



LAKE MINNETONKA CONSERVATION DISTRICT

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LAKE MINNETONKA CONSERVATION DISTRICT

Wednesday, March 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. **No Work Session-** Meeting to Start at Formal Board Agenda

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)
6. **APPROVAL OF MINUTES** – 02/27/2019 LMCD Regular Board Meeting
7. **APPROVAL OF CONSENT AGENDA**
 - A) Audit of Vouchers (03/01/2019 - 03-15/2019) and (03/16/2019 – 03/31/2019)
 - B) Resolution accepting Save the Lake Contributions (01/01/2019 – 02/26/2019)
 - C) January and February Financial Summary and Balance Sheets
 - D) LMCIT Liability Coverage Waiver Form
 - E) Summary of Executive Director Review

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) Wayzata Sailing School Project and Access Update

10. PUBLIC HEARINGS

A) None

11. OTHER BUSINESS

A) None

12. OLD BUSINESS

A) Emergency Powers and Cost Recovery Code Amendment

13. NEW BUSINESS

A) Libbs Lake Association AIS Funding Request

B) 2019 Alcoholic Beverage License Renewals

C) Legislation Update

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. ADJOURNMENT

Future Items – Tentative

- Hennepin County Sheriff's Report – April 10, 2019
- Lake Use Vision and Policy Discussion Continuing Series- TBD
 - Lake Sales Discussion- on hold

ITEM 6

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

7:00 P.M., February 27, 2019
Wayzata City Hall

WORK SESSION

6:00 p.m. to 6:50 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; Nicole Stone, Minnetonka; and Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; and Vickie Schleuning, Executive Director.

Members absent: Jake Walesch, Deephaven; and Chris Rich, Woodland. No Delegate, Excelsior.

Persons in Audience: Adam McLain, Aaron Bean, Richie Anderson, Roxanne Rockvam, and Bill Olson.

1. Fuel Boat Discussion

Chair Thomas stated that the proposers had requested this item be removed from the agenda in order to address staff concerns.

Attorney Gilchrist stated staff has spent a significant amount of time researching this item and it would be beneficial to hear an outline of the items that led to the staff recommendations.

Thomas requested staff provide background information.

Schleuning stated she had made several contacts regarding the fuel boat operation and associated regulations including Minnesota State Fire Marshal's Office, local fire departments, Minnesota Pollution Control Agency, Minnesota Weights and Measures, U of M Duluth and U.S. Coast Guard, and others. In addition, she contacted representatives of Lake Geneva where a fuel boat has been in operation for four years. Various feedback was received that was positive, in opposition, or concerns. While a significant amount of information was gathered, staff believed that the main points for the board to consider was based on information received initially from the Minnesota State Fire Marshal's Office. That information is included in the memo. She noted she appreciated everyone's feedback and assistance with the research.

She further explained that the principal concern is whether the fuel boat meets the definition of a "marine motor fueling facility" as prescribed by the current 2015 Minnesota Fire Code. She further noted that the six local fire departments associated with Lake Minnetonka are the "authority having jurisdiction" to make that decision. At the time, three fire departments stated they did not believe it met the definition, therefore, this type of fuel boat operation would not be approved.

Based on the research, the uncertainties associated with the current Fire Code language and lack of dedicated criteria, it is staff's recommendation for the board to wait until appropriate fire codes and associated criteria are in place before considering an amendment to the LMCD Code to allow such an operation.

2. Strategic Plan

Schleuning reviewed the 2017/2018 Strategic Plan and 4th Quarter results indicating a significant amount of progress has been made the past two years.

Chair Thomas asked Director Zorn, the chair of the strategic planning committee to share her thoughts.

Zorn stated she is digesting the information and asked other board members for their feedback.

Cook stated that moving forward the LMCD change its focus to address initiatives regarding AIS management work.

Baasen stated he would like to address the challenges facing the lake.

Hoelscher stated she would like to see the board to continue to focus on the mission of its work as indicated in the folders and liked the strategic plan dashboard.

Klohs would like to see the dashboard and frequent updates about achievements toward the strategic plan.

Kroll thought it was important to continue to address milfoil and other AIS, along with wakeboard shared use policy and the impact to erosion.

Molitor stated it is important to keep focused on the strategic plan and make sure that we choose the amount of activities that we can perform properly.

Stone stated that she is new and wants to make sure to represent the best interest of Minnetonka and the lake.

Hughes stated he would like to see the Work Sessions used for discussion about lake goals and initiatives.

Brandt stated he would like to see information addressing how we work with the various partners such as cities, MCWD, DNR, LMA. Second, the budget including revenues and fees should be reviewed, along with the concerns about AIS.

Gilchrist stated he would like to see continued perspectives about board policy.

Thomas asked the audience to provide any input.

Richie Anderson, North Shore Marina, stated he would like to be more involved and referenced conversations with Schleuning to work on a project with LMCD staff to provide educational information for boating operations.

Zorn stated she appreciated the information and looked forward to working with the Strategic Planning Committee on options to bring forward to the board. The Strategic Planning Committee is currently Zorn, Klohs, and Hughes. Any interested parties should let staff know. Meetings will be set up shortly.

Regular Session
7:00 p.m.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Members absent: Chris Rich, Woodland; No Delegate, Excelsior.

4. APPROVAL OF AGENDA

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

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Gilchrist administered the following Board member:

~~A) Oath of Office to Chris Rich (City of Woodland)~~

B) Oath of Office to Nicole Stone (City of Minnetonka)

Stone introduced herself to the other members of the Board.

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

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

VOTE: Ayes (11), Abstained (2), (Baasen, Stone). Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Cook moved, Walesch seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (02/16/2019 – 02/28/2019).

VOTE: Motion carried unanimously.

8. PUBLIC PRESENTATIONS

A) Destination Imagination – The Minnetonka Lakers

Schleuning stated that she was introduced to the Minnetonka Lakers Destination Imagination group about one month ago when the group completed a project about preventing pollution on Lake Minnetonka. She stated that the group was selected as winners at their last event and will move on to the State level. She invited the group to come forward.

Cathy Maser, leader of the group, explained that the group had their choice on any public project and the youth chose to do their project on protection of the lake.

The youth from the Minnetonka Lakers Destination Imagination group presented the elements of their project that included winter kill of fish, the effect of motor oil as a contaminate, blue green algae, the appropriate amount of salt that should be used on a driveway and the impact salt has on the lake, nine things people can do to help the lake, milfoil, the effect of pesticides and fertilizer on the lake, and the effects of herbicides. They provided an example of a river that caught on fire because of pollution. They also reviewed different causes of fish death in the lake and reviewed different recreational activities that people enjoy on the lake. The youth provided an informational packet that contains educational information on aquatic hitchhikers.

Chair Thomas thanked the youth for their presentation. He confirmed that the youth all attend Minnewashta elementary school and range in ages from third through fifth grade. He invited that the youth to introduce themselves.

The youth from the group introduced themselves.

Zorn stated that she has youth at Deephaven Elementary and asked if the informational brochure could be shared with other schools in the area.

The youth confirmed that the information could be shared with other schools to help spread awareness about preventing pollution in the lake.

Zorn stated that when the youth turn 12 years old, they can take a boaters' safety course, noting that the LMCD offers a free course for youth.

Brandt stated that he watched the YouTube video the group created earlier, which was great, and thanked the

group for their presentation tonight.

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

There were no public comments.

10. PUBLIC HEARING

There were no public hearings.

11. OTHER BUSINESS

A) Resolution Authorizing Appointment of Committee Members

Schleuning stated that after the last meeting, people were asked to reappoint themselves or request a new assignment. She stated that members can always sign up for a new appointment at any time during the year, should another member wish to join.

Chair Thomas confirmed that the Committee appointments can change as new members join.

Hoelscher referenced the Communications Work Group, which met the previous year but then went dormant. She suggested that the group be split into communications (related to public communications) and the second part addressing talking points.

Schleuning stated that Walesch can be added to the Communications Work Group, and the additional suggestions can be determined within the group.

Chair Thomas noted that the motion tonight simply addresses Committee assignments and therefore the work group would be outside of that spectrum.

MOTION: Kroll moved, Baasen seconded to approve the resolution authorizing appointment of Committee Members.

VOTE: Motion carried unanimously.

12. OLD BUSINESS

A) Vegetation and AIS Master Plan RFP

Cook stated that an AIS Task Force meeting occurred on February 8th, at which time several verbal comments were received from members of different agencies/partners. He stated that following that meeting, there was a potential proposers meeting, to which one proposer attended. He stated that the group discussed the proposal with that representative and his firm. He noted that he also spoke with another proposer via telephone and met a third

proposer in person. He reviewed a summary of the comments received, breaking those comments into stakeholders and proposers. He reviewed some of the themes of the comments received and stated that they attempted to incorporate most of the comments into the draft RFP, which was included in the Board packet. He highlighted the seven deliverables by priority. He reviewed the selection process, noting that the Board is still on the prework stage. He asked that the Board also establish a Selection Committee and reviewed the proposed types of members that he would like to see on the Board, which spans a number of organizations. He noted that the selection could be made following tonight's meeting and he could bring those members back to the Board at the next meeting.

Klohs asked if there is a cap on the cost of the activities within the RFP.

Cook stated that he removed that referenced from the draft RFP. He stated that he does have a sense of the approximate cost, based on information received from other lakes. He stated that at this point he would like the proposers to tell the Board the estimated cost, and that proposed cost could be used to weigh proposals, rather than creating an arbitrary number.

Klohs agreed that would be the best method.

Walesch asked the number of proposals that are expected to be received.

