

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
7:00 P.M., April 27, 2022  
Wayzata City Hall**

**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; Ben Brandt, Mound; Mark Chase, Spring Park; Michael Kirkwood, Minnetrista; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; and, Deborah Zorn, Shorewood. Also present: Jason Hill, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Thomas Tully, Environmental Administrative Technician.

**Members absent:** Dan Baasen, Wayzata; Dennis Klohs, Minnetonka Beach; and Jake Walesch, Deephaven

**Persons in Audience:** Ashley Bergdoll, Brandon Audette.

**4. PRESENTATIONS**

**A) Representative Kelly Morrison**

Chair Thomas introduced Representative Kelly Morrison, reviewing the area she represents, her career experience, and committee assignments.

Representative Kelly Morrison stated that nine of the ten communities that she represents touch Lake Minnetonka and recognized the importance of that amenity. She stated that clean water has been a big topic of interest for her and there has been a focus on addressing aquatic invasive species and related research. She commented that one of the upsides of the pandemic was that people were excited to get outside and rediscover the natural resources. She commented that the increase in boaters means that there are many new boaters and boater safety is a concern. She noted that many stakeholders have come together to request that boater safety be required. She stated that it is great to see support for the bill from many different stakeholders that often do not agree. She acknowledged that wake surfing and the related impacts are also a concern for the lakes.

Thomas thanked Morrison for her efforts to make these communities great. He commented that many people have spoken to the LMCD about wake surfing, on both sides of the issue, and the Board decided to wait for the Saint Anthony Falls study results. He noted that the LMCD also supports the boater safety legislation and has made the decision to delay the conversation on wakes until the boater safety issue is completed at the legislature. He stated that AIS is also something often discussed by the LMCD. He noted that the LMCD is no longer harvesting and instead focusing its efforts on different ways to prevent the spread of AIS.

Morrison agreed that seemed to be a sensible approach.

Newell asked how the mentioned watercraft fees are assessed.

Morrison replied that boat owners pay a fee every three years.

Newell commented on a previous study that determined most users of the lakes are willing to pay a reasonable fee to maintain water quality. He asked if there have been considerations of how that could be funded.

Morrison commented that the watercraft fee seemed the most logical as boats are the most likely method to spread AIS.

Anderson referenced the hunter's safety certificate process and the different education that is provided. He believed that this would be a great accomplishment as well in terms of boater safety.

Hoelscher thanked Morrison for speaking tonight and welcomed any input or discussion she may have in the future.

#### **A) Senator Ann Johnson Stewart**

Kirkwood introduced Senator Ann Johnson Stewart reviewing the communities she represents, her career experience, and committee assignments.

Senator Ann Johnson Stewart also mentioned the boater safety law and provided an update on that process within the Senate and the information within the proposed bill. She also provided details on work she is doing which would include boat rental insurance under a homeowner's policy. She commented that she believes that a boat driver should be allowed to operate a boat for more than six unrelated people and will be working on that. She welcomed any ideas people may have. She noted that she and Morrison went against each other for the DFL endorsement and Morrison won and will be moving forward. She stated that frees her up to work on some more controversial issues. She commented that she recently met with every public works director recently around the lake communities and provided details on the different sewage used by the communities. She noted that many people around the lakes still use septic systems which is a concern to the lake because of possible failures. She referenced the wake study and noted that erosion is the number one pollutant for lakes. She believed that wake boats should have legislation as the boats tear up the bottom of the lake and are harmful to the lake ecosystem and causes erosion when closer than 400 to 500 feet from the shore. She welcomed feedback from the Board.

Thomas stated that the Board has not taken a stance one way or the other regarding boat wakes and has heard presentations from both sides. He stated that the Board will be hearing input from residents following the action of the legislature related to boater safety. She recognized that there are representatives from 14 communities that may have differing opinions.

Stewart commented that she would be interested in attending the listening sessions to hear the input of people.

Kirkwood commented that many constituents around the lake are forming groups to push their opinion.

Stewart agreed that boater safety is important and believed there would be progress.

Chase referenced the issue of sanitary sewer, noting that his city is concerned and is working to replace that infrastructure street by street. He noted that the city was able to obtain a grant from the state to assist with that replacement. He asked if there is foreseeable grants or funding to aid cities in replacing that infrastructure.

Stewart commented that is a complicated discussion because of the additional funds that the State has. She noted that typically a city can apply and get in line for a low interest loan for drinking water or clean water improvements. She hoped that the State would use some of the federal money to provide grants to cities on that list.

Anderson commented that he did not find the statements related to septic systems in Orono to be accurate. He commented that the only community that he is aware of that has septic systems is Woodland. He stated that he does agree that there is deterioration of lines going from the homes to the system and noted that sewer inspections are required, and that system is required to be brought up to code before the home can be sold.

## 5. APPROVAL OF AGENDA

**MOTION:** Anderson moved; Thomas seconded to approve the agenda as submitted.

**VOTE:** Motion carried unanimously.

## 6. CHAIR ANNOUNCEMENTS

Chair Thomas introduced Jason Hill, who is serving as legal counsel tonight. He reported that the Operations Committee met prior to this meeting, and it was noted that the minutes from the committees have not been included in the Board agenda. He asked that the Chair of each committee send their minutes, once approved, to staff for incorporation into the Board agenda.

Newell asked for information on the process for committee minutes and received clarification from legal counsel.

Schleuning introduced Thomas Tully, the new Environmental Administrative Technician. She noted that LMCD is now at full staff and thanked all the staff members for the work they do.

Thomas stated that at the last Board meeting there were side conversations that went on in length and asked members to avoid that during meetings.

He commented on an instance with a runaway boat and noted that Water Patrol and Gabriel Jabbour helped.

**7. APPROVAL OF MINUTES - 04/13/2022 LMCD Regular Board Meeting**

**MOTION:** Chase moved; Brandt seconded to approve the 04/13/2022 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** Ayes (8), Abstained (3), (Zorn, Cook, Hoelscher). Motion carried.

**VOTE:** Motion carried unanimously.

**8. APPROVAL OF CONSENT AGENDA**

**MOTION:** Zorn moved, Cook, seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (04/16/2022 – 04/30/2022); and **7B)** Approval of Joint Variance Applications for 21100 Excelsior Blvd and 5600 Maple Heights Road, Greenwood, MN 55331, St. Albans Bay, Adjusted Dock Use Area (setbacks, length).

**VOTE:** 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)** Continued Petition for Quiet Water Area on Buoy Channel at Cedar Point West between Cooks Bay and Upper Lower Lake

Thomas commented on the lengthy discussion the Board had at its last meeting on this topic. He noted that a letter from Gilchrist was included in the agenda with a recommendation.

Schleuning commented that the Board asked what has been done in the past and noted that in her review most of the areas with buoys are quiet water areas (QWA) or within 150 feet of shore. She stated that when and where the buoys are placed by the County will be determined by resources.

Kirkwood stated that he would like to move this forward.

**MOTION:** Kirkwood moved; Newell seconded to direct legal counsel to prepare a code amendment Designating Cedar Point West a Quiet Waters Area Under the Lake Minnetonka Conservation District Code of Ordinances.

Further discussion: Anderson commented that he will be voting against this item. He stated that he would like more information on what the QWA would be and where it would end.

Kroll asked if the QWA would be designated between the buoys.

Kirkwood commented that the LMCD can designate QWA and noted that there are already red and green buoys that designate passage area, and the additional buoys would slow traffic as it does in Cedar Point East.

Kroll commented that seems to be reasonable.

Kirkwood commented that he found it interesting that there is advantage in terms of enforcement if the LMCD controls the QWA.

Brandt commented that the County has agreed to place the slow wake buoys in addition to the navigation and asked if that is a minimal solution to the issue or whether a QWA is the ultimate solution.

Kirkwood commented that he was told the only way to do this was to go through the QWA application and that is what they did. He commented that the buoys were added through the discussions in this process, which is great and the QWA designation is the final step.

Schleuning commented that this action is consistent with what has been done throughout Lake Minnetonka.

Newell commented that with the red and green buoys there are navigation issues which vector the traffic through that area and the slow wake buoys should help to slow that traffic.

**VOTE:** Ayes (9), Nays (2) (Brandt and Anderson). Motion carried).

## 11. OTHER BUSINESS

There was no other business.

## 12. OLD BUSINESS

There was no old business.

## 13. NEW BUSINESS

There was no new business.

#### 14. TREASURER REPORT

Anderson thanked staff for the reply on his question at the last meeting related to insurance coverage for M. Cook. He stated that there are funds within the budget for education and buoys. He stated that the Save the Lake Committee has been working on its solicitation letter which mentions education and buoys which are items within the budget.

#### 15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- CD3 – Both the larger and smaller outposts have been installed at Grays Bay and were used by boaters when staff was completing sign maintenance. The other unit has been ordered that will be located at Carson's Bay.
- Styrofoam beads are still being found in the water.
- Boater Safety Education Class – Drafts will be sent to the Board for review.
- Save the Lake Solicitation Letter – Ready for printing and distribution.
- Residential Dock Structure Handout – Has been updated and is available on the website.
- Summer Signs Installed and Cleanup at Public Launches – Volunteers installed the summer signs and completed cleanup at launches.
- 2022 Watercraft for Hire Liquor License being finalized
- A decal designating an approved watercraft for hire will be provided to show compliance and licensure.
- City Events – Please alert staff to any events in your city that Board members may want to attend on behalf of the LMCD.
- Solar Lights – Buoys are still being installed along with solar lighting.
- Equipment Updates – provided an update on equipment needs that have been ordered.

#### 16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt reported that the group has not met since the last meeting. He noted that he and Newell attended the Hennepin County AIS celebration event, where 1,000 tool uses from CD3 units was celebrated.

Anderson commented on the four AIS grants that have been approved. He noted that the bay captains will be meeting to discuss fundraising strategies to raise the remaining funds. He invited Brandt and Newell to participate in that meeting.

Communications: Thomas thanked Hoelscher for arranging the legislators to attend the meeting as it helps to establish relationships.

Hoelscher commented that she will continue to remind the Lake Minnetonka delegation about the opportunity to attend LMCD board meetings. She stated that the committee met on April 5<sup>th</sup> and will meet again on May 17<sup>th</sup> at the LMCD office. She stated that the group is attempting to work with the LMCC to create videos about the test distance buoys that will be placed in Mound. She noted that they also continue to work with staff on newsletter articles.

Finance: Anderson commented that he would like to see the first quarter P&L before meeting with the committee but noted the need to meet to discuss the 2023 budget. He stated that they will reach out to the committees to gather information in preparation of the budget. He also asked for the salary of the new hire.

Thomas stated that at a previous meeting there was discussion about recouping the costs for a variance request. He asked if the Finance Committee would like to make a written proposal for the Board to review on a future agenda to consider that topic.

Operations: Zorn reported that the Operations Committee has begun to meet prior to the second LMCD Board meeting of the month, so they did meet prior to this meeting. She stated that staff has requested that the group review a data retention project and the committee will look into that. She stated that the group is also working on an internal succession plan.

Save the Lake: Newell thanked Cook for transitioning the solar lights out of Save the Lake and looked forward to the boater safety class. He noted that thank you notes were sent to all donors that donated over \$500 in 2021. He stated that the spring mailing is ready and will hopefully be mailed in the next week.

## 17. ADJOURNMENT

**MOTION:** Cook moved, Hoelscher seconded to adjourn the meeting at 8:30 p.m.

**VOTE:** Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary

---

---