

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

6:00 P.M., May 12, 2021

Wayzata City Hall

Virtual Meeting

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

WORK SESSION

6:04 p.m. to 6:59 p.m.

Members Present: Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; and Jake Walesch, Deephaven. Also present:; Vickie Schleuning, Executive Director; and Matt Cook, Environmental Administrative Technician.

Members Absent: Ann Hoelscher, Victoria; and Deborah Zorn, Shorewood

Persons in Audience: Bev Aho.

The following username was also present, but the person(s) did not identify themselves: "PC"

1. Continued Discussion Regarding Preliminary 2022 Budget

Thomas stated that tonight he wants to have input from the Board on the proposed 2022 budget. He asked Anderson to provide a brief overview of the recommended 2022 budget proposal from the Finance Committee.

Anderson stated that since the last work session, the Finance Committee met with staff to review any concerns with the proposed budget. He noted that there are also overlapping members of the Finance, AIS and Save the Lake committees therefore input was able to be received from those committees as well. He reviewed the year end reserve account balances.

Thomas stated that the original intent was to review this at the work session and then include on the regular agenda, but he decided it would be better to have the Board provide feedback with formal consideration to come back at the next meeting in two weeks.

Baasen stated that Anderson has convinced him that the LMCD should not attempt to collect AIS municipal dues. He stated that rather than stating the LMCD will be discontinuing AIS activities, it should be stated that the LMCD suspending the AIS levy and is utilizing the funds previously levied to complete the Master Plan process.

Brandt commented that the LMCD has discontinued harvesting, therefore, making the AIS levied funds unnecessary this year. He stated that the LMCD has not harvested for the past three years, therefore it did not make sense to levy for those funds this year and the AIS line item included in the budget should be funded through the AIS reserve fund this year. He agreed that this should be communicated as a suspension while the LMCD determines its role in AIS management moving forward.

Thomas noted that the AIS budget has always been equated to harvesting but noted that there is more to AIS than just harvesting. He provided examples of recent equipment that was purchased and installed at a launch point, watercraft inspection at launch locations, and potential seed funding for Lake Improvement Districts (LID's). He wanted to ensure that AIS was not confused with harvesting.

Brandt stated that those options are still on the table and the AIS Committee is working on criteria that would be used to evaluate options and requests. He stated that the overlying goal would be that the LMCD is not going at this alone and instead looking for partners and working towards long-term goals for the lake. He noted that the intent would be for the AIS Committee to review and screen requests and then bring recommendations to the full Board for consideration. He stated that the Committee is still working to develop the criteria and list of initiatives and welcomed additional ideas or suggestions other members of the Board may have.

Cook commented that it was previously explained to him that the AIS levy was simply a way to track the costs of the harvesting program and other AIS activities. He stated that the activities were always lumped together with the municipal dues and he agreed that it would be a good message to remove that from the municipal dues category and only use a single municipal dues category. He stated that the single category would be intended to fund the AIS item in the future along with initiatives from Save the Lake. He commented that he does not see this as limiting future options but instead expanding future options.

Hughes commented that the Finance Committee did a good job of cleaning this up and he looks forward to reviewing the final draft.

Kirkwood stated that he is impressed with the work the AIS Committee is doing. He stated that as a member of the Communications Committee, he believes those funds would be thoroughly spent. He referenced staffing and asked if there is adequate staffing or additional staffing needs and whether she has spoken to the Board Chair.

Schleuning stated that she is not sure the Chair and her is in agreement in terms of staffing levels. She acknowledged that sometimes staff is spread very thin as inquiries are increasing and the clientele demands a high level of service from staff. She stated that she is concerned that a part-time employee could be lost because of the low pay. She believed that additional hours would be helpful.

Kirkwood commented that it would be helpful to have the website more responsive to current events, as that could help to answer some of the questions residents may have. He stated that he would support whatever it would take to keep that maintained.

Thomas stated that he was not as enthusiastic about adding staff. He noted that hours were increased for

one employee within the last year and one staff member joined the organization within the last year. He stated that his main hesitation would be asking for more funds from the cities for additional staffing when cities are currently watching their own staffing levels. He stated that he is not the veto for that decision and any member of the Board could make a recommendation or motion at a formal meeting and the Board could vote on that. He acknowledged that some members of the Board may feel that this would be the appropriate time to discuss staffing needs during the budget discussions.

Schleuning stated that staff resources is still less than it was when she joined in 2016.

Klohs stated that a lot of time has been spent talking about AIS and noted that there are numerous items within the Strategic Plan that the group has not had time to implement. He stated that if the AIS funds are not levied at this time and are needed in the future, which would be a significant increase for the cities which does not typically go over well. He stated that he believes it would be ill advised to levy for less money at this time and would prefer to return funds to the cities if that is the desire. He stated that the budget was cut by ten percent in the past and then, when it was increased again years later the cities did not like that. He believed the better option would be to refund monies to the cities, as that would garner more positive attention from the cities.

Thomas acknowledged that the AIS Committee has not yet had enough time to delve into the Master Plan and initiatives.

Klohs stated that he believes that decreasing the levy should be voted on separately. He stated that he would want the levy to remain stable. He noted that this would be making a decision on something when they are not yet through the process of determining what the future of AIS activities will be. He noted that decreasing the levy and then attempting to increase it at a later date has never been well received by the cities. He stated that the LMCD never has enough money or staff to complete the things they planned for.

Kroll referenced the recent changes to restrictions from the Governor and asked why the Board is continuing to meet via Zoom.

Schleuning stated that there is not yet a room available for meetings. She stated that she will be alerted when the room is open.

Kroll suggested looking for other options for meeting space.

Newell commented that he serves on both the Finance and AIS committees and therefore has perspectives from both groups. He stated that he agrees with the recommendations thus far on the way the budget has been presented. He stated that he agrees that elimination of the AIS levy is probably best framed as a suspension rather than an elimination. He stated that immediate relief can still be provided to the communities as that assessment will no longer occur and this will provide a path to move forward. He stated that the AIS Committee is working hard to identify a new mission. He believed that there are things the LMCD can do to benefit the lake in terms of AIS. He asked for additional time for the committee to further assess ideas and present a scope for moving forward. He believed suspension of the levy would provide that flexibility but also provide the communities with the message that the LMCD will not be charging them for funds that will not be spent.

Walesch commented that the Finance Committee has done a great job. He stated that this provides clarity and makes it easy to understand. He agreed with moving the AIS item into the general budget rather than having a separate levy as the future is not yet known. He commented that this is a simple budget that is easy to understand. He stated that he supports moving the bloated reserves into the budget as he does not believe it is appropriate to sit on 140 percent reserves. He stated that it is time to address the reserve balances and the Finance Committee has done that in an appropriate manner. He believed that the Board should have continued conversations related to the appropriate reserve levels and how those funds should be allocated.

Thomas stated that before this goes to the Board for formal approval, he would like to see the typical spreadsheet the organization uses that shows the breakdown of assessment for each city. He stated that some of the reserve funds could be moved into the budget as recommended by the Finance Committee. He stated that another option was mentioned tonight to provide a rebate to the cities, noting that each item would provide the same effect.

Anderson reviewed the amounts that cities would want in rebate that vary in amounts. He stated that the LMCD would be using reserve funds in a manner that is fiscally responsible to reduce dues. He stated that giving money back to the cities would be messy whereas this option is simple.

Walesch commented that there are multiples ways the organization could go about this and would prefer to keep things simple. He stated that this would be under the guise that this is a responsible budget and covers the needs of the organization while being fiscally responsible. He stated that he asked his city and while the AIS levy is not a huge item relative to the overall budget for a community, his city would like to see something responsible that makes sense. He stated that his city does not want the LMCD to spend money it does not need to spend just because it was in the previous budget in order to maintain a stable levy.

Thomas stated that it does not sound like there is support for the rebate option.

Schleuning commented that in 2015, for the 2016 budget, the AIS levy was reduced, and it took quite a while to get it back up to prior levels. She stated that cities have said that they prefer a more consistent budget. She stated that if rebates were desired, she does not believe it would be that difficult for staff to complete. She stated that the equipment replacement fund could easily be used replacing current equipment.

Thomas asked if the cost to replace the truck should be placed in the 2022 budget using the equipment reserve fund.

Schleuning confirmed that she would like that to be included. She noted that she has a list of things that could be replaced and provided some examples such as buoys. She believed that would be a much bigger discussion that could occur at a later time. She stated that if something is removed from the budget, it will be difficult to get it back in the future.

Thomas stated that it sounds like staff would have some ideas to include in the 2022 budget.

Schleuning stated that there are some items that could be included in the budget or those purchases could come from the reserves.

Anderson stated that he has had that discussion with Schleuning which is how the funds to purchase the boat were included in the budget. He stated that he was not aware of the truck or other ideas.

Schleuning stated that the truck is 20 years old and is not the type of truck the LMCD needs at this time.

Anderson commented that the truck could be sold, and a new truck could be budgeted for next year.

Schleuning commented that she has a list of items and would like to discuss those as part of the reserves discussion, but noted that a significant amount of decrease in funding is being proposed as part of the budget discussion.

Stone stated that she would be interested in hearing the suggestions from staff.

Schleuning stated that she could distribute the list to the Board. She stated that she was not fully aware that \$100,000 would be removed from the budget and has additional input from staff and needs of the LMCD.

Anderson stated that he will recommend that the Finance Committee stay with this budget. He stated that he would be willing to review the list from staff but noted that is a last-minute addition. He believed that the budget is solid and would be well received from the cities.

Schleuning stated that she believed that she was asked to look at the needs for a reserve fund discussion, which is how her list arose. She stated that there is an issue with timing because of the budget timeline.

Walesch commented that the list could still come through the reserve fund discussion as there is more balance in those funds than needed.

Schleuning stated that perhaps she misunderstood as she prepared that information for the reserve fund discussion.

Thomas stated that the feedback from the Board on the draft budget has been positive and commended the Finance Committee for the work they have done. He commented that he looks forward to seeing the final proposal at a regular meeting in two weeks.

There being no further business, the worksession was adjourned at 6:59 p.m.

FORMAL MEETING

7:00 p.m.

Persons in Audience: Bev Aho; John Bendt; Patricia Bodeker; Dustin Fossey; Rick Gorra; Mary Kiley; Josh

Leddy; Craig Peterson; Andy Stone; Joel Stone; and, Steve Tallen.

The following usernames were also present, but the person(s) did not identify themselves: (612) 723-0783; iPad; Melissa; Murdych; and, PC.

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

Members absent: Bill Cook, Greenwood; and Ann Hoelscher, Victoria.

4. APPROVAL OF AGENDA

MOTION: Zorn moved, Brandt seconded to approve the agenda as submitted.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

There were no Chair announcements.

6. PUBLIC PRESENTATIONS

A) Steve Tallen, LMCD Prosecuting Attorney

Steve Tallen commented that the past year was a strange year for the courts, as there seemed to be less activity in the courts. He commented that the activity on the lake was significantly increased during the past year, noting that the fine revenue also increased. He stated that while the fine revenue was increased, the fees paid to him were less. He stated that the LMCD is not in the business of prosecution to make money, but it is nice when more funds are gained through fine revenue than paid in legal expenses for prosecution. He stated that court was strange in 2020 as courts were suspended during certain periods and then court switched to be held via Zoom. He stated that this fall things may go back to in-person court. He noted that there were no jury trials from March of 2020 through April of 2021, which has created a backlog of cases for the courts. He referenced the ordinance the Board passed a few years ago related to social hosts and believed that has been a big success as he has seen a decrease in those types of cases since that ordinance went into effect. He stated that unlicensed rentals continue to be an issue which has resulted in some fines. He stated that there is a meeting scheduled with him, Schleuning and the Sheriff's Department to discuss what could be done to combat the issue of unlicensed rentals.

Schleuning commented that enforcement is never a money-making endeavor. She stated that although more was received in fine revenue than paid in prosecuting fees, the LMCD also conducts inspections and funds a portion of Water Patrol. She stated that overall, the majority of people are compliant once a warning is issued.

Kirkwood commented that several members of the Board are new of the past few years and asked for some background information on Tallen.

Tallen provided background information on his career experience and the municipalities that he provides prosecution services for. He stated that he still believes in individual responsibility and that people should be treated as you would like to be treated. He stated that his average customer on the lake is typically different than his average customer in other instances.

Kirkwood asked for situations in which the police would be encouraged not to make stops.

Tallen commented that the direction for Water Patrol from the Sheriff's Office during 2020 was that some stops were not worth the risk of contracting COVID.

Thomas stated that each year staff brings a list of contracts for approval, typically as part of the Consent Agenda, and Tallen's contract is included in that list.

Anderson stated that \$25,000 is included in the draft 2022 budget and asked if that would be sufficient.

Tallen commented that seem consistent with what is usually included in the budget. He explained that it is often hard to predict to a better level as his job is reactive to the cases that come forward. He noted that if his fees come in over budget, typically more fine revenue is generated to cover that difference.

Anderson asked the fine for too many boats at a dock.

Tallen commented that there is not a fine schedule. He stated that there is a minimum fine of \$350 plus a surcharge of \$78 for a misdemeanor, which these violations would be. He stated that the fine would be related to the type of violation, with the highest fine allowed at \$1,000. He noted that most people comply once it is pointed out to them.

Thomas thanked Tallen for his continued service and for the update.

7. APPROVAL OF MINUTES- 4/28/21 LMCD Regular Board Meeting

MOTION: Brandt moved, Kirkwood seconded to approve the 4/28/21 LMCD Regular Board Meeting minutes as submitted.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

8. APPROVAL OF CONSENT AGENDA

MOTION: Walesch moved, Kroll seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (05/01/21 – 05/15/21); and **7B)** Approval of Variance for Adjusted Dock Use Area, Length and Side Setbacks, for 940 North Arm Drive, Orono, MN 55364.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	aye

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

Motion carried unanimously.

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

There were no public comments.

10. PUBLIC HEARING

A) Public Hearing for Joint Variance Applications for Side Setback and Structure Dimensions for 16940 Grays Bay Boulevard, PID 17-117-22-21-0090, and 16930 Grays Bay Boulevard, Minnetonka, MN 55391

M. Cook presented a joint variance application for three properties on Grays Bay Boulevard. He stated that these applicants previously submitted separate variance requests which were withdrawn and instead submitted a joint variance request. He began to review property details for each property, moving from west to east. He reviewed the comments received from public agencies. He noted that one verbal comment was received from a resident in support of the proposal. He stated that staff recommends approval and reviewed the suggested conditions.

Thomas noted that a stipulation was included for the western canopy but not the eastern canopy.

M. Cook replied that the proposed canopy would be 40 inches high as shown on the site plan and staff would carry that forward into the variance conditions.

Schleuning commented that the boat lift fabric is greater than allowed by Code, therefore that was specified within the condition.

Thomas opened the public hearing at 7:46 p.m.

Schleuning stated that the applicants have spent a lot of time working together and looking at various arrangements in order to come to this proposal.

Joel Stone, applicant, commented that the boat lift would be a normal boat lift, but the manufacturer fabric is

32 inches, which is why he requested a variance on that amount. He asked for details on minor adjustments that may be made to the structure.

Mr. Cook commented that if someone comes in the future and wants to use the site in a different manner, the dock would need to be configured. He stated that if the property owner could meet the Code setbacks, the dock could be rearranged. He noted that the variance is recorded with the property and therefore it could always revert to this configuration if approved.

Bev Aho, attorney representing two of the applicants, thanked staff for working with the parties to find a solution that would work for all parties. She asked that the Board approve this with the recommendations from staff.

No additional comments were offered, and the public hearing was closed at 7:50 p.m.

MOTION: Thomas moved, Kroll seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving the joint variance application from Tomas and Kim Murdych, owners of 16940 Grays Bay Blvd; Craig Peterson and Mary Kiley, owners of PID 17-117-22-21-0090 on Grays Bay Blvd; and Joel and Marcia Stone, owners of 16930 Grays Bay Blvd for final action at the May 26, 2021 LMCD Board meeting subject to the conditions recommended by staff.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

B) Public Hearing for New Multiple Dock License for Expansion of Boat Slips and Structures, and Variance Application for Dock Length and Side Setbacks, 5th Street Ventures/Back Channel Brewery, Spring Park, MN 55384

M. Cook presented an application for a multiple dock license and variances at 4681 Shoreline Drive. He noted that decisions would be needed related to whether a discretionary EAW will be required and related to the

application itself. He provided background information on the site. He stated that the site is currently a qualified commercial marina with a multiple dock license and reviewed related details. He noted that this request would add 20 additional BSUs, would include variances for length and side setback, and would require removal of some emergent vegetation. He displayed the current approved site plan and compared that to the proposed site plan, highlighting the expansion details. He reviewed the applicable sections of Code and criteria that are used to review the request. He reviewed the comments received by public agencies and members of the public.

Thomas read a written comment from the property owner at 4765 West Arm Road in support of the application.

Schleuning stated that another comment was received related to impacts to the adjacent properties.

M. Cook reviewed the EAW considerations, noting that an EAW was conducted in 2016 and the Board issued a negative EIS declaration. He provided additional details on additional expansions that were approved through 2020. He reviewed the supporting statements that support requiring a discretionary EAW and stated that staff recommends requiring a discretionary EAW and denial of the expansion. He reviewed the findings that support such recommendation.

Thomas asked if the decision of the Board were not to approve the variances, would an EAW still be required.

M. Cook commented that it is his understanding that the order would depend upon what the Board would like to do. He stated that if the Board intended to deny the application, the applicant may be inclined to know that prior to going through the expense of an EAW.

Hughes commented that it was his understanding that all the new docks would be installed for access to the brewery and asked for clarification.

M. Cook commented that he believes the numbers in the application are accurate.

Kirkwood asked if this is a permanent dock or whether it is taken in and out and whether that would have additional environmental impacts.

M. Cook replied that the existing dock is permanent and commented that he believed the new section would also be permanent.

Kirkwood asked if bubblers would be desired for the winter.

M. Cook replied that the applicant has not used bubblers in the past and did not believe that would be requested.

Kirkwood asked if the additional transient slips would be located closest to the brewery and whether the rental slips would be relocated.

M. Cook identified the additional transient slip locations.

Baasen asked and received confirmation that the bog is located behind the proposed expansion of the docks. He asked if the applicant owns the bog.

M. Cook commented that a bog is not treated the same as a wetland and the bog would fall under public waters.

Baasen commented that it would seem the proposed dock extension would then exceed the 200-foot limit for a commercial marina.

M. Cook confirmed that a length variance would be requested for that dock section.

Thomas opened the public hearing at 8:25 p.m.

Josh Leddy, applicant, stated that he has been operating Back Channel Brewing since 2017 and is also a member of the Lake Minnetonka Association Board. He stated that he considers himself to be a steward of the lake. He commented that he feels that this proposal could work and is the maximum number of slips that could be added. He believed that these additional slips would actually work to protect the wetland area. He noted that in the past the bog moved and blocked the channel completely and was moved. He stated that chunks continue to float off and he hoped that the dock slip would create a barrier to protect the bog and prevent additional chunks from floating away. He stated that they do not intend to remove any section of the bog. He stated that they removed buckthorn along the shoreline in 2020 and was awarded a good steward award to create a \$36,000 rain garden at the entrance to his site in order to provide treatment to runoff. He stated that they are creating a natural buffer to treat the water running into the lake and it can be used as an educational piece and hopefully encourage other property owners to improve their shoreline. He commented that since he has moved into the site, they have worked to improve the site and benefit the lake. He stated that boats are currently waiting along the bog area to access a transient slip. He commented that they are doing everything they can to protect the emergent vegetation and bog area. He identified the location of the newly proposed transient slips. He stated that since they have moved into the site, they have provided staff at the docks and have maintained great relationships with those on the land and adjacent properties. He stated that they have learned what the capacity for this marina would be and for the lake area and therefore this is the request they are making and would not be coming back in the future to request additional slips. He recognized the increased interest in boating and desire for additional slips due to COVID. He commented that these would be permanent docks and they do not use bubblers.

Rick Gorra stated that he owns the land to south. He asked who owns the wetland to the north of his property that is located between his property and the applicant's property.

M. Cook stated that staff followed up with Hennepin County property records and a surveyor and if the section shown above the yellow line became dry land it would be the property of the applicant. He commented that the watershed also made comment to that effect and in this case the wetland appears to be part of public waters.

Gorra stated that he called the LMCD after he received the notice and asked if there is a survey stake in at the corner showing the property line.

M. Cook replied that he believes that is part of the staff comments related to determining the southern setback. He identified the area in orange noting that staff would want it clarified to determine if the setback is met.

Gorra stated that he would want a surveyor to mark the boundaries to ensure that his site lines are not blocked.

Schleuning stated that one of the concerns may have been that the applicant stated that more docks could be put in and where those would be located.

Leddy replied that his statement was that they could have applied for more slips, but they did not as they believe this would be their maximum.

Gorra asked if the bog is disturbed and blue green algae is released, would it then fill up the entire lake.

Leddy stated that was a concern when the additional boat slips were added but noted that he was not a part of that initial application. He stated that the EAW was conducted in 2016 and he came in 2017. He noted that since that time nothing has changed related to the conditions of the channel. He stated that if anything the conditions of the channel and surrounding area have improved. He noted that he completed a tour with other members of the LMA this past summer and observed that there is impeccable water quality in this area. He did not believe that the algae bloom would be expanded.

Schleuning stated that additional boat slips were included in a previous application but were limited due to depth and lily pads. She stated that there are reports from the previous year where Water Patrol has had to dislodge a boat. She stated that is why the slips are limited to these locations.

Leddy commented that there was an unruly boater that parked in an area where boats are not allowed, against the comments of the dock staff.

Gorra stated that the proposed dock section appears to go over some reeds and asked if there would be dredging as that is a shallow area.

Leddy commented that the surveyors are pulling from a previous aerial image and noted that the bog area is smaller due to the sections that have broken off.

Gorra commented that these docks would be directly across from his apartments and tenants. He asked for details related to noise and potential impacts to those that live in the apartments.

Leddy commented that the renters are not allowed to hang out at the docks and are only allowed to come and go. He stated that once boats approach the docks, the attendants approach the slip, and the boats are required to turn down their music and follow the rules. He stated that they vet their renters and do not tolerate those that do not follow the rules.

No additional comments were offered, and the public hearing was closed at 8:46 p.m.

Kirkwood asked for more details on what would be involved in an EAW process and why that would be requested prior to approval.

M. Cook stated that he is unsure of the cost related to an EAW. He explained the EAW process. He explained that the information learned through the EAW would determine if an EIS is needed.

Schleuning commented that typically the LMCD manages the timeline and other agencies, and the applicant would use a contractor to steer their process.

Kirkwood asked if the EAW would come back with a hard and fast recommendation.

M. Cook commented that it would not provide a simple yes or no but would instead review how the request would or would not meet the criteria and even those answers are not completely binary as it is hard to qualify how some things would be impacted. He stated that ultimately the Board would make an assessment based on the information provided.

Walesch commented that there are some things that are known, there are fish in the lake and there are cattails in the area. He stated that the biggest thing is the length of the dock at 388 feet long. He stated that while he supports businesses and believes this is a great operation, he is unsure what precedent would allow that length as it is almost twice as long as allowed. He stated that if the length cannot be agreed upon, there is no need to go through the process of an EAW.

Thomas commented that from a logical standpoint he agrees that the Board should discuss whether it would support a variance, as the Board has typically held hard and fast to the 200-foot length limitation for commercial marinas. He stated that if the Board is comfortable with the variances requested, the discussion could then pivot to an EAW.

Anderson commented that when Baasen was the Chair there were marinas at 100 feet and some grandfathered in at 200 feet. He stated that the decision was then made to expand from 100 to 200 feet for a qualified commercial marina. He stated that not one marina is out over 200 feet. He stated that when he redesigned a marina in 2005, there was jagged shoreline, and he could not exceed past 200 feet. He stated that while he supports this business, all other marinas have met the 200 feet limitation, and none have exceeded that. He stated that he would most likely be abstaining from this vote because of the decision related to the 200-foot length limitation for marinas and the impacts that could have to marinas.

Klohs stated that the applicant has come back a number of times and based on the history of the project there is nothing about the proposal that makes sense. He stated that the bog has been floating around and would most likely dissipate over the course of the next few years. He stated that there is a curious argument that this dock segment parallel to the bog could potentially stabilize it and provide benefit long-term. He stated that he would be interested in learning more, if the applicant could provide supporting documentation that would show that the bog would be protected by the dock segment. He stated that he would suggest that come back independently as such.

Thomas stated that if the Board were interested in whether a barrier would keep the bog in check there would

be other options available as a barrier. He stated that the issue would still remain related to the significant variance requests.

Walesch stated that every time the water levels increase the bogs break free from somewhere and float all over the lake. He stated that happens several times a year all over the lake. He stated that he has zero environmental concerns about the request. He stated that this would boil down to the precedent that would be set by allowing 188 feet more than the longer distance allowed for qualified commercial marinas. He stated that this would be a lot different than anything that has ever been asked for, approved, or considered.

Kirkwood stated that there is clearly a demand and pressure for more boats on the lake and available docks. He stated that the easy areas have been developed and there will be more pressure on the natural areas. He stated that he would have no problem drawing the line at the issue of length. He stated that he does not want to diminish the concern related to wetlands.

Klohs commented that this is one example. He stated that bogs are being destroyed by boat traffic and this would be an area where AIS funds could be spent to stabilize bogs. He noted that is just one example of how the LMCD could work to environmentally protect the lake.

Schleuning asked if the Board would be comfortable allowing an additional 300 feet in length for other marinas, as this could set precedent.

MOTION: Thomas moved, Baasen seconded to direct LMCD legal counsel to prepare Findings of Fact and Order denying 5th Street Ventures LLC 2020 Multiple Dock License and Variance applications for the properties at 4681, 4665, and 4695 Shoreline Drive, in the City of Spring Park, based on the fact that the length and side setbacks significantly exceed what is allowed by LMCD Code, for consideration at the May 26, 2021 Board meeting.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

Thomas commented that he agrees with the positive comments related to My. Leddy's operation and improvement of the property and wishes him continued good luck.

11. OTHER BUSINESS

There was no other business.

12. OLD BUSINESS

There was no old business.

13. NEW BUSINESS

A) Authorization to Purchase Watercraft and Equipment

Schleunig stated that when the previous watercraft was sold it has been discussed to purchase one boat and trailer. She stated that the request would be to purchase the watercraft and associated equipment in an amount not to exceed \$50,000. She asked that the Board authorize staff to work with Board members to seek out a watercraft and trailer.

MOTION: Anderson moved, Kroll seconded to authorize LMCD staff and legal counsel to purchase watercraft and associated equipment for general District use and to draft and finalize a purchase agreement with the seller(s) in a cumulative amount not to exceed \$50,000 from the equipment replacement fund.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

14. TREASURER REPORT

Anderson reported that the harvesters were sold, and the check was received.

MOTION: Anderson moved, Walesch seconded to move the AIS, and Equipment reserves into the general reserves, thereby only having general reserve and Save the Lake reserve funds.

Further discussions: Brandt asked if there are any legal challenges in moving AIS levied funds into the general reserves.

Thomas commented that both are levied funds and commented that even though the funds are tracked separately, it is technically one pool of funds.

Schleuning commented that there is a financial policy that would need to be changed.

Anderson stated that it was the suggestion of Cook during the Finance Committee discussions. He recognized that the Save the Lake reserve would need to remain separately.

Schleuning stated that she provided the policy at the last work session. She stated that it was her understanding that would be discussed in the future.

Walesch offered an amendment to read "change the policy to combine the AIS and Equipment reserves with the general reserve fund."

Anderson agreed with the amended language.

MOTION: Anderson moved, Walesch seconded to amend the policy and move the AIS, and Equipment reserves into the general reserves, thereby only having general reserve and Save the Lake reserve funds.

Further discussion: Kirkwood asked if the cities issue separate checks or one check.

Schleuning replied that the cities issue one check.

Gilchrist asked if any of the AIS funds were provided by the DNR, County or any other agency for that purpose.

Schleuning replied no. She explained that those agency funds are received through grants.

Schleuning asked and received confirmation that there would be time allowed for staff to make the changes.

Thomas asked if there would be implications to moving the equipment replacement fund into the general reserve.

Walesch commented that the money is not going away, just moving into one account.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- May 15th is declared Clean Drain Dry Day and is planned to be advertised on the website and social media
- Safe Boating Week will be May 22nd through the 28th
- Provided a preview of the website which is anticipated to launch in the near future

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt reported that the group met the previous week, spending a majority of the time discussing the budget and AIS levy and supported the recommendation from the Finance Committee. He stated that they are still looking at all options for AIS and are working to streamline categories and find a cleaner method of review for recommendations to the Board. He hoped to bring a formal presentation to the Board at some time in the future. He stated that Sara Noah has reached out to many of the members of the Board, and he is looking forward to hearing the information compiled from her discussions.

Communications: No report.

Finance: No report.

Operations: Thomas commented that the group will meet the following Tuesday.

Save the Lake: Baasen reported that the group met the previous night to discuss how the Water Patrol request could be funded using the least amount of Save the Lake funds possible. He stated that the process

would involve revamping the preliminary solicitation letter. He stated that the group is serious in reaching out to the community to support this need. He stated that boater safety was also discussed for 2021 and the possibility to offer educational services online to reach a larger audience. He stated that the group also discussed the update of the Strategic Plan and input on the proposed 2022 budget.

17. ADJOURNMENT

MOTION: Kroll moved, Kirkwood seconded to adjourn the meeting at 9:31 p.m.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary