

## LAKE MINNETONKA CONSERVATION DISTRICT

### BOARD OF DIRECTORS

6:00 P.M., May 25, 2022

Wayzata City Hall

### WORK SESSION

6:00 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; Mark Chase, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; and Nicole Stone, Minnetonka.

Ben Brandt, Mound, arrived at 6:40 p.m.

Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Thomas Tully, Environmental Administrative Technician.

**Members Absent:** Deborah Zorn, Shorewood; and Jake Walesch, Deephaven.

**Persons in Audience:** Major Dawanna Witt, Captain Steve Labatt, and Eric Evenson.

#### 1. Legal Update

A legal update was provided regarding the final resolution and overview of litigation brought by Steven Schussler and Sunhi Ryan-Schussler, Plaintiffs, v. City of the Village of Minnetonka Beach; Lake Minnetonka Conservation District; et.al. was provided by Justin Templin, Hoff Barry, P.A., legal counsel for LMCD for this case.

#### 2. 2023 Preliminary Budget Discussion

Director Anderson provided an overview of the budget suggestions of the Finance Committee for the preliminary 2023 LMCD Budget. He provided a document dated 05/25/202 submitted by the Finance Committee.

Anderson provided a suggestion of transferring in \$90,000 from the reserves each year for five years in order to match the goal of holding 35 percent in the reserves. He stated that he would also suggest reducing the municipal contributions from \$300,000 to \$250,000 with no additional AIS surcharge.

Thomas referenced the previous audit report and did not recall the same percentage of balance in the reserve.

Anderson read a statement from the report which states that the balance is equal to 143 percent of the general fund. He stated that the strategic goal of the Finance Committee is to reduce the reserves to 35 percent, and this is the presented plan. He provided details on the Save the Lake reserve fund.

Baasen noted that a large portion of the 2021 reserve fund included the contributions towards the 2022 water patrol coverage. He noted that there should not be anything showing coming out of the reserve fund in 2022, aside from the water patrol contributions. He suggested that he and Anderson meet prior to the next meeting to further discuss the Save the Lake information.

Klohs recalled in previous years Save the Lake was separate from the regular budget, but it was then recommended and determined that they should be combined into one action. He noted that the 35 percent recommendation for the reserve is a recommendation and is not something that has been voted on by the Board. He believed that it was stated in the past that 50 percent should be the goal for the reserves.

Cook stated the Finance Committee drafted the budget as a starting point for the Board to consider.

Schleuning stated that some of the confusion with the increase in reserves is that the Save the Lake and equipment replacement was not considered as part of the reserves and the Equipment replacement fund amount now is being considered by the Finance Committee as part of the reserve equation increasing the perceived reserve overage.

Thomas stated that the question would be whether Save the Lake and AIS should be included in that calculation.

Hoelscher stated that she recalled the same things as Klohs that Save the Lake should be included in the regular budget but noted that some of those funds are designated for uses by those that contributed the funds.

Gilchrist recalled that discussion a few years ago. He stated that the Save the Lake fund was treated separately for many years but was then incorporated into the overall budget. He stated that perhaps the accountant could provide input. He stated that from a legal perspective he was unsure that the Board could separate out the pot of money.

Anderson stated that previously the decision was made to roll some of the different reserve funds into the general fund, but Save the Lake remained its own account.

Schleuning agreed that there was considerable discussion about Save the Lake funds. She stated that because the funds in Save the Lake are donations, they are tracked differently, but they are still LMCD funds. She stated that the cities previously had confusion about Save the Lake, and it was explained that those were donations.

Thomas commented that while this has been a good discussion, there has not been enough time to review the Finance Committee documents. He commented that the Finance Committee has done a good job to get the ball rolling. He suggested that the Committees and Executive Director be part of the discussion and suggested the Board take a hard look at this preliminary information.

He asked that the Board be prepared to discuss this in more depth at the first meeting in June, as the budget needs to be finalized at the second meeting in June.

### **3. ADJOURNMENT**

There being no further business, the work session was adjourned at 7:00 p.m.

### **FORMAL MEETING**

7:00 pm

#### **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; Mark Chase, 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; and Vickie Schleuning, Executive Director.

**Members absent:** Deborah Zorn, Shorewood.

**Persons in Audience:** Major Dawanna Witt, Captain Steve Labatt, Eric Evenson.

#### **4. APPROVAL OF AGENDA**

Thomas requested to remove Item 13B from the agenda.

**MOTION:** Thomas moved; Kroll seconded to remove Item 13B from the agenda.

**VOTE:** Motion carried unanimously.

**MOTION:** Kirkwood moved, Brandt seconded to approve the agenda as amended, making the change noted by Thomas above.

**VOTE:** Motion carried unanimously.

#### **5. CHAIR ANNOUNCEMENTS**

Chair Thomas commented that he has a request from Eric Evenson to speak.

Eric Evenson, LMA, commented that tonight is the kickoff for the zebra mussel research on Maxwell Bay being completed by the U of M. He stated that they are working hard to complete delineations and treatments of curly leaf pond weed. He thanked the LMCD for its funding and contributions. He commented that the contractor will be surveying for milfoil in the next few weeks anticipating treatments in the end of June or beginning of July. He commented that he has spoken with Hoelscher and another homeowner on Smithtown Bay and learned of some challenges in that bay. He stated that Hoelscher provided a generous donation to fund the survey and a grant application to the AIS Committee grant program will soon be submitted. He stated that the new grant program from the LMCD has assisted in beginning treatment on different bays. He commented about Lake Improvement Districts since it is a lot of work for the bay captains to raise the funds needed for treatments each year and should consider other options such as a Lake Improvement District (LID) for the entire lake. He believed that if the groups worked together, they could get the milfoil and AIS under control in the lake.

Anderson asked for Evenson to speak about a lower and upper lake option.

Evenson commented that the DNR and scientists have suggested that they look at dealing with Lake Minnetonka in upper and lower sections.

Evenson stated that if there are residents on North Arm Bay that have a dock and would like to support the U of M project, U of M is looking for residents that would like to place a zebra mussel box on their dock.

Thomas commented that he believes that the AIS Committee would be the right place to start the discussion.

Brandt agreed. He commented that the progress they have made this year has been encouraging.

Thomas commented that in the workshop they heard about proposed legislation for boater education. He stated that the State legislature adjourned, and they did not take action on that item. He noted that the LMCD had sent a letter of support and the bill seemed to be making traction but ultimately action was not taken.

Thomas stated that the LMCD Board had previously agreed that it would not discuss boat generated wakes while the proposed boater education legislation was being considered. He stated that because the item did not move forward in the legislature, he proposed that the June 8<sup>th</sup> workshop be used to receive input from the public on boat generated wakes.

Walesch asked what Thomas would envision the format would be for the session and how long people would be allowed to speak.

Thomas commented that he would use the workshop for that, noting that the Board reviewed a proposed format at a previous meeting. He stated that the format previously suggested speakers be

limited to three minutes, but he would suggest speakers be limited to five minutes. He noted that he could send that document to the Board again. He commented that he would suggest subsequent speakers state whether they agree or disagree with a certain viewpoint rather than each speaker reiterating the same points.

Newell commented that he would agree with that format as there has been a lot of redundancy on both sides.

Thomas recognized that five minutes would probably not be long enough for groups representing an interest or multiple parties. He confirmed that it would be a one-hour session and if additional time were needed, they would hold a second workshop. He wanted to ensure that residents have a chance to provide input before the Board makes a decision.

Newell commented that there are a lot of people with opinions on both sides of the issue and therefore if five minutes is allotted to each person that will make this very lengthy.

Thomas commented that he can stick with the three-minute time allowance.

Kirkwood suggested that structure be identified that would include a public presentation with time for public input and that organizations can submit longer comments in writing.

Thomas confirmed the consensus of the Board.

Schleuning commented that staff did receive some feedback after the last discussion and noted that there might be benefit in allowing some of the larger groups to provide longer period of input which could reduce the number of residents that speak and reduce duplicity.

Newell agreed that there are groups that represent a significant number of people and therefore allowing them to overview their position of their members in a longer format might reduce the need for multiple people to come up.

Thomas stated that he could send a letter or email to the groups the Board can think of to solicit their written feedback and invite them to the workshop.

Schleuning asked if the Board would anticipate a digital format, such as SurveyMonkey, as that data would be easy to present. She stated that she has collected names of interested people as this has moved along that she could send the survey to.

Thomas commented that he would not be inclined to use SurveyMonkey.

Kroll suggested that the four largest organizations be provided eight minutes each and the rest of the speakers have three minutes each.

Thomas noted that they could also limit each speaker to three minutes and additional comments can be submitted in writing.

Klohs commented that the LMCD has been at this for quite a while already with a lot of input and testimony. He commented that this may go more quickly because there are studies that have been completed with data provided.

Thomas commented that he would hope they could receive public input in a one-hour workshop, with the Board to have discussion in the following one-hour workshop, and then consideration of the topic at a formal meeting.

Kirkwood stated that in order to provide structure they could provide a few variations that people could express support in if the intent is to gain a sense of the input of the public. He noted that people could then vote on those options and that would provide data of what people support without drawing it out.

Kroll stated that perhaps the organizations could provide posterboards with their suggestion.

Anderson asked if there is a deadline or why this would be rushed. He believed it would be better to allow additional time if necessary.

Thomas stated that it would be great to hold one workshop, but a second workshop could be held if necessary. He stated that at some point the Board will have received enough input from the residents and it will need to make a decision.

Walesch asked if the LMCD is going to prepare for a lot of people to show up, such as additional seating.

Schleuning stated that there will be a limit of the number of people that can legally be in the room.

Hoelscher commented that workshops are generally not videotaped. She asked if these comments should be recorded.

Schleuning agreed that recording the comments would be a good idea.

Brandt asked if the entire next meeting could be devoted to this topic, rather than a workshop and regular meeting.

Schleuning stated that staff could get the meeting videotaped either way. She noted that staff could also provide a shortened regular agenda to approve the necessary items if desired.

Thomas stated that his hesitation with devoting the entire meeting would be that there may be other items that need to be addressed, such as the budget.

Gilchrist stated that the Board could choose to hold a workshop from 6 to 8 p.m. with the regular meeting starting at 8 p.m.

Hoelscher asked if the Board would be able to adjourn the workshop, hold the regular meeting and then reconvene the workshop.

Gilchrist commented that could be done but the larger group of residents may get restless. He noted that the workshop could also begin at 5 p.m. and run to 7 p.m.

Schleuning confirmed the consensus of the Board to hold the next workshop from 5 to 7 p.m. with the regular meeting to begin at 7 p.m. and for both meetings to be videotaped.

Brandt asked if the agendas could be combined into one meeting, still beginning at 5 p.m. and completing the regular agenda first and then rolling into the public comment.

Gilchrist commented that while that could be done, there would be no end time identified which could be very lengthy.

Thomas asked why Brandt would recommend that format.

Brandt replied that he has attended some long LMCD meetings. He stated that even if it were a long meeting, they would still have a chance to hear all the voices.

Kirkwood commented that given the amount of passion on this issue around the lake he wants to ensure there is structure, so this does not go off topic. He stated that if they do provide a handout that suggests possible options, speakers could then express their support for a concept.

Klohs commented that he believed that format would be drawn out. He stated that if there are five or six variables, which could have people focusing on options that the Board may never consider. He believed that at least two workshops should be scheduled.

Hoelscher stated that it is important that the information be posted on the website stating that if people cannot attend the meeting, they could provide written comments.

Brandt commented that perhaps the start time is kept at 7 p.m. and the time would limit the length of the meeting.

Thomas confirmed the consensus of the group to hold a workshop from 5 to 7 p.m. with the regular meeting occurring at 7 p.m. He summarized the agreement upon format and process.

## **6. APPROVAL OF MINUTES - 04/27/2022 LMCD Regular Board Meeting**

**MOTION:** Stone moved; Newell seconded to approve the 04/27/2022 LMCD Regular Board Meeting



minutes as submitted.

**VOTE:** Ayes (11), Abstained (2), (Baasen and Klohs). Motion carried.

## **7. APPROVAL OF CONSENT AGENDA**

**MOTION:** Thomas moved; Kroll seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (05/01/2022 – 05/15/2022) and (05/16/2022 – 05/31/2022); **7B)** Code Amendment for Quiet Water Area on Buoy Channel at Cedar Point West between Cooks Bay and West Upper Lake; and **7C)** Save the Lake Contributions (03/31/2022 – 05/10/2022).

**VOTE:** Motion carried unanimously.

## **8. RECOGNITIONS**

Baasen commented that they have gotten a nice start to the Save the Lake campaign for 2022/2023. He commented that a substantial number of contributions have been received and the solicitation letter would be mailed to about 4,000 people this week. He provided recognition of donors. He recognized a large donation that was received in memory of a resident that passed away and noted that could be an opportunity people are not aware of.

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

Anderson stated that in their effort to bring in local representatives, he invited Dewana Witt to speak, noting that she is running for Sheriff of Hennepin County.

Dewana Witt stated that she is a Major at the Hennepin County Sheriff's Office, currently overseeing the jail and courts which are the two largest divisions with the largest portion of the budget. She stated that she is running for the Sheriff position because she cares about the direction they are going and getting back to a new normal. She stated that she has nearly 23 years of law enforcement experience and provided a summary of that experience. She commented that she is a public servant and focused on doing things she loves and believes in. She stated that the relationship between Hennepin County and Lake Minnetonka is important and recognized the importance of partnerships between entities. She believed that she is the best person in the race for the position and also a person that has the experience in multiple counties. She recognized that at times you have to make sacrifices and she is willing to do that. She welcomed any questions people may have.

Thomas thanked Ms. Witt for her input.

Hoelscher thanked Ms. Witt for coming and for her service. She commented that the LMCD does not endorse candidates and welcomes anyone to speak during the public forum.



## **10. PUBLIC HEARING**

There were no public hearings.

## **11. OTHER BUSINESS**

There was no other business.

## **12. OLD BUSINESS**

There was no old business.

## **13. NEW BUSINESS**

### **A) Letter of Support: U of M SAFL Study Regarding Boat and Wind Wave Impacts on Inland Lakes**

Thomas stated that he and Schleuning received an email last week from the U of M St. Anthony Fall's Laboratory stating that they are soliciting funds from the LCCMR for another phase of the study that would look at other issues. SAFL requested a letter of support for the study from the LMCD. Thomas noted that he would bring the item forward to the Board meeting and advised that if the Board supports the action, staff would send a letter of support immediately as the grant application to LCCMR is due the following day.

**MOTION:** Hoelscher moved, Cook seconded to approve the letter of support for the U of M SAFL Study regarding boat and wind wave impacts on inland lakes.

Further discussion: Newell asked if this is in support of phase two.

Thomas commented that this would be for a phase three and provided details on what would be included in phase two and the proposed phase three.

Newell asked if there is a budget for the study.

Thomas stated that he is not aware of the amount being requested from the LCCMR, noting that he did not believe that would impact the decision of the Board as to whether to support the grant application. He confirmed that there was no financial request to the LMCD at this time.

Kroll noted that such letters of support are very helpful in applying for grants.

Anderson referenced the draft letter and asked for clarification.

Schleuning provided clarification on the intent of each phase of the study. She noted that the intent is to support the attempt in funding and not a certain position. She noted that the letter was a template.

Anderson suggested using more generalized boat and wind impacts rather than the more specific language.

Schleuning confirmed that she could tweak the language.

Thomas reviewed the proposed revisions to the letter.

Hoelscher and Cook accepted the revisions as a friendly amendment to the motion.

**VOTE:** Motion carried unanimously.

**~~B) 2023 Preliminary Budget Adoption~~**

**14. TREASURER REPORT**

Anderson had nothing further to report.

**15. EXECUTIVE DIRECTOR UPDATE**

Schleuning provided the following information:

- AIS Vegetation and Management opportunity for funding was advertised.
- Boater education class available.
- Boater safety education legislation did not yet pass but a lot of groups came together on the topic.
- Zebra Mussel research open house being held tonight for a project to begin on the lake.
- Save the Lake solicitation letter will be mailed to all lakeshore residents.
- Solar lights have been cleaned and maintained to prepare for installation.
- Healthy and Safe Swimming Week began May 23<sup>rd</sup>.
- Summer Rules Brochure is available.
- Trista Days was held the previous weekend and members of the Board attended.
- Licks and Lakes event was held the previous weekend where sustainability was featured and attended by staff members.
- CD3 Unit at Carsons Bay has not yet been installed but should be installed in the next few weeks.

**16. STANDING LMCD COMMITTEE/WORKGROUP**

Aquatic Invasive Species: Brandt commented that Evenson provided many of the updates related to the grants that were awarded and stated that the delineations/surveys completed have been shared with the LMCD. He noted that he is excited to see the results of the treatments.

Communications: Hoelscher reported that the group met a few weeks ago and will meet again on June

6<sup>th</sup>. She stated that a cost estimate for a short video was included in the packet, noting that it would be a test video with content focusing on distance from shore with the buoys approved by the Board last year. She noted the estimated cost of \$600 for the video. She stated that they are also talking about getting the Board documents uploaded online and are looking for the best way to do that. She asked any members of the Board to share input on available options. She stated that the group also discussed hosting a summer event for the LMCD and welcomed any ideas of someone/place that would like to host a gathering. She commented that the intent would be to gather the Board together, and possibly spouses, in an informal setting.

Walesch asked if that gathering would need to be open to the public.

Hoelscher stated that it would need to be noticed as open to the public. She stated that while general members of the public could show up, she doubted that many would.

Finance: Anderson asked for input on what would be intended to review at the next meeting in terms of the budget.

Schleuning commented that it was her understanding that the committees will be reviewing the budget information to provide input prior to the next meeting in order to present something that the first meeting in June.

Anderson suggested placing a deadline for the feedback as next Wednesday.

Schleuning reviewed the meeting dates for the committees and the next Board meeting date.

Thomas suggested that the committees that meet close to the next meeting date could change their next meeting date in order to ensure their feedback can be received for the budget.

Anderson stated that the Finance Committee will plan to meet on June 7<sup>th</sup> with Schleuning in order to present information to the Board on June 8<sup>th</sup>.

Thomas commented that it would have been great to have the Finance Committee start prior to the previous day.

Anderson agreed but noted that the last LMCD meeting was canceled.

Operations: No report.

Save the Lake: Baasen reported that the group is scheduled to meet on June 7<sup>th</sup>, and he will attempt to meet with Anderson before that time in order to provide him with the input on the budget. He stated that the solicitation letter will be mailed this week and meets the goal to have that letter received by Memorial Day. He commented that the private campaign that occurred in 2021 is not occurring in 2022 and therefore they will need to seek additional sources of funding. He advised of the upcoming boater

safety class on June 13<sup>th</sup>. He encouraged available members of the Board to assist with the boater safety class. He thanked the Board for their assistance in the 2021 campaign, noting that at least 70 percent of the Board donated. He encouraged members of the Board to continue to spread the word about Save the Lake and encourage donations.

#### 17. ADJOURNMENT

Being there was no further business, the meeting adjourned at 8:28 p.m.

  
\_\_\_\_\_  
Gregg Thomas, Chair

  
\_\_\_\_\_  
Dan Baasen, Secretary