

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., April 24, 2019  
Wayzata City Hall

**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; Ben Brandt, Mound; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; Chris Rich, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director.

**Members absent:** Dan Baasen, Wayzata; and Mark Kroll, Orono. Excelsior Vacant.

**4. APPROVAL OF AGENDA**

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

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

Chair Thomas commented that the City of Tonka Bay is having a celebration, Celebrate Wekota Park, on May 4<sup>th</sup> from 1 p.m. to 4 p.m. He noted that the LMCD will have a table at the event and asked if there is anyone else interested in joining him at the table for the event. He stated that he would like to continue to discuss the Art on the Lake event in Excelsior on June 8<sup>th</sup> and 9<sup>th</sup> that was brought forward at the last meeting. He stated thus far there has only been one volunteer to assist at the event. He noted that the Excelsior Men's Garden Club also has an interest in the event but was unsure they could staff a table for two days. The decision was made to split the table, with the LMCD staffing the table on June 8<sup>th</sup> and the Garden Club staffing the table on June 9<sup>th</sup>, noting that the groups will split the cost of the table. He noted that additional volunteers are still needed for June 8<sup>th</sup>.

Stone volunteered to assist on June 8<sup>th</sup>.

Chair Thomas stated that he read the minutes of the last meeting and noticed the discussion on forming a Work Group with multiple dock owners to communicate about issues that pertain to the LMCD and multiple dock owners. He noted that he received two volunteers from the Board already.

Hughes volunteered.

Chair Thomas noted that he will attend the Work Group meetings when he can as well.

**6. APPROVAL OF MINUTES – 04/10/2019 LMCD Regular Board Meeting**

Chair Thomas noted on page four, under the approval of the agenda, it should state, Hughes and Rich agreed.”

Schleuning noted that not everyone that attended the meeting signed in and she would like a statement added to the minutes stating that others were in attendance.

**MOTION:** Rich moved, Cook seconded to approve the 04/10/2019 LMCD Regular Board Meeting minutes as amended.

**VOTE:** Ayes (7), Abstained (4) (Thomas, Klohs, Molitor, Zorn). Motion carried.

**7. APPROVAL OF CONSENT AGENDA**

**MOTION:** Zorn moved, Cook seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (04/16/2019 – 04/30/2019).

**VOTE:** Motion carried unanimously.

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

Gabriel Jabbour, 985 Tonka Road, referenced the March 27<sup>th</sup> meeting at which Molitor made a comment related to the transparency of the Osmek bill and how that bill was bought and paid for. He stated that he is an elected official and that his relationship with Minnetrista goes back many years. He stated that you can find the donors of Senator Osmek on the internet, he is bothered by a comment a bribe has taken place in return for this bill, and felt those types of comments are slanderous. He stated that it equally diminishes the ability of the Senator to be able to accomplish things for the communities in this area such as like the highway 394 project and he feels the comments should be retracted.

**9. PUBLIC HEARING**

**A) Non-Intoxicating Liquor License Application for PaddleTap LLC**

Schleuning presented a new application for a non-intoxicating liquor license for PaddleTap LLC for a new watercraft. She stated that the owner of PaddleTap LLC has submitted the application for the watercraft for hire. She noted that the boat would be approved administratively if all requirements were met, and the liquor license is under review by the Board. She stated that this would be a 30-foot pontoon with a total capacity of 18, including two crew members. She noted that the watercraft would have a bathroom facility and would be berthed at 5<sup>th</sup> Street Ventures and noted that the watercraft would have similar ports of call. She stated that the cities would need to sign an approval to allow those ports of call. She stated that an investigation is conducted by the Hennepin County Sheriff's office and no findings or reasons to deny were found.

Thomas invited the applicant to address the Board, but the applicant felt the information staff presented was accurate.

Hoelscher asked why this is called a non-intoxicating liquor license.

Schleuning explained that PaddleTap does not serve the beverages, and this license allows passengers to bring their own beverages on board. She explained that this would be different than the business providing or serving alcohol.

Molitor asked if this would restrict the customers to only bring aboard beer and wine.

Schleuning replied that there would not be a restriction, passengers could bring any type of alcoholic beverage.

Zorn asked if there would be a limited on the alcohol that can be brought on board based on a maximum amount of people.

Schleuning replied that there is not a limit.

Wells Brose, 4898 Edgewater Drive, representing the applicant, stated that there is a weight capacity and the business would typically only allow two to three coolers are allowed on board.

Rich asked if someone is monitoring the consumption to ensure passengers do not over consume.

Brose confirmed that there is always a captain and one to two additional crew members. He stated that he has not had any issues when acting as captain, but other captains have cut off passengers. He noted that the tour can also be stopped, and if an issue continues the Water Patrol could be contacted. He stated that they have not had to utilize the Water Patrol up to this time.

Thomas opened the public hearing at 7:25 p.m. No comments were offered, and the public hearing was closed at 7:27 p.m.

**MOTION:** Thomas moved, Rich seconded to approve PaddleTap LLC 2019 Non-Intoxicating Liquor License with the following authorized ports of call: Lord Fletchers, Spring Park; Back Channel Brewing (5<sup>th</sup> Street Ventures), Spring Park; Metro Lakes Marina, Mound; City of Wayzata Docks, Wayzata; and City of Excelsior Docks, Excelsior.

**VOTE:** Motion carried unanimously.

## 10. OTHER BUSINESS

None.

## 11. OLD BUSINESS

### A) Authorization of Professional Services Agreement for Vegetation & AIS Master Plan Consultant and Budget Amendment

Cook reported that three proposals were received: Emmons and Olivier Resources with Blue Water Science, Osgood Consulting with Freshwater Scientific Services, and Limnopro Aquatic Science. He stated that interviews were held on April 11<sup>th</sup> by the Selection Committee both in person and via the telephone. He stated that after reviewing all three proposals and conducting the interviews, the Committee ranked the proposals in the following order: Emmons and Olivier Resources and Blue Water Science, Osgood Consulting and Freshwater Scientific Services, and Limnopro Aquatic Science. He explained the differences in the proposals and reasoning for the ranked decision of the Committee. He also reviewed the proposed pricing of the different proposals, noting that Emmons and Olivier was also the lowest priced option. He recommended a 2019 budget amendment, that the Board authorize the Executive Director and Attorney to negotiate a professional services agreement with the preferred vendor, which would then allow the work to begin. He provided details on the budget amendment that he recommended.

Eric Evenson, Director of Lake Minnetonka Lake Association, thanked the LMCD for taking on this effort as this is very commendable. He stated that there is a lot of interest in what the LMCD does and this activity impacts a lot of members of his association. He stated that he has been involved in water management for over 30 years and provided background information on his experience. He stated that his concern would be with the level of stakeholder involvement. He encouraged the LMCD to negotiate with the vendor about how the vendor will work with stakeholders, specifically who will be involved and invited, and how that information will be used. He stated that the LMCD needs to have ownership of the plan and stakeholder support for it to be successful. He hoped that he would be a part of the process.

Cook stated he appreciated the comments made by Mr. Evenson that also reflected his views. He also stated that the budget amendment is higher than the amount of the proposal, to ensure that there are sufficient funds in contingency. He stated that this proposed process that involves stakeholders is important. He noted that the additional stakeholder meetings would not be expensive from the consultant perspective, as the meetings would be coordinated by the LMCD.

Chair Thomas stated that the Board has attempted to make this process as transparent as possible from the beginning, gaining input while still moving the project forward.

Rich asked about the deliverables that will be expected.

Cook reviewed the seven deliverables that would be provided through the RFP.

Rich asked if the consultant feels comfortable that they will be able to deliver those elements by the end of the year.

Cook confirmed that the consultant identified how they would provide those deliverables during the interview process.

Chair Thomas stated that he read the proposals and ranked them on his own, as he was out of town, and he had ranked the proposals in the same order as the Selection Committee.

Hughes asked if the consultant would provide an evaluation of what is being done at the various ramps, in terms of boat inspections.

Cook confirmed that will be included.

Stone stated that it appears that normally \$80,200 is used for harvesting/AIS and \$40,000 of that is proposed to be used for this study. She asked if the remaining \$40,200 could then be used towards harvesting.

Cook stated that the remaining amount of funds in the harvesting line item would allow the LMCD to contract for a third party to complete some harvesting.

Stone asked where the LMCD harvesters are and whether they are being maintained.

Schleunig stated that maintenance will need to be completed on the machines this year. Several items were not able to be completed last season due to all the external interruptions. She stated that the machines are stored at the Hennepin County lot.

Stone stated that a lot of funds were spent on the harvesters and therefore she wanted to ensure that they are being maintained.

Hoelscher stated that she was a part of the Selection Committee and was impressed by all three proposals. She stated that the recommended vendor has a ton of resources, great scientists on staff, staff with additional skillsets, the ability to seek grants, and coordinate stakeholder meetings. She believed that the Board would be able to learn a lot from this process. She stated that this could be used as a model for other lakes to follow if this is done right. She wanted the Board to realize that there will be bumps along the way throughout the process but was comfortable that this contractor would be able to assist in the process.

Brandt agreed that he was impressed with the vendor.

Kroll agreed that this sounds like a good process and choice.

Molitor stated that \$40,200 would be left for harvesting, should the LMCD contract for that service. He was unsure why that was being recommended and instead believed that the total amount from the harvesting/AIS line item should be used for this process. He noted that if harvesting is needed later this year, that could then come from the general reserve funds.

Chair Thomas stated that as proposed, the budget amendment would meet the auditor's recommended reserve for each of the capacity.

Cook stated that he would not have an issue with the proposal from Molitor. He stated that either option the Board prefers would be fine.

Stone asked if there is a reason the recommendation was setup in the manner proposed by Cook.

Cook stated that the reason he proposed that method was to save the funds in the line item for potential harvesting.

Chair Thomas stated that the proposal from Cook made sense, as the funds identified were surplus from the previous year. He noted that if the remaining harvesting funds are not used this year, those funds could become reserve funds next year.

Klohs commended Cook for his services in drafting the RFP and providing his assistance and commitment over the past few months on this process. He stated that the Board is very fortunate to have Cook as a member along with his expertise. He stated that this sets the LMCD up to do something great for this lake and potentially other lakes as well.

Chair Thomas thanked Cook, Hoelscher, Brandt, and Schleuning as well as the other members of the Selection Committee for their effort throughout this process.

Klohs stated that the LMCD is getting a tremendous value for the price quoted.

Zorn echoed the positive comments. She stated that the LMCD has three harvesters that need maintenance and therefore perhaps some of the funds remain in the harvesting/AIS line item for that projected maintenance.

**MOTION:** Cook moved, Rich seconded to approve the budget amendment appropriating the following to the Vegetation and AIS Master Plan project: \$10,000 from General Fund Balance, \$20,000 from the AIS Fund Balance, and \$70,000 from the AIS Budgeted Funds.

**VOTE:** Ayes (10), Nays (1) (Molitor). Motion carried.

**MOTION:** Thomas moved, Hughes seconded that AIS Management Fund be amended to include a pass-thru grant of \$20,000 for a Watercraft Inspection Program to help prevent the spread of AIS.

**VOTE:** Motion carried unanimously.

**MOTION:** Cook moved, Rich seconded to approve the selection of Emmons and Olivier Resources and Blue Water Science and authorize the Executive Director and Legal Counsel to negotiate a professional services agreement with the consultant in the amount of \$74,760 and to authorize the Chair and Executive Director to execute the agreement.

**VOTE:** Ayes (10), Nays (1) (Molitor). Motion carried.

**B) Legislation Update**

Chair Thomas provided background information on the discussion that occurred thus far, noting that Hoelscher went in two days and testified on behalf of the LMCD.

Hoelscher confirmed that she went to the Capital two days, testifying the second day on behalf of the LMCD. She stated that she was allotted up to 90 seconds to make her point. She noted that the omnibus bill was passed without any comments on the amendment. She stated that the bill will then go to the Finance Committee and then a Conference Committee.

Schleuning reported that staff is awaiting the schedule and makeup of the Committees.

Hoelscher thanked the constituents that have supported the LMCD and its efforts in this matter.

## 12. NEW BUSINESS

### A) USGS Zebra Mussel Control Research Project Temporary Structure Request

Schleuning provided details on the request to place temporary structures and buoys as part of the research project. She stated that the project outline was included in the Board packet identifying the locations for the equipment and buoys. Staff from Hennepin County Sheriff Office Water Patrol and LMCD thought this item should be brought to the board for consideration based on the distance greater than 400 feet into the lake and the length of time over the summer that the project would occur.

Chair Thomas noted that this is another great project that should also provide great information regarding AIS

Rich asked if there would be lights on the buoys.

Schleuning confirmed that white solar lights would be attached to the buoy locations.

**MOTION:** Hoelscher moved, Cook seconded to approve the temporary structure permit application in coordination with the Hennepin County Water Patrol's permit.

**VOTE:** Motion carried unanimously.

## 13. TREASURER REPORT

Cook had nothing further to report.

## 14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Ice Out Status: Declared at April 20<sup>th</sup> at 1:46pm

- Lake Minnetonka High Water Level Process: Water levels are being closely monitoring by the Minnehaha Creek Watershed District and Minneapolis Park Board. No high-water declaration has been announced as of yet. The LMCD still encourages lake users to do, or not do, certain activities in order to promote safety and prevent erosion. It may be beneficial for property owners to delay dock installation until the water recedes.
- Zebra Mussel Research Project: Some general inquiries received, and additional details are on the website.
- Summer Signs at Public Access: Summer signs will be installed this next week.
- AIS Detector Training: The training is scheduled May 3<sup>rd</sup> for Cook and Schleuning. She completed the online training and thought it was good. Additional spaces are available. She asked if others were interested in May 3<sup>rd</sup> or May 4<sup>th</sup> to let her know. Zorn asked to have additional information sent to her regarding the classes.
- Boater Safety Course: Date has been set for Monday, June 10<sup>th</sup>
- Starry Stonewort Monitoring: Staff met with LMA staff to review potential lake access locations to monitor for starry stonewort planned by LMA this summer. She thanked them for undertaking this effort.

#### 15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: Cook reported that a meeting is scheduled.

Recodification Workgroup: No report.

Save the Lake Committee: No report.

Strategic Plan Subcommittee: Zorn stated that progress is being made and the draft will be sent out the following week.

#### 16. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:22 p.m.

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Gregg Thomas, Chair

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Ann Hoelscher, Secretary