

LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS
6:00 P.M., June 23, 2021
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; Michael Kirkwood, Minnetrista; 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: Dennis Klohs, Minnetonka Beach; and Deborah Zorn, Shorewood.

Persons in Audience:

Steve Crumley; Leslie Dennis; Eric Evenson; Gigi Jabbour; and, Andrew Krenzer.

The following usernames were present but the person(s) did not identify themselves: Joe.

1. Review of Unlawful Charter and Rental Operations, Berthing Locations, etc.

Schleuning stated that staff noticed unlawful charter and rental operations the previous year and again this year. She stated that this issue was first addressed a few years ago and provided a summary of the efforts that occurred at that time. She noted that concerns arose last year from Water Patrol and therefore the information created years ago was posted on the LMCD website to make it easy for people to find. She stated that staff and Water Patrol created a list of the offenders and Water Patrol has been making calls to those offenders. She stated that she has a draft press release that she will send to the Communications Committee and agency partners for review. She noted that part of the release includes educational information and reviewed some of the information related to charter and rental operations. She provided details on the berthing locations for commercial operations and noted that there is interest for more residential operations to berth from their residential dock. She noted that commercial dock space is hard to find, and some people would still like to use their boat for their own residential use as well.

Hoelscher asked how many charters are licensed yearly.

Schleuning replied about 17 boats but noted that some owners have more than one boat licensed.

Hoelscher asked where the LMCD receives its authority to license the boats.

Schleuning replied that authority is provided through statute.

Kroll commented that he would like to make it easy for a drunken boater to call for a backup. He asked if there have been accidents or what the real issue is that is causing problems.

Schleuning stated that this would be watercraft for hire charter boats, which is different than an Uber. She stated that if the Board would like to look at Uber rides, staff could look into that.

Hoelscher asked if a water taxi or sober rider is currently permitted.

Schleuning stated that there are not currently provisions for that as the LMCD has not received those types of requests, but staff could look into that.

Walesch commented that if there have not been requests, he did not see a business where someone would be giving Uber rides to a location on the lake. He stated that there are people hiring private drivers for their boats. He stated that in terms of launching a charter service from private neighborhoods, he does not believe that would be a good idea as it would cause issues with parking, noise, and bringing people into a neighborhood in a disruptive manner.

Cook echoed the comments of Walesch. He stated that he is not interested into turning every third residential dock into a commercial enterprise. He noted that most cities have regulations about commercial enterprises in residential areas. He asked how boat clubs enter into this conversation, whether they are regulated and/or licensed.

Schleuning stated that any rental watercraft receives inspections from the Water Patrol and if a captain is provided, all other charter for hire requirements must be followed.

Stone stated that she spoke with a Minnetonka resident that obtained their captain license, had their boat inspected, and have proper insurance. She stated that their only roadblock is this ordinance that says that the boat has to be kept at a commercial marina. She explained that the resident does not want people to come to their house, they would pick up passengers at a bay location. She noted that the only limitation is that he keeps his boat at his home dock. She stated that the resident is attempting to follow the rules and have a business on the weekends taking groups on the water.

Hughes stated that when this arose previously there were large parties at Big Island, where people were swimming out to party and then trying to find someone to take them back in the early morning hours because they swam out.

Hoelscher agreed that she also heard about that in the past but had not heard about that recently. She asked if these licensing provisions only apply to boats carrying six or more people.

Schleuning confirmed that the watercraft for hire generally applies to groups of six or more. She stated that fishing is looked at differently. She commented that if someone has less than six people but is allowing alcohol, a liquor license is required by the State.

Hoelscher asked for details on the staff time required to issue those licenses.

Schleuning stated that most of the charters have existed for quite a while with multiple boats, therefore that process is pretty smooth.

Hoelscher commented that she would hope that the old licenses are given higher priority before staff would look to issue new licenses.

Schleuning commented that it is a balancing act. She stated that the licensed establishments tend to follow a typical timeline to get out on the water, but staff has to ensure that application timelines are met for all applicants. She stated that renewals have dedicated timelines and new application reviews are based on when the complete application is received. She stated that some applications staff currently have are considered incomplete, such as the instance where an operator wants to berth from a residential dock.

Stone commented that she agrees that the resident should not have to dock his 32-foot boat at a commercial facility when he can dock the boat at his residence. She stated that the resident would not be picking up passengers from his residential dock and has met all the other criteria.

Walesch asked where the people are loaded on and off.

Stone replied that the passengers get on in Wayzata or Gray's Bay.

Hoelscher noted that city approvals would be needed for the ports of call.

Walesch asked if it is correct that someone could not keep their boat at their own dock, even if they load passengers at an approved commercial location.

Schleuning confirmed that the boat would need to be docked at a commercial dock in order to meet the current requirements.

Baasen asked if the same licensing and restrictions apply to boats that take people out for fishing and whether those boats could be kept at private docks.

Schleuning stated that those operations are not licensed. She stated that in the past the Board has viewed that not as a charter service but hiring someone that is going to guide people for fishing.

Baasen commented that is a fine line.

Hoelscher asked the thoughts of Water Patrol and how this is being enforced.

Schleuning stated that during the meetings with different agencies it has been discussed that the LMCD

should provide stickers to licensed charter boats. She noted that sometimes Water Patrol is recognizing boats that have been advertised without the charter license and sometimes those boats are being stopped for other issues.

Hughes referenced a boat that would deliver pizza and asked where that type of boat would be stored.

Hoelscher noted that is the next agenda item and will be discussed after this item.

Cook stated that it is unfortunate that people are breaking a rule by parking their boat at their own house, as that is not the intention. He stated that he is concerned with the exemption for one use and not another. He asked what the group is trying to protect the lake from in this regard.

Schleuning reviewed some of the concerns related to safety.

Hoelscher commented that there is an unfair competition aspect as some boats are required to follow this process, but others seem to be allowed to provide service without this type of regulation.

Thomas arrived.

Walesch asked if those safety concerns are already illegal and prohibited.

Schleuning confirmed that to be true. She stated that the intention tonight was to provide an update and obtain an opinion from the Board as to whether residential docking should be allowed.

Walesch stated that he would have no interest in allowing these types of operations in residential settings. He commented that the situation Stone described seems to be a technicality and is not practical. He stated that if someone is licensed and meets the other criteria, he does not see why a boat should be stored in a public marina as loading does not occur at a private home.

Hoelscher noted that would require a Code clarification.

Walesch stated that he would support that as it does not seem to be a criteria as long as loading does not occur at the residential dock.

Hoelscher asked if the Board would support a change in the Code to store a boat in a residential setting as long as passengers are not picked up at the residential dock.

Anderson commented that it is good and well to say loading will not occur at the residence but the captain and perhaps caterer would load from the residence before picking up passengers at the port of call. He stated that he would support a larger setback for that type of use.

Hoelscher agreed that if someone is using their boat for commercial purposes, it could be more activity than a typical residential use.

Thomas stated that he is not opposed to changing the Code to allowing berthing at a residential property but does think the Board should pause and think about this a little more. He stated that perhaps a proposed ordinance change could be drafted and reviewed at the next meeting. He commented that if someone wants to get into the charter business, all regulations should be met. He stated that he has visited some websites for charters, and it clearly states there is a higher price because they know they are acting illegally. He stated that the ordinance either needs to be enforced or amended in a rational manner.

Hoelscher stated that there is a variance procedure that is followed when a dock does not meet the criteria within the Code. She asked if a similar process could be followed for those that want to dock their boat at a residential property.

Gilchrist stated that he would not recommend that as it would be considered a use variance which is prohibited. He stated that if the intention is to allow the activity, the ordinance should be amended with provisions.

Stone stated that additional language could be added to make it more specific, that if a boat is berthed from a residential property, the property owner must be a licensed captain, not have a caterer board at the residence, and all other regulations must be met.

Thomas stated that if the passengers are going to bring alcohol on board, a consumption license would be required similar to Paddle Tap. He stated that if alcohol is going to be supplied, an alcohol license would be required.

Stone agreed that those regulations would need to be followed as well.

Hoelscher stated that she is concerned with the complexities that would be required to amend the Code. She asked if someone could pick up five people at a public boat dock.

Schleuning stated that technically no. She stated that if any alcohol is going to be allowed, a license would be required. She stated that the watercraft for hire language does not include a number of people, but State law regulates six or more.

Hoelscher stated that the LMCD needs to be consistent, whether it be fishing or charters. She asked if the Board would support a certain number without license.

Thomas stated that perhaps the LMCD ordinance should match the State language of six or more passengers.

Gilchrist commented that consistency works. He noted that the LMCD could be stricter or could mimic the State regulations.

Baasen stated that he believes that the Board is looking at this from the wrong direction. He stated that the number one emphasis on licensing is on safety. He stated that he would caution against making different classes of charter boats and would want people to follow the same regulation. He stated that he would be in favor of allowing someone to keep their boat at their residence with certain regulation but would still want the proper license to be obtained.

Walesch asked what the Board is trying to fix as the safety elements are already prohibited by ordinance. He stated that Stone brought up a change that seems minor and Anderson brought up additional items to consider.

Schleuning agreed that berthing location is the main discussion. She stated that if residential berthing locations is going to be allowed, staff would have other items to consider.

Stone stated that this seems to be a loophole when someone has met all the other requirements to charter and take people out on their own boat from another location but parks their boat at their own residence.

Walesch agreed that seems like something the Board could take a look at. He confirmed that there is no interest in allowing passengers to board from residential properties.

Schleuning commented that she would strongly recommend against considering residential boarding as well.

Hoelscher asked if anyone else is concerned with the definition of watercraft for hire, as the LMCD does not specify a number of passengers. She stated that she would prefer to follow the State guideline of six or more.

Anderson asked if something was allowed in Seaton Channel.

Schleuning noted that property is multi-zoned commercial/residential.

Anderson stated that he met with Water Patrol staff with Schleuning, and Water Patrol commented that it is almost impossible to identify unless someone admits that they hired the boat. He stated that Water Patrol would like a statement that they are cracking down on illegal charters with increased enforcement to follow, which will help to detract people from this activity.

Schleuning confirmed that she has a draft press release that will go to the Communications Committee for review.

Hoelscher stated that there seems to be support for residents to berth a boat from their private residence if the other elements discussed could be met. There is also support in perhaps providing consistency in the number of passengers to match the State language of six or more.

Schleuning noted that staff will bring back additional information for the Board to review.

Walesch commented that he has not seen or heard a problem related to the fishing boats and would be in favor of continuing to allow that as is. He noted that typically those boats have less than six passengers.

2. Update Regarding Sales on the Lake Code Amendment

This item will be postponed for lack of time.

The work session was adjourned at 6:59 p.m.

FORMAL MEETING

7:00 p.m.

1. CALL TO ORDER

Chair Thomas called the meeting to order at 7:03 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; 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: Dennis Klohs, Minnetonka Beach

Persons in Audience:

Aaron Bean; Steve Crumley; Leslie Dennis; Meg Duhr; Eric Evenson; Sheriff David Hutchinson; Gabriel Jabbour; Gigi Jabbour; Matt Johnson; Susanne Johnson; Andrew Krenzer; Bill Naegle; and, Shawn Wischmeier.

The following usernames were present but the person(s) did not identify themselves: Bill, Dan's iPad, and Joe.

4. APPROVAL OF AGENDA

MOTION: Hoelscher moved, Thomas 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	absent
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas thanked Hoelscher for Chairing the workshop tonight as he was late to arrive.

6. APPROVAL OF MINUTES- 05/26/2021 LMCD Regular Board Meeting

MOTION: Cook moved, Kirkwood seconded to approve the 05/26/2021 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	absent
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye

Zorn abstain

Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Kroll moved, Cook seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (06/01/2021 – 06/15/2021) and (06/16/2021 – 06/30/2021); **7B)** Resolution Accepting Save the Lake Funds (04/06/2021 – 06/14/2021); and **7C)** Approval of 2022 LMCD Budget.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

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

Meg Duhr, Minnesota Aquatic Invasive Species Research Center, provided an update on the campaign to stop the spread of the spiny waterflea. She provided details on their current campaign and noted that they have an interest in Lake Minnetonka because they believe it is vulnerable and reviewed some of the supported reasoning. She stated that they have been working with partners to help educate the public and are interested in partnering with the LMCD to increase prevention efforts. She stated that their main target is recreational anglers, and the Swedish dish cloth is the best element to help stop the spread noting that they are currently out of the cloths, but they would like to purchase more to pass out to anglers to help with prevention.

Schleunig noted that there is an item on the agenda for the Board to consider tonight related to the potential purchase of the Swedish dish cloths. She stated that the LMCD could place its logo on it and pass out the

cloth at local events and fishing tournaments.

Thomas stated that he watched some of the videos today on how the fishing line could be wiped off and asked how much of the line would need to be wiped off.

Duhr replied that it would depend. She stated that the spiny waterflea mostly accumulate on trolling line.

Steve Cromley, 19117 Collington Road in Minnetonka, commented that he is present to discuss the workshop item related to small charters. He stated that he believes that this is an important service that could be made workable for everyone. He stated that no one is proposing to pickup guests from their home or having catering trucks or captains load from their home. He stated that small charters would be where you invite friends or friends or friends on the boat and they chip in for gas or buy you dinner in return. He noted that under the definition that would qualify as a charter. He stated that he has been certified and obtained official licenses for everything with the exception of the LMCD. He stated that he has a capacity of 15, including he and his wife, therefore, they would not have more than 12 other guests and are more comfortable with a group of eight guests. He stated that they would like to provide a safe and fun way for people that do not own boats to learn about and enjoy the lake. He stated that he believes that he and his wife can offer good things to the community and would not compete with the large charter operations. He stated that they would provide a custom itinerary that only a smaller boat could navigate, along with swimming. He agrees that there should not be commercial activity in a residential neighborhood and did not believe they would cause impact to their neighbors. He stated that the only problem he is encountering is that they do not store their boat in a commercial dock location. He stated that they cannot obtain their liquor license until the LMCD approval is obtained. He noted that they have met all other safety criteria and licenses. He stated that Wayzata and Excelsior would allow their docks for use as ports of call if they pay them a fee to use the commercial docks, which they would do if they can obtain approval from the LMCD. He asked that the Board treat this with a certain amount of urgency as the current process is confusing and long. He noted that he began working on this in January and is still not at the point of approval. He stated that many boats are operating illegally and unsafely. He realized that while fishing boats typically do not carry more than six passengers, they do carry passengers in their boats and did not see the difference. He stated that there should be consistency to ensure everyone is treated in the same manner.

Erik Evenson, Director of Lake Minnetonka Association, commented that the LMA sent a letter to the Board in anticipation of a pilot project to allow an expansion of sales and deliveries on the lake. He realized that the Board is not discussing that but would want the opportunity to discuss their concerns. He stated that he would be willing to sit down with the Chair and staff to discuss their concerns. He noted that it seems like the cart is before the horse in this situation. He stated that the materials have not defined whether the LMCD has the authority to issue licensing for this activity. He noted that the second question would be whether this should be done and did not think the pilot program would be the appropriate format to determine whether it should be done. He stated that the whole issue of expanding sales has profound long-term impacts on the general welfare, safety and use of Lake Minnetonka.

Anderson noted that Sheriff Hutchinson is in attendance from Arizona and there are some items that he would like to discuss related to the Treasurer's Report. He asked if that could be done now prior to the public

hearings.

Thomas confirmed that could occur.

13. TREASURER REPORT

Anderson stated that some of the members of Save the Lake have discussed raising funds through Save the Lake but have not come to an agreement on how that could be done. He stated that he is concerned with the funds identified for the next year which has not been earmarked for extra Water Patrol deputies. He stated that there has also been discussion of recognizing donors. He acknowledged people that contributed to the 2022 Save the Lake Water Patrol fund including Dock and Lift, Inc., Tonka Bay Marina, Al & Alma's Charter Company, Martin and Anne Davis, Bean's Greenwood Marina, Howard's Point Marina, Lord Fletchers, Maynard's Restaurant, Excelsior Bay Harbor, Lindbo Landing, Excelsior Marina/500NNL, Matt Johnson, Your Boat Club, North Shore Marina, Crosspoint Marine Company, Rockvam Boat Yards, Wayzata Marine, Niccum Dock Service, Boatworks Marina, The Caribbean Tonka Bay, Diamond Reef Watersports aka/Bay to Bay Boat Club, T & T Boatworks, and 5th Street Ventures. He stated that in total \$60,500 has been collected towards 2022 Water Patrol activity. He asked that the Board accept the donations towards the 2022 Water Patrol services.

MOTION: Cook moved, Kroll seconded to accept \$60,500 in donations received through Save the Lake to be earmarked for use for 2022 Water Patrol services.

Further discussion: Gilchrist commented that this will need to come back before the Board on the Consent Agenda as donations need to be accepted by resolution but noted that the motion could still proceed.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	absent
Kroll	aye
Newell	aye
Stone	aye
Thomasa	ye
Walesch	aye
Zorn	absent

Motion carried unanimously.

Sheriff David Hutchinson stated that he wanted to say thank you. He stated that this partnership shows how important Lake Minnetonka is to the community and the County. He stated that with the challenges that Hennepin County continues to face, this helps to support the mission in making Lake Minnetonka safe and fun.

Thomas thanked the efforts of the members of Save the Lake that solicited these funds and to those that provided donations to help make Lake Minnetonka a safer place.

Baasen congratulated the members of Save the Lake that took the initiative to solicit the donations. He stated that there is more money to be raised and hoped that the other members of Save the Lake and the Board could assist in that mission.

Anderson read a letter drafted to Sheriff Hutchinson related to increased lake use and the prioritization of safety which causes the desire for increased deputies which will be funded through donations of lake stakeholders.

Walesch commented that these members went above and beyond to seek out these donations which supports the mission to keep the lake safe. He expressed thanks and appreciation.

Gabriel Jabbour commented that he appreciates the thanks and appreciation from the Board but noted that he learned through this that the stakeholders appreciate and support the work of the Water Patrol. He stated that having a good cause brings people together in support and looks forward to additional causes that the community can unite to support.

Zorn thanked the stakeholders and community members, noting that this donation makes a huge difference and does not go unnoticed.

Thomas again thanked the Save the Lake members, those that donated, along with Sheriff Hutchinson and the Water Patrol team.

Sheriff Hutchinson thanked everyone and stated that he is excited to see the support of this continued partnership.

9. PUBLIC HEARING

A) Public Hearing for New Multiple Dock Application for Qualified Commercial Marina, The Yacht Club, 4165 Shoreline Drive (PID 18-117-23-44-0022) Spring Park, MN 55384

M. Cook presented a request from the Yacht Club in Spring Park Bay. He noted that this is an existing site with an existing license and advised that a few updates would be desired to support the use. He stated that staff recommends that this action be continued, noting that the applicant supports that action. He provided background information on the site and use and displayed the 2018 configuration of the dock along with the currently approved Site Plan. He stated that staff inspected the site the previous week and although the

layout does not exactly match the approved site plan, it seems to have existed for the past 20 years. He stated that once that issue was identified the applicant chose to apply for the proper elements that would support the current configuration. He stated that staff recommends continuance in order to obtain drawings that match the current dock configuration and setback measurements. He stated that the multiple dock criteria are included in the packet. He stated that this would be a change to the record to match what is in the ground and has existed for the past 20 years. He reviewed the agency comments received.

Schleuning commented that staff would strongly encourage a continued hearing in order to allow the city to review the zoning. She stated that the applicant has also requested that action. She welcomed any feedback the Board may have for staff to consider in the meantime.

Gilchrist stated that if the Board is inclined to continue this, it should be specified as to when this would be continued to. He recommended that public comment be received when the hearing is continued.

Schleuning asked if a survey could be completed prior to the next meeting.

Leslie Dennis, general partner of Yacht Club LLP, stated that she has contacted Dan Sather from Sather Berquist to complete the survey of the dock as described in option one of the staff memorandum. She stated that she does have the proposal from Mr. Sather which she has signed.

Thomas commented that the next meeting would be July 14th and asked if the survey could be completed prior to that time.

Ms. Dennis replied that would be her goal.

Schleuning stated that LMCD would need the survey by July 7th to ensure it could be included in the packet. She stated that the other option would be the July 28th meeting and staff would need the survey by July 21st.

MOTION: Anderson moved, Walesch seconded to continue the hearing to a future meeting for potential approval of the existing dock to the July 28, 2021.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	absent
Kroll	aye
Newell	aye

Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

- B)** Public Hearing for a New Multiple Dock Application for Partial Change in Classification, Lord Fletcher's Old Lake Lodge, 3746 Sunset Drive (PID 17-117-23-31-0049) Including 3800, 3804, and 3810 Budd Lane (PIDs 17-117-23-23-0024, 17-117-23-23-0025, and 17-117-23-23-0029), Spring Park, MN 55384

M. Cook presented a request from Lord Fletchers at 3746 Sunset Drive for an update to the multiple dock license and partial change in classification. He provided background on the site and request. He stated that the applicant requests to change the classification of two BSUs from transient to other to allow overnight storage for business use. He stated that the applicant currently holds and proposes to continue the special density permit. He displayed the 1991 site plan along with minor changes approved by the Board in 1997 and 2018. He stated that no proposed changes are proposed for the dock structure. He identified the two slips that would be proposed to allow overnight storage. He stated that there would be no changes to density, setbacks, or the structure. He stated that no comments were received from public agencies or residents. He stated that the site owner received a comment from a neighboring property owner and at that request the owner slip was moved to another location on the site as shown on the request. He stated that staff recommends approval with the conditions noted in the staff report.

Anderson asked and received confirmation that staff recommends approval.

Thomas opened the public hearing at 8:04 p.m. No comments were offered, and the public hearing was closed at 8:04 p.m.

MOTION: Anderson moved, Walesch seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving the multiple dock license applications from Lord Fletcher's for the property located at 3746 Sunset Drive in Spring Park for final action at the July 14, 2021 LMCD Board meeting.

Further discussion: Hughes stated that the city would like to postpone this for another month after additional review by the City Administrator. He stated that he has a four-page document he sent to Schleuning related to the additional information they feel is necessary.

Walesch stated that he would be interested in hearing more from staff.

Anderson stated that there are two things in Spring Park, one is the Yacht Club, and one is Lord Fletchers. He believed perhaps the city was opposed to the Yacht Club.

Schleuning commented that she agrees that the zoning discussion was meant to apply to the Yacht Club

request which has been continued.

Thomas asked if Hughes could have mixed up the requests and perhaps the requests from the city were related to the Yacht Club.

Hughes commented that he believes the comments are related to Lord Fletchers.

Schleuning stated that she does not believe she has seen comments related to Lord Fletchers but did receive comments from Spring Park related to the Yacht Club.

Thomas commented that there is a motion and second and therefore a vote would need to be taken. He stated that the representative from Spring Park has stated that the Mayor and City Administrator have concerns and would like this postponed for one month. He stated that there are comments that perhaps the two requests were mixed up because they are both located in Spring Park. He asked for input from legal counsel.

Walesch asked if this could be approved tonight, as that directs staff to bring the item back at the next meeting for approval.

Gilchrist confirmed that the action simply provides direction to draft the information to come back to the Board to review and approve on the next Consent Agenda. He stated that if it is confirmed that there is an issue with this request, the item could be removed from the Consent Agenda at the next meeting for further discussion.

Thomas noted that would provide three weeks for Hughes and Spring Park to provide their concerns as to why this should not be approved.

Schleuning noted that she just spoke with the Mayor of Spring Park and confirmed that the concern was related to the Yacht Club and not Lord Fletchers.

VOTE: A roll call vote was performed:

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

Walesch aye
Zorn aye

Motion carried.

10. OTHER BUSINESS

Kroll commented that Excelsior will be holding an Apples and Art by the Lake Festival in September noting that there will be a shared booth and hoped the Board could attend and show support.

Thomas noted that this was included in the budget and is a supported activity by the Communications Committee. He stated that Kroll has volunteered to lead the booth and welcomed any other members that would like to participate.

11. OLD BUSINESS

There was no old business.

12. NEW BUSINESS

A) Consideration of Distance Buoys at Public Launches

Schleuning reported that there was a review of the high-water declaration best practices and one item that arose from that discussion was helping people identify distances, noting the suggestion for distance buoys. She stated that in discussion with Water Patrol they suggested using a distance marker at public launches as that can be educational and also assist with enforcement. She stated that this request would be for three light/buoy systems to be used in three locations as a pilot with a cost of up to \$3,000. She noted that another option would be to authorize up to \$10,000 which would provide additional markers. She reviewed potential locations for the markers.

Kirkwood suggested that perhaps signage be provided at the shore to provide additional education.

Newell asked who would be responsible for the installation, removal, and maintenance of the buoys.

Schleuning commented that the responsibility would fall to the LMCD, but the Water Patrol would assist. She stated that following the pilot program perhaps the County would be willing to partner moving forward.

Anderson stated that the Save the Lake budget includes funds for additional buoys in 2022. He stated that \$84,000 has been committed to Water Patrol for this year. He asked if the buoys would come from Save the Lake or how the buoys would be funded. He asked who has requested the markers.

Schleuning stated that Mound has requested a buoy and other requests have been received. She stated that the concept came about as an element that could help to identify distances and increase education.

Anderson commented that if Mound wants buoys, the city should fund that cost and install the buoys.

Schleuning stated that her hope was to be more standardized and have something consistent across the lake.

Anderson stated that the discussion was related to high wake and in that instance, Hennepin County provides the buoys.

Brandt commented that the proposed launch is popular for jet skis and part of the benefit would be that it would allow an enforceable measurement for Water Patrol. He stated that he likes this in terms of education and the benefit it would provide for enforcement. He stated that he shares the concern with where the funding would come from but believed that this would add value.

Thomas stated that there is an equipment reserve fund with a healthy balance that was rolled into one reserve fund.

Anderson commented that Save the Lake has always fundraised for buoys, Water Patrol, and safety.

Thomas stated that he believed that the discussion was that those items would be funded through the general fund in the future based on the recommendations from the Finance Committee.

Anderson commented that those items were funded through the general fund in 2020. He stated that there are funds in the general fund but if that is a city area, the buoy should be supplied by the city.

Cook commented that if the suggestion is for the LMCD to fund the buoys with 2021 funds, it would come from the reserve fund, and he believes that would be appropriate. He stated that he does get nervous about putting buoys everywhere because there are plenty of buoys on the lake that do not have a known purpose. He stated that it is often difficult to tell which side of the buoy you are supposed to be on. He commented that it is important for the Water Patrol to be able to identify where 150 feet is on the lake but noted that Water Patrol did not have any issue stopping the Mayor of Greenwood in the past for going too fast within the 150-foot area.

Thomas stated that he does not appear to hear much support for the pilot program, but that there would be no objection to Mound placing its own buoy.

Brandt asked if the concept of the three buoys is that they would be movable or stay in the same spot for the entire season. He asked if the buoys would be movable based on the number of complaints received.

Thomas stated that he has not heard support for the LMCD getting into this type of program, but if Mound wants to do so, the Board would not object to that.

Schleuning stated that the concept was that the buoy could be movable, but these locations were to be used to monitor and determine if this would be effective. She stated that if there are hot spots with a large number of complaints, the buoys could be moved in attempt to increase education related to distance. She stated that part of this concept was to provide consistency rather than each city doing their own efforts.

Brandt asked if the education would support Water Patrol or the cities.

Schleuning stated that the benefit would be to the entire lake as it would help to teach people what that distance looks like.

Newell commented that if this is done there needs to be consistency rather than allowing each municipality doing something on its own.

Thomas asked what the buoy would look like or say.

Schleuning commented that similar to Big Island where there is a 600 feet buoy would be used. She stated that staff would work with Hennepin County to find a style that would have more surface area to ensure the number is readable.

Thomas commented that there would be some rationale to having the LMCD do this to provide consistency. He noted that many people are not aware that you cannot go full throttle prior to 150 feet, let alone know where that distance is. He stated that there would be a large demand for this type of buoy which could lead to overload.

Schleuning stated that this would only be proposed for public launches to help educate the members of the public entering the lake.

Walesch asked for clarification on who is requesting this and what the request is.

Schleuning stated that LMCD staff handles many complaints and spoke with the Sheriff's Department to find ideas that could help to educate the public and provide better enforcement opportunities on the lake. She stated that the busier launches were recommended to be used as a pilot. She stated that the intention is to better educate the public.

Anderson commented that if an indicator of distance is desired, the additional buoys could be provided near Big Island. He believed that those would be seen by more people. He referenced other bays which tend to have more visitors.

MOTION: Anderson moved, Cook seconded to deny the request to purchase buoy/light systems or other product to be used as distance markers at public launches as a pilot program.

Further discussion: Kirkwood stated that he would support the staff suggestion, using the three launch locations as a pilot program to determine if this type of education can provide benefit.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	nay
Brandt	nay

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

Motion failed.

MOTION: Kirkwood moved, Baasen seconded to authorize the request to purchase buoy/light systems or other produce to be used as distance markers at one or two public launches as a pilot program up to \$3,000 with additional signage on the shore of the launch site that clearly indicates the purpose of the buoys.

Further discussion: Hoelscher stated that she does not think it is a bad idea and agrees that it could be educational. She questioned whether this is a priority and whether staff has the time to take this on or whether Water Patrol or Hennepin County should take the lead with LMCD participating.

Anderson commented that he agrees with Hoelscher. He stated that the Strategic Plan is not yet complete and did not recall this action within the plan. He commented that using staff to complete this pilot project would take staff time away from other actions. He believed that a request should come from the Sheriff's Department for this program.

Newell stated that if this moves forward, how would it be measured whether this is effective.

Schleuning stated that if this works the number of complaints would be reduced at the location. She stated that she has been to the site to monitor and there are violations occurring. She stated that a lot of times when people are stopped, they state that they were not sure where 150 feet was, therefore this would make it clear and assist in enforcement if that is needed. She stated that the Water Patrol also supports this concept. She stated that these markers could be used to help show distance to prevent issues with wakes. She believed that it would be reasonable to start with a couple of locations to determine if it would be helpful at other locations.

VOTE: A roll call vote was performed:

Anderson	nay
Baasen	aye
Brandt	aye

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

Motion carried.

B) Consideration of AIS Prevention and Lake Safety Promotion Activities

Schleunig reported that LMCD met with other partners to discuss preventing the spread of spiny waterflea as mentioned in the earlier presentation. She stated that the Swedish dish cloths could be printed with the LMCD logo and given out at events and fishing tournaments to encourage use.

Anderson echoed the comments from the buoys that staff does not have time for this.

Brandt commented that his company employs watercraft inspectors that have provided similar cloths to wipe down boats and water equipment that have been printed with the clean, drain, dry moniker. He stated that this increases awareness and are a huge hit with boaters. He noted that boaters will seek out inspectors to request the cloths.

MOTION: Brandt moved, Kirkwood seconded to authorize the purchase up to \$3,000 of Swedish dishcloths for the prevention of aquatic invasive species spiny waterflea printed with the LMCD logo and research information.

VOTE: A roll call vote was performed:

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

Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

C) Lease Agreement with City of Wayzata

Schleuning reported that staff has been in contact with the City of Wayzata to determine when the room would be available for use by the Board. She stated that the room would be available in August and noted that the agreement would be prorated to fit with the actual use of August through the end of the year.

Thomas asked if the LMCD would be required to meet in person once the executive powers of the Governor are lifted.

Gilchrist stated that the Chair could make the determination that it is not prudent or feasible to meet in person because of a declared pandemic. He stated that the health pandemic has not gone away just because the emergency powers have gone away and therefore the group could probably meet once or twice more after that time but agreed that the time of virtual meetings is running out.

Thomas asked if the group could choose to continue in a hybrid format.

Gilchrist commented that only works if electronic meetings are still allowed. He stated that once in person meetings resume there is limited abilities for someone to attend remotely which would require the remote attendee's location to be disclosed and open to the public.

Thomas noted that attendance has never been better than Zoom.

Kroll stated that he would caution against stating that a pandemic is still underway. He asked what test would be used to state this is still a pandemic.

Gilchrist commented that the state of civil emergency is still in effect, which is one of the tests met to allow electronic meetings.

MOTION: Thomas moved, Kroll seconded to direct LMCD Board Chair and staff to finalize and execute the agreement with the City of Wayzata for use of the Community Room and video production studio.

VOTE: A roll call vote was performed:

Anderson	nay
Baasen	nay
Brandt	aye
Cook	aye

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

Motion carried.

Walesch commented that he has attended many meetings where there is hybrid participation allowed. He asked if there would be a way to support a hybrid meeting. He believed that staff should look into the option.

Gilchrist commented that this experience has been during the pandemic when the hybrid method is allowed. He stated that once the electronic meeting element goes away, a separate statute is used that requires remote attendees to disclose their location and make it open to the public.

Hughes stated that he likes the ability for people to attend via Zoom when others attend in person but believed there should be discussion with the cable company that covers the meeting to determine if that have that technology available.

Thomas stated that there are questions of may we and can we.

Schleuning stated that she spoke with the representative at LMCC and there are options for hybrid models with members of the public allowed to participate remotely. She stated that she is not aware if Wayzata has that capability. She stated that the equipment costs would be about \$3,000 if the Board feels that would be appropriate to invest in.

Kroll stated that he likes to attend in person but believes it should be made convenient for everyone, therefore he would support the additional equipment purchase.

Thomas asked Gilchrist to provide additional details in a memorandum as to what would be needed in order to hold a public meeting in hybrid format following termination of the executive order.

Gilchrist noted that his comments only applied to Board members participating electronically and having to disclose their location and would not apply to members of the public that attend remotely.

Schleuning stated that the State law was tweaked for State meetings and asked if there would be interest in requesting a change to the statute to continue to allow electronic meetings.

Thomas commented that seems to be a difficult task.

Schleuning stated that perhaps there is a different view following COVID.

13. TREASURER REPORT

Moved to earlier portion of the agenda.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Wayzata Panoway is moving forward
- USGS is looking at potential projects in Maxwell and North Arm Bays similar to the Saint Albans project
- University of Minnesota is completing boat generated wake research and it will be six to nine months before the report is published
- With lower water levels and warmer temperatures, carp have been migrating in spurts
- Wildlife Forever will attempt to prevent the spread of invasive species through proper bait management
- Weed pulling event at Excelsior Commons on Saturday, August 21st
- Save the Lake media release went out today detailing efforts and donations for Water Patrol Services

A) New Website Overview

Schleuning provided a highlight of the website improvements that have been made. She expressed appreciation for all the feedback she received throughout this process.

Cook commented that Schleuning, M. Cook, Stone, Newell, Anderson and Cook test drove a 2007 Lund fisherman boat that they are contemplating purchasing. He noted that authorization was received from the Board to purchase a new boat. He commented that this is a used boat that would have room for six and would allow buoy maintenance. He stated that the purchase price is about half of the price authorized by the Board. He stated that they will move forward with the purchase agreement and taking possession of the boat.

Schleuning stated that staff learned this week that Andrea Rehm will be leaving the LMCD in about three weeks as she will be going to England to earn her master's degree. She stated that staff has been discussing how the transition can occur.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt stated that the website redesign will be a boost to water quality and AIS with the additional information and will be a great resource for the cities and residents. He thanked the Board for the support on the spiny waterflea cloths. He stated that he and Cook participated in a call earlier this week with Sara Noah to recap the conversations she had with the Board and to work on the strategic plan moving forward to wrap up her work on the AIS master plan. He stated that the next steps would be to present to the Officers meeting on July 7th and then work to schedule a TAG meeting later in the summer with the details to be determined at a later date.

Communications: Hoelscher echoed the comments related to the website, noting that it will be a great method for communication. She hoped that the Board continues to provide feedback as they use the website. She stated that the Committee meets the following morning at 9 a.m.

Kirkwood noted that the April minutes were provided in the packet, but the May minutes were not included.

Hoelscher noted that the May minutes have not yet been approved and only approved minutes are included.

Thomas noted that if the Committee desires, the draft minutes could be included and marked as draft for the Board to review.

Finance: Anderson stated that he has photographs of the boat mentioned by Cook. He stated that he would like to make a motion to purchase the boat.

Cook noted that the Board already provided the authorization to purchase the boat.

Anderson displayed photographs of the boat.

Thomas confirmed that the Board already authorized the purchase of a boat up to \$50,000.

Operations: Zorn stated that a draft version of the Strategic Plan was included in the packet and will be reviewed with the Board in July.

Save the Lake: No report.

16. ADJOURNMENT

MOTION: Kroll moved, Kirkwood seconded to adjourn the meeting at 9:24 p.m.

VOTE: A roll call vote was performed:

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

Thomas	aye
Walesch	absent
Zorn	aye

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary