

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

6:00 P.M., August 11, 2021
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

6:00 p.m. to 6:30 p.m.

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

Members Absent: Deborah Zorn, Shorewood.

Persons in Audience:

Eric Evenson and Jay Soule.

1. Strategic Plan Update Discussion

Hoelscher provided an overview of the new look of the Strategic Plan. She stated that the plan is driven by the committees and the work they do. She noted that the new format is easy to follow and track.

Anderson stated that he likes this and noted that the Finance Committee will attempt to follow this roadmap at its next meeting.

Hoelscher stated that they would like the Committee Chairs to make and send out the agendas prior to their meetings to ensure that is not an additional burden for staff. She welcomed input from the members of the Communications Committee.

Baasen commented that this is well laid out and he supports this as written.

Kirkwood and Hughes agreed.

Walesch stated that this looks great. He noted that this integrates well with the new committee structure and is a good format. He stated that the content proposed by the committees is great.

Thomas stated that the Operations Committee talked about moving K and L up under the committee role, it just did not make it into this version. He referenced Committee role D and suggested using the word "continued." He asked if something should be mentioned about diversity and inclusiveness under Board

member training.

Hoelscher stated that many organizations are doing diversity and inclusiveness training right now and perhaps that would be a good opportunity to offer to the Board. She asked if version two was the correct version to use related to AIS and whether Brandt agreed with removing the word "ecology".

Brandt agreed that removing "ecology" was good and also agreed with the other small edits that were made. He noted that the words removed made the focus more on AIS.

Newell referenced Item E and thought that "LIDS" was going to be removed.

Brandt confirmed that word was revised after the meeting on Monday and version two shows the updated language.

Walesch asked for more information on A, Special Events.

Brandt commented that stemmed from the potential to promote special events on the lake, such as a carp bow fishing event or Starry Trek.

Hoelscher noted that there was funding passed for AIS at the State legislature and asked if the AIS Committee could look for potential funding or whether that would be outside of the Committee role.

Brandt confirmed that could fall to the committee under Item B.

Hoelscher stated that it had been said that it would be nice for the LMCD to have some legislative policy documents and noted that the Communications Committee could provide assistance.

Baasen commented that the three columns reflect where Save the Lake is, with new members added and more active members. He commented on the success of fundraising for 2021 and 2022 efforts. He believed that these goals would hold the group accountable.

Hoelscher stated that the Board will need to take the document to a regular Board meeting for adoption.

Thomas suggested that the item be added to the formal agenda in two weeks.

Hoelscher stated that the success of the plan falls to the committees. She discussed how agendas could be formatted to include the strategic initiatives and an "other" item. She stated that perhaps staff could draft a template for committee agendas that could allow the Chairs to modify to their agenda.

2. ADJOURNMENT

There being no further business, the worksession was adjourned at 6:30 p.m.

FORMAL MEETING

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; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; and Jake Walesch, Deephaven. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Matt Cook, Environmental Administrative Technician.

Members absent: Deborah Zorn, Shorewood.

Persons in Audience:

Leslie Dennis, Eric Evenson, Gabriel Jabbour, Georgette Jabbour, and Jay Soule.

4. APPROVAL OF AGENDA

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

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas commented that the group continues to meet via Zoom. He recognized that there are differing views on this matter and noted that he will continue to monitor this situation. He noted that the group is unable to social distance or hold a hybrid meeting at Wayzata. He stated that the Committee Chairs can make their own call on whether to meet in person or via Zoom.

Chair Thomas thanked the Operations Committee for their work on the Strategic Plan.

6. APPROVAL OF MINUTES- 07/28/2021 LMCD Regular Board Meeting

MOTION: Thomas moved, Brandt seconded to approve the 07/28/2021 LMCD Regular Board Meeting minutes as submitted.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Hughes moved, Anderson to remove Item B from the Consent Agenda.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	nay
Brandt	nay
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye

Klohs	nay
Kroll	aye
Newell	nay
Stone	aye
Thomas	aye
Walesch	nay
Zorn	absent

Motion carried.

Thomas noted that Item B will be considered under Old Business.

Anderson noticed that the City of Wayzata was paid \$1,590 and asked if that equates to about \$300 per month.

Schleuning stated that she did not have an answer about changes to the contract at this time.

Anderson stated that at a prorated amount it would seem about \$300 per month.

Schleuning stated that she should have an answer when she hears back from Wayzata staff and will then provide that information to the Board.

MOTION: Walesch moved, Cook seconded to approve the consent agenda as amended, making the change noted by Hughes above. Items so approved included: **7A)** Audit of Vouchers (08/01/2021 – 08/15/2021).

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

8. CONTRIBUTION RECOGNITION

Baasen noted that there were 17 contributions for 2021 and recognized the donors. He reviewed the total donations for 2021 and the donations that have been received towards the 2022 Water Patrol services. He stated that the solicitation letter is available and encouraged members of the Board to approach potential donors in their area, noting that members of Save the Lake would be willing to assist. He stated that the Save the Lake Committee did not meet in August and will meet in September.

MOTION: Baasen moved, Anderson seconded to accept Resolution 223 Accepting Donations for the month of August.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

Baasen recognized the members of Save the Lake for their efforts in soliciting donations and gaining support for Water Patrol services.

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

Eric Evenson, 223 Carver Creek Place in Carver, stated that he is somewhat uncomfortable having this conversation related to comments made at the July 14th Board meeting. He stated that at that meeting there were references made to "don't ask, don't tell". He stated that given the context the comments were made in, he did not believe they were made to be hurtful. He noted that the individual that made the comments reached out to him and setup a time to speak to him, which he appreciated. He stated that he is gay and some of the best times he has had on the lake have been with his husband on the boat of a Board member. He stated that he thought a lot about whether he should make comments tonight. He noted that he met with people from a bay the previous day and he was asked whether he was married and whether he has kids. He stated that he should have said that he was married to the most wonderful man he has ever met but instead avoided the discussion. He stated that he was afraid that if he said something, the plans for AIS would

dissolve. He stated that how Gabe and Gigi Jabbour responded after those comments gave him the courage to speak tonight. He was unsure if anyone on the Board understands what it is like to feel that they always have a target on their back, to feel like you should be ashamed because of who you love, to feel that you are unwelcome because of who you are with, whether you could lose an opportunity or a job, or be bullied. He stated that this has been his life experience. He stated that while the "don't ask, don't tell" comment was not meant to be hurtful, it is a statement that triggers emotions. He provided a recent example of recognition that the Watershed received. He noted that he then married his husband and he believed that one member of the Watershed Board decided to make his life a living hell and eventually he was voted out of his position because the Watershed "decided to go in a different direction. He again stated that he did not believe the Board member made the statement to be hurtful but encouraged the Board to be aware of what they say and how it can be hurtful to others. He again appreciated that the Board member that made the comment reached out to him.

Thomas thanked Evenson for his courage and taking time to express his comments. He stated that there are expectations to treat everyone with respect, Board members and those that interact with the Board. He appreciated that Evenson stepped forward to share his feelings.

Anderson stated that he has come to know Evenson in a special way and he is glad to call him his friend and has his back all the time.

Walesch thanked Evenson for sharing and that his feeling was that the Board member that made the comment was not attempting to make him feel bad and chose poor verbiage.

10. PRESENTATIONS

There were no presentations.

11. PUBLIC HEARINGS

There were no public hearings.

12. OTHER BUSINESS

There was no other business.

13. OLD BUSINESS

A) Application from The Yacht Club

Thomas invited Hughes to make comment about why he requested to pull this from the Consent Agenda.

Hughes stated that 30 years ago the City of Spring Park created a C-4 office/commercial district code. He noted that part of that was The Yacht Club but that was not meant to be commercial. He stated that the standards of a commercial setting would have different standards and this one would need to upgrade to service those with health issues or that are handicapped. He stated that it is a nice area for a club but not a

qualified commercial marina. He believed that a list of functions would need to be established that any qualified commercial marina would have to meet.

Anderson commented that he seconded the motion because there is a qualified yacht club stipulation. He noted that there are three different qualified statuses available. He commented that the water and land are separated but there is a status for a qualified yacht club which would allow the activities they desire. He believed the applicant came in with the wrong question and should be considered a qualified yacht club rather than a qualified commercial marina. He recognized that is not what the applicant requested.

Thomas stated that this will go to a vote and members could choose to vote in any way they think appropriate. He asked Gilchrist to respond to the comments from Hughes.

Gilchrist stated that the change in the law helped to create a stronger wall between what the LMCD can consider in its review. He noted that the concerns raised are land borne concerns, which do not apply to the LMCD. He stated that the list for commercial marinas could be done but that would be a policy issue that would be done through changes to the Code. He stated that for marinas the LMCD needs to focus below the high water mark and therefore it would be difficult for the LMCD to create that additional criteria that would apply above that mark. He stated that if the applicant is changing from the yacht use to a marina and the City does not support that, it would need to do so through its own regulations.

Klohs stated that this is a perfect example of what was discussed at the legislature when there was a change to the legislation. He stated that Lake Minnetonka is complicated and it's impossible to put everything in one box. He stated that there are many issues where he believes that land and water issues in many cases cannot be separated on Lake Minnetonka. He agrees that comments should be made but it is not in the purview of the LMCD to do so. He noted that the Mayor of Spring Park was part of the driving force in creating that separation.

Gabriel Jabbour, 985 Tonka Wood Road, stated he believes that is not correct. He stated that Spring Park has issued a conditional use permit to this site. He stated that it is not the job of the LMCD to do everyone's work. He stated that if this action violates the conditional use permit, that would be the job of the City to regulate.

Thomas stated that he would like to focus on the application and not the enabling legislation. He stated that there is nothing in the LMCD's ordinance that would support denial of this request.

Hughes stated that his biggest concern is that if this is categorized as a commercial marina there are certain things that a commercial marina would need to have that this facility does not have. He noted that people have health issues that would limit their access to the marina and get onto a boat. He asked if the marina would have a full-time employee available during the day. He stated that if the applicant were to meet the requirements of a commercial marina, he would not object to the request.

Walesch asked if all the other qualified commercial marinas are ADA compliant and whether that is a requirement of the LMCD.

Gilchrist stated that from what he understands, on two examinations of this same request, staff reviewed and

determined that all the criteria have been met to be classified as a qualified commercial marina. He stated that in his time working with the LMCD he has not been involved with ADA compliance and with the changes to the authority of the LMCD, things above the high water mark cannot be considered. He noted that there is one general condition that applies that the owner of the facility is required to comply with all laws and requirements. He stated that it is not the role of the LMCD to discern all other regulations.

Thomas asked Schleuning if this application meets the requirements to become a qualified commercial marina.

Schleuning confirmed that the application does meet the criteria as outlined in the original Board packet.

MOTION: Walesch moved, Cook seconded to approve Application for New Multiple Dock Application for Qualified Commercial Marina, The Yacht Club, 4165 Shoreline Drive (PID 18-117-23-44-0022) Spring Park, MN 55384.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

14. NEW BUSINESS

There was no new business.

15. TREASURER REPORT

Anderson provided additional clarification to the monthly report.

16. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Registration is available for Starry Trek with deadline of August 15th for the event on August 21st
- This year's Save the Lake drive focuses on water safety. The Committee did a nice job on the solicitation letter.
- Low water information can be found on the LMCD website. Low water allowances start when Lake water levels fall below 930.0 ft.
- Many have been involved in identifying and attempting to resolve issues related to unlawful charters. She thanked HCSO water patrol, prosecutor, cities, businesses, and others for assistance.
- University of Minnesota AIS showcase is accepting registrations, event is in September.

17. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt reported that the group met on Monday for about two hours and provided a summary of the discussion. He stated that it was a productive meeting and many options for AIS were discussed. He highlighted the improvements to the LMCD website in terms of AIS information now available to the public. He stated that the future of the AIS Master Plan was discussed as well as how that relates to a future TAG meeting and/or collaboration. Cook will bring a more formal presentation for the Board related to the AIS Master Plan. There was an in-depth discussion related to the LMCD AIS initiatives and structure and how an AIS project could be supported by the LMCD in a more collaborative effort.

Communications: Hoelscher reported that the group will meet again on August 19th at 9 a.m. via Zoom.

Finance: Anderson reported that the group has not recently met. He is excited about the new roadmap provided by the Strategic Plan.

Operations: No report.

Save the Lake: Baasen reported that his report was provided earlier in the meeting. He thanked Schleuning for her letter to the editor of the *Victoria Gazette*. The committee will meet again in September.

Other: Kirkwood asked the outcomes that came out of the discussions with Sara Noah.

Schleuning commented that the AIS Committee plans to bring that information to the Board in its presentation of the AIS strategy.

Walesch commented that Sara Noah should produce some sort of summary or final report to wrap up her work.

18. ADJOURNMENT

MOTION: Kirkwood moved, Kroll seconded to adjourn the meeting at 8:00 p.m.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	aye

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

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary