

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

6:00 P.M., July 22, 2020  
Virtual Meeting

Due to COVID-19 Guidelines, pursuant to a statement issued by the presiding officer (Board Chair) under Minnesota Statutes, section 13D.021, the meeting was conducted remotely through electronic means using Zoom. The LMCD's usual meeting room was not open or available to the public or the Directors.

**WORK SESSION**

6:00 p.m.

**Members Present:**

Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Ben Brandt, Mound; 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 Matt Cook, Environmental Administrative Technician.

**Members Absent:** Dan Baasen, Wayzata.

**Persons in Audience:**

John Bendt, Eric Evenson, Patrick Foss, Dave Hemink, Gabriel Jabbour, Michelle Morey, and Shawn Wischmeier.

**1. AIS Management Workshop Continued**

Bill Cook provided background information on the topic of AIS and the regulatory authority of the LMCD. He provided the draft RFQ for the potential Lake Specialist position. He stated that the budget indicates that this would be part-time position that would be directed on a task by task basis.

Chair Thomas noted that this is a draft and can be modified. He stated that there should also be discussion as to whether the Board would like to issue the RFP. He stated that at the last discussion, the majority of the Board agreed that the LMCD should be involved in AIS management, although there was variation in the form of that. He stated that there was a great deal of discussion related to whether a Lake Specialist should be hired, which led to the development of the RFP. He asked for input from the Board.

Klohs stated that this will be a difficult task, but the LMCD is the only entity willing to try and therefore believes a Lake Specialist should be retained. He did not believe one person could fulfil all of these duties and stated that perhaps a firm is engaged or multiple firms, based on the need. He believed that the LMCD should try to move forward and do some good.

Walesch stated that having the authority to do something is different than a mandate. He did not believe that anything on the table was unreasonable and stated that it could make sense to have a Lake Specialist out there. He stated that it is very helpful to have partners, noting that the LMCD has not been the agency to do this work and there are many other active groups around the lake completing this work.

He commented that using the expertise around the lake could be helpful in determining what has been most beneficial. He stated that there needs to be consensus and support, rather than the LMCD going on its own and in return receiving communications that the LMCD is not cooperating and engaging assets. He stated that he would prefer to be in a partnership with everyone working in the same direction towards the same goal, rather than a situation where the LMCD is marginalized because it has not engaged sufficiently or in the preferred manner. He commented that the LMCD should at least make an effort to do that. He stated that if those partners believe that it would be helpful to have a liaison through the LMCD, he would support that. He stated that the LMCD does not need someone on retainer to complete most of these items. He stated he would like to drill down further on the list.

Zorn stated that she agrees with the comments of Walesch. She stated that she would like to see a TAG meeting that pulls together stakeholders to help guide the LMCD in what it should do next and whether a Lake Specialist is desired.

Newell echoed the comments of Walesch and Zorn. He stated that the LMCD is in a unique position with funds available to address AIS in the lake now that it is not harvesting. He commented that there are other players and it would be a good time to have a TAG meeting to gather input and determine how the LMCD could partner with those organizations to get everyone on the same page.

Kroll stated that he likes the idea of Walesch, in determining what the mission of the LMCD should do. He stated that he likes the idea of a Lake Specialist but believes the group should follow the process identified by Walesch.

Stone commented that she agrees a TAG meeting would be the most effective way to understand what everyone would like the LMCD to do and how they see the organization as a partner.

Kirkwood agreed. He noted that the problems of the lake in terms of water quality are bigger than what the LMCD can do alone and therefore he would like to see a more wholesome partnership between the entities around the lake. He liked the idea of a meeting with those partners, noting that \$80,000 in funding should make the LMCD a desirable partner but wanted more input from the other partners in order to determine what the role of the LMCD could be.

Anderson stated that when he attended the last TAG meeting the DNR, the MCWD, and Three Rivers Park District did not want to have another TAG meeting because they did not think the LMCD had a good game plan. He stated that he has continued to ask when the next TAG meeting would be since that time. He commented that there is a lot of work being done by independent groups around the lake and agreed that there should be another TAG meeting. He commented that some of the items listed are already being completed by other groups. He stated that with the things listed in the RFQ, there are only three firms that could complete the work, one of which would be a conflict of interest and one of which the LMCD has worked with in the past and received negative feedback.

Brandt stated that it appears there is consensus that partnership will be critical in this process. He stated that he supports a process that would involve a TAG or stakeholder meeting that would involve a proposal with a more definitive role/structure and how everyone could play a part in it.

Hoelscher stated that this Master Plan process was necessary and worthwhile. She thanked the consultants and Cook for their hard work. She stated that when they began this process, the LMCD was open to expanding its role in AIS management but in the past year the LMCD has not been able to reach a consensus or obtain any buy-in from the other agencies/stakeholders. She stated that she has listened to the feedback from the Board, other agencies, and stakeholders and believes that the LMCD should go back to its mission and vision statements. She believed that the LMCD should focus on communication and ensuring safety on the lake. She stated that communication can be helpful in sharing AIS information and should involve a lot of education. She noted that weed removal could be completed to promote safety and ensure the lake is navigable. She stated that funding can be provided towards worthwhile projects, through the levy or Save the Lake. She stated that the organization could also seek funds through grants or a petition through the watershed. She stated that at this point there is not a lot of support for funding a position and believed that the LMCD should undertake the roles identified in the project scope of the RFQ but believed that those should be completed in-house.

Hughes referenced the history of Lake Minnetonka and the LMCD, noting that the list of powers was authorized in 1967 and still holds true today. He stated that AIS is included in those powers and the LMCD should move forward and do the work.

Schleuning stated after the last TAG meeting, staff met individually with all the agencies as requested. She stated that the TAG has not met again because input was needed from the Board before meeting again with those agencies.

Chair Thomas stated that it appears the majority of the Board would like to follow the recommendation of Walesch to hold a TAG meeting and gain support for moving forward.

Cook stated that if the LMCD does not have a Lake Specialist on the staff, he does not see any added value the LMCD would add to AIS management, as the current staff is already occupied with other duties. He stated that the discussion is adding value to the lake and without a Lake Specialist, the LMCD would not have anyone to complete these activities. He stated that another TAG meeting could be held but noted that the meetings are not very useful at this time, outside of a place to hold the meeting. He stated if the LMCD is not interested in hiring someone to attend the TAG meetings as a peer and supporter of what everyone is doing around the lake, it does not add value. He stated that if a Lake Specialist is not hired, the LMCD would be asking other people to do the work of AIS management. He stated that he is not a lake scientist and current LMCD staff is already busy with their duties. He stated that if a Lake Specialist is hired, the first duty should be to represent the LMCD at a TAG meeting and identify what the role of the LMCD should be. He stated that he likes the idea of attempting to gain consensus from the lake partners. He stated that the LMCD has to have the capacity to add value to the lake and he did not believe that it currently does. He stated that he could modify the RFQ to better stipulate the tasks, with the first task to engage the stakeholders to help develop the role of the LMCD.

Chair Thomas stated that Cook stepped into this role as AIS Task Force Chair and convener of the TAG meetings and then to help in the AIS Master Plan process. He commented that the Board should recognize Cook for his efforts and contributions. He stated that he did not hear people say that a Lake Specialist should not be pursued, but that the job would be difficult without partners.

Klohs stated that he 100 percent agrees with Cook, noting that everything that can be said, has been said at the TAG meetings and therefore unless there is value to be added, another TAG meeting would be useless. He stated that the LMCD would have to have a proposal in order for another TAG meeting to be helpful.

Anderson commented that Orono contributes 18 percent of the budget and Minnetonka contributes 20 percent of the budget. He noted that he is disappointed that those that attended the TAG meetings went alone and that the Board was not included. He stated that kept asking when another TAG meeting would be held and had no idea that that group was meeting. He asked who was involved with the TAG meeting and which partners staff met with individually.

Chair Thomas commented that Schleuning and some of the Officers met with representatives from other agencies, including the MN DNR, Watershed District, Three Rivers Park District, and others.

Anderson commented that it would appear that only executive Board members are invited.

Chair Thomas stated that they met with one staff person and the Chair of each group, therefore the meetings were small with the purpose of gathering input rather than excluding.

Walesch stated that everyone is trying to get to the same place and determine the best way to move forward. He believed that there is value in a TAG meeting as the LMCD is at a critical point where it knows it needs partners to be effective and it will be more effective if there is buy-in from other stakeholders. He did not think it would hurt to hear the input of those groups and it could be easy. He stated that he would be willing to develop some simple questions and if everyone is willing to answer them, it would provide the LMCD will answers it needs. He noted that this would need to be presented in the context of the LMCD budget. He stated that rather than asking what is helpful or adds value to the lake, it would be more informative to ask what could be done with \$80,000 to help and add value to the lake. He stated that there is no guarantee that all the recommendations would be followed, but it would add value to hear those opinions before deciding on a direction. He stated that Cook has put a lot of work into this and has put his best foot forward. He stated that he agrees with many of Cook's comments but also believes it would make sense to gain more input and slow this down to gather that input. He stated that with the Zoom format, it is easier for everyone to attend the meeting and others could go back and watch the discussion. He stated that it would add value to the Board to be able to hear the input and comments from the stakeholders and other partners that are currently completing AIS management on the lake.

Schleuning stated that the idea of the Lake Specialist was a result of the TAG meeting and entities. She stated that it was always her opinion that once direction is given from the Board, the LMCD would follow up with the agencies and TAG. She anticipated that it would be a good meeting.

Chair Thomas commented that the full Board was invited to attend TAG meetings, and many chose to do so. He commented that some of the Officers and Schleuning met with representatives from other agencies, including LMA, noting that those were small meetings. He noted that the Officers are attempting to develop those relationships and were not intended to exclude members of the Board. He stated that it appears that there is a decision to make at the next meeting, whether the Board would like to

hire a Lake Specialist or pause that process and hold a TAG meeting.

Cook agreed with that direction. He stated that he would be happy to give some direction and move forward, whether that it to hold another TAG meeting or to hire a Lake Specialist and hold a TAG meeting. He stated that he does appreciate direction.

Chair Thomas stated that there was another question, as to whether the LMCD should fund additional grant programs but noted that could be addressed at another time.

## 2. ADJOURNMENT

There being no further business, the worksession was adjourned at 6:55 p.m.

## FORMAL MEETING

7:00 p.m.

**Members present:** Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; and Jake Walesch, Deephaven. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

**Members absent:** Dan Baasen, Wayzata; and Debra Zorn, Shorewood.

### Persons in Audience:

John Bendt, Eric Evenson, Patrick Foss, Dave Hemink, Gabriel Jabbour, Josh Leddy, Lt. Shane Magnuson, Michelle Morey, Rob Schatzle, Ann Steingraeber, and Shawn Wischmeier.

## 1. CALL TO ORDER

Chair Thomas called the meeting to order at 7:01 p.m.

## 2. PLEDGE OF ALLEGIANCE

## 3. ROLL CALL

**Members present:** Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; and Jake Walesch, Deephaven. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

**Members absent:** Dan Baasen, Wayzata; and Debra Zorn, Shorewood.

#### 4. APPROVAL OF AGENDA

**MOTION:** Kroll moved, Thomas seconded to approve the agenda as submitted.

Further discussion: Anderson commented that he thought the letters received from the public were going to be documented with the minutes.

Schleuning stated that the letters are not put into the minutes but are included in the Board packet.

Anderson asked how people would look back at that in the future.

**VOTE:** A roll call vote was performed:

Anderson	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	absent

Motion carried unanimously.

#### 5. CHAIR ANNOUNCEMENTS

There were no Chair announcements.

#### 6. APPROVAL OF MINUTES- 07/08/2020 LMCD Regular Board Meeting

**MOTION:** Kirkwood moved, Cook seconded to approve the 07/08/2020 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** A roll call vote was performed:

Anderson	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye

Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	absent

Motion carried unanimously.

## 7. APPROVAL OF CONSENT AGENDA

Chair Thomas referenced the findings of fact for Item 7C, which referenced the Variance and its allowances, noting that an 11-foot variance is mentioned but in another location seven feet is specified. He noted that in both cases the variance should be stated as seven feet.

**MOTION:** Kroll moved, Walesch seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (07/16/2020 – 07/31/2020); **7B)** Resolution Accepting Save the Lake Contributions (06/01/2020 – 07/01/2020); and, **7C)** Findings of Fact and Order, 5<sup>th</sup> Street Ventures, LLC (Back Channel Brewery) New Multiple Dock License Application to Add Another Transient BSU and Variance for Setbacks at the Qualified Commercial Marina, located within Seton Lake at 4681 Shoreline Drive in Spring Park.

Further discussion: Anderson stated that he spoke with Schleuning about Save the Lake and the change to the reporting in the voucher related to his donation and wanted to ensure that change was reflected. He recognized the Save the Lake contributions and specially recognized Zorn, Walesch, and Greenwood Marina.

Schleuning confirmed that staff would handle that accounting change internally.

**VOTE:** A roll call vote was performed:

Anderson	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	absent

Motion carried unanimously.

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

John Bendt, 1020 Tonkawood Road, stated that he approached the subject of wake boats from a perspective of sharing the lake and does not approve of any plan that would restrict or deny wake boats the opportunity to operate on Lake Minnetonka. He stated that there was an article in the *Star Tribune* about the controversy related to wake boats and there were 240 online comments to the online article. He stated that many of the comments were related to issues other users of the lake experience, specifically how their enjoyment of the lake has been diminished by wake boats. He stated that there were also negative comments debating each other in that post. He stated that the issue should not be one group against another but rather a perspective of sharing the lake and making it enjoyable for all. He stated that wake boats are unique in that they create large wakes that impact other users of the lake. He stated that he appreciates the focus on Own Your Wake, but noted that in an area like Maxwell Bay, even if you own your wake, you will still disturb other users of the lake in that area such as kayakers and fisherman. He referenced a previous comment related to a study that would provide data on the environmental impact from wake. He stated that there was an earlier discussion by the LMCD tonight related to how to spend discretionary funds and believed that contributing to that study would be beneficial. He noted that the study will not provide data on how the wake disrupts the enjoyment of the lake by others. He encouraged the Board to look at policies that would help guide the lake to ensure all parties can have enjoyment. He suggested that there be a predictable time when different users could use the lake, noting that it would be nice to have a time when kayakers could use the lake safely. He recommended that a time be set on when wake surfing could occur. He suggested that wake surfing not occur until after 2 p.m. on any given day. He stated that would allow other users of the lake to have a known time when they could use the lake without conflict. He noted that this would create an environment when everyone could enjoy their activities.

Michelle Morey, 825 Tonkawood Road, asked the Board to consider wake restrictions. She also commented on the damage wake boats are doing to the ecosystem. She stated that she was interviewed for the *Star Tribune* article. She stated that this is the time for the Board to move this onto the agenda and work on wake restrictions, even when not in high water. She commented that relief for the other user groups would be helpful along with something predictable. She commented that it is critical to address the impact of those boats and that the Board should move forward with that now.

Eric Evenson, Director of the Lake Minnetonka Association, stated that in regard to the worksession held earlier tonight he agrees with, and supports, the comments of Walesch to reconvene the TAG and gain input on the topic of AIS. He stated that he would attend the meeting and share his ideas. He stated that in his opinion it would be silly to bring on a Lake Specialist to facilitate that meeting. He stated that what really would be needed is someone that actually knows how to facilitate a meeting which is why the TAG meetings failed. He commented that the other partners around the lake want to do what is right for the lake and find ways to deal with the challenges it is facing. He commented that there is a lot of knowledge held by the partners and their members. He stated that he also liked the idea of Walesch for the LMCD to send out some questions in advance, as that would help to focus the members of the other partners and provide direction. He stated that if the LMCD hires a staff member to come on board for this purpose, would it have the resources available to fund the treatments on the bay and do the reporting, which are currently being done by the LMA and the

LIDS.

Gabriel Jabbour stated that he appreciates the worksession discussion related to AIS earlier tonight. He stated that he is knowledgeable about different issues on the lake and has been involved with all the research projects that have been completed on the lake. He commented that almost 80 percent of the LMCD budget is used for administration. He stated that if another staff person is brought on Board it would take five to ten years for that person to gain the knowledge and three years to gain the trust of the other lake partners. He stated that with the LMCD's budget it cannot attempt to manage AIS. The community has taken the lead, with only two percent of those funds used for administration. He commented that he does not believe any of the Board members reached out to the previous Chair Green to assist in this process. He suggested that the LMCD start small and earn its way to a larger role if desired. He stated that he initiated the *Star Tribune* article regarding wakes as he is opposed to the comments of Kroll related to this topic. He stated that he has attempted to negotiate between the federal, state, and local opinions. He stated that the opinions expressed by Kroll have divided the community.

## 9. PUBLIC HEARING

There were no public hearings.

## 10. OTHER BUSINESS

There was no other business.

## 11. OLD BUSINESS

There was no old business.

## 12. NEW BUSINESS

### A) Request for Temporary Transient Docking in 2020 from Caribbean Marina and Restaurant Due to COVID-19

Schleuning stated that there was a discussion earlier in the season about potential requests that could come forward due to COVID 19. She stated that this is a request from the Caribbean Marina and Restaurant to have temporary transient docking for 2020. She stated that the Caribbean is phasing the reconfiguration previously approved by the Board as the ice conditions did not support the full construction during the past winter season. She stated that a completed section of docking is found on the west and displayed a photograph. She identified the area proposed to be a transient slip. She confirmed that the previously approved reconfiguration has not yet been completed.

**MOTION:** Walesch moved, Klohs seconded to approve the Caribbean Marina's request for temporary transient docking for the duration of the 2020 boating season

**VOTE:** A roll call vote was performed:

Anderson      aye

Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	absent

Motion carried unanimously.

### 13. TREASURER REPORT

No report.

### 14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Licensee Reviews of the proposed Code changes will be sent out this week. An update can be found on the LMCD website.
- There have been a high level of calls and inquiries related to wake boats and recent articles and publicity of the topic.
- The University is doing research related to different types of Eurasian Milfoil.
- LMCD continues to promote Own Your Wake and will continue to do so. The lake has been busy, and everyone should pay attention to their surroundings and be kind to each other.
- The Lake Minnetonka water level is currently 929.01 ft, which is down a few inches compared to the ordinary high water level of 929.4 ft OHW.

### 15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Communications and Legislative Relations: No report.

Deicing and Permanent Dock Workgroup: Anderson stated that the group talked about a timeframe for the stakeholders to respond and asked staff for input.

Schleuning replied that the response period can be ten days.

Anderson agreed that would be a sufficient amount of time for replies. He commented that Gilchrist was able to resolve the issues the workgroup had.

Save the Lake Committee: No report.

Strategic Plan Subcommittee: Schleuning reported that the group met and will bring something forward to the Board in August.

## 16. ADJOURNMENT

**MOTION:** Cook moved, Kroll seconded to adjourn the meeting at 7:47 p.m.

**VOTE:** A roll call vote was performed:

Anderson	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	abstain/lost connection

Motion carried unanimously.

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Gregg Thomas, Chair

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Dan Baasen, Secretary