Cook stated that there are probably about six companies that could do the work but noted that one group recused themselves because of a conflict of interest, which would leave five potentials. He stated that he would be delighted to receive two or three proposals. He stated that they are all Minnesota based companies.

Molitor stated that he is interpreting that harvesting will not be completed by the LMCD this year based upon the proposed schedule.

Cook stated that he does not expect that the LMCD staff would do any harvesting this year because the work could not be done in time.

Klohs noted that the work could be contracted out.

Molitor stated that it would appear that any harvesting would occur then in July or after.

Cook confirmed that would fit with the growing season and more review is underway regarding options.

MOTION: Cook moved, Hoelscher seconded to authorize the publication of the RFP to solicit proposals and further authorize the establishment of a Selection Committee as described.

VOTE: Ayes (12), Nay (1, Molitor). Motion carried.

Chair Thomas expressed gratitude for the many hours of work and background that Cook has contributed to this process.

13. NEW BUSINESS

There was no new business.

14. TREASURER REPORT

Cook had nothing further to report.

15. EXECUTIVE DIRECTOR UPDATE

Schleunig provided the following information:

- Two snowmobiles recently broke through the ice and fell into the lake, as alerted by Hennepin County Water Patrol. She expressed that lake users should be cautious of open water or thin ice areas. There is a higher propensity for open water or thin ice in areas such as channels or near bridges.
- Fish ice houses need to be removed by Monday, March 4th. If lake users have concerns about removing the fish houses on time, they should contact Water Patrol right away to discuss resolution.
- Deicing regulation changes start in March, for activities between March 1st and March 15th, and then for the period after March 15th.
- Take extra care during ice tweener times. As the weather warms and ice conditions become less predictable, people should take extra precautions for themselves, children, and pets.

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No further report.

Budget Workgroup: No report.

Recodification Workgroup: Gilchrist stated that he is still awaiting some comments and will then speak with the Work Group.

Save the Lake Committee: Baasen reported that the group has not met since the last Board meeting. He noted that the group will meet again in March and is attempting to schedule the first boaters' safety class.

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

Gilchrist explained the closed session format and process.

MOTION: Thomas moved, Krolls seconded to move to closed session to conduct a performance evaluation of the Executive Director pursuant to Minn. Stat. 13D.05, Subd. 3(a).

VOTE: Motion carried unanimously.

18. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:51 p.m.

Gregg Thomas, Chair

Ann Hoelscher, Secretary

DRAFT

Lake Minnetonka Conservation District
Check Detail
March 1 - 15, 2019

ITEM 7A

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Paid Amount</u>
03/14/2019	EFT19-28	ADP Service Fee		Alerus Checking		
			Payroll 3/1/19 - 3/15/19	4180M10 · Professional Services - A...	Admin.	-73.04
TOTAL						-73.04
03/01/2019	EFT19-29	SelectAccount Group Servic...		Alerus Checking		
			HSA Employer Contribution for March 2019 (Vickie Schleun...)	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for March 2019 (Matt Cook)	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
TOTAL						-225.00
03/14/2019	EFT19-30	Unum Life Insurance		Alerus Checking		
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	-84.78
TOTAL						-84.78
03/15/2019	EFT19-31	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-7,277.60
			P. E.R.A.	2020 · Payroll Liabilities -	Admin.	1,016.28
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-544.43
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/...	Admin.	-555.34
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-7,318.96
03/14/2019	EFT19-32	P.E.R.A		Alerus Checking		
			Payroll 3/1/19 - 3/15/19	2020 · Payroll Liabilities -	Admin.	-1,016.28
TOTAL						-1,016.28
03/14/2019	21571	AIS Advanced Imaging Solut...		Alerus Checking		
03/14/2019	Inv.#37906...		Copier Contract 2/20/19 - 3/20/19	4140M10 · Equipment R&M - Admin.	Admin.	-255.52
			Over Allowance 11/20/18 - 2/20/18	4140M10 · Equipment R&M - Admin.	Admin.	-497.20
TOTAL						-752.72

Lake Minnetonka Conservation District
Check Detail
 March 1 - 15, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
03/14/2019	21572	LMCC		Alerus Checking		
03/14/2019	Inv.#1270		VOD Services for Meeting 2/27/19	4182M10 · Media (Cable/Internet) - A...	Admin.	-100.00
	TOTAL					-100.00
03/14/2019	21573	Mark Hodges Media Product...		Alerus Checking		
03/14/2019	Inv.#20190...		Meeting 2/27/19	4182M10 · Media (Cable/Internet) - A...	Admin.	-80.00
	TOTAL					-80.00
03/14/2019	21574	Minnesota Trophies		Alerus Checking		
03/14/2019	Inv#26517		Name Plates for Gregg Thomas, Dan Baasen, Ben Brandt, ...	4230M10 · Meeting Exp. - Admin.	Admin.	-46.50
	TOTAL					-46.50
03/14/2019	21575	Minuteman Press		Alerus Checking		
03/14/2019	Inv.#20281		LMCD Seal Embosser	4220M10 · Office Supplies -Admin.	Admin.	-142.96
	TOTAL					-142.96
03/14/2019	21576	NCPERS Group Life Insurance		Alerus Checking		
03/14/2019	March 2019		Long Term Disability, March 2019	4380M10 · Employee Benefits - Admin.	Admin.	-32.00
	TOTAL					-32.00
03/14/2019	21577	Tallen & Baertschi		Alerus Checking		
03/14/2019	February 2...		February prosecution costs	4640M10 · Prosecution Fees - Admin.	Admin.	-2,861.99
	TOTAL					-2,861.99
03/14/2019	21578	TimeSaver Off Site Secretari...		Alerus Checking		
03/14/2019	Inv.#M24517		Board Meeting Minutes 2/13/19	4230M10 · Meeting Exp. - Admin.	Admin.	-182.50
	TOTAL					-182.50

Lake Minnetonka Conservation District
Check Detail
March 16 - 31, 2019

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
03/29/2019	EFT19-33	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-7,304.32
			P. E.R.A.	2020 · Payroll Liabilities -	Admin.	1,020.02
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-546.44
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-557.39
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-7,346.00
03/29/2019	EFT19-34	ADP Service Fee		Alerus Checking		
			Payroll 3/16/19 - 3/31/19	4180M10 · Professional Services - Admin.	Admin.	-73.04
TOTAL						-73.04
03/28/2019	EFT19-35	Frontier Communications		Alerus Checking		
			Phone and Internet 3/4/19 - 4/3/19	4060M10 · Telephone - Admin.	Admin.	-188.52
TOTAL						-188.52
03/29/2019	EFT19-36	SelectAccount Group Service Fee		Alerus Checking		
			HSA Administrative fee for Marc...	4380M10 · Employee Benefits - Admin.	Admin.	-1.90
TOTAL						-1.90
03/28/2019	EFT19-37	Health Partners		Alerus Checking		
			Dental Insurance, April 2019	4380M10 · Employee Benefits - Admin.	Admin.	-111.76
TOTAL						-111.76
03/28/2019	EFT19-38	P.E.R.A		Alerus Checking		
			Payroll 3/16/19 - 3/31/19	2020 · Payroll Liabilities -	Admin.	-1,020.02
TOTAL						-1,020.02
03/28/2019	EFT19-39	SW/WC Service Cooperatives		Alerus Checking		
			Health Insurance, April 2019	4380M10 · Employee Benefits - Admin.	Admin.	-1,394.00
TOTAL						-1,394.00

4:06 PM
03/19/19

Lake Minnetonka Conservation District
Check Detail
March 16 - 31, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
03/28/2019	EFT19-40	US Bank		Alerus Checking		
			Creative Market and iStock Photo	4100M20 · Printing - S/L	STL	-42.00
			Postage for Certified Letter	4080M10 · Postage - Admin.	Admin.	-10.85
			Target - Meeting Supplies	4230M10 · Meeting Exp. - Admin.	Admin.	-14.73
			REI - Compass	4220M10 · Office Supplies -Admin.	Admin.	-22.58
			Amazon - Wireless Transmitter f...	4530M10 · Comp. Sftwr & Hdwr - Admin.	Admin.	-164.99
TOTAL						-255.15
03/28/2019	EFT19-41	FRANCOTYP-POSTALIA, INC.		Alerus Checking		
			Postage for Meter	4080M10 · Postage - Admin.	Admin.	-500.00
TOTAL						-500.00
03/28/2019	21579	City of Mound		Alerus Checking		
03/28/2019	Rent, April 2019		Rent, April 2019	4320M10 · Office Rent - Admin.	Admin.	-1,570.45
TOTAL						-1,570.45
03/28/2019	21580	Innovative Office Solutions LLC		Alerus Checking		
03/28/2019	Inv.#IN2438376		Office Supplies	4220M10 · Office Supplies -Admin.	Admin.	-108.87
TOTAL						-108.87
03/28/2019	21581	Kennedy & Graven		Alerus Checking		
03/28/2019	January 2019		Legal Fees, January, 2019	4620M10 · Legal Fees - Admin.	Admin.	-3,924.60
			Codification Project	4670M10 · Recodification	Admin.	-1,764.60
TOTAL						-5,689.20
03/28/2019	21582	Matthew Cook		Alerus Checking		
03/28/2019	Mileage 2/12-3...		Mileage 2/12/19 - 3/7/19	4400M10 · Mileage/Exp's - Admin.	Admin.	-49.88
TOTAL						-49.88

4:06 PM
03/19/19

Lake Minnetonka Conservation District
Check Detail
March 16 - 31, 2019

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Paid Amount</u>
03/28/2019	21583	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
03/28/2019	Inv.#M24554		Board Meeting Minutes 2/27/19	4230M10 · Meeting Exp. - Admin.	Admin.	-145.00
TOTAL						-145.00



ITEM 7B

RESOLUTION NO. 183

A RESOLUTION ACCEPTING CONTRIBUTION(S) TO THE LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

WHEREAS, the LMCD is a regional government agency established by Minnesota Statutes Section 103B.605, Subd. 1;

WHEREAS, contributions to the LMCD "Save the Lake" fund are generally tax deductible to individuals under the IRS Code 26 USC Section 170 (b)(1)(a) because contributions to any political subdivision of any state for exclusively public purposes are deductible;

WHEREAS, municipalities are generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its stakeholders, and is specifically authorized to accept gifts;

WHEREAS, LMCD wishes to follow similar requirements as established for municipalities for accepting donations;

WHEREAS, the attached listed person(s) and entity(ies) have offered to contribute the cash amount(s) set forth with any terms or conditions as outlined in Attachment I to the LMCD;

WHEREAS, such contribution(s) have been contributed to the LMCD for the benefit of the public, as allowed by law; and

WHEREAS, the LMCD Board of Directors finds that it is appropriate to accept the contribution(s) offered.

NOW THEREFORE, BE IT RESOLVED BY THE LMCD BOARD, STATE OF MINNESOTA AS FOLLOWS:

1. The contribution(s) described with Attachment I is/are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.

RESOLUTION #183

Page 2

2. The executive director is hereby directed to issue receipt(s) acknowledging the LMCD's receipt of the contributor's contribution(s).

Adopted by the Board this 27th day of March, 2019.

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary

Lake Minnetonka Conservation District Transaction Detail By Account

January 1 - February 26, 2019

RESOLUTION #183 Attachment 1 - Save the Lake Contribution

Date	Num	Contributor	Memo	Amount
01/24/2019	11525	John & Martha Gabbert	STL Donation (General)	150.00
01/24/2019	8147	Raymond Newkirk	STL Donation (General)	200.00
01/24/2019	12925	L. G. Truesdell	STL Donation (General)	100.00
01/24/2019	3509	David & Ann Maass	STL Donation (General)	100.00
01/24/2019	24972	Gary & Susan Rappaport	STL Donation (General)	250.00
01/24/2019	1723	Clifford & Barbara Swenson	STL Donation (General)	100.00
01/24/2019	5904	Jake Walesch	STL Donation (General)	250.00
01/24/2019	5196	Reid MacDonald	STL Donation (General)	100.00
01/24/2019	127496	Anonymous	STL Donation (General)	100.00
01/24/2019	PayPal	Joe Fronius (7.00)	Transfer from PayPal	6.50
01/24/2019	PayPal	Kara Pederson (50.00)	Transfer from PayPal	48.25
01/24/2019	5692	John and Kay Jasper	STL Donation (General)	250.00
01/29/2019	Benevity	Andrew Punch	Transfer from Benevity	42.84
02/18/2019	9227	David Chizek	STL Donation (Boat Bag)	100.00
02/18/2019	1423	Aufmuth Family Foundation	STL Donation (General)	500.00
02/18/2019	1259	Glenn Gurtcheff	STL Donation (Boat Bag)	100.00
02/18/2019	5805	Bob Gillum	STL Donation (General)	50.00
02/18/2019	2112	J.I. Reiter	In Memory of Tom Bernard STL Donation (General)	20.00
02/18/2019	2247	Richard Rohrer	In Memory of Tom Bernard STL Donation (General)	100.00
02/21/2019	19650	Thomas & Lynette Bernard	In Memory of Tom Bernard STL Donation (General)	200.00
02/21/2019	22109	Thomas Waller	In Memory of Tom Bernard STL Donation (General)	25.00
02/21/2019	438	Ruth Berquist	In Memory of Tom Bernard STL Donation (General)	25.00
02/21/2019	10143	C. A. Earle	In Memory of Tom Bernard STL Donation (General)	100.00
02/21/2019	10091	Karen Hollingsworth	In Memory of Tom Bernard STL Donation (General)	25.00
02/21/2019	7883	Jean Cunningham	In Memory of Tom Bernard STL Donation (General)	50.00
02/21/2019	4254	Mike Schroeder	In Memory of Tom Bernard STL Donation (General)	50.00
02/21/2019	7379	Stephen Rood	In Memory of Tom Bernard STL Donation (General)	50.00
02/21/2019	37223	Jay Lawrence	In Memory of Tom Bernard STL Donation (General)	25.00
02/21/2019	7414	Darlakaye Maijala	In Memory of Tom Bernard STL Donation (General)	25.00
02/21/2019	12344	Michael Dennis	In Memory of Tom Bernard STL Donation (General)	50.00
02/21/2019	8441	Bruce Nusbaum	In Memory of Tom Bernard STL Donation (General)	100.00
02/21/2019	6252	Shelly Hendrickson	In Memory of Tom Bernard STL Donation (General)	100.00
02/21/2019	9275	Michael Miller	In Memory of Tom Bernard STL Donation (General)	25.00
02/21/2019	5214	Mary Farrell	In Memory of Tom Bernard STL Donation (General)	50.00
02/21/2019	12031	J. M. Rosauer	In Memory of Tom Bernard STL Donation (General)	50.00
02/21/2019	6040	Linda Hallberg	In Memory of Tom Bernard STL Donation (General)	25.00
02/21/2019	11875	Ralph Wilson	In Memory of Tom Bernard STL Donation (General)	25.00
02/21/2019	6700	Judith Oliverius	In Memory of Tom Bernard STL Donation (General)	30.00
02/21/2019	13265	Richard Arvidson	In Memory of Tom Bernard STL Donation (General)	25.00
02/21/2019	6793	Mary Nelson	In Memory of Tom Bernard STL Donation (General)	50.00
02/26/2019	Benevity	Andrew Punch	Transfer from Benevity	28.56
				3,701.15

Lake Minnetonka Conservation District
Administrative Profit & Loss Budget vs. Actual
 January through February 2019

03/14/19

Accrual Basis

	Jan - Feb 19	Budget	\$ Over Bu...	% of Budget
Ordinary Income/Expense				
Income				
Grants & Other Income				
3080M10 · Interest - Admin.	1,069	500	569	214%
3300M10 · Other Income - Admin.	0	0	0	0%
3340M10 · Public Agency Grants - Adm	0	1,000	-1,000	0%
Total Grants & Other Income	1,069	1,500	-431	71%
Licenses/Permits				
3110M10 · Multiple/Perm. Dock Lic -Admin.	66,521	83,000	-16,479	80%
3120M10 · DMA license - Admin.	3,350	3,600	-250	93%
3130M10 · Deicing License - Admin.	262	6,000	-5,738	4%
3170M10 · Variances - Admin.	0	1,000	-1,000	0%
3200M10 · Special Density - Admin.	0	500	-500	0%
3220M10 · Special Events - Admin.	0	0	0	0%
3240M10 · Charter Boats - Admin.	4,500	3,400	1,100	132%
3280M10 · Liquor/Beer/Wine License-Admin.	14,200	17,500	-3,300	81%
Total Licenses/Permits	88,833	115,000	-26,167	77%
3020M10 · Municipal Dues - Admin.	28,743	280,000	-251,258	10%
3260M10 · Court Fines - Admin.	7,599	50,000	-42,401	15%
3400M10 · Transfers In - Admin.	0	0	0	0%
Total Income	126,243	446,500	-320,257	28%
Gross Profit	126,243	446,500	-320,257	28%
Expense				
Legal				
4110M10 · Public Info./Legal - Admin.	117	1,000	-883	12%
4620M10 · Legal Fees - Admin.	1,966	40,500	-38,534	5%
4640M10 · Prosecution Fees - Admin.	2,709	38,000	-35,291	7%
4650M10 · Room & Board - Admin.	0	500	-500	0%
4670M10 · Recodification	1,428	5,000	-3,572	29%
Total Legal	6,220	85,000	-78,780	7%
Office & Supplies				
4060M10 · Telephone - Admin.	385	4,000	-3,615	10%
4070M10 · Web Page / Internet - Admin.	0	1,750	-1,750	0%
4080M10 · Postage - Admin.	90	6,500	-6,410	1%
4100M10 · Printing - Admin.	0	8,200	-8,200	0%
4220M10 · Office Supplies -Admin.	688	4,500	-3,812	15%
4230M10 · Meeting Exp. - Admin.	367	7,000	-6,633	5%
4320M10 · Office Rent - Admin.	3,141	19,200	-16,059	16%
4340M10 · Insurance - Admin.	-8	4,000	-4,008	-0%
4360M10 · Subs/Memberships - Admin.	0	2,500	-2,500	0%
4400M10 · Mileage/Exp's - Admin.	0	1,500	-1,500	0%
4410M10 · Training/Prof. Devel. - ADM	0	1,000	-1,000	0%
4520M10 · Furniture & Equip - Admin.	0	1,550	-1,550	0%
4530M10 · Comp. Sftwr & Hdwr - Admin.	802	5,000	-4,198	16%
Total Office & Supplies	5,464	66,700	-61,236	8%
Personnel Expenses				
4020M10 · Salaries-002 - Admin	29,796	195,500	-165,704	15%
4021M10 · ER Share of Admin FICA/Medicare	2,274	16,000	-13,726	14%
4022M10 · ER PERA - Admin	2,229	15,000	-12,771	15%
4380M10 · Employee Benefits - Admin.	3,529	22,000	-18,471	16%
Total Personnel Expenses	37,829	248,500	-210,671	15%
Professional Services- ADM				
4040M10 · Auditing - Admin.	0	9,500	-9,500	0%
4180M10 · Professional Services - Admin.	826	5,500	-4,674	15%
4181M10 · Professional Comp. Serv.-Admin.	0	1,000	-1,000	0%
4182M10 · Media (Cable/Internet) - Admin.	740	4,000	-3,260	19%
Total Professional Services- ADM	1,566	20,000	-18,434	8%

Lake Minnetonka Conservation District
Administrative Profit & Loss Budget vs. Actual
 January through February 2019

03/14/19

Accrual Basis

	Jan - Feb 19	Budget	\$ Over Bu...	% of Budget
3900M10 · Transfer Out (General Fund)	0	6,200	-6,200	0%
4140M10 · Equipment R&M - Admin.	511	1,500	-989	34%
4660M10 · Proactive Code Enforcement Prog	0	0	0	0%
4980M10 · Contingency - Admin.	-162	14,800	-14,962	-1%
4990M10 · Equip Rpl- Transfer Out - Admin	0	5,000	-5,000	0%
Total Expense	51,428	447,700	-396,272	11%
Net Ordinary Income	74,816	-1,200	76,016	-6,235%
Net Income	74,816	-1,200	76,016	-6,235%

Lake Minnetonka Conservation District
AIS Management/Prevention Profit & Loss Budget vs. Actual
 January through February 2019

	Jan - Feb 19	Budget	\$ Over Bud...	% of Budget
Ordinary Income/Expense				
Income				
3020M30 · Municipal Dues - AIS	7,656	80,000	-72,344	10%
3080M30 · Interest - AIS	0	200	-200	0%
3300M30 · Public Agencies/Other Income	0	0	0	0%
Total Income	<u>7,656</u>	<u>80,200</u>	<u>-72,544</u>	<u>10%</u>
Gross Profit	7,656	80,200	-72,544	10%
Expense				
AIS Prevention Program				
4151M30 · Equip. Supplies -AIS Prevention	0	0	0	0%
4181M30 · Prof. Services - AIS Prevention	0	0	0	0%
4383M30 · ER Share AIS Prevent. Fica-Med	0	0	0	0%
4531M30 · Software & Hardware/Training	400			
4981M30 · Contingency - AIS Prevention	0	0	0	0%
Total AIS Prevention Program	<u>400</u>	<u>0</u>	<u>400</u>	<u>100%</u>
EWM Harvesting Program				
Equipment & Repair				
4150M30 · Equip. Supplies & Maint. - EWM	0	13,000	-13,000	0%
4160M30 · Fuel - Harvester/Wk Boats-EWM	0	3,300	-3,300	0%
4170M30 · Fuel/Supply - Van - EWM	40	1,000	-960	4%
4720M30 · Contract Mechanic Fees - EWM	0	8,000	-8,000	0%
4721M30 · Specialty Mechanic - EWM	0	700	-700	0%
Total Equipment & Repair	<u>40</u>	<u>26,000</u>	<u>-25,960</u>	<u>0%</u>
Office & Supplies- EWM				
4060M30 · Telephone - EWM	0	150	-150	0%
4090M30 · DMV - EWM	0	35	-35	0%
4100M30 · Printing/Advertising - EWM	0	225	-225	0%
4130M30 · Uniforms - EWM	0	190	-190	0%
4350M30 · Ins./Equip. - EWM	0	400	-400	0%
Total Office & Supplies- EWM	<u>0</u>	<u>1,000</u>	<u>-1,000</u>	<u>0%</u>
Personnel Services- EWM				
4020M30 · Salaries - EWM	0	31,000	-31,000	0%
4021M30 · ER Share of EWM FICA/Medicare	0	1,400	-1,400	0%
4340M30 · Insurance W/C - EWM	0	3,100	-3,100	0%
Total Personnel Services- EWM	<u>0</u>	<u>35,500</u>	<u>-35,500</u>	<u>0%</u>
4740M30 · Truck Service - EWM	0	17,500	-17,500	0%
4980M30 · Contingency - EWM	0	200	-200	0%
Total EWM Harvesting Program	<u>40</u>	<u>80,200</u>	<u>-80,160</u>	<u>0%</u>
Total Expense	<u>440</u>	<u>80,200</u>	<u>-79,760</u>	<u>1%</u>
Net Ordinary Income	<u>7,216</u>	<u>0</u>	<u>7,216</u>	<u>100%</u>
Net Income	<u><u>7,216</u></u>	<u><u>0</u></u>	<u><u>7,216</u></u>	<u><u>100%</u></u>

Lake Minnetonka Conservation District
Save the Lake Profit & Loss Budget vs. Actual
 January through February 2019

	<u>Jan - ...</u>	<u>Budget</u>	<u>\$ Over...</u>	<u>% of B...</u>
Ordinary Income/Expense				
Income				
Contributions				
3001M20 · Donations (General) - S/L	4,265	39,500	-35,235	11%
3002M20 · Donations (Photograph) - S/L	0	0	0	0%
3004M20 · Donations (Solar Light) - S/L	0	500	-500	0%
Total Contributions	4,265	40,000	-35,735	11%
3080M20 · Interest - S/L	0	500	-500	0%
Total Income	4,265	40,500	-36,235	11%
Gross Profit	4,265	40,500	-36,235	11%
Expense				
Office & Supplies- STL				
4080M20 · Postage - S/L	20	1,000	-980	2%
4100M20 · Printing - S/L	0	1,000	-1,000	0%
4220M20 · Office Supplies - S/L	0	300	-300	0%
Total Office & Supplies- STL	20	2,300	-2,280	1%
Projects & Activities- STL				
4110M20 · Environmental- S/L	0	2,000	-2,000	0%
4111M20 · Public Service/Education - S/L	117	2,000	-1,883	6%
4160M20 · Public Safety - S/L	0	36,000	-36,000	0%
Total Projects & Activities- STL	117	40,000	-39,883	0%
4980M20 · Contingency - S/L	0	0	0	0%
Total Expense	137	42,300	-42,163	0%
Net Ordinary Income	4,128	-1,800	5,928	-229%
Net Income	<u>4,128</u>	<u>-1,800</u>	<u>5,928</u>	<u>-229%</u>

Lake Minnetonka Conservation District

Balance Sheet

03/14/19

As of February 28, 2019

Accrual Basis

	Feb 28, 19
ASSETS	
Current Assets	
Checking/Savings	
Alerus Checking	
1024M10 · Alerus Checking - Gen	-216,890.28
1024M20 · Alerus Checking - STL	127,420.62
1024M30 · Alerus Checking - EWM	138,832.13
Total Alerus Checking	49,362.47
1026M20 · PayPal Account	-0.20
1090M10 · Alerus Bank - Savings	526,476.42
1090M50 · Alerus Savings - Equip. Repl	118,422.32
Total Checking/Savings	694,261.01
Accounts Receivable	
1150M10 · Accounts Rec. - Gen	-8,646.00
1150M20 · Accounts Rec. -STL	53.69
Total Accounts Receivable	-8,592.31
Other Current Assets	
Accounts Rec. - EWM-A*	10,000.00
1010M10 · Petty Cash	300.00
1300M10 · Due From Other Gov. - Gen.	6,252.00
1300M30 · Due From Other Gov.- EWM	-10,000.00
1400M10 · Rent Deposit - Gen	0.25
Total Other Current Assets	6,552.25
Total Current Assets	692,220.95
Fixed Assets	
1640M90 · Fixed Assets	483,147.00
1645M90 · Accumulated Depreciation	-340,978.00
Total Fixed Assets	142,169.00
Other Assets	
1700M10 · Prepaid Expenses - Gen.	3,524.00
Total Other Assets	3,524.00
TOTAL ASSETS	837,913.95
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2090 · Accounts Payable	
2090M10 · Accounts Payable - Gen	-892.85
2090M30 · Accounts Payable - EWM	-960.67
2090 · Accounts Payable - Other	-8,728.61
Total 2090 · Accounts Payable	-10,582.13
Total Accounts Payable	-10,582.13
Other Current Liabilities	
2020-LT · Payroll Liabilities - UNUM	8.15
2020 · Payroll Liabilities -	696.97
2020M10 · Accounts Payable - Gen	17,064.78
2020M20 · Accounts Payable - S/L	-8,326.31
2020M30 · Accounts Payable - EWM	11,235.00
2150m10 · Salaries Payable	1,114.84
2150M90 · Accrued compensated absenses	5,721.00
2151M90 · Current portion of comp absens	3,056.93
Total Other Current Liabilities	30,571.36
Total Current Liabilities	19,989.23

Lake Minnetonka Conservation District

Balance Sheet

As of February 28, 2019

	<u>Feb 28, 19</u>
Total Liabilities	19,989.23
Equity	
Opening Bal Equity	102,800.32
Retained Earnings	402,603.13
2910M10 · Fund Balance - Admin.	52,429.51
2910M20 · Fund Balance - S/L	221,497.17
2910M30 · Fund Balance - EWM	57,524.85
2910M50 · Fund Balance - Equip Repl	79,749.07
2910M90 · Fixed Assets - Conversion Fund	-215,227.00
2970 · Current Year Excess Rev vs Exp	30,237.61
Net Income	86,310.06
Total Equity	<u>817,924.72</u>
TOTAL LIABILITIES & EQUITY	<u><u>837,913.95</u></u>



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: March 20, 2019
TO: LMCD Board of Directors
FROM: Vickie Schleuning, LMCD Executive Director
SUBJECT: LMCIT Liability Waiver

ACTION

Board approval to not waive the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.

BACKGROUND

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from the LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision must be made before the effective date of the policy in May 2019.

In the past, the Board has decided to not waive the protection of the statutory liability limits. The LMCIT liability coverage is \$2,000,000 and the State of Minnesota’s tort liability is \$1,500,000. Staff recommends the Board select “Does Not Waive” the monetary limits on municipal tort liability. The following is a brief explanation of the options to waive or not waive.

Not Waive

If the Board elects to not waive the tort liability limits, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply and a total of all claimants in a single occurrence would be able to recover no more than \$1,500,000 combined. The LMCD’s 2018/2019 property and casualty premium was \$2,497 (based upon the Board not waiving the tort immunity limit).

Waive

With the additional \$500,000 of coverage being provided by the LMCIT, if the Board elects to waive the limits, a single claimant could potentially recover up to \$2,000,000. If the Board waives the tort limit, it is anticipated that the cost of the premium would increase a few percentage points.

CONSIDERATIONS

- Does the Board feel the tort liability amount provided by Minnesota State Law is sufficient in cases of negligence such as multiple harmed parties?
- Does the Board wish to undertake the added exposure and increased costs associated with waiving the monetary limits provided by State Law?

ATTACHMENT

- Liability Coverage—Waiver Form



LIABILITY COVERAGE -WAIVER FORM

LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to pstech@lmc.org

This decision must be made by the member's governing body every year. You may also wish to discuss these issues with your attorney.

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

If the member does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.

If the member waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.

If the member waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name _____

Check one:

D The member DOES NOT WAIVE the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.

D The member WAIVES the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting _____

Signature _____

Position _____

SUMMARY OF CONCLUSIONS REGARDING THE EXECUTIVE DIRECTOR'S EVALUATION BY THE LMCD BOARD OF DIRECTORS

Presented at the LMCD Regular Board Meeting on March 27, 2019

On February 27, 2019 the Board of Directors ("Board") of the Lake Minnetonka Conservation District ("LMCD") conducted a closed session pursuant to Minnesota Statutes, section 13D.05, subdivision 3(a) to evaluate the performance of the LMCD Executive Director. Having conducted a closed meeting evaluation, the statute requires the LMCD to "summarize its conclusions regarding the evaluation" at its next open meeting. The following is the summary of the Executive Director's evaluation.

The Board utilized the "Year End Review of Executive Director Competencies" previously prepared for the LMCD by a consultant to review the performance of the Executive Director based upon the following ten competencies:

1. **Strategic Agility** – Under the Board's overall direction, guides, inspires, and motivates others to excel in the pursuit of LMCD's vision, mission, and goals. Sees ahead clearly, recognize and change direction when warranted, anticipate future consequences, and interprets trends accurately.
2. **Communicating Vision and Purpose** – Demonstrates leadership by communicating the Board's compelling and inspired vision and mission for the LMCD. Makes the vision and organizational values sharable by everyone. Communicates the Board's strategies, objectives, and mileposts to member cities, partner organizations and other stakeholders to rally support behind the vision. Inspires and motivates stakeholders to appreciate the importance of Lake Minnetonka to the region.
3. **Analytical Thinking and Planning** – With the Board, assesses and determines the length and difficulty of projects, plans, and major tasks. Breaks out the work to be done by setting objectives and action steps with schedules. Anticipates and adjusts for problems. Measures performance against objectives. Evaluates results to improve business goals.
4. **Decision Making** – Uses sound judgment. Makes timely and effective decisions based on: understanding the decision to be made, evaluating alternative choices, and choosing the best alternative based on assessing the risk/reward of each option.
5. **Listening – Communication Skills** – Pays close attention to the other person, heard and observed not only the words used, but also the body language to better understand the 'meaning' of the message. Communicates understanding to the speaker. Stimulates the exchange of information by translating messages to other audiences.
6. **Handling Conflict and Difficult Situations** – Builds trust that allows conflicts to surface. Steps up to conflict and difficult situations. Views difficult situations as opportunities. Reads situations quickly and can hammer out tough agreements and settle

disputes effectively. Finds common ground and gets cooperation with minimum complaints.

7. **Organizational Expertise.** Effectively translates the LMCD Board’s values, goals, and objectives into efficient, responsive, and effective operational procedures, practices, and priorities. Understands, builds, and maintains relationships with internal and external stakeholders to maximize both short- and long-term department and organizational goals. Knows how to get things done in a political environment, avoiding the landmines.
8. **Working with the LMCD Board** – Works with the Board while maximizing both self and others performance and capabilities. Works with, utilizes, and appreciates diverse styles to get objectives effectively accomplished. Demonstrates flexibility and matching skills in order to adapt with others’ work styles, communication styles, and personalities. Stays ahead of the Board and frequently communicates with all members, avoids surprises.
9. **Honesty and Integrity** – Protects the LMCD’s reputation by acting with honesty and integrity. Demonstrates personal integrity and competence. Promotes the belief that every employee of the LMCD has a stake in the LMCD’s reputation. Always represents the LMCD in the best manner possible. Demonstrates that personal and organizational integrity are interrelated. Represents the ‘brand’ that LMCD presents to the public.
10. **Impact on Results.** Motivates staff to improve performance, problem solve and achieve desired goals. Consistently displays a focus on the mission and goal orientation. Successfully delivers results. Can be counted on to exceed goals as well as manage the successful delivery of services within budgeted resources for the entire LMCD. Steadfastly pushes both self and others for results.

The Board reviewed its ratings on these competencies, including the Executive Director’s self-evaluation based on the same competencies. The Board concluded the Executive Director meets or exceeds expectations on each of the identified competencies. The Board once again concluded that it is in the best interests of the LMCD to ensure the Executive Director is incentivized to stay with the organization and will discuss potential salary and vacation adjustments as part of the budgeting process.

Approved on the 27th day of March, 2019.

BY THE BOARD OF DIRECTORS

Gregory J. Thomas, Chair

Attest: _____
Ann Hoelscher, Secretary



ITEM 12A

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: March 27, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, *Vickie Schleuning* Executive Director

SUBJECT: Emergency Powers and Cost Recovery Code Amendment

ACTION

Board review of draft Code amendment to clarify the authorization of the Executive Director to take necessary actions during emergency situations and requiring responsible persons to reimburse the LMCD for its costs.

The following motions are offered depending on whether the Board wishes to approve or deny the draft language:

Approval:

I make a motion to approve the code amendment to clarifying the authorization for the Executive Director to take necessary actions during emergency situations and authorizing the recovery of costs...>.

I make a motion to adopt the resolution approving summary language of the ordinance for publication.

Denial:

I make a motion to deny the code amendment clarifying the authorization for the Executive Director to take necessary actions during emergency situations <for the following reasons...>.

BACKGROUND

Occasionally the executive director is required to address situations or conditions on the Lake that require an immediate decision or action in order to protect the environment; property; or public health, safety, or welfare. These situations cannot reasonably wait to be addressed until a Board meeting and do not rise to a level authorizing an emergency Board meeting. This code amendment clarifies the authority of the executive director and provides parameters for these types of situations. Further, methods for cost recovery are prescribed within the proposed ordinance amendment.

A draft ordinance amendment was provided to the Board for review. Based on feedback, some modifications were made to the code amendment. Along with the proposed amendment, a markup copy is attached indicating the modifications to the previous version the board reviewed.

In winter of 2017, the ice on Lake Minnetonka was causing considerable property damage in an accelerated time to docks and lakeshore due to atypical fluctuation in temperatures, wind, and other uncontrollable weather conditions. To protect property, the environment, and public safety, mitigating actions were taken in consult with some affected licensee and legal counsel.

The proposed Code amendment language is attached for your review and action.

ATTACHMENT

- Proposed Code Amendment Regarding Emergency Actions
- Resolution Approving Summary Language For Publication
- Markup Copy of Code Amendment Indicating Modifications

ATTACHMENT

LAKE MINNETONKA CONSERVATION DISTRICT STATE OF MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LAKE MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES REGARDING THE AUTHORITY OF THE EXECUTIVE DIRECTOR AND PROVIDING FOR COST RECOVERY

THE BOARD OF DIRECTORS OF THE LAKE MINNETONKA CONSERVATION DISTRICT
ORDAINS:

Article I. Power to Act. Chapter I of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended by adding a new Section 1.10 as follows:

Section 1.10. Executive Director Power to Act; Cost Recovery.

Subd. 1. Authority. The Board recognizes the executive director is occasionally required to address situations or conditions on the Lake that require an immediate decision or action in order to protect the environment, property, or public health, safety, or welfare. These situations cannot reasonably wait to be addressed until a Board meeting and do not rise to a level authorizing an emergency Board meeting. When, in the reasonable determination of the executive director, such a situation or condition exists, the executive director is authorized to make such decisions and to take such actions as may reasonably be needed to address the situation or condition, even if such decisions are not in strict conformance with the provisions of this Code. If reasonably possible, the executive director shall consult with the LMCD attorney before taking any such action.

Subd. 2. Board Report. In every case in which the executive director exercises the authority provided under this Section, the executive director shall submit a written report to the Board at its next regular meeting explaining the situation or condition, and identifying the specific environmental, property, or public health, safety, or welfare concern addressed or mitigated. The report shall include details on each of the decisions or actions taken.

Subd. 3. Cost Recovery. If the situation or condition to which the executive director responds resulted from the actions or inactions of a person who owns or is in control of a watercraft or other personal or real property, such person is responsible for any costs and expenses the LMCD incurs to address the situation or condition. The LMCD may seek recovery of costs by providing the person an invoice that details the costs and expenses, which shall be due and payable within 30 days from the date of the invoice. If the person fails to pay the invoice within that period, the LMCD may exercise any authority available to it under law to recover its costs including, but not limited to, imposing a lien on the person's property pursuant to Minnesota Statutes, section 514.67. If the LMCD is required to take action to recover its costs, its collection costs and professional fees shall be added to the amount to be recovered.

Article II. Declaration. This enactment is adopted by a majority vote of all the members of the Board, has the effect of an ordinance, and is in effect on the first day of publication after adoption unless a later effective date is expressly provided.

Article III. Effective Date. This ordinance shall be effective the day following its publication or a summary thereof.

Adopted this 27th day of March, 2019.

BY THE BOARD OF DIRECTORS

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary

Date of Publication: _____, 2019

Effective Date: _____, 2019

New material is double-underlined and removed material is ~~stricken~~.

ATTACHMENT

LAKE MINNETONKA CONSERVATION DISTRICT STATE OF MINNESOTA

RESOLUTION NO. ____

A RESOLUTION APPROVING SUMMARY LANGUAGE FOR PUBLICATION OF ORDINANCE NO. ____

WHEREAS, on March 27, 2019 the Board of Directors (“Board”) of the Lake Minnetonka Conservation District (“LMCD”) adopted Ordinance No. ____, “An Ordinance Amending the Lake Minnetonka Conservation District Code of Ordinances Regarding the Authority of the Executive Director and Providing for Cost Recovery” (“Ordinance”);

WHEREAS, Chapter I, Section 1.04, Subd. 5 of the LMCD Code allows the publication of an ordinance by title and summary instead of publishing the full text; and

WHEREAS, the Board determines that publishing the full text of the Ordinance is impractical and that publishing a summary of the Ordinance, together with placing it on the LMCD’s website and making it available in the LMCD office for review, is sufficient to inform the public of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby approves the following summary language for publication:

AN ORDINANCE AMENDING THE LAKE MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES REGARDING THE AUTHORITY OF THE EXECUTIVE DIRECTOR AND PROVIDING FOR COST RECOVERY ORDINANCE NO. _____

The Board of Directors of the Lake Minnetonka Conservation District adopted the above referenced ordinance to authorize the Executive Director to take action in situations that require immediate action, including taking actions that may not be in strict conformance with the Code if needed. The Executive Director is to consult with the LMCD Attorney before taking any such action if reasonably possible, and must report to the LMCD Board detailing the actions taken. The ordinance also provides for the LMCD to recover the costs it incurs to respond to such situations from the responsible persons. A copy of the full ordinance is available on the LMCD website and may be obtained by contacting the LMCD office.

Vickie Schleuning, Executive Director

Adopted on this 27th day of March, 2019.

BY THE BOARD OF DIRECTORS

Gregg Thomas, Chair

Attest: _____
Ann Hoelscher, Secretary

ATTACHMENT

LAKE MINNETONKA CONSERVATION DISTRICT STATE OF MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LAKE MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES REGARDING THE AUTHORITY OF THE EXECUTIVE DIRECTOR AND PROVIDING FOR COST RECOVERY

THE BOARD OF DIRECTORS OF THE LAKE MINNETONKA CONSERVATION DISTRICT
ORDAINS:

Article I. Power to Act. Chapter I of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended by adding a new Section 1.10 as follows:

Section 1.10. Executive Director Power to Act; Cost Recovery.

Subd. 1. Authority. The Board recognizes the executive director is occasionally required to address situations or conditions on the Lake that require an immediate decision or action in order to protect the environment, property, or public health, safety, or welfare. These situations cannot reasonably wait to be addressed until a Board meeting and do not rise to a level authorizing an emergency Board meeting. When, in the reasonable determination of the executive director, such a situation or condition exists, the executive director is authorized to make such decisions and to take such actions as may reasonably be needed to address the situation or condition, even if such decisions are not in strict conformance with the provisions of this Code. If reasonably possible, the executive director shall consult with the LMCD attorney before taking any such action.

Subd. 2. Board Report. In every case in which the executive director exercises the authority provided under this Section, the executive director shall submit a written report to the Board at its next regular meeting explaining the situation or condition, and identifying the specific environmental, property, or public health, safety, or welfare concern addressed or mitigated, and detailing. The report shall include details on each of the decisions or actions taken.

Subd. 3. Cost Recovery. If the situation or condition to which the executive director responds resulted from the actions or inactions of a person or party who owns or is in control of a watercraft or other personal or real property, such person or party is responsible for any costs and expenses the LMCD incurs to address the situation or condition. The LMCD may seek recovery of costs by providing the person an invoice that details the costs and expenses, which shall be due and payable within 30 days from the date of the invoice. If the person or party fails to pay the invoice within that period, the LMCD may exercise any authority available to it under law to recover its costs including, but not limited to, imposing a lien on the person's property pursuant to Minnesota Statutes, section 514.67, criminal or civil actions, or other legal actions.—514.67. If the LMCD is required to

take action to recover its costs, its collection costs and professional fees shall be added to the amount to be recovered.

Article II. Declaration. This enactment is adopted by a majority vote of all the members of the Board, has the effect of an ordinance, and is in effect on the first day of publication after adoption unless a later effective date is expressly provided.

Article III. Effective Date. This ordinance shall be effective the day following its publication or a summary thereof.

Adopted this 27th day of March, 2019.

BY THE BOARD OF DIRECTORS

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary

Date of Publication: _____, 2019

Effective Date: _____, 2019

New material is double-underlined and removed material is ~~stricken~~.

Document comparison by Workshare Compare on Friday, March 22, 2019

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Input:	
Document 1 ID	PowerDocs://DOCSOPEN/552505/3
Description	DOCSOPEN-#552505-v3-Ordinance_re_Executive_Director_Power_to_Act
Document 2 ID	PowerDocs://DOCSOPEN/552505/4
Description	DOCSOPEN-#552505-v4-Ordinance_re_Executive_Director_Power_to_Act
Rendering set	Standard

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Statistics:	
	Count
Insertions	11
Deletions	9
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	20



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: March 27, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director *Vickie Schleuning*

SUBJECT: Libbs Lake AIS Funding Request

ACTION

Board consideration of a funding request from Libbs Lake Association to support Aquatic Invasive Species (AIS) management activities on Lake Minnetonka. 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 Libbs Lake Association's funding request in the amount of \$_____ from LMCD AIS (or Save the Lake funds) to provide mechanical types of AIS management activities for Lake Minnetonka.

Denial:

I make a motion to deny the Libbs Lake Association's funding request for AIS management activities for Lake Minnetonka.

BACKGROUND

On January 29, 2019, the LMCD received a request from Libbs Lake Association for funding as part of the AIS management program in the amount up to \$15,000.

The bay has public amenities with Libbs Lake Park and the Swimming Beach. In the past, the LMCD harvester was not able to access this bay due to the harvester's size. The Libbs Lake Association has used an integrated approach to managing AIS. The funds provided in the past have been used for mechanical weed removal, reducing the amount of herbicides used. More details are provided in the attached request.

In 2018, the Board provided supplementary funding for Libbs Lake Association AIS management in the amount of \$2,500. Funding has been provided in previous years as well. The Association has consistently fulfilled the funding requirements of the LMCD.

CONSIDERATIONS

- Are funds available from AIS, Save the Lake or other LMCD fund accounts?
- Does the funding of this request align with the LMCD mission and goals?
- Is this an appropriate and desirable use of 1) general or 2) donated funds?

ATTACHMENT

- Libbs Lake Funding Request

LMCD Board Memo Libbs Funding Request
March 27, 2019
ATTACHMENT

From: Tony Nickolay <tonynickolay@gmail.com>
Sent: Tuesday, January 29, 2019 3:06 PM
To: V Schleuning <vschleuning@lmcd.org>
Subject: Fwd: Libbs Lake 2019 funding request

Hello Lake Minnetonka Conservation District Board Members,

This is Tony Nickolay from the Libbs Lake Association. I am contacting you today to request funding for our 2019 Libbs Lake weed control program.

We are very grateful for the funding you gave us last year and we need your support again. Your funding has made a big difference for all that use Libbs Lake including, Libbs Lake beach, picnic area, fishing areas, swimmers, paddleboarders, kayakers, walkers, boaters and sun enthusiasts. Many families visit Libbs Lake due to its convenient location and quiet waters.

The \$2500 funding you gave us last year was used to pay Deep Divers Commercial, a local, licensed mechanical weed removal company. They did a good job and we plan to use them again this year. This funding was given to us from your AIS account.

Our plan, as in the past, is to use the funding from the LMCD to do mechanical weed removal and do herbicide treatments authorized thru the DNR. Your funding support helps us reduce the amount of herbicide we use. Thru this two-step process, we are hopeful we can continue to fight the invasive species weeds that are constantly spreading.

The \$2500 given to us covered a portion of the \$15,000 estimate from Deep Divers Commercial. We will see another \$15,000 cost estimate this year for mechanical weed removal. We would like to request that the LMCD increase their contribution. Anything more than \$2500 would be much appreciated, and if possible please approve the maximum funding up to \$15,000.

As done previously all LMCD requirements for this funding will be followed exactly as directed to us from the LMCD Administration office. This has been followed in the past and has worked well.

Again, thank you for your support. On behalf of all the people who use and enjoy Libbs Lake we thank the LMCD for its efforts and your support. Please let me know if you have any questions or need us to attend a future meeting. We care very much about this resource and want to do everything we can to preserve its beauty.

Tony Nickolay
tonynickolay@gmail.com
Phone #952-836-4081
Libbs Lake Association



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: March 27, 2019
TO: LMCD Board of Directors
FROM: Vickie Schleuning, Executive Director
RE: Resolution Approving 2019 Liquor Licenses for Watercraft for Hire

ACTION

Board consideration of a resolution approving 2019 Liquor licenses for Watercraft for Hire with Intoxicating Liquor (with Sunday sale) and Non-Intoxicating Malt Liquor, with Respective Ports of Call.

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

Approval:

I make a motion to approve the resolution approving the specified liquor licenses for watercraft for hire on condition of satisfactory background investigations, receipts of signed Zoning Certificates for municipalities with Ports of Call, attendance at the annual training meeting, inspections, and other conditions as required.

Denial:

I make a motion to deny the resolution approving the liquor licenses <or a specific liquor license>, and direct staff to prepare a resolution stating the intent to deny, notify the applicant, and set a public hearing at a future Board meeting.

BACKGROUND

A list is attached that includes the majority of Watercraft for Hire applicants that have submitted renewal on-sale intoxicating liquor license with Sunday sale, non-intoxicating malt liquor, and/or wine license applications to the Lake Minnetonka Conservation District (LMCD) for the 2019 boating season.

By code, the LMCD Executive Director may issue Watercraft for Hire licenses administratively. However, alcoholic beverage licenses such as liquor (with Sunday sale), non-intoxicating malt liquor, and wine license applications must be approved by the Board. This approval includes the respective authorized ports of call.

According to 1.06 subd. 9 and other sections in Chapter 5 pertaining to alcoholic beverages, a violation of the code or of a license condition is ground for revocation, suspension, or denial of a license. As of March 21, 2019, the LMCD staff is not aware of any violations. If a violation is discovered during the investigative process, the application will be brought back to the Board for further consideration.

The following items are pending and conditions of the license:

- The application fees have been paid and the Hennepin County Sheriff's Office has completed the background investigations.
- According to LMCD Code Section 5.44, Subd. 2, ports of call must comply with municipal zoning laws. Municipal Certification for Watercraft for Hire and/or Alcoholic Beverage License Authorized Port of Call approval forms have been submitted to the respective municipalities for their review.
- License applicants must attend the annual *Watercraft for Hire with Alcoholic Beverage License* training, scheduled for April 9, 2019.

CONSIDERATIONS

- Have applicants met the code requirements to ensure a reasonable level of public safety in public interest?
- Will the businesses be operated in a manner to prevent public nuisances?

ATTACHMENTS

- List of Watercraft for Hire Liquor License Applications
- Resolution 184

Item 13B Attachment -- March 27, 2019 LMCD Board Meeting

2019 Liquor License Applications for Watercraft for Hire

Company	Name	Vessel Name	Type	Port of Call 1	City 1	Port of Call 2	City 2	Port of Call 3	City 3	Port of Call 4	City 4	Port of Call 5	City 5
Al & Alma's Supper Club, Corp	Jay Soule	Allante	On-Sale Intoxicating Liquor w/ Sunday Sales	Al & Alma's	Mound	Wayzata City Dock	Wayzata	Excelsior City Dock	Excelsior	Lafayette Club	Minnetonka Beach		
		Arabella	On-Sale Intoxicating Liquor w/ Sunday Sales	Excelsior City Dock	Excelsior	Wayzata City Dock	Wayzata	Al & Almas Supper Club	Mound				
		Avanti	On-Sale Intoxicating Liquor w/ Sunday Sales	Al & Alma's	Mound	Wayzata City Dock	Wayzata	Excelsior City Dock	Excelsior	Lafayette Club	Minnetonka Beach		
		Avenir	On-Sale Intoxicating Liquor w/ Sunday Sales	Al & Alma's	Mound	Wayzata City Dock	Wayzata	Excelsior City Dock	Excelsior	Lafayette Club	Minnetonka Beach		
		Aventure	On-Sale Intoxicating Liquor w/ Sunday Sales	Al & Alma's	Mound	Wayzata City Dock	Wayzata	Excelsior City Dock	Excelsior	Lafayette Club	Minnetonka Beach		
		Bella Vista	On-Sale Intoxicating Liquor w/ Sunday Sales	Al & Alma's	Mound	Wayzata City Dock	Wayzata	Excelsior City Dock	Excelsior				
		Isabella	On-Sale Intoxicating Liquor w/ Sunday Sales	Excelsior City Dock	Excelsior	Wayzata City Dock	Wayzata	Al & Almas Supper Club	Mound				
Lady of the Lake, Inc.	Terrence Jungers	Lady of the Lake	On-Sale Intoxicating Liquor w/ Sunday Sales	Excelsior City Dock	Excelsior								
Linda Lee Charters, LLC	Anne Davis	Linda Lee	On-Sale Intoxicating Liquor w/ Sunday Sales	Excelsior City Dock	Excelsior	Wayzata City Dock	Wayzata						
PaddleTap, LLC	Ryan Jaeger	Rossi	Non-intoxicating Liquor w/ Consumption/Display	5th Street Ventures	Spring Park	Lord Fletchers	Spring Park	Metro Lakes Marina	Mound	Wayzata City Dock	Wayzata	Excelsior City Dock	Excelsior
		Serenity	Non-intoxicating Liquor w/ Consumption/Display	5th Street Ventures	Spring Park	Lord Fletchers	Spring Park	Metro Lakes Marina	Mound	Wayzata City Dock	Wayzata	Excelsior City Dock	Excelsior
Paradise Charter Cruises	David Lawrance	Paradise Destiny II	On-Sale Intoxicating Liquor w/ Sunday Sales	Excelsior City Dock	Excelsior	Wayzata City Dock	Wayzata						
		Paradise Princess II	On-Sale Intoxicating Liquor w/ Sunday Sales	Excelsior City Dock	Excelsior	Wayzata City Dock	Wayzata						
		Paradise Grand	On-Sale Intoxicating Liquor w/ Sunday Sales	Excelsior City Dock	Excelsior	Wayzata City Dock	Wayzata						
Wayzata Bay Charters, Inc	Mark Peet	Elixir	On-Sale Intoxicating Liquor w/ Sunday Sales	Excelsior City Dock	Excelsior	Wayzata City Dock	Wayzata	500 NNL, LLC.	Excelsior				
		Her Excellency	On-Sale Intoxicating Liquor w/ Sunday Sales	Excelsior City Dock	Excelsior	Wayzata City Dock	Wayzata	500 NNL, LLC.	Excelsior				
		Voyager	On-Sale Intoxicating Liquor w/ Sunday Sales	Excelsior City Dock	Excelsior	Wayzata City Dock	Wayzata	500 NNL, LLC.	Excelsior				

UPDATED 03-21-2019



ATTACHMENT

RESOLUTION NO. 184

A RESOLUTION APPROVING 2019 LIQUOR AND ALCOHOLIC BEVERAGE LICENSES FOR WATERCRAFT FOR HIRE LICENSEES

WHEREAS, the Lake Minnetonka Conservation District (LMCD) is authorized pursuant to Minnesota Laws 1986, Chapter 437, Section 6 to regulate liquor and issue liquor licenses for the Lake in the same manner as a municipality;

WHEREAS, the LMCD has adopted regulations regarding intoxicating liquor, including license requirements, as part of Chapter 5 of the LMCD Code of Ordinances, which incorporates by reference the provisions of Minnesota Statutes, chapter 340A;

WHEREAS, the LMCD Code of Ordinances indicates that no person shall directly or indirectly deal in, sell, or keep for sale on the Lake any alcoholic beverage without a license and indicates only certified watercraft for hire may obtain a liquor license; and

WHEREAS, LMCD staff have received and processed applications for liquor and alcoholic beverage licenses for seventeen (17) vessels.

NOW, THEREFORE, BE IT RESOLVED, by the LMCD Board of Directors as follows:

1. The 2019 Liquor and Alcoholic Beverage Licenses, as listed on the attached table which is incorporated herein, are hereby approved on condition of satisfactory background investigations, receipt of signed certificates from the municipalities with zoning authority over listed ports-of-call, attendance at the annual training meeting, inspections, and compliance with the other applicable requirements of the Code of Ordinances.

Adopted by the Board this 27th day of March, 2019.

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary



ITEM 13C

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: March 27, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director *Vickie Schleuning*

SUBJECT: Bill to Limit LMCD Authority (SF1691/HF1729)

ACTION:

Board review and discussion of introduced legislation.

BACKGROUND

Enclosed please find the bills the LMCD office recently learned that were introduced to limit LMCD's authority. The bill has received one hearing in the Senate and is schedule to be heard again in the Environment and Natural Resources Policy and Legacy Finance Committee at 1:00 p.m. on Monday, March 25, 2019.

Enclosed please also find the letter opposing the bill sent to the authors and legislators on the committees likely to hear the bill if it advances.

ATTACHMENT

- Senate File 1691
- House File 1729
- March 20, 2019 LMCD Response

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

**ATTACHMENT
S.F. No. 1691**

(SENATE AUTHORS: OSMEK)

DATE
02/25/2019

D-PG
527

OFFICIAL STATUS
Introduction and first reading
Referred to Environment and Natural Resources Policy and Legacy Finance

1.1 A bill for an act
1.2 relating to waters; modifying authority of Lake Minnetonka Conservation District;
1.3 amending Minnesota Statutes 2018, section 103B.611, subdivision 3.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 103B.611, subdivision 3, is amended to read:

1.6 Subd. 3. **Powers.** Subject to the provisions of chapters 97A, 103D, 103E, 103G, and
1.7 115, and the rules and regulations of the respective agencies and governing bodies vested
1.8 with jurisdiction and authority under those chapters, the district has the following powers
1.9 on Lake Minnetonka, excluding the area of public drainage ditches or watercourses connected
1.10 to the lake:

1.11 (1) to regulate the types of boats permitted to use the lake and set service fees;

1.12 (2) to regulate, maintain, and police public beaches, public docks, and other public
1.13 facilities for access to the lake within the territory of the municipalities, provided that a
1.14 municipality may supersede the district's action under this clause by adopting an ordinance
1.15 specifically referring to the district's action by one year after the district's action;

1.16 (3) to limit by rule the use of the lake at various times and the use of various parts of
1.17 the lake;

1.18 (4) to regulate the speed of boats on the lake and the conduct of other activities on the
1.19 lake to secure the safety of the public and the most general public use;

1.20 (5) to contract with other law enforcement agencies to police the lake and its shore;

2.1 (6) to regulate the construction, installation, and maintenance of permanent and temporary
2.2 docks and moorings consistent with federal and state law;

2.3 (7) to regulate the construction and use of mechanical and chemical means of deicing
2.4 the lake and to regulate mechanical and chemical means of removal of weeds and algae
2.5 from the lake;

2.6 (8) to regulate the construction, configuration, size, location, and maintenance of
2.7 commercial marinas and their related facilities ~~including parking areas and sanitary facilities~~
2.8 that affect activity below the ordinary high-water mark. The regulation shall authority under
2.9 this clause does not apply to land-based marina activities, including storage facilities, and
2.10 must be consistent with the applicable state statutes, municipal building codes, and zoning
2.11 ordinances where the marinas are located;

2.12 (9) to contract with other governmental bodies to perform any of the functions of the
2.13 district;

2.14 (10) to undertake research to determine the condition and development of the lake and
2.15 the water entering it and to transmit their studies to the Pollution Control Agency and other
2.16 interested authorities, and to develop a comprehensive program to eliminate pollution;

2.17 (11) to receive financial assistance from and join in projects or enter into contracts with
2.18 federal and state agencies for the study and treatment of pollution problems and
2.19 demonstration programs related to them; and

2.20 (12) to petition the board of managers of a watershed district in which the lake
2.21 conservation district is located for improvements under section 103D.705; a bond is not
2.22 required of the lake conservation district.

2.23 For purposes of this subdivision "watercourses connected to the lake" does not include
2.24 channels connecting portions of the lake to one another.

This Document can be made available in alternative formats upon request

State of Minnesota

ATTACHMENT

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1729

02/25/2019 Authored by Hertaus The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to waters; modifying authority of Lake Minnetonka Conservation District;
1.3 amending Minnesota Statutes 2018, section 103B.611, subdivision 3.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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1.20 (5) to contract with other law enforcement agencies to police the lake and its shore;

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2.4 the lake and to regulate mechanical and chemical means of removal of weeds and algae
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2.12 (9) to contract with other governmental bodies to perform any of the functions of the
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2.14 (10) to undertake research to determine the condition and development of the lake and
2.15 the water entering it and to transmit their studies to the Pollution Control Agency and other
2.16 interested authorities, and to develop a comprehensive program to eliminate pollution;

2.17 (11) to receive financial assistance from and join in projects or enter into contracts with
2.18 federal and state agencies for the study and treatment of pollution problems and
2.19 demonstration programs related to them; and

2.20 (12) to petition the board of managers of a watershed district in which the lake
2.21 conservation district is located for improvements under section 103D.705; a bond is not
2.22 required of the lake conservation district.

2.23 For purposes of this subdivision "watercourses connected to the lake" does not include
2.24 channels connecting portions of the lake to one another.



ATTACHMENT

LAKE MINNETONKA CONSERVATION DISTRICT

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

March 20, 2019

Re: Bill Limiting the Authority of the Lake Minnetonka Conservation District
(SF1691/HF1729)

Dear Legislator:

I write on behalf of the Lake Minnetonka Conservation District (LMCD) to recommend defeat of this bill. The exemption this bill creates for commercial marinas undermines the LMCD's ability to protect the Lake for the benefit of all users.

The LMCD is charged with the duty to, on behalf of all 14 abutting cities, adopt regulations to protect the Lake. This bill places commercial marinas beyond that authority by excluding from LMCD regulation "all land-based marina activities, including storage facilities." These limitations pose the risk of significantly damaging the LMCD's ability to protect the Lake and the public. Despite the direct impact to the LMCD's authority, the LMCD was not notified of this bill, asked to comment, or to provide testimony.

The legislature created the LMCD more than 28 years ago to establish a uniform set of regulations for the Lake to prevent, in part, special interests from having too much influence over the operation of facilities around the Lake. This bill would limit the LMCD's ability to regulate lake use in a uniform manner and would instead leave it to the cities with commercial marinas to establish potentially differing regulations regarding the dry storage of watercraft that will directly impact boat density and ecology of the Lake. This is exactly the scenario the legislature sought to prevent in establishing the LMCD.

LMCD limits watercraft density at commercial marinas to protect public safety and to help ensure access to the Lake by all. Excluding LMCD regulation of dry slips and the dry stacking of watercraft at commercial marinas will leave a significant gap in the LMCD's efforts to regulate watercraft density and associated impacts. Further, the result will likely be a significant increase in watercraft densities that will directly impact safety on the busiest lake in Minnesota.

Regulation of land-based watercraft storage at commercial marinas is a critical part of the overall regulatory authority the LMCD must retain in order to carry out its duties to protect the Lake and all affected parties. As such, I strongly encourage you to oppose this bill. Please contact me if you have questions at (952) 745-0789.

Sincerely,

A handwritten signature in black ink that reads "Vickie Schleuning".

Vickie Schleuning
LMCD Executive Director

www.lmcd.org • lmcd@lmcd.org

To preserve and enhance the "Lake Minnetonka experience"



LAKE MINNETONKA CONSERVATION DISTRICT

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

To: Senate Environment and Natural Resources Policy and Legacy Finance Committee
From: Lake Minnetonka Conservation District (LMCD)
Re: Opposition of SF 1691
Date: March 25, 2019

Statement of Position Regarding SF 1691

SUMMARY

The regulatory exemption proposed in Senate File 1691, designed for a special business interest, undermines the LMCD's ability to protect the Lake for all affected parties. The LMCD implores the Senate Environment and Natural Resources Policy and Legacy Finance Committee to not include this measure in its omnibus bill.

LAKE MANAGEMENT REGULATION ELIMINATED IN SF 1691

The LMCD is currently authorized to regulate commercial marinas and their related facilities, including off-lake boat storage facilities. It licenses commercial marinas to, in large part, control boat density on the Lake. Density can be affected nearly as much by boat slips on the land as those in the water. This bill expressly removes the LMCD's authority to control boat density from off-lake boat storage facilities at commercial marinas.

FROM A COHESIVE TO FRAGMENTED APPROACH

If the LMCD is prohibited from regulating these off-lake facilities, it will fall to each of the 14 cities around the Lake to develop their own regulations. The Minnesota Legislature created the LMCD to establish a uniform set of regulations that apply equally in all 14 cities. The bill before you undermines that comprehensive approach to regulating the Lake and those uses that have a direct impact on it.

A NEGATIVE IMPACT TO PUBLIC SAFETY, LAKE ECOLOGY, AND QUALITY OF LIFE

The regulatory void proposed by SF 1691 poses the risk of significant damage to public safety and Lake ecology. Allowing commercial marinas to store and launch many more boats than are currently allowed under the LMCD's licensing standards will sharply increase boat traffic on the Lake. Crowding more boats onto one of the busiest lakes in Minnesota could increase boat collisions, pollution from fuel and litter, habitat disruption, and nuisances to neighboring properties.

IMPACTS OF LAND BASED ACTIVITIES ON THE LAKE

The LMCD was, from its inception, given the authority to regulate commercial marinas and their related facilities. Removing that authority will force a blind spot in the LMCD's regulations that will directly impact the number of boats on the Lake. The Legislature fully and rightly intended for the LMCD to have broad authority to protect the Lake in a comprehensive and uniform way. Arbitrarily limiting that authority to the ordinary high-water mark, and expressly exempting land-based marina activities, is contrary to that intent.

VOTE "NO" ON SF 1691

Regulation of off-lake commercial-scale boat storage (slips) is a critical part of the overall regulatory authority the LMCD must retain in order to carry out its duties to protect the Lake, public safety, and all affected parties. The LMCD, therefore, strongly encourages the Committee to defeat this bill.

A handwritten signature in black ink that reads "Gregg Thomas".

Gregg Thomas, LMCD Board Chair

A handwritten signature in black ink that reads "Vickie Schleuning".

Vickie Schleuning, Executive Director



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TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director *Vickie Schleuning*

DATE: February 27, 2019

SUBJ: Executive Director Update

The following items are some highlights of activities of the organization for public information.

- **Ice and Open Water Dangers**

With the warmer weather affecting ice depths and conditions, the Hennepin County Sheriff's Office is recommending people stay off the ice.

- **LMCD Awarded AIS Funds for Watercraft Inspection Program**

LMCD was awarded \$20,000 from Hennepin County to help prevent the spread of AIS through a Watercraft Inspection Program. Funding last year was \$10,000. With the introduction of starry stonewort in Medicine Lake, prevention and early detection is important in its management. LMCD will continue to partner with Three Rivers Park District for inspection services.

- **Harvesting and Vegetation Control Options**

Some Board Directors have received concerns about the suspension of the LMCD harvesting program and the potential for navigation problems. In response, staff has researched the process and rough cost estimates based on input from other organizations and service providers. The costs of harvesting, transportation, permitting process, vegetation survey, and other factors can vary significantly, also reflective of the type of vegetation and mechanical method used (harvester, divers, etc.). Other important factors would include the availability of service providers. The MN DNR permitting agency stated they would work to facilitate the processing of any permit.

Does the board wish to allocate a certain amount of funding, such as \$10,000, to address any situation deemed necessary? Does the Board want staff to spearhead these efforts? The determination of where to conduct the vegetation control would likely be site specific, but are there conditions the board would consider under this situation?

Please let me know if you have questions.