

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., June 26, 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; Dan Baasen, Wayzata; Bill Cook, Greenwood; Ben Brandt, Mound; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; and Chris Rich, Woodland. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

**Members absent:** Mark Kroll, Orono; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. 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 there was a proposal to develop a work group to meet with marina owners around the lake a few meetings ago. He stated that he reached out to Gabriel Jabbour and the response was that the group was not interested in meeting with the work group and would rather meet with certain marina owners in another venue with a larger portion of the Board. He stated that the Officers will discuss the matter further and provide additional updates to the Board.

**6. APPROVAL OF MINUTES-** 06/12/2019 LMCD Regular Board Meeting

Hoelscher noted under roll call, it lists Andrew Punch of Excelsior and that should be removed as the Board currently does not have a member from Excelsior.

**MOTION:** Baasen moved, Molitor seconded to approve the 06/12/2019 LMCD Regular Board Meeting minutes as amended.

**VOTE:** Motion carried unanimously.

**7. APPROVAL OF CONSENT AGENDA**

**MOTION:** Molitor moved, Hoelscher seconded to approve the consent agenda as presented. Motion

carried unanimously. Items so approved included: **7A)** Audit of Vouchers (06/152019 – 06/30/2019); **7B)** 5345 Cedar Point Road, Variance for Dock Use Area Length and Side Setback; and, **7C)** Tonka Yacht Rental: New Commercial Dock License, New Non-Intoxicating Liquor License Application, and Ports of Call for 4801 Shoreline Drive.

**VOTE:** Motion carried unanimously.

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

Richie Anderson, 3205 Crystal Bay Road, presented a buoy that could be set in Tanager Bay with permission from the LMCD. He stated that the buoy would clearly tell people the bay is no wake during high water. He explained that he would volunteer to pay for and place the buoy. He stated that this is a concept the Board could think of moving forward.

Hughes asked if the language appears on both sides of the buoy.

Anderson confirmed the language is on both sides of the buoy.

Steve Biddell, 4823 Bartlett Boulevard, stated that he has owned his property on the channel for 20 years and there was a problem with people going fast through the channel. He stated that his neighborhood petitioned to have a slow buoy put in near the brewery. He noted that the buoy is maintained by their neighborhood and has worked.

**9. PUBLIC HEARING**

There were no public hearings.

**10. OTHER BUSINESS**

There was no other business.

**11. OLD BUSINESS**

**A) Legislative Update**

Thomas stated that Gilchrist informed the Board that the Bill that would limit the jurisdiction of the LMCD to the ordinary high-water mark and below was passed and the new law will go into effect, which means the powers of the LMCD will change.

Gilchrist stated that the proposed amendment was approved in the first special session but did not include a specific effective date which defaults to an effective date of August 1<sup>st</sup>. He provided additional information about the powers of the LMCD that would change with this amendment related to commercial marinas. He stated that he would propose to review the Code and ensure that the language becomes compliant with the

newly adopted statutory language.

Rich asked if the authority of the LMCD would then end at the ordinary high-water mark.

Gilchrist explained that the change is related specifically to commercial marinas. He noted that will be part of the general examination of the Code by staff.

Thomas noted that member cities will also need to think about this topic as that authority will now be solely of the cities and not shared between the cities and LMCD.

## **12. NEW BUSINESS**

### **A) High Water Declaration Regulations Areas, and Slow and No Wake Zones**

Schleuning reported that during the high-water declaration there were a lot of positive comments received. She explained the different methods the LMCD used to warn people of the upcoming high water and once the declaration was put into place. She stated that perhaps in the future additional staging could be conducted with messaging. She noted that staff will also meet with Hennepin County Water Patrol to review what could be done better in the future. She agreed that there needs to be further discussion, not just around high water, but for slow buoys in general. She stated that the County does not want additional buoys unless they have meaningful impacts. She displayed a map which identifies the current locations of buoys on the lake. She identified items that could assist in the future including consistent messaging that is easily identifiable throughout the lake, the use of bay captains, and prioritization of areas. She explained that when the decision is made to change one area to no wake, that pushes traffic to another area on the lake and therefore this needs to be considered as part of the decision process. She noted that boat density is another issue to consider for the different areas on the lake when considering buoy locations. She commented that it is fairly unlikely that there would be another high-water declaration but acknowledged that the ground is very saturated and weather is unpredictable.

Thomas asked who has jurisdiction on buoys and locations.

Schleuning explained the jurisdiction for different types of buoys including hazard, temporary dock use area, and slow wake buoys. She stated that she will provide more detailed information with the study results.

Gilchrist stated that there is language in the LMCD code that specifies a number of items that cannot be placed outside of dock use areas, including buoys. He noted that if the structure is more than 200 feet from the shore, the temporary structure permit would need to come before the Board for consideration, but if less than 200 feet from the shore, the permit could be approved administratively.

Thomas confirmed that Tanager Bay is a no wake bay in high water declaration. He asked if Schleuning would then have authority to approve a request for Anderson to place a buoy in Tanager Bay, if the location is within 200 feet of the shore.

Schleuning explained that the LMCD works jointly with Hennepin County on those administratively issued permits. She noted that there will need to be a larger discussion on this topic between the LMCD staff and Board along with Hennepin County and Hennepin County Water Patrol.

Hoelscher stated that it appears there is either a “no wake” regulation or an absence of regulation on wake zones. She asked if there could be consideration for something in the middle.

Schleuning confirmed that is meant to be a part of the discussion. She noted that the language specifies less than five miles per hour or no wake and explained that some of the larger boats can create wake at less than five miles per hour.

Baasen stated that there has been discussion in the past on no wake or slow wake buoys but believed that those requests were for permanent buoys and therefore there has been a resistance to scatter the lake with permanent buoys. He stated that it would seem to make sense to allow temporary buoys during high water declaration. He agreed that the discussion should continue as there will eventually be high water again, even if it does not occur this season.

Thomas stated that he notices when a new sign appears where it has not been before, whereas some signs that have been up for years can often be unnoticed.

Molitor stated that he believes that the original issue is related to high water and the discussion should focus on activities during high water declaration issues. He stated that although the comments related to permanent signs are relevant, it should be a separate discussion. He agreed that if one area of the lake is made no wake, that would push traffic to another area but noted that this discussion is not changing traffic patterns but simply delineating and marking those areas better during high water declaration. He believed that the discussion should first focus on high water declaration and the placement of buoys and signage during those times rather than attempting to solve the overall placement of permanent buoys throughout the entire lake at the same time. He also believed that the temporary buoys should be placed by staff in delineated areas rather than placing that burden on bay captains to ensure uniformity.

Anderson stated that there is a channel that comes into his bay and he can meet with staff to determine the proper location. He explained that once high water is declared he could simply place the buoy in the agreed upon location. He stated that he is simply offering to help and be a part of a solution.

Thomas stated that there are several bays and asked if staff could go to the Water Patrol and ask for their thoughts on placement of slow/no wake buoys at the mouths of each of the bays.

Schleuning confirmed that is part of the plan for the continued discussion with the Water Patrol and Hennepin County, but noted that because the high-water declaration is over there is not a rush for that meeting to take place.

Thomas stated that if the Water Patrol were to agree to the idea and locations, the rest would be relatively easy.

Hoelscher stated that she thinks it is great when there are community members offering solutions and stepping up in a positive way. She stated that perhaps the buoy could be used as an example and test case while the LMCD continues to explore and discuss options to develop a uniform plan.

Schleuning agreed that she would like to include stakeholders in the discussion.

Thomas explained that because the LMCD is not anticipating another high-water declaration soon, this is a good time to have these continued discussions in order to be prepared for the next time a declaration is needed.

Rich stated that he supports the idea. He noted that if it is a temporary buoy, he would like to see a light that would alert boaters that are not used to a buoy in that location.

Brandt stated that it seems there would be a lot of labor and cost for temporary buoys. He asked if there would be a low cost, minimum labor option that would have something that simply attaches to existing buoys. He noted that high water declaration only lasts for a short period of time and perhaps there would be an easier option.

Thomas agreed that perhaps there are other ways to indicate high water declaration using existing resources.

Molitor commented that there are other areas that would not be as easy to mark and provided examples. He noted that his concern would be that the sample buoy Anderson brought in would not stand out compared to the existing buoys and perhaps the temporary buoys could be made in orange to stand out more.

Thomas stated that his attempt would be to improve the situation but recognized that it may not totally solve every problem in the first attempt.

**MOTION:** Hoelscher moved, Rich seconded to direct staff to work with Mr. Anderson for a temporary permit to allow Mr. Anderson to place a no wake buoy in Tanager Bay as a test for the remainder of this year, but only in the case of a high-water declaration, subject to Water Patrol and LMCD staff approval regarding placement.

Further discussion: Gilchrist noted that the LMCD Code already allows for this type of permit to be issued administratively.

Molitor asked why a motion would be necessary.

Gilchrist stated that this would be a direction to staff in response to a resident concern.

**VOTE:** Motion carried unanimously.

Hoelscher stated that because this is a direction to staff and other bays may be desired, staff could work with

Mr. Anderson to determine if additional bays should be added to the administrative permit.

Thomas noted that there would still be another issue for this continued discussion which would be bays that do not leave much space when considering the 600 feet no wake mark and whether those should be marked completely as no wake during high water declaration.

Baasen stated that although the LMCD did a good job-sharing information through different formats, it was often still difficult to determine when on the water. He stated that if certain bays are going to be closed during high water declaration, that should be done through public hearing to allow the people that live on those bays to provide input.

Thomas agreed that once staff brings back the information to review, if action were going to be taken that would be through a public hearing.

Schleuning summarized the information that staff will review and compile to come back before the Board for additional discussion.

### **13. TREASURER REPORT**

No report.

### **14. EXECUTIVE DIRECTOR UPDATE**

Schleuning provided the following information:

- Lake Minnetonka Vegetation and AIS Master Plan Progress: The launch meeting took place on June 18<sup>th</sup> and went well. She provided a brief highlight of the introduction material that was shared and the upcoming activities for the consultant. She noted that this is not just a local issue but a national issue. She highlighted information that is available, or will be available, for the public on the LMCD website. She confirmed that the “see something send something” reporting option would be verified before adding the area. She noted that there will be another map showing the verified vegetation areas. She provided additional details on possible education events and additional inspection that could possibly be performed with Three Rivers Park District watercraft inspection staff.

Thomas commented that the June 18<sup>th</sup> meeting was well attended by different organizations and residents.

- Staff is working to increase the response rates of the resident and customer comments received through the interactive public feedback mapping tool. She expressed appreciation to those that have reached out to the LMCD.
- Water levels: Water levels have been dropping. Information was included in the packet about the trend in increased rain and water levels over time.
- RFP for Communications: This is posted on the website and the deadline for submittals is July 12<sup>th</sup>.

- Meeting Video Update: The LMCC is working to upgrade the system to high definition for Board meeting coverage. During the upgrade process, some of the meetings online will not be available for a few months.

#### 15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Recodification Workgroup: Schleuning stated that an email will be sent that links to the information on the website for review. Any concerns or comments should be addressed to staff.

Save the Lake Committee: No report.

Strategic Plan Subcommittee: No report.

#### 16. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:25 p.m.

---

Gregg Thomas, Chair

---

Ann Hoelscher, Secretary