

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

6:30 P.M., February 23, 2022
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

6:30 p.m. to 7:00 p.m.

Members Present: Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Michael Kirkwood, Minnetrista; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; Maisyn Prueter, Administrative Coordinator, and Matt Cook, Environmental Administrative Technician.

Members Absent: Ben Brandt, Mound; Mark Chase, Spring Park; Dennis Klohs, Minnetonka Beach; and Jake Walesch, Deephaven.

Persons in Audience:

Joe Thull, Eric Evenson, Jay Soule, John Bendt.

The following usernames were present, but user did not identify themselves: Bill, Ipad, Gabriel, Andrew.

1. Security Awareness Review

Schleuning provided a cyber security training with the Board. She emphasized the importance of understanding the various methods of scams and prevention methods.

2. Overview of Website

Schleuning stated that the new website was launched in 2021 and highlighted the different elements of the new LMCD website. She noted much public feedback was considered in its development and positive comments have been received.

3. ADJOURNMENT

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

FORMAL MEETING

7:00 p.m.

1. CALL TO ORDER

Chair Thomas called the meeting to order at 7:00 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; Michael Kirkwood, Minnetrista; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Matt Cook, Environmental Administrative Technician.

Members absent: Mark Chase, Spring Park; and Dennis Klohs, Minnetonka Beach.

Audience present:

Joe Thull, Eric Evenson, Jay Soule, John Bendt.

The following usernames were present, but user did not identify themselves: Bill, Ipad, Gabriel, Andrew.

4. APPROVAL OF AGENDA

MOTION: Anderson moved; Newell seconded to remove Item 13B from the agenda.

Further discussion: Thomas asked for a brief explanation of the request.

Anderson noted that the information presented in the packet is not the recommendation that came from the committee. He noted that his name is also listed at the top of the application and should not be.

VOTE: A roll call vote was performed:

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|-----------|--------|
| Anderson | aye |
| Baasen | aye |
| Brandt | aye |
| Cook | aye |
| Hoelscher | aye |
| Chase | absent |
| Kirkwood | aye |
| Klohs | absent |
| Kroll | aye |
| Newell | aye |
| Stone | aye |
| Thomas | aye |
| Walesch | aye |
| Zorn | aye |

Motion carried unanimously.

Anderson stated that he would like to discuss the new hire and asked if that item could be added to the agenda as Item 13B.

Thomas suggested that Anderson discuss that during the Treasurer's Report.

Anderson stated that he has not yet done a deep dive on the numbers.

Thomas stated that Schleuning copied him on a memorandum she emailed to Anderson with those salary details.

MOTION: Anderson moved, Newell to add an Item 13B to the agenda to discuss a new hire that would replace M. Cook.

Further discussion: Zorn apologized that the Operations Committee was unable to meet this month as that was intended to be discussed at that meeting. She noted that this position will be a direct report to Schleuning and therefore she was not surprised that the position was posted immediately. She stated that if there is a desire of the Board to revise the position, which could be discussed, otherwise this is simply a replacement of staff.

Thomas stated that he spoke with Schleuning and agreed that the position should be posted immediately because that position will be needed. He echoed the comments of Zorn as to why he believed the position could be posted.

Walesch stated that he does not believe it would be important to talk about it but agrees that the position should have been posted. He noted that it would make sense at some time to discuss the type of employee they would be looking at for the position. He stated that if there are no changes to the position intended, he would not see a need to follow a different path. He stated that he would support having a discussion either tonight or at another time.

VOTE: A roll call vote was performed:

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

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| Thomas | aye |
| Walesch | aye |
| Zorn | aye |

Motion carried unanimously.

MOTION: Thomas moved; Walesch seconded to approve the agenda as amended.

VOTE: A roll call vote was performed:

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|-----------|--------|
| Anderson | aye |
| Baasen | aye |
| Brandt | aye |
| Cook | aye |
| Hoelscher | aye |
| Chase | absent |
| Kirkwood | aye |
| Klohs | absent |
| Kroll | aye |
| Newell | aye |
| Stone | aye |
| Thomas | aye |
| Walesch | aye |
| Zorn | aye |

Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas commented that at the last meeting there was some discussion about the Saint Anthony Falls Study, and he noted that he would work on something to identify a process. He stated that he is working on a draft which he will present at the Officers meeting in March and to the full Board at the first meeting in March.

6. APPROVAL OF MINUTES- 02/09/2022 LMCD Regular Board Meeting

MOTION: Walesch moved; Kroll seconded to approve the 02/09/2022 LMCD Regular Board Meeting minutes as submitted.

