

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

6:00 P.M., December 9, 2020
Virtual

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; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park (arrived at 6:13 p.m.); Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; and, Deborah Zorn, Shorewood.
Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Matt Cook, Environmental Administrative Technician.

Members Absent: Jake Walesch, Deephaven

Persons in Audience: Jorj Ayaz, Chris Bank, John Bendt, Eric Evenson, Erik Forsberg, Emily Holker, Elizabeth Hustad, Lt. Shane Magnuson, James Monical, Matthew Mueller, James Seals, Jill Sims, and Todd Sterner. Usernames "Travis" and "uncleon" were also present.

1. Continued Deicing Eligibility Expansion Request from Cove Homeowners Association

Schleuning stated that the LMCD received a request from the Cove Homeowners Association to expand deicing license eligibility to include outlot associations with permanent docks. She stated that the Board reviewed and made amendments to address the performance standards of the deicing operation regulations. She asked for input from the Board on whether there is a desire to amend the Code to change eligibility requirements. She reviewed the current eligible structures and some additional items for the Board to consider in its discussion.

Anderson stated that he personally thought that the deicing protocol was the factor to consider. He stated that he has a deicing license that he is not using and would be willing to transfer it to the Cove.

Baasen asked for details on enforcement and how expansion of the program could be enforced with the minimal staff the LMCD has. He asked what would be done with those that have a license to deice but do not follow the regulations identified in the Code. He stated that he supports flexibility but also does not want to pose a threat to safety on the lake if there are too many deicing sites.

Brandt stated that he would agree to look into the issue further to determine whether staff has capacity to review and enforce the sites. He stated that as long as deicing is done safely and is not a threat to other users on the lake, he would be open to expansion.

Cook stated that he would be opposed to permanent docks and does not believe the deicing eligibility

should be expanded. He stated that if the eligibility is expanded perhaps the multiple dock sites fall into a different category than permanent docks. He stated that he would caution against getting into a situation where the lake becomes unsafe for winter users.

Hoelscher stated that safety is her top priority, and she would like to see people able to do what they would like on the lake as long as it can be done safely. She stated that she would not be opposed to expanding deicing slightly if it is done safely.

Hughes joined the meeting. He commented that in some cases deicing is very appropriate and in others it is not.

Kirkwood complimented the applicants for a thoughtful and creative approach but noted that he wrestles with the proposed significant expansion of the program to allow all permanent docks. He asked if the revenue would offset the cost for education and staffing. He asked if there would be an estimate for the staff that would be needed to handle those duties.

Newell asked the scale at which the expansion would be allowed and what would be necessary to ensure safety around the lake. He stated that he likes this proposal as the topography is unique with the island and channel and therefore this install could be safely barricaded to prevent others from entering this area.

Stone echoed the comments thus far noting that she likes the idea of flexibility but would also be concerned for safety and the ability of staff to manage these activities. She believed that it would be worth it for the Board and staff to look into this further.

Zorn echoed the comments of Hoelscher and Stone. She agreed that the Board and staff should spend some time reviewing this but was also concerned with the staffing that would be needed and overall lake safety.

Chair Thomas asked if the Board could make an exception for the Cove but not other multiple residential sites.

Gilchrist commented that would be problematic. He stated that if the Board were open to expanding this it would need to be done through amendment to the Code. He stated that there would need to be criteria to be reviewed and managed. He stated that the Board can require an applicant to submit an application request that would be reviewed by the Board, similar to a conditional use permit or dock permit.

Chair Thomas commented that the technology is available to mitigate the risk to other lake users but that still does not totally eliminate the risk. He stated that the question would not be specific to the Cove but whether opening the eligibility to all HOA's could be managed. He stated that another suggestion from the Cove would be to open eligibility to only large HOA's. He stated that it appears the consensus of the Board is to have staff review what could be done to allow deicing at the Cove and determine the additional staffing needs that would be necessary to manage that activity.

2. Information Regarding Proposed New Wake Surfing Education Program

Schleuning noted that the LMCD has received a lot of input related to wake surfing this past year. She noted that two representatives are present tonight to share information on a possible education campaign.

Jill Sims, National Marine Manufacturers Association (NMMA), provided background information on recreational boating in Minnesota noting that her organization seeks opportunities to collaborate with partners and supports efforts such as "Wake responsibly" and "Own Your Wake." She stated that in terms of education they would like to bring experts to the table with users and the community through proactive approach with fun engagement. She noted that they would seek support and partnership from the LMCD and would also approach HCSO and the DNR for partnership opportunities.

Chris Bank, Lake Minnetonka resident, provided background information on himself and his relevant experience. He stated that they would like to create a 45 to 60 minutes long presentation which would allow attendees to learn information about wake surfing and how to be a good boater. He stated that the Own Your Wake program is a great program but there can be sometimes be a problem in ensuring that those selling the boats and communicating the information to those purchasing the boats. He stated that because of COVID he would be willing to present virtually in order to capture the largest audience. He stated that eventually when things open up, he could present to dealer audiences and/or in meeting halls. He recognized that there are studies that have begun but this education campaign could be ready very quickly to share with the public. He reviewed the draft course content. He noted that he could incorporate other information on wake surfing related to equipment in order to draw in additional viewers. He believed that this message could spread to a larger audience if agencies partner and work together.

Chair Thomas referenced the comment to partner with the LMCD, noting that would require a vote at a formal meeting. He suggested that a request be drafted that could be presented to the Board that would identify the terms of partnership, noting that he would also be interested if HCSO and the DNR partner on this. He commented that education is a high priority in managing Lake Minnetonka.

Newell stated that boater education is a priority of the LMCD. He noted that people can purchase a boat without the training that is required to operate a motor vehicle and believed that additional education on how to operate a boat would be helpful.

Kroll stated that this is a small but important step as it shows that the industry recognizes that there is a problem. He stated that he was struck by the comment that if the music is so loud people in the boat cannot hear each other, that means the music is too loud. He noted that a majority of the comments he receives are related to the volume of music. He asked if the industry would recognize that the biggest problem is the noise pollution. He asked if the industry would consider placing a moratorium on the deep base woofers.

Bank stated that he is a business owner that sells accessories, but he does not represent the industry. He stated that his instruction to his children is that if the music is too loud to hear your friend next to you, the music is too loud. He stated that there needs to be a vehicle to educate the young boat captains and

mid to late 20-year olds that want to be seen and heard.

Brandt stated that this is an important step to finding a balance for users to share the lake. He stated that the safety issue is important but there also needs to be respect for other lake users and would want to see that stressed in the presentation. He also asked if there could be information on cleaning wake boats to prevent the spread of AIS.

Bank agreed that is important with the number of daily drop-in users on Lake Minnetonka. He stated that the underlying tone of the education campaign would be respect. He stated that if boaters are not respectful, there will be nothing good that comes.

Kirkwood stated that he would caution against using a 200 foot from shore recommendation as there is still study being done to determine if that would be an appropriate distance. He stated that he would caution against the LMCD endorsing an industry motivated education approach. He stated that he would want to see the details of the presentation and the ability for the LMCD to provide input on that language before deciding whether the LMCD would be a partner in the campaign.

Bank stated that he tried to keep the presentation on a broad scale and therefore there is nothing that references the specific distance from shore.

Sims stated that partnership is a vague term. She stated that they wanted to bring this forward to start a conversation with the Board and receive input. She recognized that there are different opinions on distance from shore. She stated that the goal would be for the content to be driven by the partners, with each of the partners having input. She stated that the LMCD is the first organization they have approached.

Schleuning stated that she would also like information included about launching boats. She commented that education is a great tool especially as there are a lot of new boat owners and users, and she would be more than happy to receive additional information on a possible presentation.

Gilchrist cautioned against endorsing a presentation before the details are known but recognized that collaboration will be the only way to make an educational campaign successful.

Shane Magnuson, HCSO, stated that this was presented to the HCSO about one week ago and he forwarded this up the chain of command. He stated that preliminarily the HCSO does want to participate in this as they want to use education as the tool for compliance rather than enforcement. He stated that HCSO would also want to be cautious about the content but likes the way this is going, and it would be consistent with the Own Your Wake campaign.

Baasen referenced some of the comments that were made this past summer related to creating certain times for different lake activities or banning wake boarding from certain bays and asked for input from the guests.

Sims commented that the goal of NMMA is to provide equitable access to the lakes for all users. She encouraged the LMCD to be consistent with other activities, noting that wake surfing is only one activity. She believed that education would be better rather than enforcement. She stated that a ban would not be consistent with other allowed activities.

There being no further business, the work session was adjourned at 7:02 p.m.

FORMAL MEETING

7:05 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 (arrived at approximately 7:40 p.m.); and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

Members absent: None.

Persons in Audience: Jorj Ayaz, John Bendt, Eric Evenson, Erik Forsberg, Emily Holker, Gabriel Jabbour, Carol Larsen, Lt. Shane Magnuson, Matthew Mueller, Debra Netsch, Neal Netsch, Dave Newman, James Seals, Jill Simms, and Todd Sterner. Usernames "mr. boat dealer", "Travis", "uncleon" were also present.

4. APPROVAL OF AGENDA

MOTION: Baasen moved, Kroll 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	absent
Zorn	aye

Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

- A) Board Self-Evaluations
- B) Executive Director Performance Appraisal

Chair Thomas noted that members of the Board will receive emails with information related to the Board self-evaluation and Executive Director performance appraisal. He suggested that at the first meeting in January the Board bring back a proposed timeline of how the Board will address issues related to wake surfing.

6. APPROVAL OF MINUTES- 11/11/2020 LMCD Regular Board Meeting

MOTION: Cook moved, Stone seconded to approve the 11/11/2020 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	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	absent
Zorn	aye

Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Thomas moved, Anderson seconded to remove Item **7C)** Ratification of Committee Designations from the Consent Agenda.

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	absent
Zorn	aye

Motion carried unanimously.

MOTION: Baasen moved, Brandt seconded to approve the consent agenda as amended, making the change noted above. Items so approved included: **7A)** Audit of Vouchers (11/16/2020 – 11/30/2020) (12/01/2020 – 12/15/2020); and **7B)** Resolution Accepting Save the Lake Contributions (11/01/2020 – 11/23/2020).

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	absent
Zorn	aye

Motion carried unanimously.

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

Gabriel Jabbour, 985 Tonkawa Road, stated that the issue with the wake boarder has been a long existing issue. He stated that he has attempted to mediate the issue for many years. He stated that in his experience the leadership of the NMMA is not always on the same side of the LMCD. He commented that the University of Minnesota is doing great research and is extremely upset with the reaction of the industry to the study. He cautioned against using the 200 feet standard for wake boards as damage can still occur. He noted that he would also be opposed to the 1,500 feet proposed by the other side. He stated that the Board needs to wait for the scientific data before allowing both sides to argue with each other. He stated that as much as his neighbors are well intended with the concept of sharing the lake, there is a detriment to users of the lake if you put restrictions on the time certain activities can occur. He stated that his family has a history of using the lake for over five generations and would not want to see restrictions that certain activities have to occur at certain times of the day.

Jill Sims, NMMA, stated that she agrees that everyone needs to work together as she stated in the workshop earlier tonight. She stated that they support boater education for all boaters. She stated that there were concerns from NMMA with the language introduced at the legislature because of some of the language used. She stated that she looks forward to future collaboration efforts with the LMCD and Mr. Jabbour.

John Bendt, 1120 Tonkawa Road and President of Citizens for Sharing Lake Minnetonka, commented that he is encouraged and happy to see the initiative to increase the education effort for boaters with an emphasis on promoting individual responsibility and courtesy to others on the lake. He clarified that his organization has been promoting the notion of time slots for wake boat activity. He stated that they are not advocating for those time slots across the lake but only for small bays. He stated that their goal is to share the lake in a fair manner and for users of the lake to have respect for each other.

9. PUBLIC HEARING

A) Continued Public Hearing for Variance Request for Adjusted Dock Use Area, Side Setbacks, 1657 Dove Lane, Mound

M. Cook stated that this is a continued hearing related to a request for a variance application for the property at 1657 Dove Lane in Mound. He provided background information on the property and request and reviewed the possible actions the Board could take. He stated that the applicant provided a few options to staff and displayed the proposed alternative site plan submitted by the applicant after receiving input from staff. He reviewed the variance standards and the agency comments received. He stated that prior to the October 14th meeting a few comments in support of the request were received. He stated that since the Board packet was released the resident at 1649 responded with his objection to this proposal. He reviewed some other items

for the Board to consider and summarized the applicant proposal. He stated that staff prefers the alternative site plan and reviewed the other staff recommendations.

Anderson stated that the dock to the north would need to come into compliance and asked for details on the setback between that property and the subject property.

M. Cook stated that he is not prescribing that any action would have to include the ten-foot setback and provided background information on why the ten-foot setback was shown along with the possible proposal shown by the applicant. He stated that a lesser setback could restrict the third BSU spot.

Anderson stated that he would be concerned with allowing a third BSU for this proposal. He believed that the five-foot setback could be achieved and explained how he believes that could be done. He stated that the applicant and neighbor did what was asked in consulting the City, noting that the dock to the north would need to come into compliance.

Thomas commented that the request before the Board tonight is related to this proposal and noted that although the Board can be cognizant as to the property to the north, there has not been a request from that property owner.

Thomas invited the applicant to address the Board.

Neil Netsch, applicant, stated that the middle section of the dock is a double wide section that he would like to keep as he already gave up the fishing platform. He stated that he would agree to rotate to the right further to provide that five-foot setback. He stated that they came to this proposal as a compromise that would be safe to all the neighbors. He stated that he submitted this proposal 14 days after the October meeting and the neighbor did not comment or provide an alternative suggestion. He stated that in regard to the third BSU spot, they did not intend to store a boat in that location but were thinking that could perhaps be used by visitors. He noted that the platform could also be moved. He stated that he would want this property and the property to the north to be considered equally. He stated that they are attempting to comply with the rules, provide safety for the area, and protect from future changes that could occur to the property from the north should that property change ownership in the future. He stated that he has a residence on his property, and they use their dock space for their own recreational purposes. He stated that the property to the north does not have a residence and will not under the current ownership and instead simply used for boat parking. He stated that they want to ensure access to the corner of their property.

Anderson asked the size of the option platform.

Mr. Netsch provided an estimated size, noting that it would most likely be setback closer to shore. He stated that he is unsure that they would add that feature but wanted to include it as an option.

Thomas opened the public hearing at 8:54 p.m.

George Ayaz, 1649 Dove Lane, commented that this current proposal is much better than the previous

proposal. He agreed that tilting the assembly was the right thing to do. He believed that the desire of the applicant could be met without the option platform on the east. He believed that the option platform would work better on the west side. He identified the shoreline boundary, noting that the proposed dock assembly exceeds that line. He suggested that the dock assembly be shifted further to meet that shoreline boundary. He stated that he does not have plans to relocate his dock as it meets the required setback. He stated that his dock plan was to continue and allow two boats within a U-shaped structure. He stated that the applicants are attempting to have three BSU's a double dock section and fishing pier, which he believed could fit if rotated further and the platform shifted to the west. He stated that he does not have to have any variances on his property and therefore will not be relocating his dock. He believed that the applicant could have their desired dock without requesting variances if it were shifted further. He stated that a zero setback would create a situation that would not be pleasing in appearance and could cause a problem with safety. He stated that he is leaving his dock in the existing location and will continue to build to the southwest to complete his U shape. He stated that the applicant can rotate his configuration further and build their dock without variance.

Mr. Netsch commented that putting the platform on the west side of the dock would encroach on the neighboring property. He stated that he is not intent on including that platform but simply wanted that option available. He stated that rotating more to the left would only encroach further on the other neighbor. He stated that he would be opposed to the neighbor adding another dock section as it would close off access to the corner of his property.

Mr. Ayaz proposed that he meet with the applicant and his wife to have an informal dialogue and come to a resolution. He stated that the two parties could then come to the Board in agreement rather than continuing to waste the Board's time.

Thomas noted that the request for My Ayaz to meet with the applicants was made in October, but it appears that did not happen between then and now.

Mr. Netsch stated that he does not want to postpone the process. He stated that the neighbor has had ample time to respond and provide comments.

MOTION: Anderson moved, Klohs seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving the variance application from Debra and Neal Netsch for the property located at 1657 Dove Lane in Mound for final approval at the January 13, 2020 LMCD Board meeting, subject to the following conditions: two BSU's would be allowed, five foot setback rather than 4.5 on the west side, the optional fishing dock could be included.

Further discussion: Schleuning asked if it would also be acceptable to require that there be no dock overhang.

Anderson agreed that there should not be overhang on the east but would be acceptable to overhang on the west. He noted that he could support the opinion of staff.

M. Cook confirmed that the staff recommendation would be no overhang on the dock slips.

Anderson and Klohs confirmed agreement with that.

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.

Mr. Ayaz asked for clarification related to the zero setback on the east corner and whether that would be allowed. He asked if that motion would impact his setbacks. He stated that his crucial point was that the northern right corner of the dock structure would touch his property line.

Thomas confirmed that the zero-lot line would exist to the north.

Gilchrist stated that the motion was to direct staff to prepare the document and clarify the variance given. He stated that formal action on the variance will come before the Board at its next meeting.

Mr. Ayaz referenced the red line shown on the diagram and asked for input on what the line is and how his setback would be impacted.

M. Cook stated that site plan included an annotation for the Board and there is no proposed change to the dock use area for Mr. Ayaz's property. He commented that staff is not of the opinion that Mr. Ayaz was ever guaranteed a five-foot setback because of the language in the Code.

Thomas suggested that Mr. Ayaz connect with staff to discuss any additional questions he may have related to his dock use area.

Thomas closed the public hearing at 9:11 p.m.

B) Variance Request for Dock Use Area, Length, and Setbacks, 435 Lakeview Avenue, Tonka Bay

M. Cook presented a variance request for the property at 435 Lakeview Avenue. He provided background information on the property and request and reviewed the actions the Board could consider. He displayed the proposed site plan and reviewed the public and agency review comments. He stated that staff would recommend continuing the hearing to January 13, 2021 to allow staff to review the City of Tonka Bay comments and discuss with the applicant. He reviewed the staff recommendations should the Board elect to approve the application.

Anderson asked for clarification on the setback.

M. Cook provided additional details on the typical setback between this property and the City property. He confirmed that the platform would need to be reduced in size or moved landward.

Anderson asked where the canopy could be moved to meet the setback.

M. Cook stated that he would not see a location that would meet that setback.

Anderson stated that he would support tabling the request to discuss this further with Tonka Bay.

Thomas stated that this request went to the Tonka Bay City Council and the request was approved as submitted with a vote of 4 – 1.

Kirkwood asked if the City of Tonka Bay is saying that if this approved, they would not have access to a dock from the end of the fire lane.

Thomas stated that Tonka Bay is stating that it does not have objection to this dock proposal. He stated that Tonka Bay has municipal docks and does not have fishing piers at the end of the fire lanes.

Gilchrist stated that he has not spoken with City staff as of yet. He stated that when a City is not choosing to actively use its riparian rights, the shared riparian owner can use those rights would have to yield to the City's rights if the City chooses to use them in the future.

Thomas commented that a boat cannot be launched in that area, although a canoe or kayak could be launched in that location.

Kirkwood commented that there would be a risk that the City could require the applicant to remove the dock in the future if it interfered with a City planned dock.

Schleuning stated that in this case there has been a lot of conversation over the past few years in order to obtain opinions. She stated that in conversations with staff, Tonka Bay wants to ensure that the current public access is maintained but they do not have an intent to place a dock in this location. She commented that the Tonka Bay Council approved the plan as presented and did not add additional conditions. She stated that she will look forward to receiving the minutes from that Council meeting.

Brandt asked the difference in the setback as suggested by Anderson.

Schleuning stated that would meet the setback requirement on that side. She noted that the other side setback and length would still require a variance. She explained that there are also potential navigation concerns that would be addressed by this proposal.

Brandt asked if both neighbors provided response to the notification for the hearing stating that they support the request.

M. Cook confirmed that he received comments from the neighbors on each side stating that they support the request.

Thomas commented that if the Board wishes to see the comments of the Tonka Bay City Council, the matter could be tabled.

Klohs agreed that the Board should see the resolution from the Tonka Bay City Council to ensure it is fully informed before making a decision. He noted that there would not be an issue on timing, and he would rather have all the information.

Kirkwood stated that he would be in favor of the variance as long as it would not place the LMCD in a position in the future if Tonka Bay wanted to exercise its rights.

Anderson agreed that there is no hurry to approve this request and would prefer to receive the comments from Tonka Bay before making a decision.

Schleuning provided clarification on the number of BSU calculations for Tonka Bay and this shoreline was not included for the multiple dock license.

M. Cook commented that this approval would not invalidate the use of the frontage or other parts.

Klohs stated that he would want to see something in documentation from the City to ensure everyone is on the same page.

MOTION: Thomas moved, Klohs seconded to continue the hearing to January 13, 2021 to allow staff to review the City of Tonka Bay comments and discuss with the applicant.

Further discussion: Schleuning commented that there has been significant contact with the neighbors and City of Tonka Bay that it may not be necessary to hold another public hearing.

Gilchrist replied that the hearing has not yet been conducted, therefore that requirement has not be satisfied. He noted that the hearing could be done tonight to satisfy that requirement, or the public hearing could occur at the next meeting.

Klohs stated that the Board is missing key information to complete a public hearing.

Thomas stated that the public hearing can be held tonight, and the decision does not need to be made tonight.

Schleuning commented that staff supports either option for the public hearing.

Walesch suggested voting on the motion and the public hearing can occur at the next meeting, noting that it will take the same amount of time either way.

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.

10. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

A) Designation of Committee Members

Thomas noted that his question related to the item he pulled from the consent agenda was related to the number of Committee members. He stated that since the last meeting Schleuning received a number of responses from the Board related to their desired appointments. He asked if the full Board is required to approve membership to committees.

Gilchrist confirmed that approval is necessary.

Thomas noted that Schleuning sent an email with the proposed 2021 Committee members as per those that responded. He noted that he spoke with Zorn earlier about her moving from the Communications Committee to the Operations Committee. He noted that the Strategic Plan would also be moved from communications to operations. He noted that seven members volunteered for the Communications Committee, but Gilchrist recommended no more than six. He stated that the change with Zorn would result in five on the Operations Committee and six on the Communications Committee. He stated that two members volunteered for the Finance Committee and four members volunteered for the Save the Lake Committee. He noted that there are four members proposed for the Nominating Committee.

Stone stated that she wanted to participate with the Save the Lake Committee but has a conflict with that meeting time. She stated that perhaps the Finance Committee would be a better fit for her.

Cook stated that he could be flexible on the meeting dates and times.

Stone committed to the Finance Committee.

Kroll volunteered to join the Save the Lake Committee.

Gilchrist stated that there is nothing magic about the five-member minimum. He stated that could be reduced to three members rather than attempting to shoehorn people in.

Thomas stated that is why he wanted to pull the item from the Consent Agenda so that the minimum and possible revisions could be made.

Walesch stated that the Save the Lake Committee has members that are not Board members as well.

Baasen stated that the non-Board members would not be approved at this time as the Chair would need to reach out to those members to determine if they would like to continue to serve.

Gilchrist confirmed that all members would need to be approved by the Board. He stated that appointments could be made tonight, and ratification of the Save the Lake Committee members could be done at a future meeting.

Anderson asked how the decision would be made as to who the Chair would be for each Committee. He believed that should be done through a vote, noting that perhaps it would occur through the Nominating Committee.

Gilchrist stated that the resolution is currently drafted to state that each Committee shall appoint its own Chair and Secretary.

Thomas suggested that each of these committees have an Officer to begin and that each Officer convene the first meeting to hold the discussion related to appointment of Chair and Secretary.

Newell stated that he would love to join the Finance Committee as he enjoyed his experience with Cook this past year.

MOTION: Thomas moved, Hughes seconded to approve the following Committee appointments:

- Operations Committee: Anderson, Hoelscher, Hughes, Thomas, and Zorn
- Finance Committee: Anderson, Cook, Stone, and Newell
- Communications Committee: Baasen, Hoelscher, Hughes, Klohs, Walesch, and Kirkwood
- Save the Lake Committee: Baasen, Cook, Newell, Thomas, and Kroll

Further discussion: Anderson commented that he has attended some Save the Lake meetings and would like to join that group.

Thomas noted that Anderson could join Save the Lake and the members would then be Baasen, Cook, Newell, Thomas, Kroll, and Anderson.

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.

12. NEW BUSINESS

A) Ratification of Committee Designations

Thomas stated that his question was related to the number of Board members on each Committee, noting that there was difficulty in obtaining that number of members on some committees. He suggested changing the minimum number of Board members to three. He stated that he agrees with a maximum number of six Board members as seven members could trigger a quorum.

Gilchrist stated that as the bylaws state there is a minimum of one Board member and noted that the recommendation was to have no less than five members. He clarified that the Board does not have to force three Board members to be on each Committee.

MOTION: Thomas moved, Kroll seconded to adopt the resolution establishing standing committees of the Lake Minnetonka Conservation District.

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) 2021 Meeting Calendar

Schleuning reported that the focus for tonight should be on the regular Board meeting dates as the Committee meetings are subject to change.

Kroll stated that if there is a single day government holiday on a Wednesday, he would ask that the Board meeting not be shifted.

Schleuning commented that she did not notice any conflicts on the 2021 calendar.

Anderson stated that in November and December there was only one meeting per month. He stated that perhaps the Board meeting every third Wednesday as that would alleviate some of the pressure on staff to prepare for meetings so close together.

Hoelscher suggested that the Board vote on this calendar tonight and stated that the Operations Committee could review and discuss that suggestion.

Anderson agreed.

MOTION: Thomas moved, Kirkwood seconded to adopt the 2021 LMCD Public Meeting Calendar 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	aye

Motion carried unanimously.

C) 2021 Appointments for Legal Services, Auditor, Bank Depository, Official Newspapers

Schleuning reported that this item typically appears on the Consent Agenda, but the prosecuting services were proposed on a four-year contract rather than a one-year contract, therefore she wanted input from the Board. She also provided clarifications regarding the 2.8 percent increase for the auditing services.

Thomas asked Cook for input on the prosecuting attorney services proposal.

Cook confirmed that it sounds like a good decision financially.

Hoelscher stated that she would support staying with the one-year contract and felt that the rates were still reasonable at the one-year proposal.

Anderson agreed with Hoelscher.

MOTION: Thomas moved, Walesch seconded to approve one year appointments and designations for 2021 as follows: Kennedy and Graven Chartered as the Civil Attorney; Tallen and Baertschi as the Prosecuting Attorney; Abdo, Eick and Meyers for Audit Services; Alerus Bank as the bank depository; and Sun Sailor as the official newspaper for legal notices.

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.

D) Big Island Buoy Replacement Funding for 2021

Schleunig reported that there has been a request from Hennepin County to cost-share replacement of the buoys near Big Island, specifically the ones required by LMCD Code for navigation and safety. She stated that Save the Lake discussed this topic, and the recommendation was to authorize up to \$5,000 for the replacement of the buoys from the general administrative fund account and/or using reserve funds if necessary. She stated that Hennepin County will be spending \$10,000 for replacement of other buoys around the lake. She stated that Save the Lake recommended that the LMCD acquire and purchase the buoys directly through the company.

Baasen explained that Save the Lake recommended that the purchase be made directly as the member cities do not want to see funds going back to Hennepin County.

MOTION: Cook moved, Baasen seconded to fund up to \$5,000 for replacement of navigation and safety buoys at Big Island from the general administrative fund account, purchasing the buoys direct and making a budget amendment as such.

VOTE: A roll call vote was performed:

Anderson	nay
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.

13. TREASURER REPORT

Cook had nothing further to report.

14. EXECUTIVE DIRECTOR UPDATE

A) AIS Prevention Grant Applications

No comments.

B) Other Updates

Magnuson stated that the previous day there was an awards ceremony recognizing four people that helped to rescue someone on Lake Minnetonka this summer. He reviewed the four individuals, three of which were employees of Tonka Built, that responded to the area and provided a summary of the incident. He commented that those individuals took quick action and acted selflessly in order to save the life of a boater.

Schleuning commented that Tonka Built also assisted in removing hazardous dock structures and pollutants. She stated that water levels will not be reported again until 2021 as the station has been closed for the winter. She stated that volunteers assisted in installation of winter signs. She stated that there has been feedback on the winter activity on the lake noting that people do come to the website to review the winter rules. She noted that four pages were added to the winter rules brochure. She reported that the Save the Lake fall solicitation letter was mailed on November 20th. She provided updates on the deicing license renewals and multiple dock license renewals, noting that the deadlines for both applications have passed.

Newell commented on a discussion he had with a representative from Hennepin County related to AIS management and prevention and the possibility of using drones. He stated that an RFP was developed for one bay and the proposal came back at \$43,000. He commented that even with the Hennepin County cost-share, the cost was too high. He stated that the proposal was reduced to \$20,000, but that cost was still too high. He stated that they are still looking at using the drone technology for management in the future.

Kroll stated that the drone technology is amazing and is meant to identify plant species.

Newell commented that it is great technology, but they were not able to gain enough partners to support that purchase. He stated that Hennepin County wants to work with the LMCD to expand deployment of additional CD3 units.

Jabbour provided background information on his experience with DNR funding related to AIS. He stated that he does not want the Board to believe that Hennepin County is giving its money to the LMCD. He clarified that the County is the administrator of State money. He referenced the comment that Hennepin County will provide \$10,000 for buoy purchases but noted that is only eight buoys. He stated that public safety and the environment are rights.

15. STANDING LMCD COMMITTEE UPDATE

Aquatic Invasive Species Taskforce: No report.

Communications: Hoelscher stated that the group will meet via Zoom the following day. She provided an update on the time in motion study Zorn is working with Schleuning to develop.

Finance: No report.

Operations: No report.

Save the Lake: Baasen reported that the Communications Committee will be reviewing a draft article about LMCD and Save the Lake to coordinate with the year-end newsletter and solicitation letter. He stated that they are starting to see nice response to the fall solicitation letter. He encouraged the Board members to contribute to Save the Lake.

Nomination: Stone stated that the group is working to solidify a meeting date for the following week.

16. ADJOURNMENT

MOTION: Cook moved, Walesch seconded to adjourn the meeting at 9:45 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	absent
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	absent

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary