

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS
7:00 P.M., March 11, 2020
Wayzata City Hall**

WORK SESSION

No Work Session held.

FORMAL MEETING

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; Rich Anderson, Orono; Dan Baasen, Wayzata; Ben Brandt, Mound; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matthew Cook, Environmental Administrative Technician.

Members absent: Bill Cook, Greenwood.

Persons in audience did not sign attendance sheet.

4. APPROVAL OF AGENDA

Chair Thomas requested that Item 12A be removed from the agenda and instead be considered at a future workshop.

MOTION: Thomas moved, Baasen seconded to remove item 12A from the agenda to be considered at a subsequent workshop.

Further discussion: Anderson stated that he would like to hear the item tonight as he has members from his City, including the Mayor, present at the meeting tonight for that discussion as is Mr. Jabbour's attorney. He requested that the item stay on the agenda for discussion and if the decision is to table the item that could occur after that discussion.

Gilchrist stated that if the item is removed from the agenda, those present could still speak on the item at the public forum, it simply would not be up for debate until the worksession.

Walesch asked if the workshop would be prior to the next meeting.

Schleuning confirmed that date would be eligible.

Walesch noted that a number of members may not be at the next meeting because it aligns with spring break. He suggested leaving the item on the agenda for discussion tonight, noting that the Board would not have to take action tonight.

Chair Thomas stated that his intent was to place the item on a workshop agenda to allow more in-depth discussion, noting that he was unaware of the timing of spring break.

Walesch asked if there is an issue with timing.

Gilchrist commented that sooner would be better. He noted that the one issue that is raising more concern is not an issue that has timing concerns. He stated that he is prepared to go through it this evening but would also support waiting as requested by some members of the Board prior to tonight's meeting.

Hoelscher stated that the whole point of the amendment is not to change any of the ordinances but simply provide clarification. She suggested that additional time be provided to ensure that the intent is not being changed and therefore would support providing additional time to ensure only clarification is provided through the recodification.

VOTE: Ayes (8), Nays (5), (Walesch, Anderson, Kirkwood, Zorn, and Brandt). Motion carried.

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

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

A) Oath of Office to Deborah Zorn (City of Shorewood)

Gilchrist administered the Oath of Office to Zorn.

6. APPROVAL OF MINUTES- 02/12/2020 LMCD Regular Board Meeting 02/26/2020 LMCD Regular Board Meeting

Chair Thomas referenced the 2/26/2020 minutes, under approval of the minutes, page one, the second to last paragraph, it should state, "~~Newell~~ Klohs expressed concern that someone that was not..."

MOTION: Hoelscher moved, Kroll seconded to approve the 02/12/2020 LMCD Regular Board Meeting minutes as submitted.

VOTE: Ayes (9), Nays (0), Abstentions (4) (Baasen, Klohs, Zorn, and Walesch). Motion carried.

MOTION: Baasen moved, Walesch seconded to approve the 02/26/2020 LMCD Regular Board Meeting minutes as amended.

VOTE: Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Hughes moved, Kroll seconded to approve the consent agenda as presented. Items so approved included: **7A**) Audit of Vouchers (03/01/2020 – 03/15/2020).

VOTE: Motion carried unanimously.

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

James Gilbert, Orono resident and attorney representing Steven and Sunhi Schussler of 2217 Huntington Point Road, stated that he is present to address Item 12A which was removed from the agenda. He believed that the item requires a lot of discussion. He stated that they are in the middle of a lawsuit right now with court dates of March 30th and 31st, along with upcoming mediation, and was surprised by the timing of this proposed amendment. He stated that these are very important issues related to easements and fee ownership which have been on the books for over 150 years and these amendments aim to change those rights. He noted that some of those issues are related to the lawsuit. He referenced a portion of the minutes from May 2018 related to fire lanes, noting that fire lanes are treated as easements rather than fee title. He stated that his clients are the fee owners of the fire lane and the City simply holds easement which means that his client owns the riparian rights to the fire lane and those rights cannot be denied. He stated that he was surprised with the timing of these amendments, as the definition has not changed for 150 years and therefore his concern was that the LMCD was attempting to change language during the lawsuit. He stated that he is also concerned that this was described as clarification but in reality, there are substantive changes proposed. He explained that the amendments change the definition of owner, adding municipalities as owners. He explained that easement was never mentioned in the prior Code as most cities have restrictions on riparian property owners granting easements. He explained that the amendments propose to add easements as part of the definition of owner. He believed it to be a misrepresentation to call these changes as clarification when the changes would not only impact Dock Site 10 but hundreds of other properties along Lake Minnetonka. He was unsure of the study that went into these proposed amendments. He stated that he asked Schleunig how this action came to the Board and learned that it was at the direction of the Executive Director and Attorney. He was glad to see that the Board is slowing down the train to consider what is proper and what is proper under the law.

Peter Johnson, legal counsel to Gabriel Jabbour and his marinas, stated that his client has four marinas, that all have easements on them, one of which has a 1,000-foot-long right-of-way easement in favor of the City of Excelsior. He stated that in any kind of reading of the ordinance as proposed, the City of Excelsior would become the applicant for that shoreline which would not be acceptable and would be a clear taking from Mr. Jabbour. He stated that from their perspective there is no emergency reason to make amendments to the LMCD Code. He commented that if the Board will appear before a judge on the 30th, the Board may want to consider not making emergency amendments to its Code prior to a trial setting. He stated that if the Board is going to make amendments to its Code that would impact property owners all around the lake, there should

be public notification with a public hearing.

Richie Anderson, 3205 Crystal Bay Road, addressed the Board as a resident of Orono at the podium instead of the City of Orono LMCD Board Director. He stated that he received the amendment on Friday, and he studied the information. He stated that the Board recently denied a side setback for Howard's Point but then issued a side setback for Brown's Bay and it appeared was going to amend its Code at the following meeting to make the decisions whole. He stated that the Code modification is not a simple thing but appears to be a carve out between the attorneys that represent both entities to determine how both entities could be made whole. He identified areas of the proposed changes to the Code that add additional parties to be considered as owner, including municipalities. He referenced an excerpt from the January 8th minutes which state "Gilbert stated that Schussler is the fee owner of the north end of the fire lane and riparian owner that has not given consent on the shoreline being used." He stated that it would seem odd that the LMCD would now be clarifying what the owner is to add that a municipality shall be considered the owner of public lands and right-of-way. He stated that this change would give the municipality the ownership of public lands and right-of-way, not just for this property but all properties. He stated that he requested to pull Dock 10 off the Minnetonka Beach application to let that City deal with the issue. He referenced another portion of the minutes where Walesch asked multiple times if the Board would hear more about this issue on a future agenda. He noted that Gilchrist replied that the Board could require that to occur but noted that he never recalls having that discussion or vote on whether the Board would hear more on that topic. He stated that the proposed amendment is a carve out for Minnetonka Beach, noting that the LMCD and the City of Minnetonka Beach are both represented by the same law firm.

Dennis Walsh, Mayor of Orono, stated that he is present to address the Board as a resident and in his role as Mayor. He stated that there are members of the Board that represent cities that they do not live in and was unsure what people would be appointed to represent cities that they do not live in. He stated that Orono represents allowing residents to speak on any item on the agenda and found it disingenuous that items need to be removed from the agenda to allow public comment. He stated that members of the Board have voted on their own applications for docks and members have voted to allow their family members to be awarded contracts for harvesting. He commented that those items are conflicts of interest and was unsure as to why the LMCD has not advised the Board members of that and allowed the actions to occur. He stated that Orono contributes a large amount of money to the LMCD and noted that the organization spends 70 to 80 percent of its budget on administration and lawsuits. He commented that the reputation of the organization is pretty low and explained that when people are voting on things they should not be voting on and emergency amendments are being passed during lawsuits, that only decreases the amount of trust that people have in government. He commented that the LMCD is an organization that raises so many flags and the Board and its attorney should be ashamed of their actions.

Steve Schussler, 2217 Huntington Point Road, commented that the City of Minnetonka Beach has admitted in the lawsuit that he is the fee owner of the fire lane at Dock Site 10. He stated that he has waited 2.5 years before filing a lawsuit. He stated that he came before the Board and requested a meeting to discuss the issue. He stated that he told the Board that he would proceed with a lawsuit if they were not given the opportunity to discuss the matter and therefore proceeded with the lawsuit. He commented that every day the lawsuit gets deeper with the more information that the judge digs up and finds from previous Board meetings

and decisions made by the Board. He stated that the League of Minnesota Cities is not the LMCD's candy store. He explained that just because the League is picking up the tab does not mean that the public is not paying. He stated that he was contacted today by four legislators and three separate attorneys for different cities and has a feeling that this is just the beginning over the amendment. He stated that this is a cheap shot releasing this information on a Friday night in the middle of a lawsuit. He commented that he came before the Board on December 11th and provided an 80-page document completed by Gilbert. He stated that it took until January 11th before staff made copies of that information and distributed it to the Board and it was disgusting. He stated that they are in the middle of a lawsuit and were requested to submit an application on Dock Site 10. He stated that he submitted the application 2.5 weeks ago and during deposition Schleuning was asked if she has even looked at the application and she replied no. He stated that is a direct slap in the face to the lawsuit, to the judge and to the Board. He stated that the League of Minnesota Cities is going to hear the arguments of the public. He stated that he has been contacted by many news organizations.

Eric Evenson, of the Lake Minnetonka Association, provided an update on the 2020 plans of the LMA for treatment on the lake. He highlighted the different bays that would be receiving treatment. He stated that they are seeing very good success in removal of milfoil which has allowed the native plants to rebound. He reported that the LMA was successful in obtaining \$35,000 from the DNR to assist with the treatments. He stated that due to the extreme generosity of Richie Anderson, Gabe Jabbour, and Tonka Bay Marina, in 2020 the LMA will begin a program to control and possibly eradicate flowering rush from Lake Minnetonka. He stated that in addition to that, Tonka Bay Marina is funding the removal of flowering rush all around Big Island. He thanked Richie Anderson, Gabe Jabbour, Tonka Bay Marina and the other members of the LMA whose contributions have made this possible. He commented that this shows that working together with businesses and residents can make a difference and have a positive impact on the lake. He referenced Item 12A on the agenda, noting that this type of action makes him think that it is not a reality that everyone can work together. He stated that the LMCD has been accused of violating the State open meeting law on multiple occasions. He encouraged the Board not to put itself in a position to violate, or be interpreted as, violating the open meeting laws. He stated that the LMCD has several work groups/committees that are not notified to the public and are not open. He suggested that the LMCD treat all of those meetings as open meetings, which will have a great return in building confidence with the public. He appreciated that the item was pulled from the agenda tonight as he agreed that these are not minor changes to the Code. He stated that he is very concerned that as written, if a City used its cumulative easements, the City could achieve much higher density for its marinas. He stated that the litigation that the LMCD has found itself in is directly related to the proposed changes to the Code. He stated that these changes would have many unintended consequences across the lake. He stated that it is also very troubling that the same law firm that represents many cities around the lake is also representing the LMCD, which is like the fox guarding the hen house. He stated that he is also very concerned that a Board member has not recused himself from discussions as he personally profits from the dock. He stated that the Board needs to daylight conflicts of interest and take a step back to focus on what is best for the lake rather than attempt to win this battle.

9. PRESENTATIONS

A) 2019 Prosecution Update

Steve Tallen stated that he has been the prosecuting attorney for the LMCD since 1986 and reviewed the nine cities that his firm also represents. He stated that he provides an annual report for the Board regarding the activity from the past year. He commented that the workload has decreased, perhaps because of a decrease in the number of drunken boating cases. He stated that at one time he prosecuted 105 drunken boating cases in one year for the LMCD but those numbers have reduced significantly, he believes because of the education that has occurred and that boaters have recognized that operating a boat while drunk is just as dangerous, or more dangerous than operating a motor vehicle. He commented that he also noticed a decrease in the amount of juvenile alcohol assumption. He commended the Sheriff's Office for the great job it has done and the LMCD. He also believed that the social host ordinance the LMCD passed also made a big difference in that arena. He stated that in 2019 his firm charged \$28,500 in fees and the fine revenue resulted in \$38,510 in fines paid, noting that the goal of the prosecution program is not to raise money. He stated that he is pleased to represent the LMCD and hoped that the Board is pleased with his performance.

Baasen asked how many cases for boating while intoxicated were included in the revenue gained from fines.

Tallen estimated that about half the fines were due to boating while intoxicated cases. He provided additional details on the different fines that are issued for different violations.

Baasen stated that he was interested in how the fines for BWI compare to a DWI.

Tallen stated that the fines are assessed almost the same, but there are almost no public defender BWI defendants because of the cost to own those boats.

Kirkwood asked if there is a written report of all the prosecutions completed throughout the year.

Tallen stated that he does not keep those statistics, but the Sheriff may keep those.

It was noted that the Sheriff's Office provides that update to the Board in the fall and Schleuning noted that she would provide a copy of the report to Kirkwood.

Tallen clarified that the Code Sections need to be entered into the system for court cases and the numbering on the Code Sections changed during the past year, and thanked Schleuning for doing that work.

Chair Thomas asked for a brief explanation of the different types of services each lawyer provides to the LMCD.

Gilchrist stated that Tallen handles the criminal prosecution. He explained that he handles the civil work which includes attending the meetings, answering questions, and helping with orders. He stated that the League of Minnesota Cities provides defense litigation which is covered under the LMCD policy.

Schleuning clarified an earlier question stating the State recently changed some of the BWI requirements to be similar to vehicle violations.

Tallen provided additional details about the state law change of two years ago.

10. PUBLIC HEARING

A) Wayzata Yacht Club Sites 2 & 3, Commercial Multiple Dock Licenses, Special Density, and Variance, 456 Arlington Circle South and 1000 Eastman Lane, Wayzata MN 55391

M. Cook presented a request from the Wayzata Yacht Club Sites 2 and 3 for consideration of a multiple dock license, special density license, and variance application. He stated that staff recommends accepting public comment and then to continue the public hearing to the March 25th Board meeting for additional review and time to address concerns which were raised by the Wayzata City Council the previous night. He noted that the two sites are adjacent to each other but hold separate licensing. He stated that one component of the request would be to change the classification from club to qualified yacht club and provided additional details. He stated that the application currently holds special density licenses, but staff believes that the qualified yacht club status would provide the desired density. He noted that the only setback change would be to increase the setbacks. He provided an aerial photograph of the site, identifying Site 2 and Site 3. He compared the existing site plan to the proposed site plan for each site. He highlighted some of the existing and proposed elements including density, number of BSUs and dock length. He explained that the change from club to qualified yacht club (QYC) would allow the dock length extension beyond 100 feet without a variance and each site that is classified as QYC may be able to forgo a special density license, as higher boat densities can be allowed for QYC sites. He explained that the variance would be used to clarify the dock use area, as needed. He stated that the area of change is small and therefore a mandatory EAW is not necessary. He stated that notice was provided to the appropriate public agencies and reviewed the comments provided by the Wayzata City Council the previous night. He reviewed a public comment received on March 11th noting that the individual thought the request included an increase in BSUs. After being informed that there would not be an increase in BSUs, the individual stated that the applicant's proposal should not be allowed to interfere with nearby use of the lake if the proposed changes would constitute an interference.

Chair Thomas stated that it appears that originally staff recommended approval of the application but now recommends that the Board continue the public hearing to review City concerns and asked for clarification on whether the hearing would be tonight or at the next meeting.

M. Cook stated that the recommendation would be to hold the public hearing tonight.

Baasen referenced the term qualified yacht club and stated that it is his understanding that the existing structure places limitations on how far out they can go, which would be removed if they become a qualified yacht club.

M. Cook replied that the current classification would not allow them to go out past 100 feet without a variance.

Baasen asked if the purpose for the change in classification would be to allow them to go out further.

M. Cook confirmed that to be true.

Baasen asked if the neighbors were notified and whether the neighbors to the west or east provided comments.

M. Cook stated that the individual that called did not identify themselves, but confirmed that everyone within the required distance was notified.

Kirkwood asked if there is a reason the change in classification is requested now and asked why that was not addressed earlier.

M. Cook explained that the Code language concerning Qualified Yacht Clubs was not in effect the last time the organization was before the Board.

Chair Thomas stated that the LMCD does not designate a yacht club or sailing school as a QYC and explained that the organization has to request that classification.

Baasen provided additional details on the intent on including the ability for a marina to apply for a qualified status.

Anderson explained that the qualified status began with marinas, then yacht clubs and municipalities.

Baasen stated that there are not the same qualifications for each.

Kirkwood asked if there have been issues with sailboat traffic or complaints from the neighbors in the past.

M. Cook stated that he has not received any complaints during his time with LMCD and did not believe that Schleuning has either.

Baasen stated that although he could not be certain, he believed that the telephone call from the individual that expressed concern with possible interference wanted to ensure that the plans would not interfere with the rollout City dock to the west.

Thomas invited the applicant to address the Board.

Jonathon McDonagh, Board member of the Wayzata Yacht Club, explained that they are moving some slips to deeper waters as the newer boats have a deeper draft and do not fit in the slips closer to shore. He stated that they are not adding boats but simply moving the slips around.

Mathew Thompson, Executive Director of Wayzata Sailing, stated that they are currently not able to bring the sailing boats into their dock and are paying to store them in slips at the Yacht Club next door. He stated that they would prefer to dock their boats on their own dock rather than renting slips from the Yacht Club. He stated that there has been an increase in parking on the Yacht Club property and on the adjacent fire lane

property, even though they do not anticipate the use increasing.

Schleuning asked if there would be a change in the operations of either site with the change in classification.

Mr. McDonagh and Mr. Thompson both confirmed that there would not be a change in operations.

Chair Thomas commended Wayzata Sailing for the handicap facilities that it provides to its members and other members of the public.

Baasen stated that in the past, points were awarded for amenities that equated to an allowed increase in density. He asked if the change in classification would still involve those points.

M. Cook replied that the requirement for those points would be eliminated with the change in classification but noted that it does not appear that the applicant would be changing its operations.

Mr. McDonagh stated that they have no intention of removing any of the amenities.

M. Cook asked for additional information on the make ready docks and the use of those.

Mr. Thompson stated that the transient slips are currently used for the rigging by the seven to ten-year-olds and are used to prep small craft throughout the day. He stated that they worked closely with the City, Chamber and Park Board and actually store the City dock on their site. He explained that they have worked to keep that as a public access point and this request would not encroach on that.

Thomas opened the public hearing at 8:43 p.m.

Gordy Straka, 130 Huntington Avenue, stated that with the changes proposed, the City stated that this would be a reconfiguration, but he believes that to be incorrect and instead sees this as an enlargement. He stated that originally this was supposed to be a small number of boats that has been increased significantly since that time. He stated that if the LMCD approves this as QYC that would provide free rein up to 200 feet. He read aloud a letter that he submitted to the City of Wayzata related to this request. He explained that allowing this enlargement and increase in length would further encroach on the City dock. He stated that he does not want to see the yacht club increased. He explained that in the past the yacht club made changes and then asked for forgiveness after the fact.

No additional comments were offered and the public hearing was closed at 8:48 p.m.

Hoelscher asked if the qualified classification is discretionary or whether the LMCD is required to accept the classification request if the applicant meets the requirements.

Gilchrist stated that his impression would be that if the applicant meets the definition there would not be basis to deny. He stated that conditions could be placed on the order as needed/desired.

Chair Thomas asked the location of the City dock.

M. Cook replied that the dock is not shown in the photograph but identified the location where the dock is typically installed.

Chris Jewett, 20305 Lakeview Avenue, stated that he was a previous member of the LMCD for ten years and was a part of the qualified process. He stated that the intent was to create a box and if the organization has the amenities it becomes qualified, which would allow the organizations to operate as a low-cost provider.

Chair Thomas stated that those clubs provide access to many that do not have riparian access to the lake. He believed that the Wayzata and Minnetonka Yacht Clubs are considered as qualified already.

Baasen stated that he rarely disagrees with Mr. Jewett but commented that there is a reason the Wayzata Yacht Club is considered a club and not a qualified yacht club. He explained that the property is under a PUD and therefore it is more complicated.

MOTION: Baasen moved, Thomas seconded to continue this discussion, working with the City of Wayzata to ensure both entities are coordinated.

Further discussion: Klohs asked what would be needed from Wayzata as there is a separation between land and water and therefore the land concerns do not have an impact on the LMCD.

Baasen stated that in discussions with the city today, the city was not clear that the applicant was asking for a change in classification and was only aware of the change in length.

Klohs asked if the city was noticed.

Schleuning confirmed that the city was noticed and referenced a communication from the city earlier today. She noted that the concerns had been setback, which is increasing; parking, noting that three slips would be changed to overnight rather than transient; and explained that these boats operate differently with less manpower needed. She commented that the notices from the LMCD identified those changes. She stated that the LMCD can work with the City and applicant on some findings as another option.

Anderson agreed with Klohs that the City of Wayzata can conduct its own review on the land elements. He explained that the LMCD deals with docks and the city handles parking. He stated that he would agree that this is a qualified yacht club, which means that they could go out 200 feet but are only requesting 143 feet. He noted that they are also increasing the side yard setback to come more into conformance and are not increasing the density. He stated that the sailing school works with children to instill self-confidence that is not instilled in other sports in that manner. He also commended the school for the program that it runs with handicap children. He stated that he has a history with the yacht club and wants to see the request move forward and does not want the motion to table to succeed.

Chair Thomas stated that he does not see any harm in delaying the decision for two weeks to allow the city time to process the request further.

Walesch asked what additional information Baasen would like to receive that would pertain to the decision on this application.

Baasen stated that there has been a strong agreement between the city, LMCD, and yacht club/school as to how they operate. He stated that the city was not aware of the change in classification and thought the approval was for the extended docks, which was approved with a vote of 3-2. He stated that there is a fine line between the jurisdiction of the LMCD and the city.

Walesch asked if there is a mechanism to deny this request legally, or whether it would be an issue of wanting to attach conditions.

Gilchrist stated that part of the finding of the Board is to determine if the applicant qualifies for the classification and if the applicant does, the Board would have discretion to consider the other elements. He stated that in order to deny the request there would need to be really specific reasons on why it does not meet the ordinance or impacts health/safety/welfare.

Walesch asked if the applicant would have to request additional approval in order to fully extend to 200 feet or whether that would be allowed if the classification is changed.

M. Cook replied that if further extension was desired past what is requested tonight, the applicant would need to come back and request that.

Hoelscher commented that she believes that the applicant meets the definition of QYC. She also believes it important to listen to the public and impacted parties, including the city. She noted that the LMCD received a letter from the city today stating that they support the request and therefore did not see a reason to delay the vote to approve.

Hughes stated that he remembers originally approving the yacht club and there was a discussion related to the number of boats and whether there would be parking to support that. He referenced the letter from the city which expresses concern related to parking and increased number of boats.

VOTE: Ayes (5) (Baasen, Thomas, Brandt, Hughes, Kroll), Nays (8). Motion failed.

MOTION: Anderson moved, Newell seconded to approve the Wayzata Yacht Club multiple dock licenses, special density license, variance applications for the properties located at 456 Arlington Avenue South and 1000 Eastman Lane, in the City of Wayzata, as presented and authorize staff and legal counsel to draft Findings of Fact and Order for consideration at the March 25, 2020 Board meeting and to also approve the organization to be a Qualified Yacht Club.

Further discussion: Kirkwood stated that in either case the yacht club is limited to the same number of BSUs and is not requesting additional BSUs. He stated that the only change that could be impactful is the increase in the length of the dock and would not impact boat traffic.

VOTE: Ayes (11), Nays (2) (Hughes, Baasen). Motion carried.

11. OTHER BUSINESS

There was no other business.

12. OLD BUSINESS

There was no old business.

13. NEW BUSINESS

~~A) Recodification Clarification Amendments~~ Item removed from agenda

14. TREASURER REPORT

There was no report

15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- New legislation related to wakeboard boats is being considered at the State legislature; a summary of legislative items being discussed will be sent to the Board
- Information will be sent to the Board related to work groups and project management

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Save the Lake Committee: Baasen reported that the Committee did not hold it's March 10th meeting due to lack of quorum and noted that the meeting has been rescheduled to April 7th.

Strategic Plan Subcommittee: No report.

Deicing and Permanent Dock Workgroup: Anderson stated that he will work to finalize the deicing report and reported that the permanent dock workgroup did not yet meet.

High Water Declaration Review Workgroup: Kroll reported that the group will hold its first full meeting the following Wednesday. He stated that there is a rumor going around that they are trying to ban wake boats and that is not the intent. He explained that the intent is to deal with highwater and wake. He stated that the only legislation that he is aware of related to wake boats is at the State.

Newell provided additional input noting that the Senate Committee reviewed a number of presentations and decided to move forward with legislation to establish a 200-foot minimum setback for powered boats/wake boats. He stated that the comment was made that the setback would be a minimum and individual communities would have the ability to extend that setback if desired/needed.

Anderson stated that 200 feet was chosen as it is a set number for jet ski and other similar activities.

Newell stated that he read the LMCD regulations and believed there to be a 150-foot calm water area with another 150 feet that limits activity to 5 mph.

Schleuning stated that there is a 150-foot calm water area. She stated that there is a 600-foot highwater declaration setback.

Walesch asked if municipalities can institute rules on bays related to setbacks or highwater.

Gilchrist stated that his position would be that the creation of the LMCD supersedes the ability of a municipality to do so but noted that certain municipalities may disagree.

Newell stated that it was his understanding at the Senate meeting that there are smaller lakes that do not have a governing authority and therefore if the legislation is passed it would give the smaller lakes something to work with.

Zorn asked if Newell attended the Senate hearing and whether he spoke.

Newell confirmed that he attended and was asked to speak. He stated that he spoke as a private resident and not as a representative of the LMCD.

Anderson asked for clarification on how Board members should identify themselves when not speaking for the Board.

Gilchrist stated that there is not a hard rule on that. He stated that generally when someone is speaking as a resident, they typically would not identify themselves as a member of the Board. He stated that the group should probably have a discussion at an upcoming workshop related to conflicts and items of that nature.

Anderson stated that he would prefer for the group to avoid the topic of wake and instead focus on high water declaration.

Chair Thomas noted that the first full meeting is scheduled for the following week and the group will proceed on the high-water declaration topic.

Schleuning reviewed the LMCD slow zones within the Code.

Baasen asked if the group will address things specifically or in general, as wake activity and high-water declaration are not necessarily related.

Kroll stated that the working group has no intent of specifying any type of boat.

17. ADJOURNMENT

Being there no further business, the meeting adjourned at 9:30 p.m.

Gregg Thomas, Chair

Dan Baasen, Secretary