VOTE: A roll call vote was performed:

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|-----------|-----|
| Anderson | aye |
| Baasen | aye |
| Brandt | aye |
| Cook | aye |
| Hoelscher | aye |

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|----------|--------|
| Chase | absent |
| Kirkwood | aye |
| Klohs | absent |
| Kroll | aye |
| Newell | aye |
| Stone | aye |
| Thomas | aye |
| Walesch | aye |
| Zorn | aye |

Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Baasen moved, Anderson seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (02/16/2022 – 02/28/2022); **7B)** Approval of Municipal Dock Request for Massasoit Avenue, Big Island, City of Orono; **7C)** Denial of Watercraft for Hire Application, Andrew Krenzer of Tonka Tours, LLC; and **7D)** Resolution Accepting Save the Lake Contributions (01/01/2022 – 02/15/2022).

VOTE: A roll call vote was performed:

| | |
|-----------|--------|
| Anderson | aye |
| Baasen | aye |
| Brandt | aye |
| Cook | aye |
| Hoelscher | aye |
| Chase | absent |
| Kirkwood | aye |
| Klohs | absent |
| Kroll | aye |
| Newell | aye |
| Stone | aye |
| Thomas | aye |
| Walesch | aye |
| Zorn | aye |

Motion carried unanimously.

8. CONTRIBUTION RECOGNITION

Baasen recognized a contribution at the bronze sponsor level that has kicked off the new season.

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

Gabriel Jabbour, 985 Tonkawood Road, commented that most of the Board activity and its challenges seems to stem from applications related to planning and zoning. He asked the Board to recall the amount of time spent on environmental issues. He stated that he had a bad experience with applications that he had submitted through the LMCD. LMCD had an interim City Manager and the application process ran smoothly with many applications. LMCD should have staff that can process applications smoothly and that has planning and zoning experience. He suggested the LMCD contract out for environmental issues.

John Bendt, 1120 Tonkawood Road and President of Citizens for Sharing Lake Minnetonka, stated that two weeks ago he sent a letter to the Board members expressing the position of CSLM related to the St. Anthony Falls Study. He emphasized the importance of action on the part of the Board. He stated that the research data available renders the current standard of 150 feet from shore indefensible from wave energy. . He provided other data from the different studies related to wave size and motor size. He realized that there is temptation to state that more information is necessary before action can be taken. He did not believe that waiting another year would provide more data on the distance from shore. He stated that a greater distance is required than currently regulated by the LMCD and asked the Board to act now to protect the lake.

10. PUBLIC HEARING

There were no public hearings.

11. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

A) Designation of Committee Members

Schleuning reported that she has not heard from all the committee chairs regarding their members.

Thomas asked the committee chairs to provide input on whether they are comfortable approving the members listed.

Brandt confirmed that he is comfortable approving the AIS Committee.

Hoelscher stated that Chase indicated that he would like to join the Communications Committee but is listed under the Operations Committee.

Schleuning confirmed that Chase would like to join both the Communications and Operations Committees.

Zorn confirmed that Chase reached out expressing interest in joining the Operations Committee and was comfortable approving the membership for that group.

Anderson confirmed agreement with the Finance Committee.

Hoelscher suggested that the Nominating Committee not be appointed at this time as its members are designated at the end of the year.

Thomas agreed to hold off on that committee.

Baasen confirmed agreement with the members listed for the Save the Lake Committee, except for Gross and Kroll from whom he has not received confirmations.

Kroll confirmed his interest in continuing.

Baasen stated that he would agree to approve the members listed except for Gross as he has not been able to verify whether he would like to continue.

Thomas asked if the committees have elected a chair and secretary at this time.

Hoelscher stated that communications have not yet done so and will do that at the next committee meeting.

Thomas wondered if this action is premature if changes would be needed.

Anderson suggested that the chairs be removed, and that the membership simply be approved at this time.

Walesch suggested postponing all action on this item as it is not time sensitive.

Hoelscher agreed.

Thomas noted that action will be postponed for this item, and it will come back to the Board at the next meeting. He agreed it would be best to act once the chair and secretary for each committee is known.

12. NEW BUSINESS

A) Update Regarding Cedar Point West Channel Slow Wake Request, Cooks/West Upper Lake Bays

Schleuning stated that there have been concerns regarding the buoy channel on Cedar Point West between Cooks Bay and Upper Lower Lake. She stated that staff visited the site this summer to make observations.

Kirkwood shared perspective from the past 28 years he has lived on Cedar Point. He stated that there are issues with speed and safety in the channel. He stated that the Minnetrista City Council agrees that this is an area of concern related to safety. He provided details on the composition of the channel area noting that there have been many situations where he and his neighbors have witnessed near collisions of boats. He stated that if a boater were traveling at 40 miles per hour and took the two seconds to look over their shoulder behind them, it would have traveled 100 feet through the channel. He commented on the problems different types of watercraft have in the channel. He noted that the charter boats from Al and Alma's travel through the channel at no wake speeds, which is commendable, but those boats do take up space which can cause issues from the fast-traveling boats in the channel at the same time. He noted that most of the shoreline property owners have invested in substantial improvements to protect their shoreline because of the wake

created. He asked that a slow/no wake zone be instituted in the channel, noting that boats that do not wish to slow down can go around to the west. He stated that he spoke with over 40 neighbors about the channel and all, but one, had safety concerns with the channel. He stated that he also spoke with the Water Patrol and slow/no wake would also assist them in pursuing boaters and enforcement. He asked that this move forward to a public hearing at the next opportunity.

Schleuning confirmed that the LMCD would have the jurisdiction to place slow/no wake buoys.

Thomas asked if the LMCD pays for and/or installs buoys at any other location in the lake.

Schleuning stated that Hennepin County contractor installs buoys for the LMCD such as slow/no wake zones and Big Island. She stated that this was meant to be an update, but formal consideration would come back for a public hearing, noting that she could have that meeting scheduled for an April meeting. She stated that an official request has been received from Minnetrista, therefore this will come back for a public hearing. She stated that the intent was to gain input regarding information the Board would find helpful.

Hoelscher stated that she would like information on who would be responsible for placement of the buoy and the cost. She asked if placement of buoys here would mean that they would need to be removed from another location.

Cook stated that he would like to see a recommendation from staff at the next review along with information on whether this would set precedent or whether precedent has been set through previous requests.

Newell commented that prior to joining the Board, the mayor for his city expressed concern they were having with Cedar Point in their city. He stated that there was a lot of traffic coming from the Grays Bay launch that was making that channel busy and the LMCD granted them a slow wake area with buoys. He stated that has vastly improved the safety in that area, therefore he supports this request.

Schleuning stated that during the observations during a period of 60 to 90 minutes last summer, staff observed boat speeds, safety issues, and violations that will be reported at the next review.

B) New Hire to Replace Matthew Cook

Thomas stated that Schleuning spoke with him about a replacement for this position and he did not feel it would be necessary to go to the Operations Committee or full Board to fill the position.

Anderson stated that when the last new hire was brought on, the position was brought through the Operations Committee and Finance Committee, both which provided recommendations. He provided details on a review of the personnel budget for 2022 and believes that this new hire would have a cost of \$27,500 over the budgeted amount. He believed that this position should follow a similar path to the last new hire. He noted that he sent emails to Thomas and the officers and did not receive response.

Hoelscher commented that while she does receive the emails from Anderson, she does not reply to all of them. She did agree with Anderson that the Board should be following the same process that was followed for the last new hire. She recognized that the Operations Committee meeting was canceled but noted that a

special meeting could be called to consider time sensitive items. She also believed that this may be an opportunity to rethink what is needed in this position.

Walesch agreed with the comments of Hoelscher. He stated that the operations or officers committee should review this item. He believed it would add value to have a quick discussion. He recognized that staff needs help in the office so this should move quickly.

Gilchrist stated that Schleuning also consulted with him prior to posting the job position. He confirmed that she does have the authority to advertise for positions. He stated that the process would be different if Schleuning were requesting to create a new position, but this is filling a position which has become vacant.

Schleuning stated that it was not her intent to overstep boundaries. She stated that this is a position that was already approved by the Board and a link was included in a memorandum previously to the Board that included the job posting and salary. She commented that she felt that the job description accurately described what is needed. She recognized the tough job market and stated that they were looking to fill the position as soon as possible.

Thomas stated that he also supported this action.

Zorn commented that she will check with the Operations Committee to schedule a meeting within the next week. She stated that while the position is already posted, the committee can still develop items that could be added to the posting. She noted that if Schleuning is not satisfied with the pool of applicants received, the position can be revised and reposted. She noted that M. Cook provided input on how his hours were spent to ensure the posting details were correct.

Walesch stated that he wants it to be clear that the intention is not to say anyone overstepped bounds. He stated that there is simply a thought that the Board should discuss the position further.

Thomas suggested that the posting be taken down given the comments received. He believed that it would be cleaner to have the Operations Committee and Finance Committee provide recommendations.

Zorn stated that she would default to Schleuning on what is best.

Schleuning stated that she has no comments and asked the Board to make a motion and she will follow that path. She stated that she reviewed the position and organization needs and if she believed that it was not necessary to post the position, she would not have done so.

Hoelscher stated that she does not believe the posting has to come down but does believe there is value in reviewing this through committees to determine if adjustments should be made to the position. She stated that any time a position is vacated, it is an opportunity to decide if adjustments are necessary.

Brandt agreed with keeping the posting up. He noted that job descriptions can easily be modified even through the interview process. He noted that taking the posting down would cause a two- or three-week delay and he did not see the value in taking it down.

Schleuning noted that the last time the vacant position followed that path it was months before it was reposted.

Walesch asked if the current posting requires environmental degrees.

Schleuning stated that the posting mirrored the position for the last new hire, with broad language which allows flexibility to find the best fit because they are aware recruitment is tough at this time.

Walesch stated that he would support leaving the posting up and having the Operations Committee review the item to determine if changes should be made.

Schleuning encouraged everyone to read the job posting, as the language mirrors the comments received from the Board during the last job posting process. She noted that it is a tough recruitment market and therefore the issue may need to be revisited regardless.

Brandt asked how long the position has been posted.

Schleuning stated that the position has been posted for a few days and is posted through March 4th or until filled. She stated that a few applications have been received but she has not verified if the minimum qualifications have been met.

14. TREASURER REPORT

Anderson presented a preliminary year-end review of the finances, noting that it is subject to auditor review.

15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- CD3 Machine outpost is in storage at the Hennepin County storage facility
- Informational notice was sent out regarding The Cove noting that more details will be provided in the future and the review involved significant environmental considerations
- Staff is looking to see how they can be more efficient in supporting the committees
- Today was M. Cook's last day with the LMCD and we appreciated his work over the years

Newell asked if the CD3 unit is the new one or the one from Grays Bay.

Schleuning stated that it is the second portion for Grays Bay. She noted that she will continue to update the Board with progress on the Carson's Bay request.

Thomas thanked M. Cook, noting that he was a terrific addition to the LMCD team and wished him best in his future career.

M. Cook thanked Schleuning, the office staff, and the Board noting that he has enjoyed his time with the LMCD.

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt reported that the Crystal Bay presentation was pulled from the agenda tonight to allow due diligence on the application and process through the committee. He stated that they will bring that request back to the March 9th meeting along with applications received from Black Lake and Browns Bay.

Communications: Hoelscher reported that the committee meeting was rescheduled and will meet on Tuesday, March 1st.

Finance: Anderson reported that the committee met to review the strategic initiatives, focusing on the funding of reserves and appropriate balance for those accounts. He stated that the committee may bring forward budget amendments for 2022 as well.

Operations: Zorn reported that the committee did not meet in February, but a meeting will be set within the next week as previously discussed.

Save the Lake: Baasen reported that the focus for 2022 is to continue to focus on lake safety and the expanded use of the lake. He stated that the committee will be meeting the second Tuesday of each month during 2022. He stated that they are going to accelerate fundraising activities in a more focused manner, sending three solicitations during the year. He stated that the committee will attempt to remove the onus off staff to work more effectively.

Cook stated that the committee discussed solar lights, which are currently funded through the operating budget. He stated that all the solar lights are anticipated to be replaced over a three-year period and the committee has recommended that up to \$5,000 be spent for solar lights for the first round of replacement lights. He believed that was included in the budget and therefore would not require Board action and simply wanted to provide that update.

17. CLOSED SESSION TO CONDUCT PERFORMANCE EVALUATION OF THE EXECUTIVE DIRECTOR PURSUANT TO MINN. STAT. 13D.05, SUBD. 3(a)

MOTION: Thomas moved; Walesch seconded to adjourn the meeting to closed session at 8:40 p.m.

VOTE: A roll call vote was performed:

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| Anderson | aye |
| Baasen | aye |
| Brandt | aye |
| Cook | aye |
| Hoelscher | aye |
| Chase | absent |
| Kirkwood | aye |
| Klohs | absent |
| Kroll | aye |

| | |
|---------|-----|
| Newell | aye |
| Stone | aye |
| Thomas | aye |
| Walesch | aye |
| Zorn | aye |

Motion carried unanimously.

The meeting returned to open session at 9:57 p.m.

18. ADJOURNMENT

MOTION: Thomas moved, Baasen seconded to adjourn the meeting at 9:58 p.m.

VOTE: A roll call vote was performed:

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|-----------|--------|
| Anderson | aye |
| Baasen | aye |
| Brandt | aye |
| Cook | aye |
| Hoelscher | aye |
| Chase | absent |
| Kirkwood | aye |
| Klohs | absent |
| Kroll | aye |
| Newell | aye |
| Stone | aye |
| Thomas | aye |
| Walesch | aye |
| Zorn | aye |

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary