

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., February 12, 2020
Wayzata City Hall

WORK SESSION

6:00 p.m.

Members Present: Ben Brandt, Mound; Bill Cook, Greenwood; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; and Gregg Thomas, Tonka Bay. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; Matthew Cook, Environmental Administrative Technician.

Members Absent: Rich Anderson, Orono; Dan Baasen, Wayzata; Dennis Klohs, Minnetonka Beach; Jake Walesch, Deephaven; and Deborah Zorn, Shorewood.

Persons in Audience: Eric Evenson, Lake Minnetonka Association (LMA); Bill Olson, Victoria and others that may not have signed the attendance sheet.

1. Channel Navigation and Storage Discussion

Schleuning stated that the LMCD Code prevents individuals from blocking navigation channels. She noted that enforcement of such standards becomes challenging when partial blockage of a navigation channel is caused by docks or storage of watercraft along riparian lakeshore property that has existed for a long time.

Schleuning provided examples of channels with private riparian property, noting that watercraft storage on these channels can restrict boat traffic in the channels for several reasons including change in size of watercraft over time.

Schleuning added that overhanging trees can limit the navigation channel further, especially for larger or taller boats, which are becoming more common on the Lake.

Schleuning invited the Board to provide feedback on how the LMCD should encourage or enforce adequate channel navigation.

Kroll asked if the LMCD has jurisdiction when it comes to the trimming of trees.

Schleuning stated that the LMCD does have jurisdiction to trim or require the trimming of trees in some cases.

Newell stated that he drives a large boat, but understands that he cannot take a large boat to all locations on Lake Minnetonka. He said that he does not believe that the character of a neighborhood, including boat storage, should have to change to accommodate oversized watercraft.

Thomas stated that navigation of channels requires some common sense, noting that some channels are wide enough for two-way traffic while others are not. He said that the channel to St. Albans Bay, for instance, is wide enough for two boats, but perhaps is not wide enough for two large boats. Thomas noted the difficulty of writing Code language to acknowledge the different aspects of the channels around the lake.

Hughes noted that the restriction of towing objects behind watercraft while navigating through a channel ought to allow watercraft in need of repair to be towed through channels.

Schleuning stated that she was hearing discussion of a more education-focused approach to addressing non-emergency issues with channel navigation.

Cook stated that he is not concerned with the variation amongst the channels. He stated that staff ought to consider the navigational issues and riparian rights as they pertain to watercraft storage in crafting a recommendation for specific enforcement standards.

Schleuning asked the board if they were hearing concerns similar to the office in which they had not at this point.

Thomas agreed with Cook, and suggested that staff come back with a recommendation for further discussion.

2. LMCD Goals Regarding Strategy for AIS & Vegetation

B. Cook stated that the LMCD has been struggling to articulate its goals for the development of the Vegetation and (AIS) Master Plan. He explained that other organizations were confused by the LMCD developing the plan while working on specific parts of existing AIS programming, namely the harvesting program.

B. Cook said that he believes that the LMCD's goals for the process must mesh with the goals of other organizations on Lake Minnetonka. He noted that as some other organizations lose funding, they are reducing the services they provide, leaving some services unperformed.

B. Cook said that Lake Minnetonka is a regional treasure for the state of Minnesota. He noted that he wishes to pursue state funding for AIS prevention and management on the lake, as the lake belongs to the whole state. B. Cook presented a draft of his understanding of the LMCD's goals:

1. B. Cook stated that he imagines the LMCD would fill the gaps in the array of AIS services currently provided. He said that this will likely include providing technical resources and program assistance to other organizations.
2. B. Cook said that he believes the LMCD should seek to help lake stakeholders in their efforts to abate AIS and nuisance vegetation. He noted that other organizations are doing more work on AIS prevention and management than the LMCD. He added that the LMCD should seek to hire technical expertise relevant to AIS management.

3. B. Cook stated that the LMCD can serve as a clearing house for AIS-related data. He explained that the LMCD can conduct vegetation surveys and gather data related to surveys or herbicide and pesticide treatments by other organizations.

B. Cook asked that Board members send comments to him or Executive Director Schleuning via email.

Newell asked if the LMCD could give funding directly to Lake Improvement Districts or other lake groups for herbicide or pesticide treatments.

B. Cook noted that with some constraints, the LMCD may be able to give funds to organizations but would defer that to the LMCD legal counsel. He noted that the Board would have to look into the mechanics of doing so to get a better understanding of what is possible. B. Cook noted that the LMCD does not currently have a budgeted account for such expenditures.

Attorney Gilchrist stated there are restraints on how the LMCD can give funds.

Olson entered the meeting at this time.

Thomas noted that the LMCD is seeking ways to help coordinate efforts on the lake. Thomas again invited the Board to provide comments on the draft goals as presented by Director B. Cook.

Evenson stated that he thought the draft goals were good and encouraged the Board to underscore its efforts to restore the health of the lake and use the term "proactive" in the goal statements.

The Work Session was adjourned at 6:54 PM.

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; Ben Brandt, Mound; Michael Kirkwood, Minnetrista; Mark Kroll, Excelsior; Denny Newell, Woodland; and Nicole Stone, Minnetonka. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matthew Cook, Environmental Administrative Technician.

Members absent: Rich Anderson, Orono; Dan Baasen, Wayzata; Dennis Klohs, Minnetonka Beach; Jake

Walesch, Deephaven; and, Deborah Zorn, Shorewood

4. APPROVAL OF AGENDA

Chair Thomas requested to add a summary of conclusions to the closed session from the previous meeting related to the Executive Director's performance review, noting that could occur under Item 6. He also requested to add an amendment to the Audit of Vouchers, Item 7A, noting that an amended version was distributed to the Board prior to the meeting. He stated that if the City Manager from Excelsior arrives, related to Item 10B, that case could be considered prior to 10A.

MOTION: Kroll moved, Hughes seconded to approve the agenda as amended, making the change noted by Thomas above.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

- A) Oath of Office to Bill Cook (City of Greenwood)
- B) Oath of Office to Ann Hoelscher (City of Victoria)
- C) Oath of Office to Gregg Thomas (City of Tonka Bay)
- D) ~~Oath of Office to Deborah Zorn (City of Shorewood)~~

Gilchrist administered the Oath of Office to Cook, Hoelscher, and Thomas.

Chair Thomas thanked everyone for their service.

6. APPROVAL OF MINUTES- 01/22/2020 LMCD Regular Board Meeting Summary of Conclusions from the Executive Director's Performance Review

Chair Thomas referenced the worksession minutes from January 22nd, noting that it should state, "Gilchrist administered the Oath of Office to ~~Denny Newell and Mark Kroll~~ Mike Kirkwood." He noted on page five of the regular Board meeting minutes, it should state, "...Schleuning and ~~himself~~ he met with staff from LMA and BWS to discuss what could be done as a group together which is how the suggest to implement the video technology."

MOTION: Kirkwood moved, Hoelscher seconded to approve the 01/22/2020 LMCD Regular Board Meeting minutes and summary of conclusions from the Executive Director's Performance Review with the noted corrections.

VOTE: Ayes (4), Abstained (4), (Brandt, Kroll, Cook, and Hughes). Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Cook moved, Kroll seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (02/01/2020 – 02/15/2020) as amended; **7B)** Resolution Accepting Save the Lake Contributions; **7C)** LMCIT Liability Waiver Form; and **7D)** Pay Equity Report.

VOTE: Motion carried unanimously.

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

There were no public comments.

9. PRESENTATIONS

A) Senator Scott M. Jensen

Hoelscher stated that the Board is privileged to have a special guest provide an update regarding the busy legislative session. She stated that Senator Scott Jensen represents District 47, elected in 2016 and has announced that he is not going to run again. She highlighted some the committees the Senator serves on, his career experience and areas of legislative focus.

Senator Scott Jensen stated that the legislature is not nearly as enthusiastic or aggressive as it should be in terms of water quality. He stated that he will be submitting a bill and provided details on the added requirements that should be necessary in order for a community to tap into the aquifer. He stated that aquatic invasive species will continue to garner attention with funding proposed to be included in the bonding bill. He stated that he understands some of the challenges that the LMCD faces in terms of items that appear before the House and Senate. He stated that he would be glad to forward any information that could impact LMCD to Hoelscher in order to help keep the LMCD alert of issues that could impact the organization.

Newell stated that he shares the concern with water quality and aquatic invasive species and asked the thoughts of the legislature related to boat tracking, similar to what is done with vehicles.

Senator Jensen replied that he did not think there would be funding for that activity. He stated that the legislature is more likely to provide pools of money for groups to tap into for lake activity and monitoring.

Newell asked if there would be a stomach for a fee-based launch system on Lake Minnetonka to fund additional monitoring for invasive species.

Senator Jensen replied that he did not think that would go far because there needs to be access available to all people as that is a public amenity. He stated that lake associations are probably going to have to fend for themselves and attempt to do what they can. He stated that there has been some traction in invasive species activities but could not promise that type of funding would be available either.

Hoelscher stated that she does not believe that the Board would support that type of fee-based activity either. She thanked Senator Jensen for taking the time to come and speak with the Board tonight. She appreciated that Senator Jensen is willing to assist in passing on helpful information in order for the LMCD to be more involved in applicable issues.

Senator Jensen stated that there was an initiative and intent to create the LMCD for specific purposes, noting that there are only two such organizations in the state. He stated that it is possible that without a body such as LMCD there would be no cohesive management of what occurs on and around the lake. He thanked the

group for the work it does to protect Lake Minnetonka.

10. PUBLIC HEARING

- B)** City of Excelsior, New Multiple Dock License/Municipal Planned Unit Development with Continue Special Density License Applications, The Commons and 399 Lake Street, Excelsior, MN 55331. Excelsior Bay

M. Cook presented a request from the City of Excelsior to adjust its multiple dock license and special density license. He provided background information on the request, noting that a charter boat user has proposed to dock at Excelsior and the City is requesting to amend its license. He explained how the applicant would propose to create storage for the charter boat, converting a transient slip to an overnight storage slip along with additional decking and possible pilings added for the charter boat. He displayed an aerial photo of the site and identified where the slip would be located. He stated that because the density would not be changing, it would be recommended to continue that special density license. He stated that no comments have been received from other public agencies. He noted that two public comments were received and reviewed that input. He stated that staff recommends approval of this application as proposed.

Newell stated that most of the boat slips are straight in, while this boat would be stored horizontally. He asked if there were any concerns related to the security of the boat related to wind and waves.

M. Cook replied that the applicant would be installing dolphin poles to provide additional security. He noted that there are additional slips that are parallel to shore.

Kristi Luger, City Manager of Excelsior, commented that she is available to answer any questions.

Thomas opened the public hearing at 7:31 p.m. No comments were offered, and the public hearing was closed at 7:31 p.m.

MOTION: Kroll moved, Cook seconded to approve the Findings of Fact and Order approving the City of Excelsior New Multiple Dock/PUD License Application and Continued Special Density License for the property located at 399 Lake Street in the City of Excelsior as presented and authorize staff and legal counsel to draft Findings of Fact and Order for consideration at the February 26, 2020 Board meeting.

VOTE: Motion carried unanimously.

- A)** Boulder Bridge Farms, Reconfiguration of Nonconforming Structure and Variance, 28124 Boulder Bridge Drive, Shorewood, MN 55331, Two parcels PIDs 31-117-23-31-0019 and 31-117-23-31-0022. South Upper Lake

M. Cook presented a request for the reconfiguration of nonconforming structure and variance. He provided background on the request which has held a license since 1977/1978, noting that the most recent approval was a minor change in the spring of 2019. He stated that as part of the minor change installation, the applicant noticed the existing dock lengths were longer than approved and the project was not continued due to this application. He stated that the current application is related to the lagoon and to keep the existing dock lengths and reconfigure the dock facility to include an additional increase of 24 linear feet of dock structure.

He provided details on the proposed reconfiguration and the variance to length. He reviewed the dock sketch that was approved through the 2019 minor change, but was not installed due to the discrepancy. He displayed the proposed site plan and highlighted the proposed changes to the site. He stated that the proposed approval would include the existing structures plus an additional 24 linear feet of dock structure. He provided details regarding the internal navigation of the site. He reviewed the variance criteria that the Board must consider when reviewing a request. He stated that the City of Shorewood provided a response that the request seems to meet the requirements and therefore had no comments. He noted that no other agencies provided response. He advised of one public comment, noting that after reviewing the additional information the resident was in support of the request. He stated that staff recommends approval of the license with the condition that watercraft may not overhang the slip structures for BSUs 17, 18, and 40 due to navigation space. He stated that the other BSUs in the lagoon would continue to have no overhang restriction.

Kirkwood asked if the LMCD is requesting the dolphin poles or whether the applicant requested that item.

M. Cook replied that the applicant is requesting that element.

Thomas invited the applicant to address the Board.

Bruce Praska, applicant, stated that he has met many times with staff over the years. He explained the process for the minor change that occurred in 2019, which led to the discovery that there were errors found in the existing conditions compared to the site plan. He thanked staff for their assistance throughout this process. He stated that the last major reconfiguration that occurred was in 1994 and noted that the docks have not changed in the past 15 years with the exception of the minor change that took place in 2017. He stated that the homeowner's association went back to the developer in attempt to find where the error occurred but was not able to make that determination. He stated that they pulled out the five most egregious docks that extended past the agreed upon lengths. He stated that the plan would be to install five additional floating docks prior to ice off in order to save on labor costs. He stated that the organization received a letter of compliance from the LMCD in 1996 and could not identify any large changes that have occurred since that time. He asked the Board to grant the approval on the lengths of the nine wooden docks that somehow exceed past the agreed upon lengths. He stated that zebra mussels continue to move into the lake and therefore the number of lifts has increased from five to ten recently with the hope of protecting additional boats.

Kroll asked for clarification between slides six and seven and asked if the homeowners association completely encompasses the lagoon.

Praska replied that the homeowner's association does completely encompass the lagoon, with the exception of the Lesters.

Chair Thomas noted that adjacent homeowner did walk the site with the applicant and staff and is in agreement with the request.

Praska explained that it is in the best interest of the association to have the lagoon navigable. He explained that there is a mix of young and old boat users within the lagoon.

Kirkwood asked if all the boat lifts were installed when the docks were widened.

Praska replied that the docks were removed last fall and have not yet been widened. He explained that is a part of this request.

Kirkwood asked if the docks are assigned to specific properties.

Praska explained that the docks are distributed in an annual lottery and allocated each year through that process. He stated that homeowners are not guaranteed a spot or preferred location. He stated that for the past seven years he has been able to get everyone in a slip that accommodates their needs.

Kirkwood asked how it would get handled if a homeowner wanted to dock a 50-foot jetboat on the docks.

Praska provided details on the navigation space allowed into the lagoon, noting that big boats would never be there because of the limited navigation space and clearance. He stated that they do alert new homeowners as to the process of dock selection and confirmed that the bridge is the limiting factor for size of boats that dock within the lagoon. He stated that he did receive communication from Zorn that stated that she reviewed the information and supports approval of the request.

Schleuning stated at the beginning of the application process, the discussion included how to improve navigation in the lagoon, improve boater safety, and protect watercraft, which is similar to the goals of other projects. If safety concerns are found in the future, staff will work with the licensee regarding any necessary corrections.

M. Cook confirmed that Zorn did reach out to staff and supports approval.

Thomas opened the public hearing at 8:10 p.m. No comments were offered, and the public hearing was closed at 8:10 p.m.

Kroll stated that he suspects that enforcement would not be a problem.

MOTION: Thomas moved, Kirkwood seconded to approve the Findings of Fact and Order approving Boulder Bridge Farms Association 2020 Reconfiguration of Nonconforming Structure and Variance applications for the property located at 28184 Boulder Bridge Drive in the City of Shorewood, with the condition that watercraft may not overhang the slip structures for BSUs 17, 18, and 40 and direct staff and legal counsel to draft Findings of Fact and Order for consideration at the February 26, 2010 Board meeting.

VOTE: Motion carried unanimously.

11. OTHER BUSINESS

There was no other business.

12. OLD BUSINESS

A) Nomination and Election of Board Officers

Chair Thomas stated that a recommendation was included in the Board packet from the Nominating Committee. He welcomed any additional nominations from the floor.

Stone reviewed the recommendations from the Nomination Committee.

No additional nominations were made from the floor.

MOTION: Stone moved, Kroll seconded to appoint Gregg Thomas as Chair, Ann Hoelscher as Vice Chair, Dan Baasen as Secretary and Bill Cook as Treasurer for 2020.

VOTE: Motion carried unanimously.

Chair Thomas expressed appreciation to the Nominating Committee for the time they spent on this topic and developing this recommendation.

Kroll commented that Chair Thomas does a great job running the meetings and providing a balance, which is appreciated by the Board.

Chair Thomas stated that he has a terrific group of self-motivated Officers that are very engaged and thanked other board members for their work.

13. NEW BUSINESS

Kroll referenced an item mentioned under future items, high water declaration regulations and slow and no wake regulations. He volunteered to setup a committee that could address those two issues together. He invited other members that have interest in the topic to join him.

Chair Thomas agreed that would be helpful.

Newell volunteered to join Kroll in that endeavor.

Schleuning clarified that this would be a work group rather than a committee.

14. TREASURER REPORT

Cook reported that a statement was included in the Board packet. He noted that not all of the expense and income items have been posted but it appears the LMCD will be close to the budgeted amount for the end of the year. He noted the upcoming audit and advised that the results will be presented to the Board once completed.

15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- MPCA will be rolling out communications and campaigns against lead-free tackle to prevent lead poisoning and death of loons and other fowl.
- The State will be rolling out an “own your wake for the lake’s sake” campaign.
- LMCD has been working with the Department of Health and other organizations related to mass gatherings and the outbreak that occurred the previous 4th of July. Public education will be an important focus since people can spread illness.
- She thanked the Board for the wonderful year and all the accomplishments during that time.

Chair Thomas thanked staff for their hard work throughout the past year as well.

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Save the Lake Committee: No report.

Strategic Plan Subcommittee: No report.

Nominating Committee: No report.

Deicing Operations and Permanent Dock Workgroup: No report.

17. ADJOURNMENT

Being there no further business, the meeting was adjourned at 8:28 p.m.

Gregg Thomas, Chair

Dan Baasen, Secretary