

LAKE MINNETONKA CONSERVATION DISTRICT

BOARD OF DIRECTORS

7:00 P.M., June 22, 2022

Wayzata City Hall

1. CALL TO ORDER

Acting Chair Baasen called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay (arrived at 7:05 p.m.); Rich Anderson, Orono; 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; and Nicole Stone, Minnetonka. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Matt Cook, Environmental Administrative Technician.

Members absent: Ann Hoelscher, Victoria; Jake Walesch, Deephaven; and Deborah Zorn, Shorewood.

Persons in Audience: Eric Evenson, Gabriel Jabbour.

4. APPROVAL OF AGENDA

MOTION: Cook moved; Kroll seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Baasen commented that on Monday, June 13, 2022 there was a boating safety class for young boaters that was extremely successful with 45 attendees. He thanked those that helped to conduct the class and proctor the exams. He also thanked the Board members that assisted the members of the Board and staff that assisted. He asked the Board to review the written and verbal comments received related to the wake listening session in order for the Board to be prepared at the July workshop where that topic will be discussed.

6. APPROVAL OF MINUTES- 06/08/2022 LMCD Regular Board Meeting

Stone noted that she was not present for the workshop.

Thomas arrived.

MOTION: Kirkwood moved; Brandt seconded to approve the 06/08/2022 LMCD Regular Board Meeting minutes with the noted change.

VOTE: Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

Anderson requested to remove Item 7A "Audit of Vouchers" from the consent agenda.

MOTION: Anderson moved, Cook seconded to remove Item 7A from the Consent Agenda.

VOTE: Motion carried unanimously.

Baasen noted that this item will now be considered under Other Business.

8. RECOGNITIONS

A) Resolution Accepting Save the Lake Contributions (05/14/2022 – 06/15/2022)

Baasen stated that there has been a good response from the solicitation letter sent out around Memorial Day and recognized those that have made contributions.

MOTION: Cook moved; Newell seconded to adopt the Resolution Accepting Contributions to the Lake Minnetonka Conservation District (LMCD).

VOTE: Motion carried unanimously.

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

Gabrielle Jabbour, 985 Tonkawood Road, congratulated the Board on conducting an orderly public listening session at the last meeting. He commented that he really believes that the LMCD should attempt to adopt an ordinance requiring boats to be 300 feet from shore as a housekeeping issue, not related to wake boats. He stated that change has been pushed down the road for too long. He cautioned the Board against counting heads, or the numbers mentioned by one of the groups as supporters as it is difficult to determine where those people live or their tie to the topic. He commented that there is one person that is driving traffic to websites to gain signatures. He stated that the LMCD must do the right thing, despite what people may say on either side of the issue. He commented that there have been many problems on the lake over the years involving jet skis, fishing boats, etc. that have been managed over the years. He was concerned that one speaker could be given a significant amount of time because they stated they had the support of over 5,000 people. He asked that the LMCD give people on the lake that are aware of the issue more consideration. He noted that there was a speaker that is the President of all lake associations in the state that was only provided three minutes to speak. He commented that the previous week South Carolina passed a law stating that boats must stay 200 feet from shore. He commented that this is a State issue and the LMCD could pass its own regulation but that could be taken back by the legislature. He commented that there is still a lot going on to push the issue of boater safety and education at the State level. He commented that while some speakers suggested sharing of the lake, their comments then took most of the lake off the table for

sharing. He stated that there are a few members of the Board that are biased and should not be a part of the discussion or the decision of the LMCD could legally be challenged.

Eric Evenson, Director of LMA, stated that it is clear the industry is spending time and money lobbying towards the 200 feet from shore distance which is evident in the South Carolina law. He commented that the LMCD held a nice listening session which allowed both sides to present their opinions. He agreed that the LMCD should take its time to really review the issue. He stated that the LMCD should produce a number and use that as the distance from shore but is unsure what that would accomplish. He agreed that there are some bays that are too shallow and wake surfing would not be appropriate in those bays. He stated that the LMCD has data, resources, mapping data, and scientific information that can be used to make a science-based policy. He agreed that the LMCD should take time to understand the issue on a deeper level. He stated that the LMA recently discussed this topic and is also split on the issue. He stated that at the end of the meeting they all agreed that it is a complicated issue, and it will take time to find a solution that works. He stated that in the meantime the LMA is going to encourage people to use good behavior on the lake. He reported that curlyleaf pond treatments were completed at the end of May. He reported that milfoil treatments will be delayed. He stated that the PCA has indicated concern for blue-green algae blooms on Lake Minnetonka. He stated residents should hire professionals when applying treatments.

10. PUBLIC HEARING

There were no public hearings.

11. OTHER BUSINESS

There was no other business.

12. OLD BUSINESS

A) Audit of Vouchers

Anderson referenced a watercraft operator fee which is coded to Save the Lake and noted other related items that were coded in that manner. He noted that when the 2022 budget was set, there was a line item for education and believed that those items should be coded towards education rather than Save the Lake.

Cook agreed that is the way the budget was approved, to have those items paid for out of the education line item.

MOTION: Anderson moved, Stone seconded to amend the vouchers to code the items related to the education class and other education related expenditures coded to the education line item rather than Save the Lake.

Further discussion: Chase asked the cost for the watercraft operator fee.

Baasen explained that is the cost for the boater education class.

VOTE: Motion carried unanimously.

MOTION: Cook moved; Kroll seconded to approve the Audit of Vouchers (06/16/2022 – 06/30/2022) as amended.

VOTE: Motion carried unanimously.

13. NEW BUSINESS

A) Adoption of LMCD 2023 Budget

Anderson stated that the resubmitted budget was included in the packet following the input of the last meeting. He commented that the letter to the cities looks great but noted that the use of the reserve funds amount should be changed from \$100,000 to \$125,000. He referenced the \$5,300 increase in AIS but noted that budget is remaining the same as the previous year.

Schleuning stated that she had attempted to correct some of the documents and will review that before sending to the cities. She noted that she has not yet reviewed the numbers in the letter to reflect the changes in the proposed 2023 budget as she was planning to do that after tonight's meeting.

Baasen commented that the format for this letter to the cities seems a bit different than previous years.

Schleuning noted that the timeline this year is a bit different than typical which is why she has been revising the documents to fit in that timeline. She noted that some of the information provided in the packet is just for the review of the Board and will not be sent to the cities.

MOTION: Anderson moved; Stone seconded to approve the 2023 budget with the corrections to the letter to the cities as discussed.

Further discussion: Baasen commented that he has been on the Board for many years and has been at meetings for his own city, other cities, and the County and the cities want consistency. He stated that the cities do not like decreases and increases to the levy and would prefer to keep that stable. He stated that the AIS is still being suspended and did not see where much is gained by putting the LMCD in a hole with the cities that they will have to crawl out of at a later time.

MOTION: Baasen moved, Thomas seconded to amend the motion to hold the levy stable for 2023 rather than using the reserves to fund the additional line items.

Further discussion: Anderson stated that on page two of four, the LMCD is fat in reserve funds and this proposed budget follows the goal of the Strategic Plan to reduce the reserve levels in the next five years. He stated that this plan will make the LMCD more fiscally responsible. He stated that the cities

can be taxed anytime and believed that the cities will be happy to see the LMCD being more fiscally responsible. He stated that the Finance Committee supports this strategy as it works towards accomplishing the goal within the Strategic Plan.

Cook commented that the concerns of Baasen are valid. He noted that it is up to the Board and Finance Committee to prepare a soft landing so that they do not end up what was done in the past, with a feel-good reduction and substantial increase to follow. He noted that will be the challenge in the future and is something that will be discussed in the future. He commented that this is not the time to be landing 5,000 feet above the runway.

Anderson referenced page two of four and asked when the LMCD ever had a problem charging the cities what they wanted. He stated that something is askew in the reserve fund balance that needs to be addressed.

Baasen noted that part of the jump in the reserves was the consolidation of the AIS and equipment replacement funds which were previously separate. He noted that the AIS levy was suspended because they were not using it.

Thomas commented that he believes that the Finance Committee is accurate that the reserve fund needs to be reduced. He stated that before the AIS and Communications committees requested for additional funds, the original proposal was to reduce the levy by \$100,000. He stated that with the additional line items, the Finance Committee suggesting funding those through the reserves. He stated that Baasen is asking the reserves to be used at the level of \$80,000 rather than \$125,000. He stated that using \$80,000 would still use reserves and would also keep the levy at the stable amount.

Anderson commented that even using \$125,000 they will still be at a level of 77 percent in reserves. He commented that they can discuss using a lesser number of reserves in next year's budget.

Kirkwood commented that this is just the decision for this budget and the use of reserves will be considered each year.

Anderson commented that the goal in the Strategic Plan is to go to a level of 35 percent for the reserves, which will occur over five years.

Stone confirmed that adoption of this budget only applies to 2023 and the decision to use reserves will be discussed each year.

Baasen asked that a roll call vote be performed for the vote on the proposed amendment to the motion.

A ROLL CALL VOTE WAS PERFORMED:

Anderson	nay
Baasen	aye
Brandt	nay

Chase	nay
Cook	nay
Hoelscher	absent
Kirkwood	nay
Klohs	aye
Kroll	nay
Newell	nay
Stone	nay
Thomas	aye
Walesch	absent
Zorn	absent

Motion failed.

Baasen called for a vote on the original motion.

A ROLL CALL VOTE WAS PERFORMED:

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

Motion carried.

14. TREASURER REPORT

Anderson stated that typically there is a certain date for cities to provide input.

Schleuning noted that would not occur this year because of the late timing.

15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Positive feedback was received for the boater safety education program.
- Art on the Lake was held in Excelsior last weekend and was a great event.
- Phase II of the Saint Anthony Falls Laboratory study has begun.
- Plant ID workshop is being hosted by the MN DNR on August 4th from 8 a.m. to 4 p.m.
- Good Steward Pledge program is being offered from the MN DNR and Hennepin County.
- More zebra mussels confirmed in lakes in Stearns County.
- Reviewed water levels, which are higher than last year but below average.
- Information received from the MPCA related to blue-green algae blooms confirms staff comments in past years.
- Staff has received a lot of inquiries and complaints. Some cases will move forward to prosecution.

It was noted that the Board could consider a funding request from SAFL the Phase II study similar to the considerations of the previous phase.

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt reported that the committee met Monday to review a treatment application for EWM of Smithtown Bay and stated that the committee recommended approval and that will come forward to the Board in July.

Communications: Kirkwood stated that the committee will meet the third week of July.

Finance: No report.

Operations: No report.

Save the Lake: Baasen reported that the committee will meet July 12th at 5 p.m.

17. ADJOURNMENT

Being there no further business, the meeting adjourned at 8:15 p.m.

VOTE: Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary