENT

- May 6, 2014 Letter from MN State Fire Marshal to John Neuens, Fuelbote LLC President
- February 20, 2019 Email from Deputy State Fire Marshal to Public Inquirer
- Fuelbote Proposal Materials

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



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Gambling
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State Fire Marshal

444 Cedar Street • Suite 145 • Saint Paul, Minnesota 55101-5145

Phone: 651-201-7200 • Fax: 651-215-0525 • TTY: 651-282-6555

www.dps.state.mn.us

May 6, 2014

Mr. John Neuens
President, Fuelbote LLC
4330 W. Green Tree Rd.
Milwaukee, WI 53223
john@fuelbote.com

RE: Code Interpretation MSFC section 2202.1

Mr. Neuens,

The State Fire Marshal Code Advisory Panel (FMCAP) reviewed your request for interpretation of Minnesota State Fire Code section 2202.1 and if a boat can meet the definition of a "Marine Motor Fuel-Dispensing Facility".

The FMCAP reviewed all documents provided by Fuelbote LLC, obtained an opinion from ICC, reviewed the "Wisconsin COMM 10 Material Approval" and discussed the Fuelbote operation with various other state agencies.

Interpretation:

The International Code Council did not consider the concept of boats being used as a "Marine Motor Fuel-Dispensing Facility" and recommend that this should be addressed with the International Code Council for possible inclusion or exclusion in the International Fire Code.

Rationale:

The response from the International Code Council to the question if a boat could fall within the definition of a "Marine Motor Fuel Dispensing Facility" indicated that neither the International Fire Code or NFPA standards specifically allow or prohibit a boat from serving this purpose. There were concerns from some FMCAP members that NFPA 30A does require a more permanent location for fuel storage tanks. Also some FMCAP members are concerned with the lack of code provisions that are specific to this type of marine fuel dispensing facility at this time therefore this should be addressed in the code development process.

If you have any questions or need additional information, please feel free to contact Deputy State Fire Marshal (FMCAP Chairman) Ryan Whiting at 612-219-7125, Ryan.Whiting@state.mn.us .

Sincerely,

Bruce West
State Fire Marshal

Cc: Ryan Whiting, Chairman FMCAP

ATTACHMENT

From: Jenson, Thomas (DPS) [<mailto:thomas.jenson@state.mn.us>]
Sent: Wednesday, February 20, 2019 9:36 AM
Subject: RE: question about marine or boat refueling

Thanks for your phone call yesterday and this email. Fueling with gasoline from boat to boat is prohibited. Here are the code sections that address this.

2310.4 Fueling of marine vehicles at other than approved marine motor fuel-dispensing facilities. Fueling of floating marine craft at other than a marine motor fuel-dispensing facility shall comply with Sections 2310.4.1 and 2310.4.2.

2310.4.1 Class I liquid fuels. Fueling of floating marine craft with Class I fuels at other than a marine motor fuel-dispensing facility is prohibited.

2310.4.2 Class II or III liquid fuels. Fueling of floating marine craft with Class II or III fuels at other than a marine motor fuel-dispensing facility shall be in accordance with all of the following:

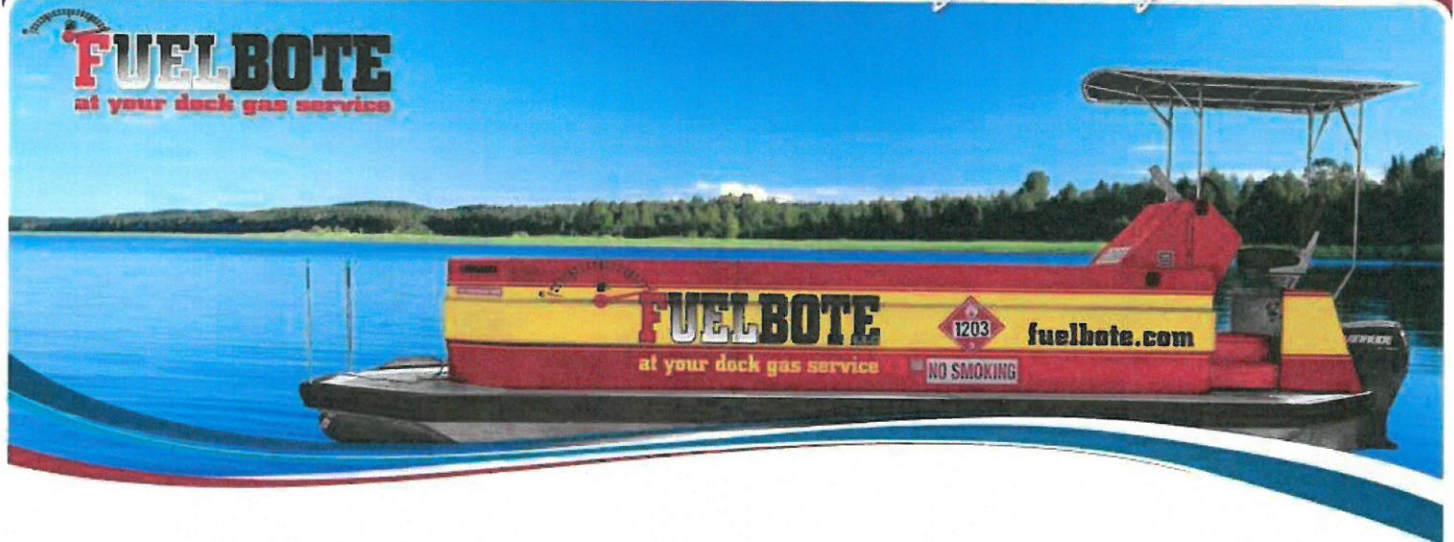
1. The premises and operations shall be *approved* by the *fire code official*.
2. Tank vehicles and fueling operations shall comply with Section 5706.6.
3. The dispensing nozzle shall be of the *listed* automatic-closing type without a latch-open device.
4. Nighttime deliveries shall only be made in lighted areas.
5. The tank vehicle flasher lights shall be in operation while dispensing.
6. Fuel expansion space shall be left in each fuel tank to prevent overflow in the event of temperature increase.

Attached is a letter to Fuelbote LLC in 2014 on this subject that was reviewed by our Code Advisory Panel. If you have information on who and where (city) please let us know and we can inform that jurisdiction.

Regards,

Tom Jenson

Deputy State Fire Marshal, Code Specialist
Minnesota State Fire Marshal Division
445 Minnesota Street; Suite 145
St. Paul, MN 55101-5145
(651) 201-7221
(651) 215-0525 (fax)
Fire Code Questions, fire.code@state.mn.us
Sprinkler Questions, fm.fire.sprinklers@state.mn.us
SFMD Website, <https://sfm.dps.mn.gov>

Make your living on the water

Lake Minnetonka Proposal: FUEL BOTE is a dockside marine fuel delivery service that develops a shoreline route refueling Minnetonka Lake property owner's and Marina renters vessels while they are docked. A Lake Minnetonka customer signs up for FUEL BOTE delivery service and can request the FUEL BOTE operator to fill their boats by using the app, phone, text or emailing. The customer is later billed like other shoreline services. FUEL BOTE does **NO "CONCESSION"** sales on the water of gas or products. We do not "float and fill" nor do we do emergency refueling. The vessel operation is in full compliance with NFPA 30 and 30A including the additional regulation that all passengers be disembarked during fueling operations. Nearly all existing marinas do not comply with this NFPA rule.

Operating only in daylight hours the vessel will move along the shoreline at a maximum of 7 knots, approach a dock and spud anchor down prior to refueling a Lake Minnetonka owners boats that must always be moored or on a lift to conform to accepted marine fueling practice as described by the USCG Code of Federal Regulations.

The Lake Minnetonka FUEL BOTE will refuel its DOT tank in accordance with any requirements the launch municipalities request. The vessel typically refuels on land at a wholesale rack but can in some areas refuel while on water from tanker truck service if permitted by state regulations.(Florida and Texas)

Each Lake Minnetonka customer will be charged via credit card after refueling or service. FUEL BOTE also does sanitary pump out of waste tanks. The customer is then billed. As stewards of a clean waterway FUEL BOTE offers head pump out service for customers assuring no overspill of gray and black water in the lake.

FUELBOTE Introduction: SAFETY FIRST

FUELBOTE has developed a Department of Commerce, Department of Transportation, Wisconsin DNR and USCG approved self-powered marine refueling vessel for use on inland lakes, rivers, and coastline applications, See Department of Commerce Approval #200220010. (new approvals added in 2009) The **FUELBOTE** is currently working with the Marine Safety Center in Washington DC for a full COI allowing the vessel in all sectors. The USCG has allowed the hull to be identified with a USCG HQZ number issued by the USCG for HIN numbers so states that have no classification for such a vessel can use the federal number for registration.

The **FUELBOTE** has been insured and in productive and safe use for 10 years without complaint or safety incident and can be trailered with a typical $\frac{3}{4}$ ton HD pick-up truck to any approved waterway. The standard model 23 vessel is 23 feet long, 8 $\frac{1}{2}$ feet wide and can carry 600 gallons of fuel. The vessel is built of 303 stainless steel and has a 75 ft. powered hose and unique 13 foot stabilizers. A standard Evinrude E-TEC outboard powers the vessel at 7 mph and has bow and aft thrusters for easy maneuverability. Gross weight with a full load on trailer is approximately 13,000 lbs.

The vessel can be easily launched, piloted and pulled out by anyone possessing moderate boating skills after a passing the **FUELBOTE** course on tankerman safety (based on The River School tankerman training manuals approved by the USCG) and operational/maintenance training.

The vessel is typically refueled at wholesale land based racks. The same locations where DOT approved tanker trucks refill for distribution of fuel. The vessel and trailer conform to all Department of Transportation rules and regulations. The onboard tank is a DOT 406 stainless steel specifically designed for this vessels purpose. This allows the transport of a loaded vessel on United States highways and roads only by a person possessing a simple CDL License with Hazardous Material classification. The testing and licensing for this classification done by individual states but is recognized by all states.

SAFETY POINTS OF THE FUELBOTE

- ✓ The vessel carries environmental clean-up on board including skimmers and booms with pilots trained in using them. It can be hired and utilized by the waterway as a clean-up vessel.
- ✓ The vessel conforms with all NFPA codes and has passed Minnesota Fire Marshall review as well as confirmation of compliance from the ICC .(see hand-out)
- ✓ The vessel has 3 layers of hull or barrier to fuel in excess of the 2 required by the US CFR's and includes a containment reservoir.

- ✓ The vessel has met all USCG inspection needs and was physically inspected by USCG Officer Felix Rivera in Clearwater FL. Full COI is anticipated.
- ✓ Fuel transfer speeds are generally at 8 gallons per minute
- ✓ Operation is limited to daylight hours with both vessels “at station” or fixed. We do not “float and fill”.
- ✓ The vessel is fully insured by Robertson Ryan in amounts deemed necessary by each state or municipality where operated.
- ✓ All municipalities are named as an “also insured” on policies
- ✓ The vessel has the bright colors of a gas can and a constant flashing light for safety and identification.

The Advantages of FUELBOTE over permanent structure marina refueling.

- ✓ No more fuel spills in our waterways. Professional and trained in tanker man safety fully insured
- ✓ No more marinas without gas service. **FUELBOTE** can provide it.
- ✓ No more damage to vessels docking for gas.
- ✓ No more underground or above ground tanks needed on the shoreline.
- ✓ No more environmental eyesores or tank leakage dangers.
- ✓ No more dangerous fuel cans to carry for property owners.
- ✓ No more need to burn more fuel driving to a marina for fill needs.
- ✓ No more hassle for the boaters. Their boat is always fueled and ready.
- ✓ No more waiting in line at the fuel dock while they would rather be boating.
- ✓ No more fuel spilled on boats. All trained and insured pilots.
- ✓ No more fueling vessels with passengers on board per NFPA rule.

It is **FUELBOTE's** intent to act as a good steward and supplier to the waterway through better use of marine fuel, safer refueling and top service to the property owners and marina renters.

Please let me know any other questions I might answer for you as we apply for a conditional use launch permit. Thank You.

John Neuens CEO **FUELBOTE**

Marine Fueling

11

In October 1993, the Technical Committee on Automotive and Marine Service Stations established a Task Group on Marine Service Stations for the purpose of drafting appropriate requirements for marine fueling operations. The Technical Committee had earlier recognized that, while the scope of NFPA 30A encompassed both automotive and marine refueling, the emphasis had always been on the former, with little guidance given for the latter. To be sure, some guidance was included for fuel storage, but little else.

In meeting its objective, the task group recognized that the user would benefit if all existing NFPA 30A requirements that apply to marine refueling were in one place, even if this meant restating those requirements applicable to both automotive and marine facilities. Therefore, much of what is included in Chapter 11 appears elsewhere in NFPA 30A. The final draft of the new chapter was completed in July 1994. Only minor changes were necessary, and the chapter was approved for inclusion in the 1996 edition of NFPA 30A.

11.1 Scope

Previously, the definition of *marine service station* applied to locations where refueling was accomplished from fixed equipment. The reference to "fixed equipment" was deleted in the 2008 edition to recognize the fact that some large commercial vessels, such as barge towboats, harbor tugboats, and commercial fishing vessels, are sometimes refueled from tank vehicles (see Section 9.6).

11.1.1 This chapter shall apply to that portion of a property where liquids used as fuels are stored, handled, and dispensed from equipment located on shore or from equipment located on piers, wharves, or floating docks into the fuel tanks of marine craft, including incidental activity, except as covered elsewhere in this code or in other NFPA standards.

11.1.2 This chapter shall not apply to the following:

- (1) Bulk plant or terminal loading and unloading facilities
- (2) Transfer of liquids utilizing a flange-to-flange closed transfer piping system
- (3) Marine motor fuel dispensing facilities where liquids used as fuels are stored and dispensed into the fuel tanks of marine craft of 272 metric tons (300 gross tons) or more

Bulk loading and unloading of flammable and combustible liquid cargoes are covered in Chapter 28 of NFPA 30, *Flammable and Combustible Liquids Code*, in Part I of this handbook. Refueling of marine vessels of 272 metric tons (300 gross tons) or more is under the jurisdiction of the U.S. Coast Guard.

11.1.3 For the purpose of this chapter, the word *pier* shall also mean dock, floating dock, and wharf.

11.2 Storage

11.2.1 Liquids shall be stored in tanks or containers complying with Section 4.3.

11.2.2* Tanks that supply marine motor fuel dispensing facilities shall be located on shore or on a pier of the solid-fill type. Pumps that are not integral with the dispensing device shall also be located on shore or on a pier of the solid-fill type.

Exception: Tanks shall be permitted with the approval of the authority having jurisdiction to be located on a pier, provided the installation meets all applicable requirements of Chapters 4 and 5 of this code and 21.6.2 of NFPA 30, Flammable and Combustible Liquids Code, and the quantity stored does not exceed 4164 L (1100 gal) aggregate capacity.

A.11.2.2 Cases where the length of the supply line to dispensing devices would result in insufficient pressure for operational purposes or would increase the potential for leakage due to the increased number of fittings or exposure of the line can warrant location of the supply on the pier.

Marine fuel dispensing facilities must be located where the water depth is adequate to accommodate the vessels served. Suitable locations are often near steep or rocky shores where excavation to completely bury a tank is difficult. Regardless, a tank should be located above the high water level to avoid accumulation of water in the excavation, possible corrosion, and leakage, and to prevent possible dislocation or movement of the tank during a flood event.

11.2.3 Where a tank is at an elevation that produces a gravity head on the dispensing device, the tank outlet shall be equipped with a device, such as a normally closed solenoid valve, that will prevent gravity flow from the tank to the dispenser. This device shall be located adjacent to and downstream of the outlet valve specified by 22.13.1 of NFPA 30, *Flammable and Combustible Liquids Code*. The device shall be installed and adjusted so that liquid cannot flow by gravity from the tank to the dispenser if the piping or hose fails when the dispenser is not in use.

11.3 Piping Systems

11.3.1 Piping shall be installed in accordance with all applicable requirements of Chapter 5.

11.3.2 Piping systems shall be supported and protected against physical damage and stresses arising from impact, settlement, vibration, expansion, contraction, and tidal action.

11.3.3 Means shall be provided to ensure flexibility of the piping system in the event of motion of the pier. Flexible piping shall be of a type designed to withstand the forces and pressures exerted upon the piping.

11.3.4 Where dispensing is from a floating structure or pier, approved oil-resistant flexible hose shall be permitted to be used between shore piping and the piping on a floating structure or pier and between separate sections of the floating structure to accommodate changes in water level or shoreline, provided that the hose is either resistant to or shielded from damage by fire.

FAQ To what extent can flexible piping be used on a marine fueling dock?

Subsections 11.3.3 and 11.3.4 allow the use of flexible piping and flexible hose in certain applications:

1. Where the fuel piping crosses from one section of floating pier to the next to accommodate the motion of the sections relative to each other due to tide and wave action
2. Where the fuel piping crosses from land to a floating pier

Subsection 11.3.4 cites some of the factors that must be considered when designing piping for marine application.

Subsection 11.3.4 is the subject of Formal Interpretation 96-1.

This Formal Interpretation means that 11.3.4 allows flexible hose to be used where piping transits from one section of floating pier to another, as explained above. It does *not*, however, mean that flexible hose can be used for the entire run from shore to dispenser. It also does not allow secondary containment-type flexible underground piping to be substituted for flexible hose and piping. Such piping is not designed for exposure to the elements and is not approved for such use.

FI

Formal Interpretation
NFPA 30A
Motor Fuel Dispensing Facilities and Repair Garages
2015 Edition

Reference: 11.3.4

FI: 96-1

Question No. 1: Is the intent of Subsection 11.3.4 of NFPA 30A to permit the use of oil-resistant flexible hose that extends from the shore piping to a dispensing device located on the end of a long floating structure?

Answer: No.

Question No. 2: If the answer to Question No. 1 is "No," is it the intent of Subsection 11.3.4 of NFPA 30A for a floating dock to utilize a piece of oil-resistant flexible hose at each section of the dock, with piping installed on each section of the dock?

Answer: Yes.

Question No. 3: Is it the intent of Subsection 11.3.4 of NFPA 30A to permit the use of flexible nonmetallic piping with secondary containment and listed for underground installation to be installed exposed on the surface along the floating structure?

Answer: No.

Issue Edition: 1996

Reference: 10-3.2

Issue Date: August 27, 1999

Effective Date: September 15, 1999

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NATIONAL FIRE PROTECTION ASSOCIATION

11.3.5 A valve to shut off the liquid supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each marine pipeline adjacent to the point where each flexible hose is attached.



Why must the fuel shutoff valve be located on shore? Why can't it be situated on the pier or floating dock?

Additional control valves can be located on the pier and elsewhere in the pipeline; however, the primary shutoff valve must be located on shore where it is immediately accessible in case of an emergency without putting anyone at risk.

11.4 Fuel Dispensing System

11.4.1 All hose shall be listed. Where hose length exceeds 5.5 m (18 ft), the hose shall be secured so as to protect it from damage.

11.4.2 Dispensing nozzles shall be of the automatic-closing type without a latch-open device.



Critical Point

Latch-open devices are prohibited to ensure that the person refueling the vessel does not move away from the boat and pays attention to the task at hand.

If the marine craft has its own internal permanently mounted fuel tanks (as opposed to portable tanks), the fuel filler port is typically located on the gunwale and is typically larger than that on a motor vehicle, and the fit of the nozzle spout into the fill port is consequently looser. This being the case, the back pressure from the fill tube is not always great enough to trigger the automatic closing feature when the tank is near full, which could result in an overfill. This can lead to spilled fuel draining to the bilge or the interior cabin of the boat. This is a much more hazardous condition than a similar spill on the ground, since vapors are more confined and dispersal takes a longer period of time and requires mechanical ventilation. Control of sources of ignition is also more difficult. Therefore, latch-open devices are prohibited to ensure that the person refueling the vessel does not move away from the boat and pays attention to the task at hand.

11.4.3 Dispensing devices shall be permitted to be located on open piers, on shore, or on piers of the solid-fill type and shall be located apart from other structures so as to provide room for safe ingress to and egress from marine craft.

11.4.4 Dispensing devices shall be located so that exposure to all other operational marina or pleasure boat berthing area facilities is minimized. Where tide and weather conditions permit, liquid fuel handling shall be outside the main berthing areas. Where located inside marina or pleasure craft berthing areas, fueling facilities shall be located so that, in case of fire aboard a marine craft alongside, the danger to other craft near the facility is minimized.



Critical Point

Vessels are prohibited from being berthed at the refueling location unless they are being refueled, and only for the time necessary to do so.

Refueling facilities are preferably located separately from berthing areas, but this is not always possible, due to the exposure to rough water conditions caused by inclement weather. Therefore, where refueling operations must be located within the berthing area, care must be taken to limit exposure to other vessels should a fire occur. Evacuation of vessels from their berths cannot always be immediately accomplished, due to the need to purge the engine compartment and bilge prior to starting the engines and the time necessary to untie from the dock. For the same reasons, vessels are prohibited from being berthed at the refueling location unless they are being refueled, and only for the time necessary to do so.

11.4.5 No vessel or marine craft shall be made fast to any other vessel or marine craft occupying a berth at a fuel dispensing location during fueling operations.

11.4.6 A marine motor fuel dispensing facility located at a bulk plant shall be separated by a fence or other approved barrier from areas in which bulk plant operations are conducted. Dispensing devices shall not be supplied by aboveground tanks located in the bulk plant. Marine motor fuel dispensing facility storage tanks shall not be connected by piping to aboveground tanks located in the bulk plant.

See the commentary to 4.2.2.

11.4.7 Each marine motor fuel dispensing facility shall have an attendant or supervisor on duty whenever the facility is open for business. The attendant's primary function shall be to supervise, observe, and control the dispensing of liquids.

11.5 Sources of Ignition

11.5.1 All electrical components for dispensing liquids shall be installed in accordance with Chapter 8.

11.5.2 All electrical equipment shall be installed and used in accordance with the requirements of *NFPA 70, National Electrical Code* as it applies to wet, damp, and hazardous locations.

11.5.3 Clearly identified emergency electrical disconnects that are readily accessible in case of fire or physical damage at any dispensing unit shall be provided on each marine wharf. The disconnects shall be interlocked to shut off power to all pump motors from any individual location and shall be manually reset only from a master switch. Each such disconnect shall be identified by an approved sign stating EMERGENCY PUMP SHUTOFF in 50 mm (2 in.) red capital letters.

Because travel distance to emergency electrical disconnects would likely be longer than for similar situations at a vehicle refueling facility, the requirements in 11.5.3 are somewhat more detailed.

11.5.4 All electrical wiring for power and lighting shall be installed on the side of the wharf opposite from the liquid piping system.

11.5.5 Smoking materials, including matches and lighters, shall not be used within 6 m (20 ft) of areas used for fueling, servicing fuel systems for internal combustion engines, or receiving or dispensing of Class I liquids. Conspicuous NO SMOKING signs shall be posted within sight of the customer being served.

11.5.6 The motors of all equipment being fueled shall be shut off during the fueling operation, except for emergency generators, pumps, and so forth, where continuing operation is essential.

11.6* Bonding and Grounding

A.11.6 Where excessive stray currents are encountered, piping handling Class I and Class II liquids should be electrically isolated from the shore piping. This requirement prevents stray currents originating in the vessel's electrical system from causing an electrical arc or spark.

11.6.1* Pipelines on piers shall be bonded and grounded. Bonding and grounding connections on all pipelines shall be located on the pier side of hose riser insulating flanges, if used, and shall be accessible for inspection.

A.11.6.1 NFPA 77, *Recommended Practice on Static Electricity*, contains information on this subject.



Why does the shore piping need to be insulated from the piping on the pier or floating dock?

Insulating flanges are required to prevent shore-side stray currents from reaching the vessel, where they might cause a spark.

11.6.2 The fuel delivery nozzle shall be put into contact with the vessel fill pipe before the flow of fuel commences and this bonding contact shall be continuously maintained until fuel flow has stopped to avoid possibility of electrostatic discharge.

This requirement eliminates the possibility of an electrostatic discharge that might cause ignition of vapors in the fuel filler tube by ensuring that the nozzle and fill pipe are at the same potential.

11.7 Fire Control

11.7.1 Each marine motor fuel dispensing facility shall be provided with fire extinguishers installed, inspected, and maintained as required by NFPA 10, *Standard for Portable Fire Extinguishers*. Extinguishers for marine motor fuel dispensing areas shall be provided according to the extra (high) hazard requirements for Class B hazards, except that the maximum travel distance to an 80 B:C extinguisher shall be permitted to be 31 m (100 ft).

11.7.2 Piers that extend more than 152 m (500 ft) in travel distance from shore shall be provided with a Class III standpipe that is installed in accordance with NFPA 14, *Standard for the Installation of Standpipe and Hose Systems*.

A Class III standpipe provides both 25 mm (1 in.) and 50 mm (2 in.) hose connections for use by marina personnel and the fire department. See NFPA 14, *Standard for the Installation of Standpipe and Hose Systems*, for additional information.

11.7.3 Materials shall not be placed on a pier in such a manner that they obstruct access to fire-fighting equipment or important piping system control valves. Where the pier is accessible to vehicular traffic, an unobstructed roadway to the shore end of the wharf shall be maintained for access by fire-fighting apparatus.

11.8 Containers and Movable Tanks

11.8.1 The temporary use of movable tanks in conjunction with the dispensing of liquids into the fuel tanks of marine craft on premises not normally accessible to the public shall be permitted. Such installations shall only be made with the approval of the authority having jurisdiction.

Subsection 11.8.1 allows fueling of marine craft by temporary use of a tank that can be moved from site to site. Such practices might be allowed at shore-side construction or earth-moving sites or dredging operations, for example.

11.8.2* Class I or Class II liquids shall not be dispensed into a portable container unless the container is constructed of metal or is approved by the authority having jurisdiction, has a tight closure, and is fitted with a spout or is so designed that the contents can be dispensed without spilling.

A.11.8.2 See Section 9.4 of NFPA 30, *Flammable and Combustible Liquids Code*, for further information.

11.8.3 Portable containers of 45 L (12 gal) capacity or less shall not be filled while they are in or on a marine craft.

This requirement is essentially the same as 9.2.3.3. Note that smaller marine craft, typically those having outboard motors, use portable tanks smaller than 45 L (12 gal) and a definite hazard is involved in filling these containers while they are still on board. However, some portable containers are larger than 45 L (12 gal). The Technical Committee on Automotive and Marine Service Stations decided that, when moving a full tank with a capacity of greater than 45 L (12 gal) from the dock to the vessel, a spill is more likely to occur than if the tank were filled while still on board.

11.9 Cargo Tank Fueling Facilities

The provisions of Section 11.2 shall not prohibit the dispensing of Class II liquids in the open from a tank vehicle to a marine craft located at commercial, industrial, governmental, or manufacturing establishments when the liquid is intended for fueling marine craft used in connection with those establishments' businesses if the requirements of 11.9.1 through 11.9.7 are met.

As stated previously, refueling larger vessels from a tank vehicle is common practice in some areas. However, Section 11.9 limits this practice to situations where the refueling site is not accessible to the general public and access is controlled. Refueling from a tank vehicle at a public marina, for example, is prohibited by this requirement.

Section 11.9 is the subject of Formal Interpretation 12-1.

11.9.1 An inspection of the premises and operations shall be made and approval granted by the authority having jurisdiction.

11.9.2 The tank vehicle shall comply with the requirements of NFPA 385, *Standard for Tank Vehicles for Flammable and Combustible Liquids*.

11.9.3 The dispensing hose shall not exceed 15 m (50 ft) in length.

11.9.4 The dispensing nozzle shall be a listed, automatic-closing type without a latch-open device.

11.9.5 Nighttime deliveries shall only be made in areas deemed adequately lighted by the authority having jurisdiction.

11.9.6 The tank vehicle flasher lights shall be in operation while dispensing.

11.9.7 Fuel expansion space shall be left in each fuel tank to prevent overflow in the event of temperature increase.

FI

Formal Interpretation**NFPA 30A****Motor Fuel Dispensing Facilities and Repair Garages
2015 Edition**

Reference: 11.9

FI: 12-1

Question No. 1: Given that Section 11.2 requires the fuel to be stored in containers or fixed storage tanks and given that Section 11.9 is a special exception to this requirement and establishes specific limitations and conditions for its implementation, does Section 11.9 allow Class I or Class II liquid fuels to be dispensed in the open from a tank vehicle to a marine craft in a residential area?

Answer: No.

Question No. 2: Regardless of your answer to Question No. 1, does Chapter 11 allow Class I or Class II liquid fuels to be dispensed in the open from a tank vehicle to a marine craft in a residential area under any circumstances?

Answer: No.

Question No. 3: Is it the intent of Chapter 11 to allow Class I or Class II liquid fuels to be dispensed in the open from a tank vehicle to a marine craft in a residential area?

Answer: No.

Issue Edition: 2012

Reference: 11.9

Issue Date: June 20, 2012

Effective Date: July 10, 2012

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NATIONAL FIRE PROTECTION ASSOCIATION

11.10 Operating Requirements

11.10.1 The following shall be the responsibilities of the attendant:

- (1) Prevent the dispensing of Class I liquids into portable containers that do not comply with 11.8.2
- (2) Be familiar with the dispensing system and emergency shutoff controls
- (3) Ensure that the vessel is properly moored and that all connections are made
- (4) Be within 4.6 m (15 ft) of the dispensing controls during the fueling operation and maintain a direct, clear, unobstructed view of both the vessel fuel filler neck and the emergency fuel shutoff control

Subsection 11.10.1 establishes the basic responsibilities of the attendant. Note that item (4) requires that the attendant be in a position to oversee the refueling operation and be within close proximity of the dispensing controls, even if he or she is not personally conducting the refueling.

11.10.2 Fueling shall not be undertaken at night except under well-lighted conditions.

11.10.3 During fueling operations, smoking shall be forbidden on board the vessel or marine craft and in the dispensing area.

11.10.4 Before opening the tanks of the vessel to be fueled, the following precautions shall be taken:

- (1) All engines, motors, fans, and bilge blowers shall be shut down.
- (2) All open flames and smoking material shall be extinguished and all exposed heating elements shall be turned off.
- (3) Galley stoves shall be extinguished.
- (4) All ports, windows, doors, and hatches shall be closed.

11.10.5 After the flow of fuel has stopped, the following shall occur:

- (1) The fill cap shall be tightly secured.
- (2) Any spillage shall be wiped up immediately.
- (3) If Class I liquid has been delivered, the entire vessel or marine craft shall remain open.
- (4) Bilge blowers shall be turned on and allowed to run for at least 5 minutes before starting any engines or lighting galley fires. If bilge blowers are not available, 10 minutes of ventilation shall be required.

11.10.6 No Class I liquids shall be delivered to any vessel having its tanks located below deck unless each tank is equipped with a separate fill pipe, the receiving end of which shall be securely connected to a deck plate and fitted with a screw cap. Such pipe shall extend into the tank. Vessels receiving Class II or Class IIIA liquids shall have the receiving end of the fill pipe securely connected to a deck plate and fitted with a screw cap. Such pipe shall be permitted to connect to a manifold system that extends into each separate tank. Each tank shall be provided with a suitable vent pipe that shall extend from the tank to the outside of the coaming or enclosed rails so that the vapors will dissipate away from the vessel.

11.10.7 Owners or operators shall not offer their vessel or marine craft for fueling unless the following conditions exist:

- (1) The tanks being filled are properly vented to dissipate vapors to the outside atmosphere, and the fuel systems are liquidtight and vaportight with respect to all interiors.
- (2) All fuel systems are designed, installed, and maintained in compliance with the specifications of the manufacturer of the vessel or marine craft.
- (3) Communication has been established between the fueling attendant and the person in control of the vessel or craft receiving the fuel so as to determine the vessel's fuel capacity, the amount of fuel on board, and the amount of fuel to be taken on board.
- (4) The electrical bonding and grounding systems of the vessel or craft have been maintained in accordance with the manufacturer's specifications.

11.10.8 A sign with the following legends printed in 50 mm (2 in.) red letters on a white background shall be conspicuously posted at the dispensing area:

Before Fueling:

- (1) Stop all engines and auxiliaries.
- (2) Shut off all electricity, open flames, and heat sources.
- (3) Check all bilges for fuel vapors.
- (4) Extinguish all smoking materials.
- (5) Close access fittings and openings that could allow fuel vapors to enter enclosed spaces of the vessel.

During Fueling:

- (1) Maintain nozzle contact with fill pipe.
- (2) Wipe up spills immediately.
- (3) Avoid overfilling.
- (4) Fuel filling nozzle must be attended at all times.

After Fueling:

- (1) Inspect bilges for leakage and fuel odors.
- (2) Ventilate until odors are removed.

**Critical Point**

All passengers should be off the vessel before starting the fueling.

The steps listed in Commentary Table II.11.1 are good safety precautions for marine fueling. Note that all passengers should be off the vessel before starting the fueling. This precaution reduces fire risk exposure to people.

COMMENTARY TABLE II.11.1 Fueling Precautions

1. Secure boat to the dock.
2. Switch off engine(s).
3. Extinguish all open flames.
4. Do not use electrical switches.
5. No smoking is allowed.
6. Close ports, hatches, and doors.
7. Portable tanks should be refueled ashore.
8. Make certain all passengers are ashore.
9. Determine quantity of fuel required.
10. Hold hose nozzle firmly against fill pipe opening.
11. Do not overfill. Prevent fuel from falling into the water during fueling. This can harm the marine environment.
12. Wipe up all spillage.
13. Open ports, hatches, and doors to ventilate.
14. Turn blower on for 4 minutes minimum.
15. Do the sniff test.
16. Start engine(s).
17. Reboard passengers.
18. Untie from dock and cast off.

Source: <http://boatsafe.com>. Used with permission.

References Cited in Commentary

National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471.
 NFPA 14, *Standard for the Installation of Standpipe and Hose Systems*, 2013 edition.
 NFPA 30, *Flammable and Combustible Liquids Code*, 2015 edition.



International Code Council Ruling allowing The Fuelbote operation as “not prohibited”.

John,

Just wanted to update you on the FMCAP’s progress on your request. I’m doing everything possible to get the request reconvened before the end of April.

You requested information on the interpretation from ICC so I will insert it below:

Your question and my response is as follows:

Background: MARINE MOTOR FUEL-DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel for watercraft are stored and dispensed from fixed equipment on shore, piers, wharves, floats or barges into the fuel tanks of watercraft and shall include all other facilities used in connection therewith.

We have a request by a manufacturer of a boat that is capable of pulling up to a dock or boat lift and anchor itself prior to dispensing fuel to be called a “Marine Motor Fuel-Dispensing Facility”.

Q1. Would a boat with a large capacity approved fuel tank for storing Class I liquids (gasoline) capable of dispensing fuel into watercraft meet the definition?

A1. The definition does not specifically include boats or watercraft but does include “floats or barges.” However Section 2210.1 also references NFPA 30A. The scope of the marine fueling requirements in NFPA 30A states the following:

11.1.1 This chapter shall apply to that portion of a property where liquids used as fuels are stored, handled, and dispensed from equipment located on shore or from equipment located on piers, wharves, or floating docks into the fuel tanks of marine craft, including incidental activity, except as covered elsewhere in this code or in other NFPA standards.

IFC and NFPA 30A do not appear to specifically allow a boat to serve this purpose but it is also not specifically prohibited. It should be noted that when discussing storage of fuel in NFPA 30A they specifically require a more permanent location for tanks. See the following excerpt from NFPA 30A (2003 – 2012 edition is primarily the same)

11.2.1 Liquids shall be stored in tanks or containers complying with Section [4.3](#).

11.2.2* Tanks that supply marine motor fuel dispensing facilities shall be located on shore or on a pier of the solid-fill type. Pumps that are not integral with the dispensing device shall also be located on shore or on a pier of the solid-fill type.

Exception: Tanks shall be permitted with the approval of the authority having jurisdiction to be located on a pier, provided the installation meets all applicable requirements of Chapter 4 and Chapter 5 and 7.9.5 of NFPA 30 and the quantity stored does not exceed 4164 L (1100 gal) aggregate capacity.

Q2. Is the boat considered “property” and the fuel storage tank and dispensing equipment considered “fixed equipment”. • Is the boat in this application considered a “float” as boats are not listed in the definition?

A2. Since the construction is to be in accordance with NFPA 30A in addition to the requirements of Section 2210 it appears that a more permanent location is considered for the storage of the fuel itself at least for tanks. I also made contact with Bob Benedetti at NFPA and he noted that when these provisions were written such a scenario was not anticipated. Again, this does not mean it was specifically prohibited just that they were focused on piers or similar scenarios.

Code opinions issued by ICC staff are based on ICC published codes and do not include local, state or federal codes, policies or amendments. This opinion is based on the information which you have provided. We have made no independent effort to verify the accuracy of this information nor have we conducted a review beyond the scope of your question. This opinion does not imply approval of an equivalency, specific product, specific design, or specific installation and cannot be published in any form implying such approval by the International Code Council. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of the code.

Thanks

*Ryan Whiting
Deputy State Fire Marshal
Residential Team
Minnesota State Fire Marshal Division
(218) 444-4757*

From: fuelbote.com@gmail.com [mailto:fuelbote.com@gmail.com] On Behalf Of John Neuens
Sent: Tuesday, April 08, 2014 9:00 PM



Fuelbote LLC 4330 W. Green Tree Rd. Milwaukee WI 53223
1-414-630-7223 or 1-855-fuelbote
www.fuelbote.com
john@fuelbote.com

To: State of Minnesota Department of Public Safety
State Fire Marshall Division/ David French

Sirs,

I have attached via email the CAD drawings of the FUEL BOTE. 3D models are available should you require them. The section in question as it pertains to the permitted use of the FUEL BOTE on Minnesota waterways is the interpretation of Section 2202.1. I have spoken with David French from your office and he has advised me that a variance request should be made to the committee to clarify the intended meaning of the phrase “dispensed from fixed equipment on shore, piers, wharves, floats or barges”.

As we have clarified this with other states and the United States Coast Guard we request that the variance committee consider that the FUEL BOTE is spud anchored per the drawing provided when dispensing fuel from a self-powered barge. The spud anchors telescope and are actuated under power and retracted under power or manual back-up during all fuel dispensing. All FUEL BOTE owners/pilots are trained to do so without exception. Further the vessel to be fueled must also be tied, moored and “at station” just as the FUEL BOTE is required to be. We believe this maritime term “at station” condition is equivalent to the described “fixed equipment” referred to in section 2202.1 of the Minnesota State Fire Code .

2210.4 Fueling of marine vehicles at other than approved marine motor fuel-dispensing facilities. Fueling of floating marine craft

with Class I fuels at other than a marine motor fuel-dispensing facility is prohibited. Fueling of floating marine craft with Class II or III

fuels at other than a marine motor fuel-dispensing facility shall be in accordance with all of the following:

1. The premises and operations shall be approved by the fire code official.
2. Tank vehicles and fueling operations shall comply with Section 3406.6.
3. The dispensing nozzle shall be of the listed automatic-closing type without a latch-open device. Nighttime deliveries shall only be made in lighted areas.
5. The tank vehicle flasher lights shall be in operation while dispensing.
6. Fuel expansion space shall be left in each fuel tank to prevent overflow in the event of temperature increase.

SECTION 2202

DEFINITIONS

2202.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

MARINE MOTOR FUEL-DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel for watercraft are stored and dispensed from fixed equipment on shore, piers, wharves, floats or barges into the fuel tanks of watercraft and shall include all other facilities used in connection therewith.

The FUELBOTE has operated it's vessels in Wisconsin for 7 years after receiving permit and extensive review by The Wisconsin Department of Commerce, The Wisconsin Department of Natural Resources, The Wisconsin Department of Transportation, the Wisconsin Department of Weights and Measures and 9 local fire departments and cities.

We apply to each town we operate in for a conditional use launch permit and offer a review to the local fire chief.

The FUELBOTE has had a spotless safety record and carries its own spill clean-up and booms on board at all times. All pilots are company trained.

We have also been permitted in the State of Florida, the State of Texas, The state of Iowa , The state of Minnesota and sector by sector USCG approval has been received without even need for a COI..

The FUELBOTE does not jeopardize the safety of the public or firefighters.

The FUELBOTE serves the public need for safe and professional refueling of watercraft in a more efficient and practical manner using no permanent structure such as buried or above ground tank systems. The FUELBOTE is removed from all waterways each day prior to sunset.

The FUELBOTE refuels it's DOT certified onboard tank when pulled out of the water and transported via trailer to wholesale rack distribution yards conforming to all applicable DOT regulations.

The FUELBOTE carries onboard at all times spill remediation equipment including absorbant matts, booms and electric skimmer.

We look forward to presenting the vessel designs and answering any questions for the committee at the next available meeting.

Thank you, Sincerely,

John Neuens President

ITEM 6

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

7:00 P.M., February 13, 2019
Wayzata City Hall

WORK SESSION

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

Members present: Gregg Thomas, Tonka Bay; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Ben Brandt, Mound; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Orono; Mike Molitor, Minnetrista; Andrew Punch, Excelsior; Sue Shuff, Minnetonka; Deborah Zorn, Shorewood; and Jake Walesch, Deephaven. Also present: Troy Gilchrist, LMCD Legal Counsel; and Vickie Schleuning, Executive Director.

Members absent: Dan Baasen, Wayzata; and Chris Rich, Woodland;.

Persons in Audience: Adam McLain, Aaron Bean, Richie Anderson, Eric Evanson, and Kate Hoelscher.

1. Request for Proposal (RFP) Vegetation and AIS Master Plan Feedback.

Cook provided an overview of the feedback regarding the RFP.

Klohs asked if he could incorporate all comments received into the RFP document.

Cook stated that it might not be possible to incorporate all comments specifically, however all comments would be addressed. Many of the concerns were about what an item should be referred to such as RFQ or RFP.

Kroll stated he thought the meeting was helpful.

Klohs thought that the comments might be helpful for the vendors so they are aware of the nuances of the project.

Thomas stated there will be an officers' meeting next Wednesday, February 20, 2019 at 8:30 am where this item will be discussed further. All board members are welcome.

Cook stated that he plans to update the document and have it available prior to the next meeting for the board to review.

2. Board Self-Evaluation Review.

Schleuning stated overall the results indicated positive responses from the board members for many aspects of the organization regarding culture, organization, operations, policy, etc. Based on some responses, there are areas that it may be beneficial for the board to discuss in further depth in the future. It was agreed that there are a couple of questions that may not apply as well to this board compared to a private board.

For example, Gilchrist mentioned that the whistleblower/conflict of interest question is not as applicable to

this board as it is for corporate boards. These items are governed by state law for this board. Criminal penalties would apply to violations.

Schleunig mentioned that some of the applicable state laws, such as conflict of interest is summarized in the Board Directors guidebook.

Molitor asked if there was any significance to the way the open-ended questions were listed in the report.

Schleunig stated they were shown in the order of the responses by each board member. For example, number 1 included all the answers that each board member wrote in number 1, number 2 included all the answers provided as their second answer. She stated that Zorn and she could summarize or put some type of rating system to provide more context to the open-ended answers.

Zorn arrived 6:35 p.m.

Shuff asked if there was a way to better inform who was on a committee.

Schleunig stated a handout is provided in the folders that indicates members of the committees and work groups.

Thomas noted that while board members all had a chance to review the questions, after taking the survey some items came to light. He thought it was an overall good process and asked the board if it should be continued next year.

Walesch arrived 6:40 p.m.

Board members indicated the self-evaluation should be completed again next year.

In other business, Thomas mentioned that Lt. Vnuk was transferred out of Water Patrol.

Klohs mentioned this was a surprise since the new Hennepin County Sheriff has stated he wasn't planning any changes in leadership at Water Patrol.

Board members agreed about the benefit to public safety under Lt. Vnuk's leadership the past five years.

Hughes made a motion to adjourn, Punch seconded, and motion carried unanimously to adjourn the meeting at 6:50 p.m.

REGULAR SESSION

7:00 p.m.

1. CALL TO ORDER

Acting 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; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Ben Brandt, Mound; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Orono; Mike Molitor, Minnetrista; Andrew Punch, Excelsior; Sue Shuff, 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: Dan Baasen, Wayzata; and Chris Rich, Woodland.

4. APPROVAL OF AGENDA

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

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Gilchrist administered the Oath of Office to the following Commission members.

- A) Oath of Office to Jake Walesch (City of Deephaven)
- B) Oath of Office to Dennis Klohs (City of Village of Minnetonka Beach)
- C) Oath of Office to Mark Kroll (City of Orono)
- D) Oath of Office to Gary Hughes (City of Spring Park)
- ~~E) Oath of Office to Chris Rich (City of Woodland)~~
- F) Oath of Office to Gregg Thomas (City of Tonka Bay)

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

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

VOTE: Ayes (8), Abstained (4 - Kroll, Molitor, Zorn, Thomas). Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Cook moved, Molitor seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (02/01/2019 – 02/15/2019); **7B)** December Financial Summary and

Balance Sheet.

VOTE: Motion carried unanimously.

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

Adam McClain, Fuelbote, stated that the impression that he has gotten in the past for not providing additional direction to the Fuelbote has been because of the issue that could be opened regarding other sales on the lake (pizza, ice cream, etc.). He stated that he has hired an attorney that has been working with Gilchrist to determine if an amendment could be made that would only allow for this service activity and not open up the lake for all sales activities. He asked if the Board would be willing to bring the topic back to a future worksession for further discussion.

Kroll noted that this would be a very rough draft ordinance amendment.

McClain agreed that this would be a very rough draft, and this was simply an example of an amendment that could be made specific to this application.

Thomas noted that the Board has heard from McClain and his partner multiple times and he has talked to staff. He noted that if the Board were willing, Gilchrist could draft an ordinance amendment that would allow fuel sales on the lake that would not open up the door for all retail sales. He asked the appetite of the Board on further discussing the topic.

Klohs stated that he would like to discuss the topic at a workshop and believed that the topic should be sales in general, noting that the outcome of the meeting could be to allow only fuel in the end.

Zorn stated that she would be open to further discussion and agreed that it should be a broad discussion on all services.

Kroll stated that he would agree to opening this up to a smaller chunk and focus on simply fuel right now, rather than trying to solve the entire sales issue in one discussion. He stated that focusing on the topic of fuel would be more manageable and would allow the Board to provide clear direction. He noted that it could take years to determine consensus on philosophical sales on the lake.

Hughes stated that his concern would be regarding the State Fire Codes.

Thomas stated that if the Board decided to allow fuel sales on the lake, then Gilchrist would tell the Board the requirements that would need to be met. He stated that the Fuelbote people are aware of the requirements, but legal staff will direct the Board as to which elements will need to be incorporated into the ordinance.

Walesch agreed that the discussion should occur at the worksession.

Cook stated that he would also like to discuss this topic at a worksession, with a focused presentation by staff

and legal counsel before the Board begins discussion.

Molitor stated that when ordinance changes are considered at a City level, the applicant then pays for the legal costs to complete the proposal. He asked if it would be feasible then to ask the potential applicant to pay for the legal costs in drafting ordinance amendments.

Gilchrist stated that if a zoning amendment is initiated by the resident, that cost is then often charged to the applicant. He stated that the Board Code is not drafted in the same manner and therefore that would not be an option for this case. He agreed that could be a good option to draft language for in the future.

Molitor stated that perhaps the fee discussion be brought forward again as well to prevent additional legal charges from being incurred.

Thomas noted that the fee issue has taken a backseat because of recent issues that have arisen.

Molitor stated that he would like to have the fee discussion at a worksession prior to the Fuelbote conversation, as the fee discussion could impact the Fuelbote discussion.

Klohs stated that there is already a big agenda for staff and this topic should not take up additional time.

Thomas stated that the proponent has done a great job of explaining what they would like to do and bringing forward a strong proposal. He believed that it would make sense to give that proponent a more solid answer.

Hoelscher agreed that this is something that needs to be discussed. She stated that perhaps the Board should figure out the highest priority items and when they can be scheduled. She stated that while she supports the topic, she is flexible on the timing.

Kroll asked how late an answer could be provided that would allow the business to operate in 2019.

McClain stated that he would need an answer in one month in order to start at the beginning of the season. He stated that he would be willing to start in July, if that is the timing. He stated that he simply would like an answer and would be agreeable to paying the legal costs for Gilchrist to draft the amendment that would not open the door to outside sales.

Kroll stated that the Board owes these people a yes or no answer and there does not have to be a strict policy of doing nothing on new proposals.

Gilchrist stated that it appears that McClain is willing to reimburse legal fees for his request and would recommend considering the Fuelbote issue separate of an overall sales discussion. He noted that decision may inform a bigger discussion but did not believe that a bigger discussion on sales could occur during a portion of one worksession.

Thomas confirmed the consensus of the Board to bring the Fuelbote topic forward to the second worksession

in February for discussion.

McClain asked if there is anything else that he could do in preparation for that worksession meeting.

Thomas stated that he is not aware of any additional information that the proponent could provide for the discussion.

Aaron Bean, Bean's Greenwood Marina, asked if anyone has looked into any other lakes that have allowed this activity. He stated that he emailed staff and provided a contact that is on Lake Geneva in Wisconsin that paints a very different picture than what has been painted thus far. He urged the Board to reach out to people that have fuel boats on their lake.

9. PUBLIC HEARING

There were no public hearings.

10. OTHER BUSINESS

A) Nominations and Election of 2019 LMCD Board Officers

Thomas noted that the Nominating Committee has been very active and has a slate of candidates to present.

Zorn stated that the Nominating Committee was formed in December and went through self-nominations and conducted interviews with the four candidates that self-nominated. She stated that Officers were interviewed to determine their interest in possible positions and additional discussion occurred to determine which Officer would be best suited for specific positions. She reported that the Nominating Committee recommends Gregg Thomas for the position of Chair, Dan Baasen for the position of Vice-Chair, Bill Cook for the position of Treasurer, and Ann Hoelscher for the position of Secretary.

Walesch stated that during the interview process, he believed that the slate of Officers proposed had great ideas and a lot of energy, therefore he felt that these were the appropriate candidates for the positions.

Zorn stated that nominations could also be taken from the floor or a vote could be taken.

Thomas thanked the Committee for their slate of Officers. He asked if there are any other nominations for any of the positions.

There were none.

Thomas called for a vote on the slate of candidates recommended by the Nominating Committee.

VOTE: Motion carried unanimously.

Thomas stated that he is honored to accept the position of Chair and plans to fully engage the other Officers as they are a great group of people with a lot of energy. He stated that he is going to setup a standing Officer meeting in attempt to ensure that things keep moving forward. He noted that any interested members of the Board would be welcome to attend the Officers meeting. He stated that Cook had the idea that the next Chair contact each of the Board members to gain input on how they believe the Board is operating and the skillset that each member possesses. He stated that he will have those phone discussions within the next few weeks. He stated that he will be asking if there is an interest in serving on any of the Committees as well.

11. OLD BUSINESS

A) Vegetation and AIS Master Plan Update

Cook stated that last week the AIS Task Force met to discuss the RFP at length. He noted that a meeting was also held with potential proposers to provide additional feedback. He stated that the Officers Committee will be meeting one week from today to review a summary of the comments with the intent of bringing a final draft RFP to the Board at the next meeting for review.

Shuff stated that there were not any City representatives at the meeting.

Thomas replied that this was a meeting of the AIS Task Force and there are not members of the cities that are not on the LMCD as a part of that group. He noted that the information has been publicized and shared with the cities and he has shared that information with his city, as should the others on the Board.

Shuff stated that she has talked with representatives from multiple cities and noted that she will simply ask those individuals to submit written comments to staff. She stated that the RFP is beautifully written but there are questions with the funding, and this supplants the harvesting process.

Walesch stated that he is sure that everyone has been in contact with their city about the harvesting program, noting that he has been in contact with Deephaven. He stated that he has heard that cities are asking for a plan of what is going to happen on harvesting for 2019. He was unsure that everyone was clear that there would be a gap, as the budget approved by the cities included money for harvesting and it was communicated that service would be provided. He stated that he does not have strong feelings on whether the harvesting occurs this year but feels that it is important to communicate the plan. He stated that there would be an option to partner with another public agency or partner with a private company to harvest the highly impacted areas as needed. He stated that Deephaven is concerned with someone harvesting, whether it is the LMCD or another group, to harvest around the public docks or beach. He noted that there are probably areas of high interest in other cities as well. He stated that he would like to determine if there are public agencies that the LMCD could partner with to possibly harvest in high priority areas while this work occurs.

MOTION: Walesch moved, Zorn seconded that the Executive Director and LMCD staff determine the following prior to the March 31, 2019: 1) options to harvest impacted areas; 2) determine the estimated cost to hire private companies or to partner with other public agencies for these impacted areas in 2019; 3) the impacted areas are areas that are high volume navigation routes

or critical for public safety.

Further discussion: Kroll asked what would stop Deephaven from getting a private contractor to do that harvesting work in 2019. He stated that there is nothing that would preclude that activity.

Walesch stated that if that is what is decided, that is what Deephaven would do. He stated that when he presented the budget to Deephaven that included funds for harvesting and was represented as something the LMCD was going to do. He stated that the question would be whether there are funds in the budget to clear the critical areas or whether the cities would need to contract for that service themselves.

Shuff commented that is one point that City Council members have made to her, both that the budget included harvesting and that if the funds are diverted that is a huge amount of the discretionary funds for something that is not a direct service to constituents.

Walesch stated that he has had several discussions with all the Council members in Deephaven and their interest in solely to know what the plan is, not that the LMCD would be violating a core function by not harvesting.

Klohs stated that the budget will need to be amended.

Cook agreed that the member cities deserve clarity. He stated that the budget has line items for harvesting and if the LMCD is not going to harvest, that budget will need to be amended and an explanation will be given as to how those funds will be used. He stated that the LMCD is not going to discontinue harvesting and keep the money, the harvesting has been suspended and a budget amendment will be completed showing what will be done with that money.

Klohs stated that the RFP would not be approved without the budget amendment.

Cook stated that the intention is not to spend the harvesting funds on the RFP process. The Board and staff will need to determine how the RFP process will be funded before that is published.

Klohs stated that if the amendment to the budget is not approved by the Board, that would not move forward.

Gilchrist stated that a member city does not have a direct role in modifying the budget. He stated that there is a process to modify the budget prior to July 1st and reviewed that process. He stated that the LMCD does have an obligation to provide notification that the budget has been amended but each city does not vote on this directly. He agreed that a city could direct their representative to vote against the motion when it comes forward.

Molitor asked staff if the language is available to review from the motion that was passed in December, as he believed that harvesting would be suspended until the decision is made.

Gilchrist confirmed that there was a list of items that would be accomplished prior to the decision being made

on harvesting. He noted that there is not a set date included in the motion but a list of things that must be accomplished. He stated that until the list is completed, the harvesting program is suspended. He stated that the Board does have the opportunity to change its mind.

Thomas clarified that the motion would simply provide options and costs for the Board to discuss.

Shuff stated that she would be voting against this as there is not an option for the LMCD to conduct its own harvesting.

Kroll stated that he would be opposed to the motion because there is not clarity on the high impact areas. He stated that perhaps Deephaven could just call staff to determine what the options are.

Walesch stated that originally Shuff's option was included but that was not seen as feasible this year and therefore was removed. He stated that if no one else feels that their city is looking for a determination on whether harvesting would occur in their city limits, the motion does not have to be passed. He stated that he is simply attempting to provide an answer within a timeline for these cities on what they should expect.

Cook stated that the LMCD has perhaps not been clear enough with the member cities, asking them to read between the lines to determine what the Board meant when the harvesting program was suspended. He agreed that the cities should have comfort that once this is figured out there would be a budget amendment. He stated that he would be interested in having a communication with the cities that gives them the information to move forward. He stated that the motion could be interpreted that two spots in channels will be harvested to keep navigation going or could be construed as a backdoor way of opening the program as it would be hard to define an impacted or critical area at this time. He stated that he would be in favor of communicating with the cities but would be worried about the language to potentially harvest in critical areas if the need arises. He believed that there could be options on retainer and if an emergency presents itself, an emergency is declared and fixed. He stated that he did not want to turn this into a harvesting by contractor operators rather than directly.

Thomas stated that his interpretation was that this would identify options but would not say the LMCD is going to pursue those options.

Walesch stated that he would recommend that each Board member speak with their member city to determine if there are high priority areas, that could then be assessed. It would be made clear that this would not be the same map that was harvested the previous year.

Molitor stated that he agrees that there should be communication to the cities. He stated that a timeline should also be provided, as cities need to know the decision of the LMCD by a set timeline as that would allow cities to contract for their own harvesting if they desire. He was concerned that this motion would conflict with the previous motion that was adopted in December. He agreed that there should be communication and a set timeline identified that would allow cities to harvest on their own should they choose.

VOTE: Ayes (5 – Zorn, Cook, Punch, Walesch, Thomas), Nays (6 – Shuff, Kroll, Klohs, Hughes, Hoelscher,

Brandt) Abstain (1 – Molitor). Motion failed.

Hoelscher stated that she thinks that those things identified in the motion should be accomplished and a backup plan is necessary and should be part of this process.

B) Board Self-Evaluation Update

Thomas stated that the worksession included a discussion on the Board self-evaluation. He stated that everyone had an opportunity to provide input on the questions prior to the survey, but after reviewing the results it was determined that a few edits could be made to the questions. He stated that the comment was made that it would be helpful if comments could be made in addition to a yes or no answer. He stated that the Board was unanimous that a self-evaluation should continue to be done each year.

Hoelscher stated that an Executive Director evaluation was also completed, and the results have been compiled and will be reviewed at an upcoming worksession meeting.

12. NEW BUSINESS

There was no new business.

13. TREASURER REPORT

Cook reported that the audit will be completed next week. He stated that the budget information within the Consent Agenda shows the income about \$40,000 over the expenses and therefore a small transfer into the reserve accounts will be made. He stated that income was higher in court fines and dock license fees and other expenses including legal, printing and professional services were under budget.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Committee and Workgroup assignments were included in the packet and Board members should alert staff if they would like to change assignments.
- Deicing inspections have begun, and staff will be in contact with parties that have not met the requirements.
- A dewatering operation is occurring for the bridge repair on County Road 44 in Minnetrista. Therefore, there will not be access through that channel between Priest and Halsted Bays this winter.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Nominating Committee: No report.

Recodification Workgroup: Gilchrist reported that he was able to provide an updated version of the Code to review and suggested that the workgroup be reactivated to discuss how best to obtain comments from the public at large and stakeholders. He stated that although this is substantively restructured, this will not change dock permits or boat units. He explained that this attempts to put the many years of Code amendments into a more readable format.

Save the Lake Committee: No report.

Strategic Plan Subcommittee: Zorn confirmed that 20 minutes of the next worksession will be set aside for the Strategic Plan review. She stated that she will work with staff to have that information included in the next Board packet.

Schleuning asked and received clarification that the Subcommittee should meet prior to the next worksession.

16. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 p.m.

Gregg Thomas, Chair

Ann Hoelscher, Secretary

2:34 PM
02/19/19

Lake Minnetonka Conservation District
Check Detail
February 16 - 28, 2019

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
02/28/2019	EFT19-20	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-7,148.65
			P. E.R.A.	2020 · Payroll Liabilities -	Admin.	998.24
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-534.77
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-545.49
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-7,188.54
02/28/2019	EFT19-21	P.E.R.A		Alerus Checking		
			Payroll 2/16/19 - 2/28/19	2020 · Payroll Liabilities -	Admin.	-996.61
TOTAL						-996.61
02/28/2019	EFT19-22	ADP Service Fee		Alerus Checking		
			Payroll 2/16/19 - 2/28/19	4180M10 · Professional Services - Admin.	Admin.	-73.04
TOTAL						-73.04
02/28/2019	EFT19-23	US Bank		Alerus Checking		
			Survey Monkey Advantage Annual Plan 1/...	4530M10 · Comp. Sftwr & Hdwr - Admin.	Admin.	-384.00
			Hy Vee Meeting Supplies	4230M10 · Meeting Exp. - Admin.	Admin.	-31.31
TOTAL						-415.31
02/28/2019	EFT19-24	SelectAccount Group Service Fee		Alerus Checking		
			HSA Administrative fee for February 2019	4380M10 · Employee Benefits - Admin.	Admin.	-1.90
TOTAL						-1.90
02/28/2019	EFT19-25	Health Partners		Alerus Checking		
			Dental Insurance, March 2019	4380M10 · Employee Benefits - Admin.	Admin.	-111.76
TOTAL						-111.76

2:34 PM
02/19/19

Lake Minnetonka Conservation District
Check Detail
February 16 - 28, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
02/28/2019	EFT19-26	SW/WC Service Cooperatives		Alerus Checking		
			Health Insurance, March 2019	4380M10 · Employee Benefits - Admin.	Admin.	-1,394.00
TOTAL						-1,394.00
02/28/2019	21567	City of Mound		Alerus Checking		
02/28/2019	Rent, March 2...		Rent, March 2019	4320M10 · Office Rent - Admin.	Admin.	-1,570.45
TOTAL						-1,570.45
02/28/2019	21568	LMCC		Alerus Checking		
02/28/2019	Inv.#1268		VOD Services for Meeting 2/13/19	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
02/28/2019	21569	Mark Hodges Media Productions		Alerus Checking		
02/28/2019	Inv.#20190213		Meeting 2/13/19	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-80.00
TOTAL						-80.00
02/28/2019	21570	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
02/28/2019	Inv.#M24442		Board Meeting Minutes 1/23/19	4230M10 · Meeting Exp. - Admin.	Admin.	-145.00
TOTAL						-145.00

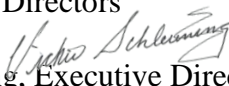


LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: February 27, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director 

SUBJECT: Resolution Authorizing Appointment of the Following to Committees

ACTION

Board approval of a resolution authorizing the appointment of committee members for the year 2019.

Approval:

I make a motion to approve a resolution authorizing the appointment of committee members for the year 2019 <or with the following changes...>

Denial:

I make a motion to deny approval of a resolution authorizing the appointment of committee members for the year 2019 for the following reasons...

BACKGROUND

Each year, the Board authorizes the appoint of members to the formal committees. Rosters may be updated on an on-going basis, and the meetings are open to any Board Directors or members of the public who wish to attend.

The committees of the Board operate in a formal manner, operating under requirements similar to the formal Board Meetings. These committees provide a venue for focused discussion for which the committee was established.

CONSIDERATIONS

- Should any individuals be added or removed from the Committee?
- Committee members are subject to change over the year.
- Directors interested in attending meetings or events of which they are not a member should notify the Executive Director. The Executive Director will track whether a given meeting has the potential to reach a quorum of the Board and will provide public notice accordingly.

ATTACHMENT

- Resolution 182
- Committee and Workgroup Rosters

ATTACHMENT



RESOLUTION 182

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COMMITTEE MEMBERS FOR THE YEAR 2019

BE IT RESOLVED, BY THE LMCD BOARD, STATE OF MINNESOTA, THAT THE FOLLOWING APPOINTMENTS ARE MADE TO THE COMMITTEES FOR THE YEAR 2019 THROUGH JANUARY 31, 2020 AS FOLLOWS:

Committee and Task Force Rosters

AIS Task Force

- Ben Brandt (LMCD)
- Kylie Cattoor (DNR)
- Bill Cook, Chair (LMCD)
- Darren Dummer (TRPD)
- Eric Evenson (LMA)
- Eric Fieldseth (MCWD)
- Tom Frahm (LMA)
- Christine Hokkala-Kuhns (DNR)
- Gabriel Jabbour (Stakeholder)
- Keegan Lund (DNR)
- Ray Newman (MAISRC)
- Rob Roy (Stakeholder)
- Brian Vlach (TRPD)

Nominating Committee (2018/2019)

- Dan Baasen (LMCD)
- Jake Walesch (LMCD)
- Deborah Zorn (LMCD)

Save the Lake Committee

- Dan Baasen (LMCD) (Chair)
- Bill Cook (LMCD)
- Dave Gross (Stakeholder)
- Dan Gustafson (Stakeholder)
- Chris Rich (LMCD)
- Sue Shuff (Stakeholder)
- Gregg Thomas (LMCD)

Strategic Plan Committee

- Gary Hughes (LMCD)
- Dennis Klohs (LMCD)
- Deborah Zorn, Chair (LMCD)

Adopted this 27th day of February 2019. upon a majority vote of all members.

ATTEST:

Gregg Thomas, Chair

Ann Hoelscher, Secretary



ATTACHMENT

Lake Minnetonka Conservation District 2019 Committees & Workgroups

The following information reflects current Committee and Workgroup members as of February 27, 2019. Committee and Workgroup members are made up of LMCD Board Members, Governmental Agency Representatives, and various Lake Stakeholders. Members are subject to change throughout the year.

2019 Committees

AIS Task Force

Ben Brandt (LMCD Board)
Kylie Cattoor (DNR)
Bill Cook, Chair (LMCD Board)
Darren Dummer (TRPD)
Eric Evenson (LMA)
Tom Frahm (LMA)
Eric Fieldseth (MCWD)
Gabriel Jabbour (Stakeholder)
Christine Hokkala-Kuhns (MN DNR)
Ray Newman (MAISRC)
Rob Roy (Stakeholder)
Brian Vlach (TRPD)

Save the Lake Committee

Dan Baasen, Chair (LMCD Board)
Bill Cook (LMCD Board)
David Gross (Stakeholder)
Dan Gustafson (Stakeholder)
Sue Shuff (Stakeholder)
Gregg Thomas (LMCD Board)
Chris Rich (LMCD Board)

Strategic Plan Subcommittee

Gary Hughes (LMCD Board)
Dennis Klohs (LMCD Board)
Deborah Zorn, Chair (LMCD Board)

Nominating Committee

(Dec 2018 - Feb 2019)

Dan Baasen (LMCD Board)
Jake Walesch (LMCD Board)
Deborah Zorn (LMCD Board)

2019 Workgroups

Recodification Workgroup

Ann Hoelscher (LMCD Board)
Gary Hughes (LMCD Board)
Gabriel Jabbour (Stakeholder)
Dennis Klohs (LMCD Board)

Finance Workgroup

Bill Cook (LMCD Board)
Gary Hughes (LMCD Board)

Employee Benefit Workgroup

Vacant

Communications Workgroup

Bill Cook (LMCD Board)
Ann Hoelscher (LMCD Board)
Gary Hughes (LMCD Board)
Dennis Klohs (LMCD Board)

Officer Workgroup

Dan Baasen (LMCD Board)
Bill Cook (LMCD Board)
Ann Hoelscher (LMCD Board)
Gregg Thomas (LMCD Board)

LMCD Staff

Executive Director: Vickie Schleuning
Environmental Administrative Technician: Matthew Cook
Administrative Assistant: Tammy Duncan



ITEM 12A

LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: February 27, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, *Vickie Schleuning* Executive Director

SUBJECT: Vegetation and AIS Master Plan Updates – Request for Proposal

ACTION

Board review of Request for Proposal (RFP) and approval to move forward with publication and solicitation of a consultant.

The following motions are offered depending on whether the Board wishes to approve or deny the request.

Approval:

I make a motion to approve the publication of the Request for Proposal (RFP) and to authorize the Executive Director to solicit submittals from appropriate sources <with the following changes...>.

Denial:

I make a motion to deny the publication of the Request for Proposal (RFP) <for the following reasons...>.

BACKGROUND

With the continuing spread of Aquatic Invasive Species (AIS) including the introduction of starry stonewort in a nearby lake and the uncertainty of hybrid Eurasian watermilfoil, the need for a vegetation and AIS master plan is crucial. Oftentimes, AIS are not effectively eradicated, instead becoming nuisances and hazards that require expensive management to control. The costs of AIS management are significant due to the size of Lake Minnetonka--more than 14,000 acres. Since Lake Minnetonka is one of the busiest lakes in the state, the risk of spreading AIS to other lakes increases, emphasizing the need for universal support for AIS efforts on Lake Minnetonka.

On December 12, 2018, the LMCD Board agreed to proceed with the development of a master plan to identify, prevent, and manage AIS on Lake Minnetonka.

On January 9, 2019, the Board authorized the preparation of a request for proposal to contract with an AIS specialist to assist in the development of a lake-wide plan using a holistic, data-driven approach.

On January 23, 2019, the Board discussed moving forward in receiving input from stakeholders and potential vendors.

On January 25-28, 2019, a copy of the draft RFP was sent to member cities, regulatory agencies, AIS taskforce members, and other stakeholders seeking input.

On February 8, 2019, the AIS Task Force reviewed and provided comment on the draft RFP. Another meeting was held later that day to provide an opportunity for vendors to comment on the draft RFP.

On February 20, 2019, the Board Officers Workgroup discussed the comments on and revisions to the RFP.

The various feedback was reviewed, the comments addressed, and changes made as feasible.

For review, an updated version of the RFP is attached based on the feedback. In addition, a copy of the red-lined version is also attached showing the changes that were made.

ATTACHMENTS

- Request for Proposal – Scientific Studies of Lake Minnetonka and Development of a Vegetation and AIS Master Plan
- Request for Proposal – Redlined Version



ATTACHMENT

LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

REQUEST FOR PROPOSALS

Scientific Studies of Lake Minnetonka and Development of a Vegetation & AIS Master Plan

PROPOSALS DUE: March 22, 2019 at 4:30PM

QUESTIONS AND SUBMISSIONS

Vickie Schleuning, LMCD Executive Director
5341 Maywood Rd, Suite 200
Mound, MN 55364
E: vschleuning@lmcd.org
P: 952.745.0789

Bill Cook, LMCD Board Director
E: bcook@lmcd.org

www.lmcd.org • lmcd@lmcd.org

To preserve and enhance the "Lake Minnetonka experience"

I. PROJECT BACKGROUND AND DESCRIPTION

PURPOSE

The primary focus of this initiative is to develop a holistic and data-driven set of scientific studies culminating in a Lake Minnetonka Vegetation and AIS Master Plan (Master Plan). The program will include, in priority order, the following elements:

1. Proactive Starry Stonewort Protection Plan to prevent the introduction into Lake Minnetonka.
2. A review of the efficiency of the current harvesting program focusing on its ability to manage Eurasian watermilfoil and curly-leaf pond weed in the Lake. This review should also focus on the collateral impacts on and of other AIS species and Lake activities.
3. A review of the current harvesting program focusing on the equipment, management, staffing, training and safety of that program with recommendations for improving the program.
4. AIS inventory and mapping to support permitting, and to develop a historical data base of information to assist future Lake assessments.
5. AIS Master Plan including a threat assessment to identify threats, establish risks, establish methods to prevent AIS, develop a system to effectively respond to existing and new AIS, and to evaluate and establish current and potential methods to manage AIS.
6. AIS Emergency Action Plan Modules shall be developed based on existing and future threats. The starry stonewort emergency action plan module shall be included as part of the Proactive Starry Stonewort Protection Plan.
7. Provide ongoing assistance to the LMCD Board in maintaining the AIS management program.

Implementation of high priority items and a phased approach to complete lower priority items is also anticipated as part of this project, with the potential of a long-term implementation and monitoring program. The scope includes aquatic invasive species such as plants, animals, algae, and other organisms.

Stakeholder participation and support of other agencies, cities, businesses, neighborhood groups, and interested parties will be included to help facilitate a successful project.

GENERAL BACKGROUND

The Lake Minnetonka Conservation District (LMCD) has prepared and participated in numerous studies of aquatic invasive species (AIS) with emphasis on harvesting and chemical treatments of Eurasian watermilfoil and curly-leaf pondweed. The AIS picture has been changing as new threats appear in Minnesota waters and all treatment methods have come under scrutiny. The

most recent identification of starry stonewort in nearby Medicine Lake underscores the importance of minimizing the risk of exposure for Lake Minnetonka.

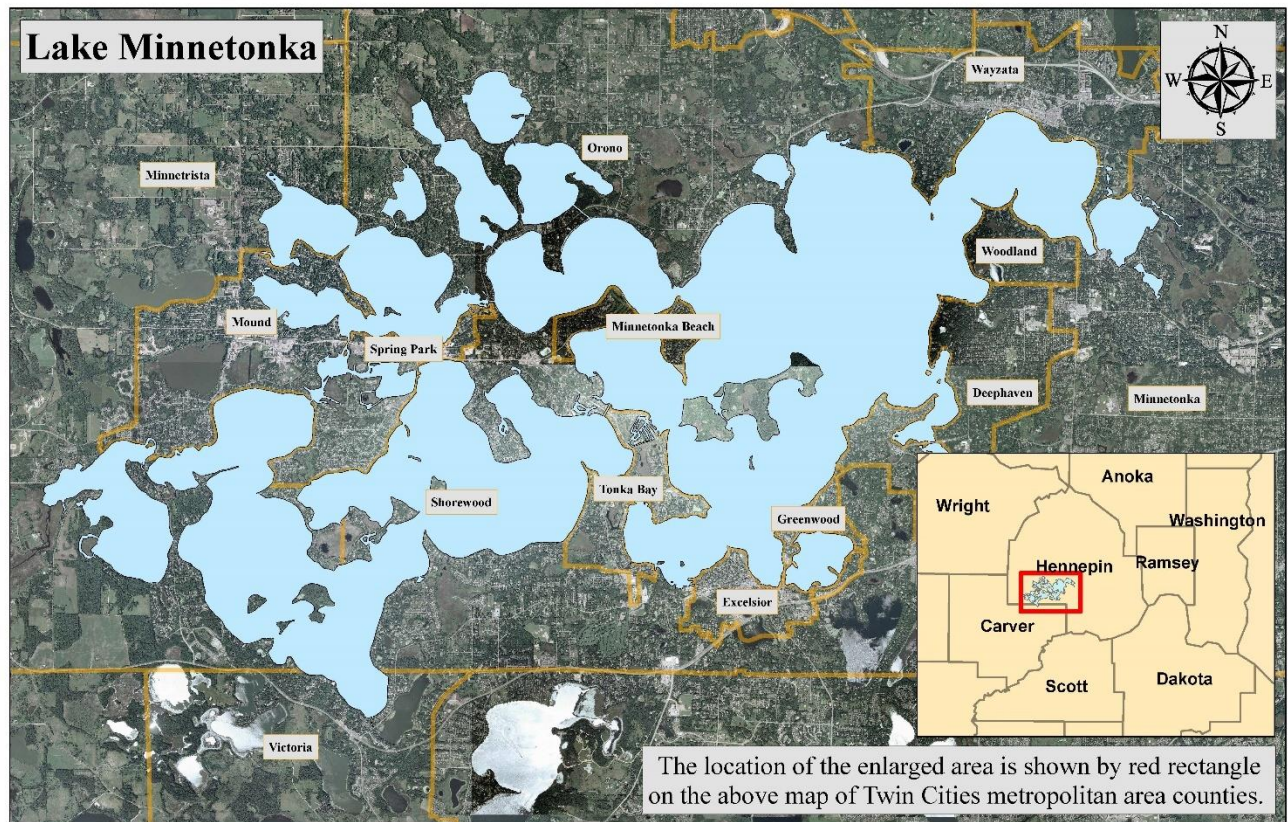
AIS vegetation often form dense mats that hinder boat traffic and other recreational activities and/or replace native vegetation which changes the natural environment of the lake. AIS can also disrupt the food chain and can change the lake characteristics as well as lake animal populations.

Often AIS are not effectively eradicated, but rather become species that require expensive management to control. The costs of management are significant due to the size of Lake Minnetonka--more than 14,000 acres. Further, since Lake Minnetonka is one of the busiest lakes in the state, the risk of spread to other lakes increases. Lake Minnetonka has been infested by AIS such as common carp, Eurasian watermilfoil, curly-leaf pondweed, flowering rush, purple loosestrife, zebra mussels and potentially others.

Certain items are to be addressed within this plan as summarized by a motion passed by the LMCD Board in December 2018:

1. Contract with an AIS trained specialist/researcher to accomplish a review of the harvesting program, acre delineation, and develop a monitoring program as part of a starry stonewort plan, including a response plan to other introductions.
2. Board review of the harvesting operation by an independent party to include the entire procedures, personnel qualifications, costs, safety, emergency equipment needs and shortfalls to be in compliance and consider personnel professional certifications that are applicable.
3. Initiate program cost analysis of the program, funding at appropriate level, and determine where revenues come from.

The project location involves 42 bays of Lake Minnetonka, within the Minnehaha Creek Watershed District. It borders 14 cities and 2 counties. It is surrounded by mostly residential properties but has a significant amount of commercial entities along the Lake. While many residents enjoy the Lake, the Lake is also a source of recreational enjoyment of the general public. It draws thousands of lake enthusiasts each year from around the country for fishing, regattas, and many other activities. The Lake also provides economic benefits to local businesses, the communities, and the region.



II. PROJECT SCOPE

The primary scope of this project includes preparing a Vegetation and AIS Master Plan for Lake Minnetonka (Master Plan). This Master Plan includes, but is not limited to, an assessment of the types of risks to Lake Minnetonka; identification of methods for prevention; effective response plans to new AIS introductions; assessment of current management methods; and providing a scientific review of the benefits of the various treatment options as it relates to the threats.

It is expected that a multitude of prevention and management options will be considered in development of the Master Plan, including but not limited to chemical, mechanical, physical, biological, and other control or prevention strategies. This may involve the compilation of existing data from various regulatory agencies, as well as assessing new approaches to lake management. The following items are some expected components of the Master Plan.

1.0 Proactive Starry Stonewort Protection Plan (Priority 1)

- 1.1 Develop and prepare a fact sheet or position paper with an understanding of the biology of the starry stonewort threat, its travel mechanism, treatment options, prevention, and management options. This document will form the basis for the LMCD

AIS Committee recommendations and begin the development of a permitting and action plan.

- 1.1.1 Contact the University of Minnesota Aquatic Invasive Species Research Center (MAISRC) to determine its interest and input.
- 1.1.2 Contact other relevant agencies such as Minnesota Department of Natural Resources (MNDNR), Minnehaha Creek Watershed District (MCWD), United States Geological Survey (USGS), Three Rivers Park District (TRPD), and Hennepin County (HC) to obtain their respective inputs into a proactive approach to controlling starry stonewort to and from Lake Minnetonka. Assist the LMCD in communications with cities, businesses, residents, Lake Minnetonka Association (LMA), and the general public as needed to obtain any additional feedback.
- 1.1.3 Develop implementable proactive options available to the LMCD to protect public and private boat launches, tributaries, and other AIS travel mechanisms identified above.
 - 1.1.3.1 Evaluate herbicide and other chemical means of proactive protection options.
 - 1.1.3.2 Evaluate mechanical means of proactive protection options.
 - 1.1.3.3 Evaluate biological means of proactive protection options including but not limited to native plant restoration, plant specific organisms, etc.
 - 1.1.3.4 Evaluate physical and other means of proactive protection options.
 - 1.1.3.5 Evaluate a mixture of chemical, mechanical, biological, physical and other option combinations.
 - 1.1.3.6 Identify the impact the various treatments have on each other including any existing treatments. Contact current chemical applicators for their input.
 - 1.1.3.7 Identify the permits needed to operate a proactive starry stonewort protection plan.
 - 1.1.3.8 Identify the first year and following year costs to implement the options identified.
 - 1.1.3.9 Present identified options to the LMCD AIS Committee for discussion and development of recommendations to the LMCD Board of Directors.
- 1.1.4 Identify any funding options, including local, state and federal grants; Legislative Citizen Commission on Minnesota Resources; Environment and Natural Resources Trust Fund; university grants; and other potential sources.
- 1.1.5 Prepare a proactive work plan to be approved by the LMCD AIS Committee.

2.0 Assessment of Existing Harvesting Program (Priorities 2 and 3)

- 2.1 Provide an assessment of current mechanical harvesting programs and management activities.
 - 2.1.1 Provide a scientific review of the benefits and liabilities of the current LMCD harvesting program methods and procedures and determine the program's effectiveness in meeting its goals.
 - 2.1.1.1. Provide an evaluation of harvesting impacts on native plants and animals including milfoil weevils and other macroinvertebrates.
 - 2.1.1.2. Provide options and costs for the restoration of native plant communities.
 - 2.1.2 Provide an experienced review of the harvesting program focusing on staffing and qualifications, training, equipment, maintenance, safety, field supervision and implementation of the existing program.
 - 2.1.3 Provide the information needed for the LMCD Board to determine whether to continue the LMCD harvesting program in its current form.
 - 2.1.4 Provide an analysis of expanding, reducing, or maintain the current scope of the LMCD Harvesting Program.
 - 2.1.5 Provide a financial summary that accurately reflects all costs associated with the current AIS program (including weighted salaries, equipment depreciation, etc.).
 - 2.1.6 Provide a cost comparison (showing current, 5-year, 10-year, and 20-year) of actual costs to implement an LMCD harvesting program with the proposed changes to the cost of hiring private contractors.
 - 2.1.7 If the recommendation is to continue the program, recommend changes to the existing program and assist in determining the funding necessary to implement those changes.

3.0 Mapping (Priority 4)

3.1 Identification and Mapping of AIS and Vegetation

- 3.1.1 Provide mapping of each bay using Hennepin County GIS as a base map.
- 3.1.2 Obtain AIS delineations (current and historical) on file with MNDNR, MCWD, HC, lake service providers, LMA, LMCD, and other parties to develop initial delineation map.
- 3.1.3 Convert existing LMA bathymetric model to GIS Shape File.
- 3.1.4 Maintain historical information in GIS.
- 3.1.5 Provide GIS system capability to include protected vegetative species as well as AIS.

- 3.1.6 Provide fees and scopes for two levels of delineation such as visual survey of AIS at 10-foot contour intervals and GPS based point-intercept survey (50-meter grid) similar to a Lake Vegetation Management Plan or Core of Engineer study.
- 3.1.7 Provide a map of vegetation that will satisfy MNDNR permit requirements for AIS control.

4.0 Vegetation and AIS Master Plan (Priority 5)

4.1 Develop a Module based format to allow the Management Plan to be continuously updated without revising the entire document.

4.1.1 For example, based on the “2012 Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Management Plan”

4.1.1.1 General Information Module

4.1.1.2. Bay Information Modules (Update)

4.1.1.2.1 Key Features

4.1.1.2.2. Vegetation Mapping

4.1.1.3. AIS Threat Assessment

4.1.1.3.1. AIS Threat Fact Sheets

4.1.1.4. Treatment Alternatives and Evaluations

4.1.1.4.1. Include the no treatment and no harvesting option

4.1.1.4.2. Include assessments of likelihood of success for each bay or lake segment.

4.1.1.5. Treatment Alternatives Evaluation

4.1.1.6. Report Summary

4.2 Provide a cost comparison (showing current, 5-year, 10-year, and 20-year) of actual costs to implement an LMCD harvesting program with the proposed changes to the cost of hiring private contractors.

4.3 Provide an assessment and scientific review of the chemical treatments, costs, benefits, and long-term impact to the lake.

4.3.1 Develop a recommendation for chemical/herbicide treatment and associated benefits and liabilities in meeting its goals.

4.3.1.1. Provide an evaluation of chemical impacts on native plants and animals.

- 4.3.1.2 Provide options and costs for the restoration of native plant communities
- 4.3.2 Provide a risk assessment regarding chemical treatments and hybrid AIS and new AIS.
- 4.4 Provide information regarding the scope and types of AIS management (mechanical, chemical, physical, etc.) that is occurring through private parties such as residents, businesses, and others; and the impact to the Lake, AIS, and vegetation.
- 4.5 Provide “what if” scenarios regarding elimination of current activities and alternative options.
- 4.6 Provide an assessment of potential and new methods and activities that could be used to better manage AIS on Lake Minnetonka.
- 4.7 Explore options for integration of existing and/or new methods.

5.0 AIS Emergency Action Plans (Priority 6)

- 5.1 Prepare a starry stonewort Emergency Action Plan that can be used as a framework for starry stonewort and other AIS threats observed in Lake Minnetonka.

6.0 AIS PROGRAM ASSISTANCE (Priority 7)

- 6.1 Provide ongoing assistance to the LMCD Board in maintaining the AIS management program.

III. SUMMARY OF DELIVERABLES

It is the intent of this RFP to develop brief modules surrounding existing information and the scope elements of this RFP to allow the Master Plan to be updated on a continuous basis so that it becomes an evolutionary document and not a static document. The following is a list of the deliverables anticipated by this RFP.

1. Starry Stonewort Fact Sheet and Emergency Action Plan
2. Technical Assessment of the Harvesting Program
3. Effectiveness Assessment of the Harvesting Program
4. Mapping Shape Files for insertion into LMCD Hennepin County GIS Mapping System
5. Vegetative and AIS Master Plan
6. Emergency Action Plans
7. In support of this effort provide ongoing assistance to the LMCD Board in maintaining the AIS program including, but not limited to, the following:

- a) Provide minutes of any meetings with committees, stakeholders, etc. conducted as part of the process.
 - b) Memos and statements of understanding required to complete the work.
 - c) Prepare draft Master Plan for review by the LMCD AIS Committee.
 - d) Support required permit applications with technical information as needed. LMCD will make application and prepare documentation.
 - e) Deliver presentation suitable for the LMCD Board, e.g., PowerPoint, etc.
8. Prepare and present recommendations for implementation requirements, costs, timelines, and an implementation plan to the LMCD AIS Committee.

IV. HIGH-LEVEL TIMELINE & SCHEDULE

The consultant will prepare a Vegetation and AIS Master Plan for Lake Minnetonka. This plan includes, but is not limited to, an assessment of the types of risks to Lake Minnetonka; identification of methods for prevention, effective response plans to new AIS introductions, assessment of current management methods; and providing a scientific review of the benefits of the various treatment options as it relates to the threats.

Public Meetings are anticipated throughout this process. For proposal definition, anticipate six AIS Task Force Meetings, four Public or Board Meetings and two public presentation meetings.

Elements of the Master Plan may be implemented simultaneously depending on the proposal, recommendations, and needs. A few desired deliverables of the plan implementation are highlighted in the tentative timeline. The LMCD will work with the consultant regarding the final timeline and schedules.

To move forward the overall plan and implementation of high priority items during the 2019 recreational boating season, a threat assessment and proactive starry stonewort plan is desired to be completed in the initial phases.

The work of vegetation inventory and mapping is likely to occur over multiple annual budget periods due to its nature and vegetation lifecycle.

Additional ongoing AIS consulting is anticipated through December 2019, with the potential to add additional years to the scope for implementation of the plan and at a mutually agreed level of funding.

Tentative High-Level Timeline & Schedule	
Submission Deadline	03/22/019
Committee Review of Top Candidates	03/29/2019
Committee Meeting with Top Candidates	Week of 04/01/2019
Board Award of Professional Services Agreement	04/10/2019
Professional Services Agreement Start Date	As soon as possible
Starry Stonewort Prevention & Response Plan	06/15/ 2019
Harvesting Program Review	06/31/2019
Vegetation/AIS Inventory & Mapping	09/30/2019
Master Plan Prepared	12/15/2019
Implementation of Master Plan Begins	Phases To Be Determined

V. PROFESSIONAL SERVICES AGREEMENT & COST ESTIMATES

The LMCD intends, but is not obligated, to award a professional services agreement to complete the development of the Vegetation and AIS Master Plan for Lake Minnetonka. Initial funding and reimbursement will be based on hourly rates and expenses up to \$50,000 for the development of the plan and implementation of priority phases of the plan. The implementation of the Master Plan will likely occur over multiple budget cycles.

Options, alternatives, and proposed timelines are acceptable for each section of the proposed Master Plan. The proposal shall outline costs for each section and alternatives of the plan. This also includes the vegetation identification and mapping activities. The timeline may change based on applicant recommendations.

The party that is chosen will be required to sign a Professional Services Agreement similar to the agreement attached to this RFP, and it may be modified depending on the specifics of the proposal.

The selected consultant will be required to provide comprehensive general liability, and worker's compensation insurance, property and automobile coverage and errors and omissions insurance with the LMCD listed as a named insured. Levels of insurance shall be as stated in the Professional Services Agreement.

REFERENCE MATERIALS

The following references are available to obtain current and background information.

1. LMCD Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Management Plan 2013.
2. Additional historical reports and studies can be found at LMCD website, www.lmcd.org.

VI. LMCD BOARD INVOLVEMENT

The LMCD Board will review and approve the scope of work, the procurement process, the proposals, the results of each scope item and the conclusions of the work. Any follow-up work, or work out of scope of the project, must be approved by the Board prior to commencing the work.

VII. PROPOSAL AND SELECTION PROCESS

PROPOSALS

Proposals must be submitted digitally and identify the following:

1. The experience and qualifications of the company, agency, or lead scientist with a brief explanation of their relevance to this project.
2. The experience and qualifications of the project manager, if different than the person identified in paragraph 1, with a brief explanation of the relevance to this project.
3. An assessment of the proposer's ability to complete the work in the timeframe of the RFP.
4. Any scope suggestions, alternatives, or options made by the proposer to increase the value of this work.
5. An hourly budget for each task item in the scope of work and anticipated total costs.
6. Hourly rates for the lead scientist and project manager and anticipated total costs.
7. Subcontracted scope of items and estimated costs for those items.
8. Proof of insurance and W-9 and corporate/individual licenses necessary to conduct this type of work in Minnesota.
9. References of at least three individuals or organizations that can provide feedback about past projects.

INITIAL SCREENING

Upon receipt of the proposals, the LMCD Selection Committee will rank them based on the following in priority order. Interviews will be held with at least the top two to four applicants.

1. The experience and qualifications of the proposer relevant to this project.
2. Clarity and completeness of the proposal.
3. The soundness of the consultant's proposed methods and approach to the work, e.g., consultant's plan for stakeholder engagement, coordinating existing data with new data.
4. Positive scope suggestions that add value and will benefit the LMCD mission of "preserving and enhancing the Lake Minnetonka experience."
5. The hourly budgets for each task item and estimated total costs.
6. The ability to complete the work in the schedule provided or agreed upon.

The LMCD will conduct initial screening of the applicants, obtaining comments from various agencies and entities relative to the RFP.

INTERVIEWS

Applicants that are chosen from the initial screening will be interviewed by the LMCD Selection Committee. The selection Committee may include each of the LMCD Board officers (4), the Executive Director (1), a non-officer Board member (1) a member from the public (1), a member of the Minnehaha Creek Watershed District Staff or other possible parties.

RECOMMENDATION TO THE BOARD

Based on the proposals, the interviews and any additional information requested and received by the LMCD, the selection committee will make its recommendation to the LMCD Board.



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

REQUEST FOR PROPOSALS

Update of Scientific Studies of Lake Minnetonka and Development of
a Vegetation & AIS Master Plan

PROPOSALS DUE: March 22/13/5, 2019 at 4:30PM

Commented [ah1]: Accordingly to the Timeline

QUESTIONS AND SUBMISSIONS

Vickie Schleuning, LMCD Executive Director
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To preserve and enhance the "Lake Minnetonka experience"

DRAFT

I. PROJECT BACKGROUND AND DESCRIPTION

PURPOSE

The primary focus of this initiative is to develop a holistic and data-driven set of scientific studies culminating in a Lake Minnetonka Vegetation and AIS Master Plan (Master Plan). The program will include, in priority order, the following elements:

1. Proactive Starry Stonewort Protection Plan to prevent the introduction into Lake Minnetonka.
2. A review of the efficiency of the current harvesting program focusing on its ability to manage Eurasian watermilfoil and curly-leaf pond weed in the Lake. This review should also focus on the collateral impacts on and of other AIS species and Lake activities.
3. A review of the current harvesting program focusing on the equipment, management, staffing, training and safety of that program with recommendations for improving the program.
4. AIS inventory and mapping to support permitting, and to develop a historical data base of information to assist future Lake assessments.
5. AIS Master Plan including a threat assessment to identify threats, establish risks, establish methods to prevent AIS, develop a system to effectively respond to existing and new AIS, and to evaluate and establish current and potential methods to manage AIS.
6. AIS Emergency Action Plan Modules shall be developed based on existing and future threats. The starry stonewort emergency action plan module shall be included as part of the Proactive Starry Stonewort Protection Plan.
7. Provide ongoing assistance to the LMCD Board in maintaining the AIS management program.

Implementation of high priority items and a phased approach to complete lower priority items is also anticipated as part of this project, with the potential of a long-term implementation and monitoring program. The scope includes aquatic invasive species such as plants, animals, algae, and other organisms.

Stakeholder participation and support of other agencies, cities, businesses, neighborhood groups, and interested parties will be included to help facilitate a successful project.

GENERAL BACKGROUND

The Lake Minnetonka Conservation District (LMCD) has prepared and participated in numerous studies of aquatic invasive species (AIS) with emphasis on harvesting and chemical treatments of Eurasian watermilfoil and curly-leaf pondweed. The AIS picture has been changing as new

threats appear in Minnesota waters and all treatment methods have come under scrutiny. The most recent identification of starry stonewort in nearby Medicine Lake underscores the importance of minimizing the risk of exposure for Lake Minnetonka.

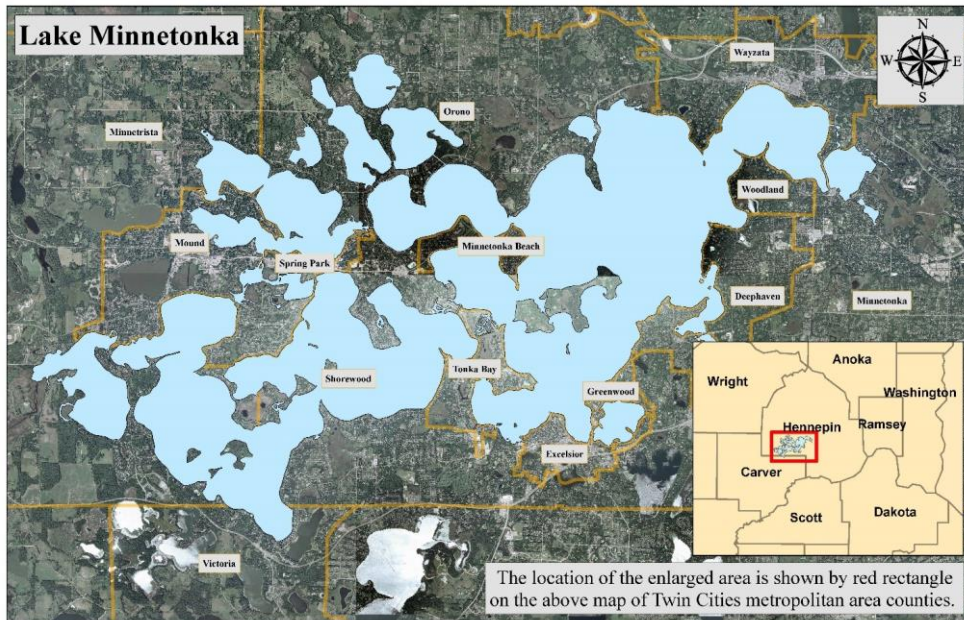
AIS vegetation often form dense mats that hinder boat traffic and other recreational activities and/or replace native vegetation which changes the natural environment of the lake. AIS can also disrupt the food chain and can change the lake characteristics as well as lake animal populations.

Often AIS are not effectively eradicated, but rather become species that require expensive management to control. The costs of management are significant due to the size of Lake Minnetonka--more than 14,000 acres. Further, since Lake Minnetonka is one of the busiest lakes in the state, the risk of spread to other lakes increases. Lake Minnetonka has been infested by AIS such as common carp, Eurasian watermilfoil, curly-leaf pondweed, flowering rush, purple loosestrife, zebra mussels and potentially others.

Certain items are to be addressed within this plan as summarized by a motion passed by the LMCD Board in December 2018:

1. Contract with an AIS trained specialist/researcher to accomplish a review of the harvesting program, acre delineation, and develop a monitoring program as part of a starry stonewort plan, including a response plan to other introductions.
2. Board review of the harvesting operation by an independent party to include the entire procedures, personnel qualifications, costs, safety, emergency equipment needs and shortfalls to be in compliance and consider personnel professional certifications that are applicable.
3. Initiate program cost analysis of the program, funding at appropriate level, and determine where revenues come from.

PROJECT LOCATION



The primary scope of this project includes preparing a [Vegetation](#) and AIS Master Plan for [Lake Minnetonka \(Master Plan\)](#). This [Master Plan](#) includes, but is not limited to, an assessment of the types of risks to Lake Minnetonka; identification of methods for prevention; effective response plans to new AIS introductions; assessment of current management methods; and providing a scientific review of the benefits of the various treatment options as it relates to the threats.

It is expected that a multitude of prevention and management options will be considered in development of the [Master Plan](#), including but not limited to chemical, mechanical, physical, biological, and other control or prevention strategies. This may involve the compilation of existing data from various regulatory agencies, as well as assessing new approaches to lake management. The following items are some expected components of the Master Plan.

[1.0 Proactive Starry Stonewort Protection Plan \(Priority 1\)](#)

- 1.1 Develop and prepare a [fact sheet or position paper](#) with an understanding of the biology of [the](#) starry stonewort [threat](#), [its](#) travel mechanism,

treatment options, prevention, and management options. This [document](#) will form the basis for the LMCD AIS Committee recommendations [and begin the development of a permitting and action plan](#).

~~1.1.1 Develop and prepare a report that will identify AIS and the risks posed specific to Lake Minnetonka.~~

1.1.2 Contact other relevant agencies such as Minnesota Department of Natural Resources (MNDNR), Minnehaha Creek Watershed District (MCWD), United States Geological Survey (USGS), Three Rivers Park District (TRPD), [and Hennepin County \(HC\)](#) to obtain their respective inputs into a proactive approach to controlling [starry stonewort](#) to and from Lake Minnetonka. Assist the LMCD in communications with cities, businesses, residents, Lake Minnetonka Association (LMA), and the general public as needed to obtain any additional feedback.

[1.1.3 Develop implementable proactive options available to the LMCD to protect public and private boat launches, tributaries, and other AIS travel mechanisms identified above.](#)

[1.1.3.1 Evaluate herbicide and other chemical means of proactive protection options.](#)

[1.1.3.2 Evaluate mechanical means of proactive protection options.](#)

[1.1.3.3 Evaluate biological means of proactive protection options including but not limited to native plant restoration, plant specific organisms, etc.](#)

[1.1.3.4 Evaluate physical and other means of proactive protection options.](#)

[1.1.3.5 Evaluate a mixture of chemical, mechanical, biological, physical and other option combinations.](#)

[1.1.3.6 Identify the impact the various treatments have on each other including any existing treatments. Contact current chemical applicators for their input.](#)

[1.1.3.7 Identify the permits needed to operate a proactive starry stonewort protection plan.](#)

[1.1.3.8 Identify the first year and following year costs to implement the options identified.](#)

[1.1.3.9 Present identified options to the LMCD AIS Committee for discussion and development of recommendations to the LMCD Board of Directors.](#)

- 1.1.5 Identify any funding options, including local, state and federal grants; Legislative Citizen Commission on Minnesota Resources; Environment and Natural Resources Trust Fund; university grants; and other potential sources.
- 1.1.6 Prepare a proactive work plan to be approved by the LMCD AIS Committee.

2.0 Assessment of Existing Harvesting Program (Priorities 2 and 3)

2.1 Provide an assessment of current mechanical harvesting programs and management activities.

2.1.1 Provide a scientific review of the benefits and liabilities of the current LMCD harvesting program methods and procedures and determine the program's effectiveness in meeting its goals.

2.1.1.1. Provide an evaluation of harvesting impacts on native plants and animals including milfoil weevils and other macroinvertebrates.

2.1.1.2 Provide options and costs for the restoration of native plant communities.

2.1.2 Provide an experienced review of the harvesting program focusing on staffing and qualifications, training, equipment, maintenance, safety, field supervision and implementation of the existing program.

2.1.3 Provide the information needed for the LMCD Board to determine whether or not to continue the LMCD harvesting program in its current form.

2.1.4 Provide an analysis of expanding, reducing, or maintain the current scope of the LMCD Harvesting Program.

2.1.5 Provide a financial summary that accurately reflects all costs associated with the current AIS program (including weighted salaries, equipment depreciation, etc.).

2.1.6 Provide a cost comparison (showing current, 5-year, 10-year, and 20-year) of actual costs to implement an LMCD harvesting program with the proposed changes to the cost of hiring private contractors.

2.1.5 If the recommendation is to continue the program, recommend changes to the existing program and assist in determining the funding necessary to implement those changes.

4.2.1.1. Provide an evaluation of chemical impacts on native plants and animals including milfoil weevils and other macroinvertebrates.

3.1 Identification and Mapping of AIS and Vegetation

3.1.1 Provide mapping of each bay using Hennepin County GIS as a base map.

- 3.1.2 Obtain AIS delineations (current and historical) on file with MNDNR, MCWD, HC, lake service providers, LMA, LMCD, and other parties to develop initial delineation map.
- 3.1.3 Convert existing LMA bathymetric model to GIS Shape File.
- 3.1.4 Maintain historical information in GIS.
- 3.1.5 Provide GIS system capability to include protected vegetative species as well as AIS.
- 3.1.6 Provide fees and scopes for two levels of delineation such as visual survey of AIS at 10-foot contour intervals and GPS based point-intercept survey (50-meter grid) similar to a Lake Vegetation Management Plan or Core of Engineer study.
- Provide a map of vegetation that will satisfy MNDNR permit requirements for AIS control.

4.0 Vegetation and AIS Master Plan (Priority 5)

3. RESPONSE TO AIS INTRODUCTIONS

4.1.1 For example, based on the "2012 Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Management Plan"

4.1.1.1 General Information Module

4.1.1.2. Bay Information Modules (Update)

4.1.1.2.1 Key Features

4.1.1.2.2. Vegetation Mapping

4.1.1.3. AIS Threat Assessment

4.1.1.3.1. AIS Threat Fact Sheets

4.1.1.4. Treatment Alternatives and Evaluations

4.1.1.4.1. Include the no treatment no harvesting option

4.1.1.4.2. Include assessments of likelihood of success for each bay or lake segment.

4.1.1.5. Treatment Alternatives Evaluation

4.1.1.6. Report Summary

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4.3 Provide an assessment and scientific review of the chemical treatments, costs, benefits, and long-term impact to the lake.

- 4.3.1 Develop a recommendation for chemical/herbicide treatment and associated benefits and liabilities in meeting its goals.
 - 4.3.1.1. Provide an evaluation of chemical impacts on native plants and animals.
 - 4.3.1.2 Provide options and costs for the restoration of native plant communities. (Does this belong under the chemical treatment section or in the RFP at all?)
- 4.3.2 Provide a risk assessment regarding chemical treatments and hybrid AIS and new AIS.
- 4.4 Provide information regarding the scope and types of AIS management (mechanical, chemical, physical, etc.) that is occurring through private parties such as residents, businesses, and others; and the impact to the Lake, AIS, and vegetation.
- 4.5 Provide “what if” scenarios regarding elimination of current activities and alternative options.
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- 5.1 Prepare a starry stonewort Emergency Action Plan that can be used as a framework for starry stonewort and other AIS threats observed in Lake Minnetonka.

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- 6.1 Provide ongoing assistance to the LMCD Board in maintaining the AIS management program.

III. SUMMARY OF DELIVERABLES

It is the intent of this RFP to develop brief modules surrounding existing information and the scope elements of this RFP to allow the Master Plan to be updated on a continuous basis so that it becomes an evolutionary document and not a static document. The following is a list of the deliverables anticipated by this RFP.

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3. Effectiveness Assessment of the Harvesting Program

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7. In support of this effort provide ongoing assistance to the LMCD Board in maintaining the AIS program including, but not limited to, the following:
 1. Provide minutes of any meetings with Committees, stakeholders, etc. conducted as part of the process.
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 3. Prepare draft Master Plan for review by the LMCD AIS Committee.
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RECOMMENDATION TO THE BOARD

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