

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., November 12, 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

6:30 p.m.

Members Present:

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

Members Absent:

Jake Walesch, Deephaven and Deborah Zorn, Shorewood.

Person(s) in Audience:

John Bendt and Henry Graef. There may have been unidentified parties in attendance as well.

1. General Overview About Riparian Rights

Gilchrist provided an overview of riparian rights and related LMCD regulations. He also provided examples and situations that have occurred in the past related to riparian rights and decisions made in certain court cases.

Chair Thomas asked for clarity on whether the riparian rights go with the ordinary high water mark or the low water mark.

Gilchrist replied that he did not go into the piece of ownership and the issue of high or low water mark in his presentation and would be hesitant to comment on that during this presentation.

Anderson asked if Gilchrist could send the presentation to Schleuning to distribute to the Board for future reference.

Gilchrist confirmed that he could do that.

Schleuning noted that she distributed the presentation via email to the Board prior to tonight's meeting but would also send the corrected version.

Kirkwood asked if any of the riparian rights carry over to the boaters launching their boats for use of the

lake.

Gilchrist stated that use would fall under the public rights for use of the lake surface for recreation and they would not have riparian rights.

2. ADJOURNMENT

There being no further business, the work session was adjourned at 7:05 p.m.

FORMAL MEETING

7:00 p.m.

1. CALL TO ORDER

Chair Thomas called the meeting to order at 7:05 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; 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 (arrived at 7:24 p.m.). Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

Members absent: None

4. APPROVAL OF AGENDA

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

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	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

Chair Thomas commented that the meeting is being held on Thursday in this instance because Veterans Day was the previous day. He thanked all veterans for their service. He noted that under future items for review a bullet was added related to harvesting equipment status noting that the intent would be to discuss that topic within 30 days of the TAG meeting.

6. APPROVAL OF MINUTES- 10/28/2020 LMCD Regular Board Meeting

MOTION: Baasen moved, Cook seconded to approve the 10/28/2020 LMCD Regular Board Meeting minutes as submitted.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

Anderson referenced Items 7C and 7D. He stated that he is not opposed to the actions but asked if there should be discussion on those items or whether this is the typical process.

Cook requested to remove Items 7C and 7D from the consent agenda for further discussion.

MOTION: Cook moved, Anderson seconded to remove Items 7C and 7D from the consent agenda for further discussion.

VOTE: A roll call vote was performed:

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

Motion carried.

MOTION: Cook moved, Kroll seconded to approve the consent agenda as amended removing Items 7C and 7D. Items so approved included: **7A)** Audit of Vouchers (11/01/2020 – 11/15/2020); and **7B)** Resolution Accepting Save the Lake Contributions (09/15/2020-10/31/2020).

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	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.

Chair Thomas noted that Items 7C and 7D would now be considered under New Business.

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

Mr. Bendt, 1120 Tonkawood Road, stated that over the past several months a number of wakeboard issues have been brought to the attention of the Board. He stated that issues have been brought forward related to issues with wake detracting from the enjoyability of other lake users, loud and sometimes offensive music, and damage to the shoreline from wake. He commended the Board for its support of the Saint Anthony Falls Lab Study on wakes. He agreed that the study should inform any regulations related to distance from shore for wake boats. He stated that he is also pleased to see increased education related to loud music but believed that more needs to be done to resolve that issue. He stated that he is disappointed with the lack of response from the Board related to the impact that wakeboarding has on the ability of other users to enjoy the lake. He stated that there is a non-profit, Citizens for Sharing Lake Minnetonka LLC, which has been formed by those that support regulation of wake surfing in order to allow users to enjoy the lake. He stated that he has accepted the position of President of the organization and asked the Board to be faithful to its mission and restore balance so that all can enjoy the lake.

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) 2021 LMCD Employee Compensation Adjustments (Previously Consent Agenda Item 7C)

Anderson stated that he requested this item to be pulled from the Consent Agenda as he was unsure that was the proper process, noting that he was unsure the Board had discussed the topic. He stated that he does support the increase as he believes that happy employees tend to stay with the organization. He noted that he does not have any issues with the contracts under the next item either, but simply believed that the topics should be up for discussion in the case that someone had questions or opinions.

Newell referenced the time management analysis that was previously discussed. He noted that perhaps that could identify how some responsibilities could be shifted to take advantage of the strengths of employees, such as the Lake Manager some tasks were reassigned. He stated that he does support proper compensation of staff.

MOTION: Anderson moved, Cook seconded to approve the annual base wage adjustment for employees for 2021 at a rate of 2.75 percent.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	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.

B) LMCD Board Meetings Contracts/Agreements for Professional Services: LMCC Video On Demand Services; Mark Hodges Media Productions, Producer; and TimeSaver Off-Site Secretarial, Inc., Meeting Minutes (Previously Consent Agenda Item 7D)

Anderson asked for input from Cook related to the proposed increases.

Cook stated that he is supportive of the proposed increases as they are in line with what has been anticipated.

MOTION: Anderson moved, Cook seconded to approve LMCD Board Meetings Contracts/Agreements for Professional Services: LMCC Video On Demand Services; Mark Hodges Media Productions, Producer; and TimeSaver Off-Site Secretarial, Inc., Meeting Minutes as presented.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	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.

A) Proposed Standing Committees

Chair Thomas commented that the Officers and Schleuning have discussed the process of how some topics are discussed before bringing them forward to the Board for formal consideration. He stated that the recommendation has been to create four standing Committees: operations, finance, communications, and Save the Lake. He stated that Committees would be more formal than work groups and would have posted meetings with minutes recorded. He stated that rather than placing burden on staff to complete the minutes, they would ask for a member of the Committee to take minutes. He stated that a project outline was prepared by the Board Officers for each of the Committees. He stated that the intent would be for the Board Officers to Chair one of the Committees initially such as Cook acting as Chair of the Finance Committee, Hoelscher would act as Chair of Communications Committee, Baasen would act as Chair of the Save the Lake Committee, and Chair Thomas would act as Chair of the Operations Committee. He hoped that each of the Board members would have reviewed the project outline for each Committee to determine their area of interest.

Baasen commented that he believes the project outline to be accurate for the Save the Lake Committee and welcomed anyone that would like to participate.

Hoelscher commented that the communications group has been meeting informally and has active members. She encouraged others to join or participate in the meetings of the group.

Cook stated that he did not have anything to add about the Finance Committee.

Hughes asked if these Committee meetings would be held virtually similar to the Board meetings.

Chair Thomas commented that until the pandemic is over, he would not foresee in person meetings.

Gilchrist commented that the order for operations of the LMCD would be that all meetings be held electronically.

Kirkwood referenced the Operations Committee and asked if this group would discuss the items brought forward to the agenda. He noted that there has been some confusion on how items are selected and scheduled for the agenda.

Chair Thomas stated that in order to do that, the Operations Committee would need to meet twice per month as the Board meets twice per month. He explained that the agenda is set by discussion between himself, Hoelscher, Gilchrist and Schleuning. He stated that if there is a request for an agenda item, a Board member can bring that forward to the Chair or staff.

Schleuning commented that there is an issue of timing depending on the amount of background work that is needed for some topics. She could not recall a requested item that was not brought forward to an agenda, but welcomed feedback.

Newell commented on an agenda topic that he desired and was brought forward to a Board agenda. He stated that he has since done additional work on the topic that he will provide an update on at the appropriate time. He stated that in regard to Committees, he gets bogged down with processes that seem to go nowhere rather than progress. He stated that if there are Committees, he would like to see tasks assigned to members and results reported in a timely manner.

Chair Thomas commented that the bylaws states that the Chair and Executive Director set the agenda.

Anderson commented that he has brought forward suggestions for the agenda that were added in the past when requested. He noted that it appears that only Save the Lake has a Chair identified, which he would believe would give that member more authority than other members. He asked if a Committee must include two members of the public.

Baasen explained that he believed the Save the Lake Committee was created in 1982 and has always had a Chair to run the meeting. He stated that it does not mean that the Chair has more influence than any other member. He noted that all actions are subject to vote by its members. He noted that because this Committee has eight members, a Chair is helpful to run the meeting.

Anderson stated if recommendations are being made for the Committee, he would like to see two members of the Committee replaced with Gabriel Jabbour and Jay Soule.

Baasen stated that they have never turned down a member or asked to have a member removed. He confirmed that additional members of the public could join. He stated that each member of the Save the Lake Committee is active in discussions and participate equally and does make a financial contribution to Save the Lake. He noted that the two members Anderson suggested to be added to the Committee have been members of Save the Lake in the past and for whatever reason have decided not to be a part of the

Committee at this time.

Anderson asked if there is a Chair for each of the Committees.

Chair Thomas confirmed that he would Chair the Operations Committee, Hoelscher would Chair the Communications Committee, Cook would Chair the Finance Committee and Baasen would Chair Save the Lake.

Schleuning referenced the board report and commented that the Committees are meant to be more formal with consistency with posted meetings open to the public, a chair, and documented minutes.

Chair Thomas stated he has not heard comments in support or opposition for this idea.

MOTION: Anderson moved, Kirkwood seconded to approve the standing Committees.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

Chair Thomas asked if the membership should be appointed or whether members should express their interest. It was determined that taking formal action would be putting people on the spot and suggested that the decision be delayed with the Committees beginning in January.

Schleuning referenced the board report and stated that she would be interested in knowing whether members of the Board that currently serve on those groups in an informal manner would want to continue. Also, she stated that interest can also be expressed by members of the Board that would like to join the committees.

Baasen stated that he would suggest that the Committees be allowed to form in that manner rather than

asking the Board to vote on who is allowed or disallowed to serve on the Committee.

Chair Thomas noted that the Board will next meet in December and asked that members of the Board contact the Chair of the Committee or staff if they would like to join a Committee.

Anderson commented that the decision was made to form Committees but also believed that the Board should vote on who the Chair of each Committee will be.

Chair Thomas commented that in the interest of starting these formal Committees, the suggestion was to have one of the Officers Chair a Committee. The intent was to be helpful to the board He stated that it could be left as the Committees have been formed and members of the Board should alert Schleuning as to their interest in joining or being the Chair of a Committee.

Gilchrist stated that Standing Committees are formed through resolution per the bylaws and therefore to formalize the motion taken tonight, he will prepare a resolution to ratify at the next meeting.

13. TREASURER REPORT

No report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- An update was provided on the recent work with the developer for the update to the website.
- The winter rules will be updated and she welcomed any additional suggestions for incorporation.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: Cook stated that they are attempting to schedule the next meeting.

Budget Workgroup: No report.

Communications and Legislative Relations: Hoelscher reported that the group has not met since the last Board meeting but will meet on November 19th via Zoom.

Nominating Committee: Zorn reported that the group has not yet met and typically meets later in December or early in January.

Save the Lake Committee: Baasen reported that the group met the previous week and received an update on fundraising efforts for the year. He stated that excluding the contributions of Jabbour and Anderson provided for the Hennepin County Sheriff's Office Water Patrol, the group is only about halfway to its goal for the year. He reported that a solicitation letter was mailed to an expanded mailing list.

Strategic Plan Subcommittee: No report.

Other: Baasen referenced items being removed from the Consent Agenda earlier tonight, which he opposed through the vote. He stated that information is included in the Board packet for review for each of the items included on the Consent Agenda. He stated that any member of the Board can request to pull an item from the Consent Agenda, but noted that if the information in the packet is thoroughly reviewed, it may answer the questions a member may have related to the item.

Newell asked to connect with Cook offline to discuss items related to AIS.

Anderson commended staff for the work they did to prepare the harvesters for winter.

16. ADJOURNMENT

MOTION: Walesch moved, Newell seconded to adjourn the meeting at 8:07 p.m.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary