



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

AGENDA - *AMENDED
WORK SESSION AND FORMAL MEETING
LAKE MINNETONKA CONSERVATION DISTRICT
Wednesday, January 22, 2020
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

WORK SESSION AGENDA

6:00 p.m.

The purpose of the Work Session is to allow staff to seek input from the Board and for the Board to discuss matters in greater detail than generally available at the formal Board Session. The Board may give staff direction or express a preference, but does not formally vote on matters during Work Sessions. While all meetings of the Board are open to the public, Work Session discussions are generally limited to the Board, staff, and designated representatives. Work Sessions are not videotaped. The work session may be continued after the formal meeting, time permitting.

1. Oath of Office-Michael Kirkwood (Minnetrista)
2. Conduct a closed session with attorney and defense counsel pursuant to the attorney-client privilege as authorized by Minn. Stat. § 13D.05, subd. 3(b). The purpose of the closed session is to seek and receive legal advice related to strategy and options in response to the recent threat of litigation by Steve and Sunhi Schussler.
3. Deicing Workgroup Update
4. Deicing Code Amendment Request

FORMAL MEETING AGENDA

7:00 p.m.

The purpose of the Formal Session is to allow the Board to conduct public hearings and to consider and take formal action on matters coming before the LMCD.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CHAIR ANNOUNCEMENTS**

6. **APPROVAL OF MINUTES (01/08/2019) LMCD Regular Board Meetings**
 7. **APPROVAL OF CONSENT AGENDA**
 - A) Audit of Vouchers (01/16/2020 – 01/31/2020) - *ADDITIONAL ITEM
 - B) Resolution Accepting Save the Lake Contributions (12/28/2019 - 12/31/2019)
 - C) Acceptance of LMCD 2019 Watercraft Inspection Program Report
 8. **PUBLIC COMMENTS** – Persons in attendance for subjects not on the agenda (**limited to 5 minutes**). *Audience members may provide information to the Board. Please direct all comments to the Board Chair. The Board generally will not engage in public discussion or act on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.*
 9. **PUBLIC HEARINGS**
 10. **OTHER BUSINESS**
 11. **OLD BUSINESS**
 12. **NEW BUSINESS**
 13. **TREASURER REPORT**
 14. **EXECUTIVE DIRECTOR UPDATE**
 15. **STANDING LMCD COMMITTEE / WORKGROUP UPDATE**
 - Aquatic Invasive Species Taskforce
 - Budget Workgroup
 - Save the Lake Committee
 - Strategic Plan Subcommittee
 - Nominating Committee
 16. **CLOSED SESSION TO CONDUCT PERFORMANCE EVALUATION OF THE EXECUTIVE DIRECTOR PURSUANT TO MINN. STAT. § 13D.05, SUBD. 3(a)**
 17. **ADJOURNMENT**
- Future Items – Tentative**
- Lake Use Vision and Policy Discussion Continuing Series
 - High Water Declaration Regulations- February 2020
 - Slow and No Wake Regulations- February 2020
 - Watercraft Density
 - Lake Sales and Services



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DATE: January 22, 2020

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director *Vickie Schleuning*

SUBJECT: Request for Code Amendment for Deicing Regulations

ACTION

Board discussion regarding deicing regulations, requested code amendment, and provide direction to staff regarding whether the board wishes to further review this item.

BACKGROUND

The current LMCD code generally only allows deicing licenses for commercial types of facilities. There are some allowances in the code to allow any type of facility, including residential, to continue to be eligible for deicing licenses if issued deicing licenses or permanent dock permits in the past during specific time frames. For new permanent dock permits, applicants are advised of their ineligibility to obtain deicing licenses and assume any risk associated with ice or other damage. The risk of ice damage to structures varies by year and location.

The Woodland Cove LLC and Cove Homeowner's Association is requesting a code amendment to add outlot associations to the list of eligible facilities to obtain a deicing license. Their docks are installed through the permanent construction type with machine driven pilings designed to remain in the lake all year. In recent years, they have experienced some damage to their docks due to ice.

CONSIDERATIONS

- How will additional deicing operations on the lake affect public safety considering the potential safety hazards associated with deicing operations?
- Will the eligibility to obtain a deicing license increase the number of permanent docks on Lake Minnetonka?
- Will the increase in the number of deicing operations negatively or unreasonably affect the use and enjoyment of this public resource?
- What types of impacts will neighboring property owners experience?
- What additional LMCD resources would be required if the code is amended to allow additional deicing facilities?

ATTACHMENT

- Letter of Request from The Cove on Lake Minnetonka, dated December 18, 2019
- Map and Layout of Deicing Proposal from The Cove on Lake Minnetonka

December 18, 2019

THE COVE
ON LAKE MINNETONKA

Dear LMCD Board,

I am writing on behalf of Woodland Cove LLC and the Cove Homeowner's Association on Halstead's Bay. Over the past several years we have installed permanent docks in the channel area adjacent to the Cove as shown in our approved plans. For several years there was little to no movement of the docks over the winter and still today many of the docks do not move. However, this past winter 2018-19, we saw some significant movement of the docks and pilings, with the most movement in docks at the north end of the channel which is more exposed to the larger bay, and also at the east end of the docks in the southern part of the channel. We are now concerned that this movement is damaging the dock structures and that this damage will continue into the future. We started inquiring about a deicing permit this summer/fall and after speaking with your staff we realized that it may not be as simple as applying for a permit, that we may first need the LMCD board to consider amending the code to allow deicing for Outlot Associations with permanent docks such as ours.

We think that a simple amendment to the code allowing outlot associations to de-ice would likely be needed. Below is a possible amendment that would allow us to apply for a deicing permit.

10-3.03. Eligible Structures. A deicing equipment license may only be issued for the following structures:

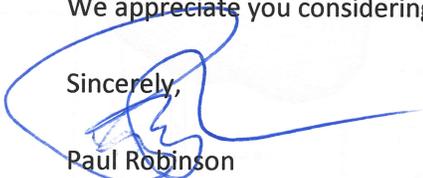
- (a) Commercial multiple docks;*
- (b) Commercial single docks;*
- (c) Docks that were issued deicing licenses for the winters of 2002/2003, 2003/2004 or 2004/2005; and*
- (d) Permanent docks initially issued permanent dock permits between August 17, 2003 and August 10, 2005.*
- (e) Outlot Association Facilities approved with permanent docks.*

As additional background I have attached an area map, a layout of the proposed docks (not all have been installed yet), and a draft of a proposed deicing plan.

We understand that any Outlot Association deicing facility would need to have the same safety requirements as any commercial operator. We would plan to have regular inspection, fencing and signage installed around the open water area and light the perimeter at night. We have spoken with marina owners who deice their facilities and have asked them for advice. In addition to what is listed above they have also recommended using silt curtain to contain the amount of open water area.

We appreciate you considering this request and look forward to discussing it with you further.

Sincerely,



Paul Robinson

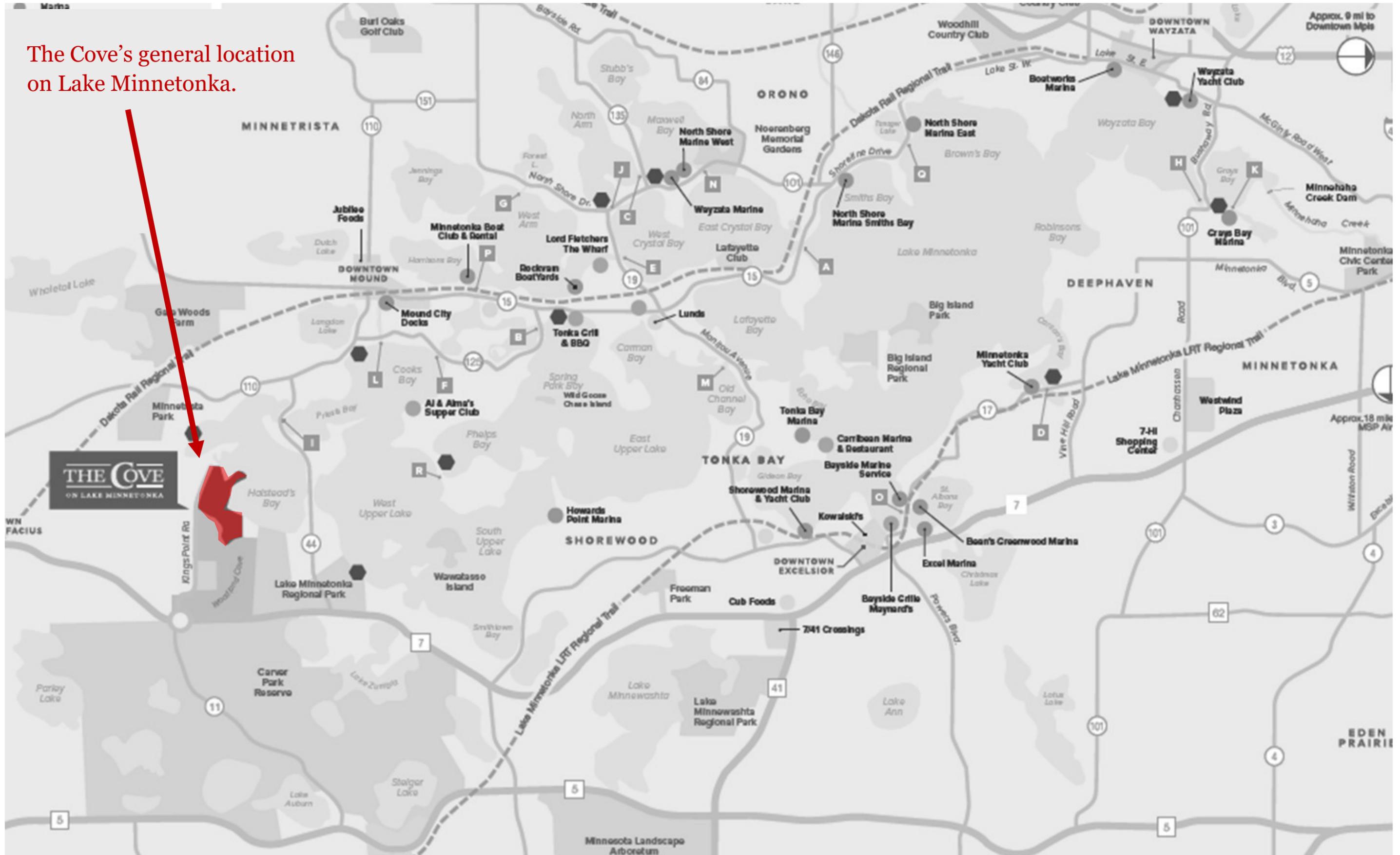
Representative of Woodland Cove LLC and President of the Cove Homeowner's Association

(952) 404-5004

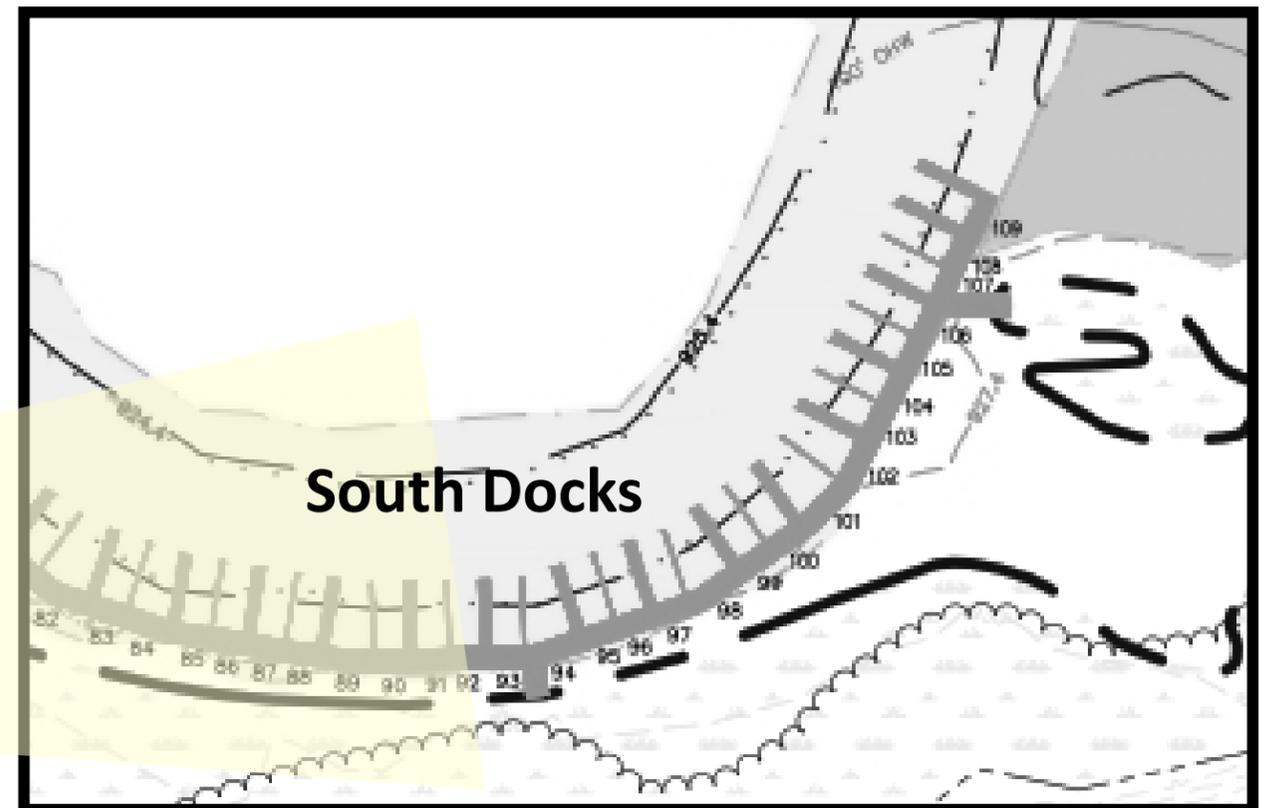
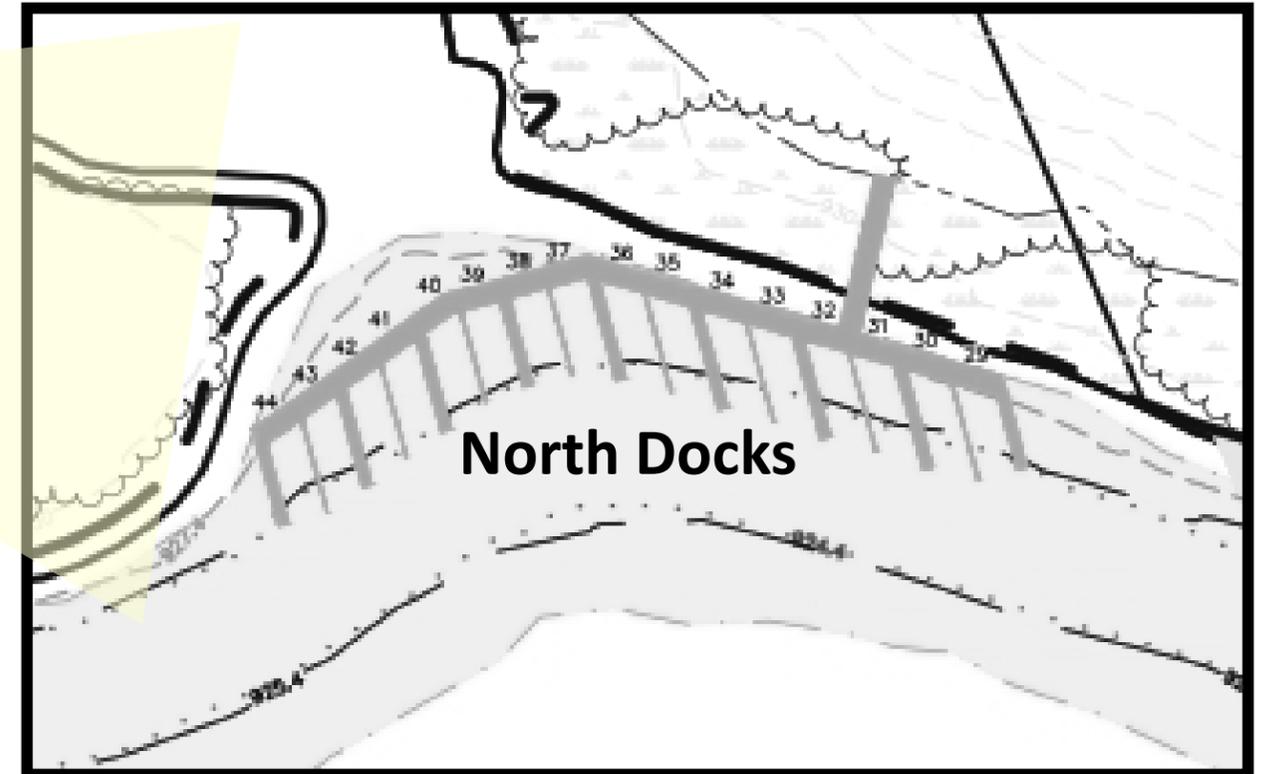
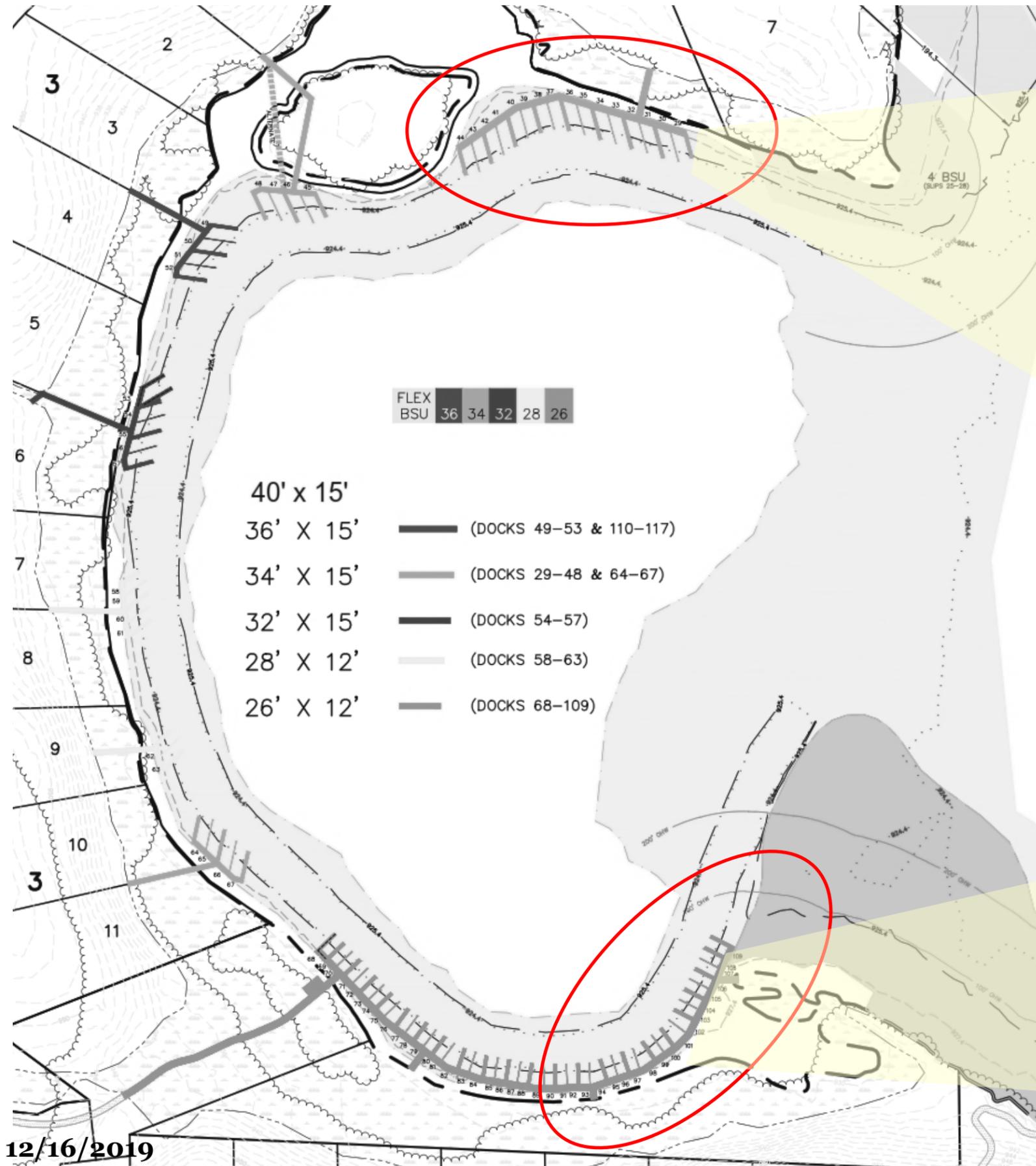
3800 Woodland Cove Parkway, Minnetrista, MN 55331

www.TheCoveOnLakeMinnetonka.com

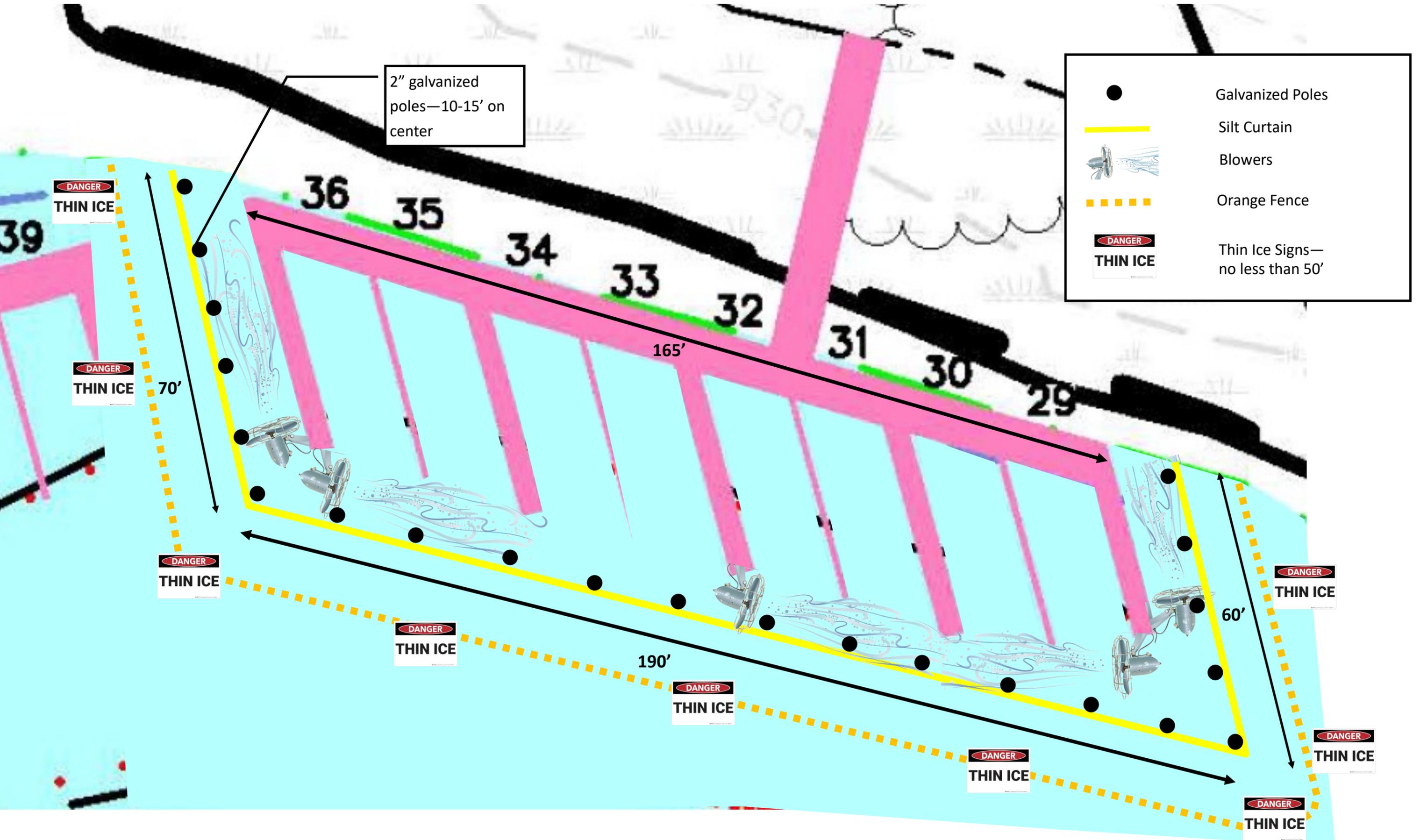
The Cove's general location
on Lake Minnetonka.



Dock De-Icing Plan



North Docks - Option A



2" galvanized poles—10-15' on center

-  Galvanized Poles
-  Silt Curtain
-  Blowers
-  Orange Fence
-  Thin Ice Signs—no less than 50'

DANGER
THIN ICE

70'

190'

165'

60'

36

35

34

33

32

31

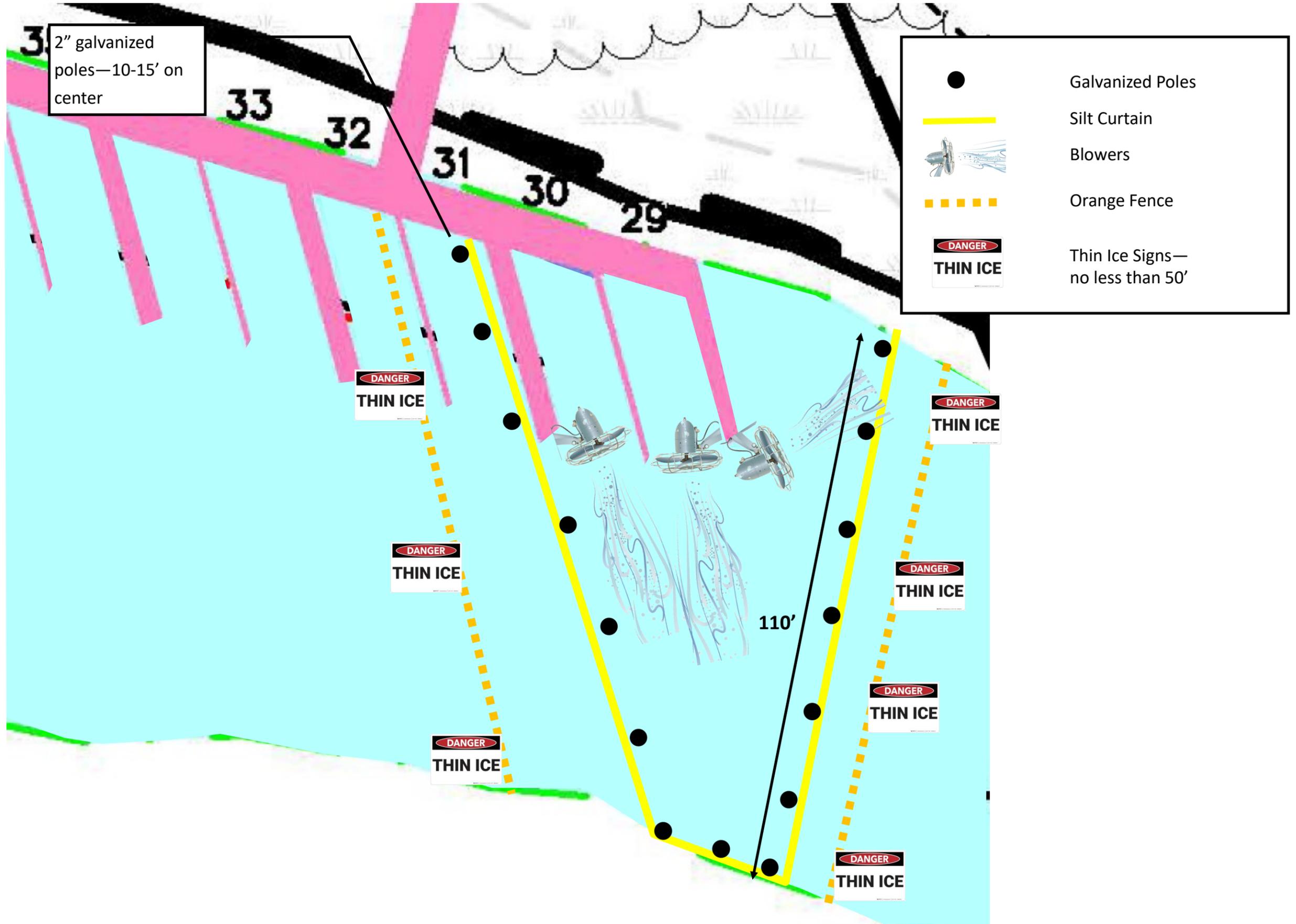
30

29

39

930

North Dock - Option B



ITEM 6

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

7:00 P.M., January 8, 2020
Wayzata City Hall

WORK SESSION

6:00 p.m.

Members present: Rich Anderson, Orono; Dan Baasen, Wayzata; Ben Brandt, Mound; Bill Cook, Greenwood; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Gregg Thomas, Tonka Bay; and Deborah Zorn, Shorewood.

Members absent: Nicole Stone, Minnetonka; Jake Walesch, Deephaven; Vacant, Minnetrista.

Present in Audience: Howard Root, Steven and Sunhi Schussler, and others that may not have signed the attendance sheet.

1. Residential Permanent Dock Regulations & Discussion

Schleuning provided a presentation about residential permanent dock regulations.

She noted that winter is a busy time for the installation of permanent docks because thick ice is needed to support equipment.

She defined the term residential permanent dock and showed an example photo.

She described how a permanent dock permit application is reviewed and processed.

Hughes commented that some docks are left in all year and are in bad condition.

Thomas noted that leaving a seasonal dock in all year round does not make it a permanent dock.

Schleuning noted a few examples of damaged docks on the lake and stated that they would be removed this winter or in the spring or go into enforcement.

Thomas stated that if anyone had concerns about a damaged dock that they should contact the LMCD office.

Schleuning presented emerging trends and observations surrounding permanent docks, noting that some people are willing to accept the risk of ice damage to a permanent dock because they perceive paying to have a seasonal dock installed and removed every year becomes expensive. She added that some people have sought to install only permanent pilings which creates potential hazards.

She reviewed the potential environmental, safety, and aesthetic impacts of an increasing amount of permanent docks. She stated there are also advantages to permanent docks.

She asked the board if there were questions and what changes in standards and process, if any, for future permanent dock projects they would like?

Anderson suggested a committee be formed to visit sites and talk to property owners. He asked if deicing would be discussed.

Schleuning stated that deicing would be discussed at the next board meeting.

Zorn asked if there are more permanent docks on some parts of the lake than others.

Schleuning answered that there are more permanent docks in calmer bays and more protected areas.

Zorn stated that the greatest impact would be to the adjacent neighbors.

Schleuning agreed and added that it will also change recreational winter ice use. She noted that in March people may deice without deicing licenses under certain circumstances.

Klohs asked about a deicing operation at the City of Wayzata's boardwalk.

Schleuning stated that a plan was designed that did not require deicing.

Baasen noted that the boardwalk is anchored on shore and that while it overlooks the water, it is land-based.

Newell commented that area would be difficult to drive a piling in because of the deep water and muck.

Klohs asked if structures can overhang the water.

Schleuning answered that structures overhanging the ordinary highwater mark are under LMCD jurisdiction.

B Cook stated that he was interested in different rules for permanent docks than for seasonal docks because a permanent dock has year-round impact. He also suggested that the definition of "permanent" be revisited.

Thomas asked how big of an issue permanent docks are on the lake.

Schleuning answered that a permanent dock may result in complaints from neighbors and create potential for injury in winter because of weakened ice.

Baasen asked if the setback and length regulations are the same for a permanent dock as they are for a seasonal dock.

Schleuning answered that the regulations are the same.

Anderson commented that leaving a seasonal dock in all year may have less environmental impact than driving pilings. He stated that people should be warned that ice will cause damage until the deicing

moratorium is revisited. He noted that when the moratorium was established because many people had been leaving in their docks and operating deicing equipment incorrectly.

Thomas asked if someone installing a permanent dock today would be eligible for a deicing license.

Schleuning answered that a new permanent dock owner would not typically be eligible for a deicing license.

Hoeslcher referenced a dock in Lafayette Bay and asked if the LMCD could require reflectors be installed on all permanent docks.

Schleuning stated that currently staff asks permanent dock owners to add reflective tape and most oblige but there is no requirement.

Thomas asked where the dock in Lafayette Bay was located.

Howard Root, 25 Fairhope Ave, described where the dock is located and presented a history of other structures on the property. He requested that permanent docks not be allowed in free-flowing areas of the lake, that the number of structures allowed on a property be restricted, and if a property had a non-conforming structure that it not be granted any other permits.

Thomas asked if staff had approved the dock as Mr. Root had explained it.

Schleuning stated that the original plan with the dimensions mentioned by Mr. Root had been denied. She described the new layout and gave an update on the bridge located on the property.

Thomas asked the board if they would like to make any changes to the process or add any new regulations for future permanent dock projects.

Anderson asked what prompted the discussion of permanent dock regulations.

Schleuning answered that an increasing number of docks, the potential hazard of partial structures, and dock maintenance issues were all reasons why the discussion was brought to the board.

Hoeslcher commented that she had received questions from neighbors after flyers for a permanent dock company were distributed to mailboxes.

Newell asked is reflective tape is a current requirement.

Schleuning answered that it is not required but staff has been recommending adding reflective tape for the last few years.

Newell stated that the cost of reflective tape is minimal. He suggested that it be required for poles to be high enough above the waterline so they can be seen when snow piles up.

Zorn stated she supported a workgroup being formed to review and discuss the issue.

Thomas asked who would like to be on the committee.

Anderson, Hughes, and Newell volunteered.

2. Environmental Assessment Worksheet Overview

Schleunig provided a presentation about Environmental Assessment Worksheets (EAW).

She reviewed the historical changes to the language of the MN State statute regarding EAWs for marinas, the purpose of the requirements, the intent regarding marinas, and specific and detailed process illustrated with the handout. EAW category proposed in 1982 due to potential for significant impacts to water quality, air quality, noise, wildlife habitat, aesthetics, and use of public resources. It was clarified in 1995 to today's standards regarding the expansion of 20,000 square foot increments based on the reasoning that if the marina is not expanded, no significant impacts occur other than the impacts that have already occurred. (SONARs)

She defined the three types of EAW determinations and offered examples of recent EAW projects on Lake Minnetonka. Mandatory required for construction of new marinas and for 20,000 square foot expansions, discretionary where environmentally sensitive areas or significant impacts, and by petition if material evidence presented.

She explained how staff calculates the square footage of a project's water area so it is consistently applied for projects.

She asked the board if there were questions and if they would like to establish a policy about discretionary EAWs.

Anderson requested that the discussion be continued after the regular meeting. He stated that his interpretation of the statute differed from what was presented.

Thomas made a motion for the discussion to carry over after the regular meeting.

Hughes seconded the motion.

The meeting reconvened at 8:00 p.m.

Anderson asked why the Caribbean did not complete an EAW and offered historical examples of marina reconstructions that did or did not have to complete an EAW. He stated that it would be easier to make all projects complete the EAW at the beginning.

Klohs asked if the LMCD can require every project to complete an EAW.

Gilchrist stated that there would have to be findings of potential environmental impact to require an EAW. He noted that almost anything could fall under the definition of construction, but the intent of the Environmental Quality Board was not to include low impact projects.

Klohs agreed that it would be easier to make marinas complete the EAW at the beginning of the project. He asked if the board was consulted in the decision not to require the Caribbean to complete an EAW.

Schleuning stated that staff did extensive research in reviewing past projects and the criteria for EAWs and this has been discussed with the board in the past, noting there are now new members. She noted that after the first site plan was received for the Caribbean, staff recommended the applicant revise it before the board saw it because it did not meet the code and was unlikely to be approved. She gave other examples of past projects that also did not complete an EAW. She noted that other agencies are invited to comment on every project through a 10-day review. She asked the board if they would like to be presented every project that does not pass the thresholds for mandatory EAWs.

Thomas stated that he was comfortable with the LMCD attorney's interpretation of the statute and staff's discretion on when to consult the board. He noted that there could be inconsistencies in the 50-year history of the organization, but the process can be consistent moving forward.

Klohs asked if there are any upcoming projects that may require an EAW.

Anderson answered that Shorewood Yacht Club will have a project soon. He restated that the statute could be interpreted differently and gave an example of an inconsistency.

Schleuning stated that staff has and will continue to make materials and handouts in an effort to increase consistency and clarity. She stated that information will be standardized in the findings document similar to other items.

B Cook stated the LMCD should not try to justify past actions with flawed logic and instead should move forward in a way that is consistent and compliant with state law.

Baasen provided examples of why some EAWs were completed for projects mentioned by Anderson.

Thomas stated that the LMCD is obligated to remain consistent in each decision moving forward and to operate within state law.

Gilchrist prompted the board to decide how they would handle the situation moving forward and to give staff direction.

Hoelscher suggested staff could update the board throughout the process of deciding if an EAW will be recommended.

Gilchrist suggested that information about EAWs could be included in staff reports or findings.

Anderson stated there would be no harm in making every project over 20,000 square feet complete an EAW. He offered more examples of EAW projects.

Thomas stated that if there was no expansion or other environmental reason, the LMCD would be hard-pressed to require an EAW.

B Cook stated his comment saying the LMCD should comply with the law was not a suggestion that the LMCD's action for the Caribbean was right, wrong, or indifferent.

Gilchrist stated that the board can do what they think is necessary given there is concern for environmental impact.

B Cook suggested a workgroup be formed to create a board-authored policy to give staff direction for future projects.

Hoelscher noted that marina owners and other stakeholders should be contacted by the workgroup for feedback.

Brandt stated that because the board is interested in the environmental integrity of the lake, it should err on the side of caution.

Zorn stated that she supported the creation of a workgroup that could improve consistency and prevent the angst that surrounded the Caribbean project.

Baasen suggested that the EAW and permanent dock workgroups be combined.

Brandt asked what the timeline and cost is for an EAW.

Schleuning stated that the process takes 90 days and a significant amount of staff time.

Thomas asked the board if the topic should be placed on a formal agenda.

Gilchrist stated that the board could create a policy for discretionary EAWs. He noted that the LMCD will continue to receive complaints about the cost and time delay for the projects. He added that his interpretation of the MN statute was with the interest of the LMCD in mind.

Anderson thanked Gilchrist for his comment and withdrew from the workgroup suggestion.

Klohs stated that nothing is wrong with the current process. He added that the topic is fresh on the board members' minds and they have a better understanding of their authority going forward.

Thomas stated that the discussion will not be placed on a formal agenda and closed the meeting by thanking the board members for their respectful discourse.

The meeting was adjourned at 9:00 PM.

REGULAR SESSION

7:00 p.m.

1. CALL TO ORDER

Chair Thomas called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; 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, Andrea Rehm, Administrative Clerk.

Members absent: Jake Walesch, Deephaven. Vacant, Minnetrista,

4. APPROVAL OF AGENDA

Anderson requested to add an item to discuss Minnetonka Beach City Dock #10.

MOTION: Anderson moved, Zorn seconded to approve the agenda as amended, making the change noted by Anderson above.

VOTE: Ayes (2) (Anderson and Zorn), Nays (8). Motion failed.

MOTION: Baasen moved, Hughes seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Green welcomed new members Mark Kroll and Denny Newell to the Board.

A) Oath of Office to Mark Kroll (City of Excelsior)

B) Oath of Office to Denny Newell (City of Woodland)

Gilchrist administered the Oath of Office to Mark Kroll and Denny Newell.

Kroll stated that he has lived on the lake for 15 years. He stated that Orono is large and covers a lot of the lake but can only have one representative, which is Anderson at this time. He noted that Excelsior was kind enough to let him serve as their representative. He stated that he is glad to be back on the Board.

Newell stated that he has lived in Woodland for about 28 years but has had a history with the lake for his entire life. He stated that he is looking forward to participating as a member of the Board. He stated that he does have some concerns with budget and the direction of the organization. He stated that he is willing to accept Committee assignments and participate fully.

6. APPROVAL OF MINUTES- 12/11/2019 LMCD Regular Board Meeting

Cook noted on page one, the last paragraph, it should state, "...\$50,000 per year over and above the budgeted cost..." On page two, he would like the following line deleted, "B Cook stated the navigation areas of 150 feet for 2020..." On page seven, the motion was amended with a friendly amendment as indicated in the minutes "initiate a procurement process to obtain a professional lake manager."

MOTION: Baasen moved, Cook seconded to approve the amendment to the 12/11/2019 LMCD Regular Board Meeting minutes as requested by Cook.

VOTE: Ayes (7), Abstained (5), (Thomas, Klohs, Brandt, Kroll, Newell). Motion carried.

MOTION: Baasen moved, Cook seconded to approve the 12/11/2019 LMCD Regular Board Meeting minutes as amended.

VOTE: Ayes (7), Abstained (5), (Klohs, Brandt, Kroll, Newell, Thomas). Motion carried.

7. APPROVAL OF CONSENT AGENDA

Anderson requested Item 7A be removed from the consent agenda.

MOTION: Baasen moved, Cook seconded to approve the consent agenda as amended, making the change noted by Anderson above. ~~7A) Audit of Vouchers (12/16/2019 – 12/31/2019) and (01/01/2020 – 01/15/2020);~~ **7B) Resolution Accepting Save the Lake Contributions (12/03/2019 – 12/31/2019).**

VOTE: Motion carried unanimously.

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

James Gilbert, Orono resident, stated that that he is present as an attorney representing Steve and Sunhi Schussler regarding the riparian rights for their property at 2217 Huntington Point Road. He stated that their request is for the Board to hold a public hearing related to the renewal license for Dock #10 in Minnetonka Beach. He stated that they are not asking the Board to make a decision but simply that the issue be considered by the Board at a public meeting. He noted that a similar request was made at the December 11th meeting at which time they provided information to staff to be distributed to the Board. He stated that he was surprised that the information was not distributed to the Board until last week. He stated that he was also surprised by the comment of Gilchrist that the license renewal for Dock #10 could be reviewed and approved administratively. He noted that the Board could request to review that license. He stated that Mr. Schussler is the fee owner of the northern portion of the fire lane for Dock #10 and has not given consent to have his shoreline used for this dock. He stated that he was also concerned with a letter dated December 23rd from the Kennedy & Graven Law Firm, which is the firm that represents the LMCD and whom also represents the City of Minnetonka Beach, stating that the Minnetonka Beach City Council consented to submitting the dock license to the LMCD at its December 9th meeting. He noted that he attended the December 9th Council meeting and was refused to speak both at open forum and during the specific agenda item. He asked and received confirmation that his letter dated December 26th was also distributed to the Board. He noted that the

letter from Kennedy & Graven states that the issue should be taken up with the LMCD. He stated that he is simply asking for due process and that the Board order the Executive Director to bring that license renewal request forward to the Board for consideration. He explained that his concern is that the LMCD process would be similar to that of Minnetonka Beach and they are not given an opportunity to prevent information to be considered. He stated that if that happens, his clients will take the issue to court. He stated that Dock #10 should not be there, and they are simply requesting that the LMCD hold a public hearing with the Board making the final determination.

Steve Schussler, 2217 Huntington Point Road, stated that he provided a packet of information at the December 11th meeting which he has spent about \$275,000 in research, development, and legal assistance to generate. He stated that he will not stop and does have a lot of money that has been put aside solely for this issue, should it need to go forward to court. He stated that his office hand delivered packets to the homes of each of the Board members the previous day, as he found that it took LMCD staff four weeks to distribute the information he provided on December 11th. He stated that his information included a letter from the Ambassador that previously owned the home at 2217 Huntington Point Road dated May 6, 2019. He read aloud a portion of the letter which states that Dock #10 has been a subject to acrimonious dispute and provided additional input about the dispute that took place when that person owned the property. He stated that the previous owner, an attorney and Ambassador, discovered that a neighbor who values docking his boat at Dock #10 is also a member of the LMCD Board and therefore believed the "fix was in" and no serious consideration was ever given to the request to not renew the dock license. He provided a summary of a letter from another previous owner of his property, Lisa Smith, whom sold her property as they felt that their property rights were violated and use of the lake was taken away from them because of Dock #10. He repeated that he will not hesitate to spend the money necessary to take this forward to court. He stated that he has been abused and harassed by the four users of Dock #10. He stated that his riparian rights have been misrepresented and taken away from him and therefore will pursue punitive damages and legal fees. He stated that he is attempting to present his request to the Board to avoid taking that course of action.

Richie Anderson, 3205 Crystal Bay Road, addressed the Board as a resident. He noted that the request was previously made by Mr. Gilbert for a public hearing at the December 11th meeting. He stated that he read through the minutes and reviewed the tape of the meeting. He reviewed notes from the discussion at the last meeting related to whether the Board would hear more about this request and Gilchrist noted that the Board could require the review to be completed by the Board. He stated that if this goes forward to lawsuit, that costs the taxpayers money and he believes the Board should work to avoid that rather than letting the license renewal get rubber stamped.

Denny Newell, Woodland, addressed the Board as a resident. He stated that he read through the 86 pages of documents that he received along with a second packet that was well presented. He stated that he has a concern that the issue of Dock #10 goes back 100 years and has continued to be an issue over time. He believed that the Board should address the issue and not just rubberstamp an approval. He stated that if the Board does not discuss the issue, there will be a big problem involving attorneys.

9. PUBLIC HEARING

There were no public hearings.

10. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

A) Adopt 2020 Public Meeting Calendar

Schleuning stated that there is a holiday conflict for the first meeting in November. She noted that the packet included a few options for alternative dates.

Thomas stated that he would suggest that staff pick an alternative date and suggested Thursday, November 12th.

Schleuning stated that she will make the change and distribute that to the Board.

Anderson commented that he thought there was a date set for an AIS meeting.

Schleuning confirmed that she would distribute that information as this schedule includes the routine public meetings. Schleuning stated she would work on the holiday if needed for scheduling.

Kroll noted that he has a conflicting meeting on November 12th and therefore would not be able to attend.

Thomas stated that there would most likely be some conflicts with whatever date is chosen.

It was the consensus of the Board to hold the meeting on November 12th.

MOTION: Hughes moved, Stone seconded to adopt 2020 Public Meeting Calendar as amended moving the November 11th meeting to November 12th.

VOTE: Motion carried unanimously.

12. NEW BUSINESS

7A) Audit of Vouchers (12/16/2019 – 12/31/2019) and (01/01/2020 – 01/15/2020)

Anderson referenced a specific payment and asked for additional details, similar to the question he asked the previous month.

Schleuning stated that is the prosecuting attorney which invoices monthly. She confirmed that the invoice includes a breakdown of the charges.

Thomas noted that if Anderson has a question on the audit of vouchers in the future, he can ask that question prior to approval of the consent agenda rather than pulling the item off.

Schleuning stated that when the Board packet is received, Board members can contact staff with questions they may have as well.

MOTION: Cook moved, Anderson seconded to approve the Audit of Vouchers (12/16/2019 – 12/31/2019) and (01/01/2020 – 01/15/2020).

VOTE: Motion carried unanimously.

13. TREASURER REPORT

No report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Board packet definitions page created: This was provided to the Board by request as information is created or updated over time.
- New Board Member Orientation
- The Calendar of Events on the website has new events added.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Save the Lake Committee: Baasen reported the group is scheduled to meet within the next week but that meeting will be postponed. The financial results of the calendar year contributions are not yet finalized, but the results will be under goal. He stated that there have been changes to the Board and the Save the Lake Committee and welcomed any new members that may be interested in joining.

Anderson stated that he spoke with staff about having mustang survival suits for Schleuning and Matt Cook for the times when they have to go on the ice. He stated that he would be willing to contribute the funds but wanted to do it in the appropriate manner. He asked if a contribution could be made through Save the Lake for that purchase.

Baasen explained purchases that are made through Save the Lake. He stated that he would provide that information to Anderson.

Hoelscher asked if Anderson could make a donation specifying that the funds are for the purchase of the suits for staff.

Baasen confirmed that could be done. He noted that staff would still need to submit a request for the equipment.

Hoelscher asked if there is something that would prevent a Board Member from purchasing the equipment for staff.

Gilchrist confirmed that could be done as well.

Newell commented that he believed he had read something stating that contributions to Save the Lake have decreased because of the lack of harvesting this past year.

Baasen confirmed that the non-harvesting of the LMCD cost Save the Lake a significant amount of contributions.

Newell stated that harvesting has been the "brand" of the LMCD historically and believed that there should be a rebranding of the organization to explain the proactive and beneficial actions the LMCD completes outside of harvesting.

Hoelscher agreed that the LMCD does a lot more than harvesting and should work to spread the message of the other programs to the public.

Strategic Plan Subcommittee: No report.

Nomination Committee: Zorn reported that the group is on schedule and will meet within the next week. She stated that self-nominations are still being accepted through Friday the 10th.

16. ADJOURNMENT

MOTION: Baasen moved, Hughes seconded to adjourn the meeting at 7:58 p.m.

VOTE: Motion carried unanimously.

Gregg Thomas, Chair

Ann Hoelscher, Secretary

11:48 AM
1/22/20

Lake Minnetonka Conservation District
Check Detail
January 16 - 31, 2020

ITEM 7A - AMENDED

Date	Num	Name	Memo	Account	Class	Paid Amount
01/23/2020	EFT-20-6	P.E.R.A		Alerus Checking		
			Payroll 1/16/20 - 1/31/20	2020 · Payroll Liabilities -	Admin.	-1,127.66
TOTAL						-1,127.66
01/31/2020	EFT-20-7	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,073.13
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,127.66
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-604.11
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-616.20
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-8,123.65
01/31/2020	EFT-20-8	SelectAccount Group Service Fee		Alerus Checking		
			HSA Administrative fee for January 2020	4380M10 · Employee Benefits - Admin.	Admin.	-2.85
TOTAL						-2.85
01/23/2020	EFT-20-9	Frontier Communications		Alerus Checking		
			Phone and Internet 1/4/20 - 2/3/20	4060M10 · Telephone - Admin.	Admin.	-191.78
TOTAL						-191.78
01/23/2020	EFT-20-10	ADP Service Fee		Alerus Checking		
			Payroll 1/16/20 - 1/31/20	4180M10 · Professional Services - Admin.	Admin.	-76.70
TOTAL						-76.70
01/23/2020	EFT-20-11	Health Partners		Alerus Checking		
			Dental Insurance, February 2020	4380M10 · Employee Benefits - Admin.	Admin.	-170.85
TOTAL						-170.85
01/31/2020	EFT-20-12	SW/WC Service Cooperatives		Alerus Checking		
			Health Insurance, February 2020	4380M10 · Employee Benefits - Admin.	Admin.	-2,164.50
TOTAL						-2,164.50

10:48 AM
1/22/20

Lake Minnetonka Conservation District Check Detail January 16 - 31, 2020

Date	Num	Name	Memo	Account	Class	Paid Amount
01/23/2020	EFT-20-13	US Bank		Alerus Checking		
			ESRI - 1 year	4531M30 · Software & Hardware/Training	AIS	-404.00
			Amazon portfolio and laptop bag	4230M10 · Meeting Exp. - Admin.	Admin.	-75.94
			Amazon Envelopes for QB checks	4220M10 · Office Supplies -Admin.	Admin.	-29.98
TOTAL						-509.92
01/23/2020	21747	FRANCOTYP-POSTALIA, INC.		Alerus Checking		
01/23/2020	Inv.#RI104321...		Quarterly Rental Fee for Postage Meter	4080M10 · Postage - Admin.	Admin.	-92.85
TOTAL						-92.85
01/23/2020	21748	LMCC		Alerus Checking		
01/23/2020	Inv.#1330		VOD Services for Meeting 1/8/20	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
01/23/2020	21749	City of Mound		Alerus Checking		
01/23/2020	February, 2020		Rent, January 2020	4320M10 · Office Rent - Admin.	Admin.	-1,609.71
TOTAL						-1,609.71
01/23/2020	21750	Goff Public		Alerus Checking		
01/23/2020	Inv.#16091,16...		Inv.#16091 Public relations and legislative...	4180M10 · Professional Services - Admin.	Admin.	-780.00
			Inv.#16153 Public relations and legislative...	4180M10 · Professional Services - Admin.	Admin.	-1,511.25
TOTAL						-2,291.25

Lake Minnetonka Conservation District
Check Detail
 January 16 - 31, 2020

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
01/23/2020	EFT-20-6	P.E.R.A		Alerus Checking		
			Payroll 1/16/20 - 1/31/20	2020 · Payroll Liabilities -	Admin.	-1,127.66
TOTAL						-1,127.66
01/31/2020	EFT-20-7	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,073.13
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,127.66
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-604.11
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-616.20
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-8,123.65
01/31/2020	EFT-20-8	SelectAccount Group Service Fee		Alerus Checking		
			HSA Administrative fee for January 2020	4380M10 · Employee Benefits - Admin.	Admin.	-2.85
TOTAL						-2.85
01/23/2020	EFT-20-9	Frontier Communications		Alerus Checking		
			Phone and Internet 1/4/20 - 2/3/20	4060M10 · Telephone - Admin.	Admin.	-191.78
TOTAL						-191.78
01/23/2020	EFT-20-10	ADP Service Fee		Alerus Checking		
			Payroll 1/16/20 - 1/31/20	4180M10 · Professional Services - Admin.	Admin.	-76.70
TOTAL						-76.70
01/23/2020	EFT-20-11	Health Partners		Alerus Checking		
			Dental Insurance, February 2020	4380M10 · Employee Benefits - Admin.	Admin.	-170.85
TOTAL						-170.85
01/31/2020	EFT-20-12	SW/WC Service Cooperatives		Alerus Checking		
			Health Insurance, February 2020	4380M10 · Employee Benefits - Admin.	Admin.	-2,164.50
TOTAL						-2,164.50

1:39 AM

1/14/20

Lake Minnetonka Conservation District
Check Detail
January 16 - 31, 2020

Date	Num	Name	Memo	Account	Class	Paid Amount
01/23/2020	EFT-20-13	US Bank		Alerus Checking		
			ESRI - 1 year	4531M30 · Software & Hardware/Training	AIS	-404.00
			Amazon portfolio and laptop bag	4230M10 · Meeting Exp. - Admin.	Admin.	-75.94
			Amazon Envelopes for QB checks	4220M10 · Office Supplies -Admin.	Admin.	-29.98
TOTAL						-509.92
01/23/2020	21747	FRANCOTYP-POSTALIA, INC.		Alerus Checking		
01/23/2020	Inv.#RI104321...		Quarterly Rental Fee for Postage Meter	4080M10 · Postage - Admin.	Admin.	-92.85
TOTAL						-92.85
01/23/2020	21748	LMCC		Alerus Checking		
01/23/2020	Inv.#1330		VOD Services for Meeting 1/8/20	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
01/23/2020	21749	City of Mound		Alerus Checking		
01/23/2020	February, 2020		Rent, January 2020	4320M10 · Office Rent - Admin.	Admin.	-1,609.71
TOTAL						-1,609.71



ITEM 7B

RESOLUTION NO. 198

A RESOLUTION ACCEPTING CONTRIBUTION(S) TO THE LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

WHEREAS, the LMCD is a regional government agency established by Minnesota Statutes Section 103B.605, Subd. 1;

WHEREAS, contributions to the LMCD "Save the Lake" fund are generally tax deductible to individuals under the IRS Code 26 USC Section 170 (b)(1)(a) because contributions to any political subdivision of any state for exclusively public purposes are deductible;

WHEREAS, municipalities are generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its stakeholders, and is specifically authorized to accept gifts;

WHEREAS, LMCD wishes to follow similar requirements as established for municipalities for accepting donations;

WHEREAS, the attached listed person(s) and entity(ies) have offered to contribute the cash amount(s) set forth with any terms or conditions as outlined in Attachment I to the LMCD;

WHEREAS, such contribution(s) have been contributed to the LMCD for the benefit of the public, as allowed by law; and

WHEREAS, the LMCD Board of Directors finds that it is appropriate to accept the contribution(s) offered.

NOW THEREFORE, BE IT RESOLVED BY THE LMCD BOARD, STATE OF MINNESOTA AS FOLLOWS:

1. The contribution(s) described with Attachment I is/are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.

2. The executive director is hereby directed to issue receipt(s) acknowledging the LMCD's receipt of the contributor's contribution(s).

Adopted by the Board this 22nd day of January, 2020.

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary

DRAFT

Lake Minnetonka Conservation District
Transaction Detail By Account
December 31, 2019

Resolution #198 Attachment 1 - Save the Lake Contributions

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
12/31/2019	20952	Theodore J Holsten	STL Donations (General)	25.00
12/31/2019	14157	Henri G. P. Heystek	STL Donations (General)	50.00
12/31/2019	13544	Donald & Janet Hanson	STL Donations (General)	25.00
12/31/2019	22649	Bill Keith Erickson	STL Donations (General)	150.00
12/31/2019	17004	David Maass	STL Donations (General)	100.00
12/31/2019	9551	Charlotte Bjorlin	STL Donations (General)	50.00
12/31/2019	6146	John B. Jasper	STL Donations (General)	250.00
12/31/2019	17354	Fred Meyer	STL Donations (General)	250.00
12/31/2019	1584	Beverly E. Johnson	STL Donations (General)	25.00
12/31/2019	1265	James Nystrom Foundation	STL Donations (General)	1,500.00
12/31/2019	21965	David Owen	STL Donations (General)	25.00
12/31/2019	1205	Andrew Marine	STL Donations (General)	100.00
12/31/2019	11904	Martha Gabbert	STL Donations (General)	100.00
12/31/2019	PayPal	Michael Rude	Transfer from PayPal (Michael Rude 100.00)	96.80
12/31/2019	PayPal	Stephanie Bauer Larsen	Transfer from PayPal (Stephanie Bauer Larsen 250.00)	242.45
12/31/2019	PayPal	Bill Cook	Transfer from PayPal (Bill Cook 200.00)	193.90
12/31/2019	PayPal	Edward Caldwell	Transfer from PayPal (Edward Caldwell 75.00)	72.52
12/31/2019	PayPal	Ben Brandt	Transfer from PayPal (Ben Brandt 50.00)	48.25
12/31/2019	PayPal	Peter Lee	Transfer from PayPal (Peter Lee 100.00)	96.80
				3,400.72



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: January 22, 2020
TO: LMCD Board of Directors
FROM: Vickie Schleuning, Executive Director
SUBJECT: LMCD 2019 Watercraft Inspection Program Report

ACTION

Board review and acceptance of the LMCD 2019 Watercraft Inspection Program Report

BACKGROUND

Staff has completed a report that summarizes the LMCD 2019 Watercraft Inspection Program Aquatic Invasive Species (AIS) Prevention activities. Included in the report is a summary of inspections conducted, associated program costs, and other seasonal information.

2019 marks another year of successful interagency cooperation between the LMCD and the Three Rivers Park District (TRPD), made possible by grant funding from Hennepin County.

Inspections of inbound and outbound watercraft were conducted at Carsons Bay, Halstead Bay, and Wayzata Bay on Lake Minnetonka. As you can glean from the violations rates for inbound (1.9% to 5.7%) and outbound watercraft, additional efforts are needed to educate and enforce appropriate actions to prevent the spread of AIS in our lakes and waterbodies.

STAFF RECOMMENDATION

Staff recommends that the Board accept the LMCD 2019 Watercraft Inspection Program Report.

ATTACHMENT

- LMCD 2019 Watercraft Inspection Program Report



Lake Minnetonka Conservation District

2019 AIS WATERCRAFT INSPECTIONS PROGRAM SUMMARY

January 13, 2020

PARTNER ORGANIZATIONS



INTRODUCTION

The Lake Minnetonka Conservation District (LMCD) coordinated an Aquatic Invasive Species (AIS) prevention watercraft inspection program (WIP) on Lake Minnetonka during the 2019 boating season. The primary goals of this program are to:

- Inspect incoming watercraft and equipment to prevent new introductions of AIS into Lake Minnetonka,
- Inspect outgoing watercraft and trailers to prevent the spread of AIS to other waterbodies,
- Take appropriate actions when violations are observed,
- Educate watercraft owners and operators about the importance of AIS prevention, and
- Educate watercraft operators and other lake user about ways they can help prevent the spread of AIS.

This was a cooperative effort of the LMCD, Minnesota Department of Natural Resources (MN DNR), Three Rivers Park District (TRPD) and Hennepin County.

NOTE: Information regarding watercraft inspection activity by the MN DNR, Hennepin County, and municipalities is not included in this draft edition of the LMCD WIP Report. The information included in this report summarizes the LMCD's WIP activities as they pertain to the LMCD's contract with the TRPD. A report from the MN DNR containing additional watercraft inspection is expected in the first quarter of 2020.

METHODOLOGY

The following three designated public accesses were covered in 2019 by the LMCD's contract with TRPD:

1. City of Deephaven (Carsons Bay);
2. City of Minnetrista (Halstead Bay); and
3. City of Wayzata (Wayzata Bay).

TRPD also covered the public access at Lake Minnetonka Regional Park (West Upper Lake) as an in-kind contribution for a separate agreement between the MCWD and the TRPD.

There were three different watercraft inspection components. These included: 1) LMCD, 2) MN DNR, and 3) TRPD. Further background of each component is detailed below.

WATERCRAFT INSPECTION COMPONENTS

LMCD

The LMCD contracted with the TRPD for up to 1,000 hours of MN DNR trained Level 1 watercraft inspections at three public accesses from Memorial Day weekend through Labor Day. Additionally, the LMCD contracted with the TRPD for training of these inspectors, supervision for these inspectors, uniforms, communication equipment, and mileage between inspection sites. The total of cost for these inspections could not exceed \$20,000. The public accesses targeted included Carson's Bay, Halstead Bay, and Wayzata Bay (Cities of Deephaven, Minnetrista, and Wayzata, respectively). The schedule for conducting incoming and outgoing watercraft

inspection include: 1) Fridays, 11 a.m. to 7 p.m., and 2) Saturdays, Sundays, and Holidays, 6 a.m. to 6 p.m.

MN DNR

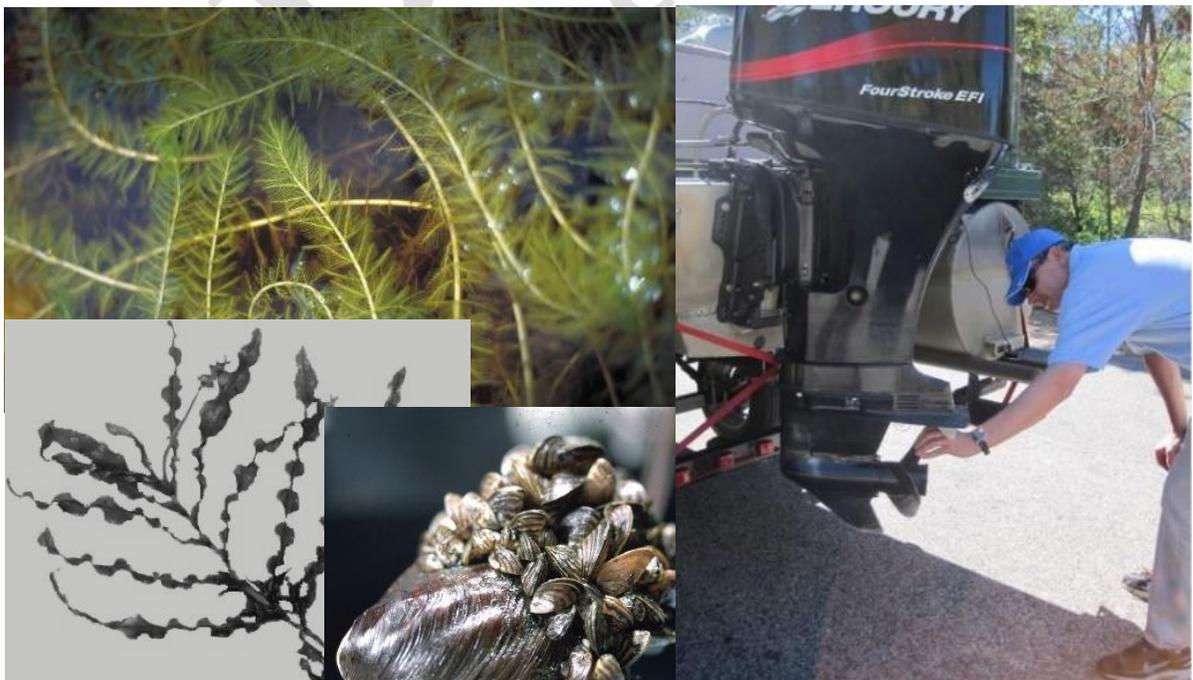
A Summary Report of Watercraft Inspection Results at Lake Minnetonka is anticipated from the MN DNR in the future.

TRPD

In addition to providing the watercraft inspectors to the LMCD, the TRPD provided an in-kind contribution to this program through gate attendants inspecting incoming watercraft/trailers at the Lake Minnetonka Regional Park. Weekends were covered from 9 a.m. to 5 p.m. prior to the Memorial Day weekend, with seven-day week coverage from Memorial Day weekend through Labor Day. These gate attendants were conducting inspections which included educational and inspection components. Estimated in-kind hours contributed to this program were 1235. This partnership has continued to work well as it has in years past.

FUNDING SOURCES

The LMCD budgeted \$20,000 of AIS Management Funds that will be used to contract TRPD services for watercraft inspections at Carson's Bay, Halsted Bay, and Wayzata Bay. The funding was made possible through a grant from Hennepin County in the amount of \$20,000. The LMCD greatly appreciates the financial contribution to this program by Hennepin County and the professional services provided by TRPD to help prevent the spread of AIS.



INSPECTION RESULTS

Total Inspections (LMCD only)

	Carson's Bay	Halstead Bay	Wayzata Bay	Totals
Total Inspections	1594	1140	386	3120
Inspection Hours	555	595	467	1617
Inspections/Hour	2.87	1.92	0.83	1.93

Inbound Watercraft Inspections (LMCD only)

	Carson's Bay	Halstead Bay	Wayzata Bay	Totals
Inbound Inspections	1093	713	252	2058
Drain Plug In Upon Arrival	47	29	5	81
Violation Rate	4.3%	4.1%	1.9%	3.9%
Plants/Animals Found on Arrival	63	41	9	113
Violation Rate	5.7%	5.7%	3.5%	5.4%
Decon. Required (Denied Launch)	4	1	0	5
Sent Away to Drain Water	2	2	0	4
Last on Mtka.	794	548	190	1532
Same Lake Rate	73%	77%	75%	74%

Outbound Watercraft Inspections (LMCD only)

	Carsons Bay	Halstead Bay	Wayzata Bay	Totals
Outbound Inspections	501	427	133	1061
Drain Plug In On Exit	26	6	3	35
Didn't Remove When Requested	0	0	1	1
Plants / Animals Found on Exit	144	130	7	281
Decon. Req'd.	1	4	0	5
Next on Mtka.	390	333	96	819
Same Lake Rate	78%	78%	72%	77%
On Lake Less than 24 Hours Rate	463	415	130	1008
	92%	97%	98%	95%

SUMMARY

The inspection of incoming and outgoing watercraft has been coordinated on Lake Minnetonka since the early 2000's. The level of watercraft inspection hours has been more comprehensive in recent years and this has occurred because of the partnerships with the MN DNR, TRPD, and Hennepin County. The contracting with the TRPD for watercraft inspectors has been positive.

The final total of inspection hours in 2019 conducted by TRPD was 1,617 hours. The total cost of the 2019 program implemented on behalf of the LMCD was \$20,000. The TRPD performed some additional inspections to meet the intent of the program and prevent the spread of AIS. This program was made possible through a grant by Hennepin County.