

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., October 11, 2023  
Wayzata City Hall

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**Members present:** Ann Hoelscher, Victoria; Jake Walesch, Deephaven; Rich Anderson, Orono; Mike Kirkwood, Minnetrista; Ben Brandt, Mound; Gabriel Jabbour, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Ryan Nellis, Tonka Bay; Denny Newell, Woodland; Nicole Stone, Minnetonka; and Deborah Zorn, Shorewood. Also present: Joe Langel, LMCD Legal Counsel; Thomas Tully, Manager of Code Enforcement; Maisyn Reardan, Office, and Finance Manager; Raina Arnston, Executive Assistant Code Enforcement and Operations; and Interim Executive Director Jim Brimeyer.

**Members absent:** Kristi Conrad, Greenwood; and Dan Baasen, Wayzata.

**Persons in Audience:** Sgt. Troy Kostohryz.

**4. APPROVAL OF AGENDA**

**MOTION:** Hoelscher moved; Walesch seconded to postpone Item 10 to the October 25, 2023 Board meeting at the request of the applicant.

Further discussion: Anderson asked the reason for the delay. He believed that another request was being delayed because of the delay on the Wayzata project as well.

Tully replied that both applicants had requested that their items be postponed in their own right to provide them with more time to prepare.

Anderson asked and received confirmation that the 60-day review window was extended by Back Channel Brewing.

**VOTE:** Motion carried unanimously.

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

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

There were no Chair announcements.

**6. APPROVAL OF MINUTES-** 09/27/2023 LMCD Regular Board Meeting

**MOTION:** Jabbour moved; Stone seconded to approve the 09/27/2023 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** Ayes (10), Abstained (2), (Anderson and Zorn). Motion carried.

**7. APPROVAL OF CONSENT AGENDA**

**MOTION:** Jabbour moved; Kroll seconded to approve the consent agenda as presented. Items approved included: **7A**) Audit of Vouchers (10/01/2023 – 10/15/2023); and **7B**) Findings of Fact and Order for Variance, Meadowbrook.

Further discussion: Anderson noted that it appears that insurance is still being paid for Schleuning. Brimeyer replied that is being reimbursed noting that the agreement was for a period of one year.

**VOTE:** Motion carried unanimously.

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

There were no public comments.

**9. PRESENTATIONS**

**10. PUBLIC HEARING**

~~A) Wayzata Panoway Length~~

**11. OTHER BUSINESS**

There was no other business.

**12. OLD BUSINESS**

There was no old business.

**13. NEW BUSINESS**

**A) Employee Benefits Selection**

Brimeyer provided an overview of the medical and dental insurance offerings and proposed increases.

Anderson stated that he had requested to table this item as he noticed the large age range for the employees in this group plan while most of the employees at the LMCD are in their 20s. He asked if there would be another option that would have a lesser cost.

Brimeyer noted that while there may be, it would be hard to do so because the LMCD is so small. He noted that over the next few months he could research to determine if there were other options available. He explained that small groups such as LMCD need to find a larger group to attach onto.

**MOTION:** Kroll moved, Stone seconded to approve the employee benefit package as recommended with the employer paying up to \$915.15 per single coverage and up to \$1,495 family coverage for health insurance and continuing the other portions of the current benefit package.

**VOTE:** Motion carried unanimously.

#### 14. TREASURER REPORT

- A) September Balance Sheet
- B) September General and STL Income and Expense Reports

Anderson asked Brimeyer to opine on the cost of shredding/scanning and the next step.

Brimeyer replied that after the budget was approved, there were no funds designated for 2023. He stated that the bid received was a little over \$20,000 but he anticipated a change order, which did come in noting an approximate total of \$28,000. He stated that another change order may come forward before the process is completed. He recommended that the Board direct staff to amend the budget to the amount of \$40,000. He stated that they would then show the transfer of income which would relate to the scanning/shredding.

Anderson noted that is not how they had discussed to do that.

Brimeyer commented that his intention was to make it easy for his successor to understand.

Anderson noted an item under office supplies and equipment, document scanning, which was not approved under the budget. He believed that figure should be \$35,000 for the line item. He suggested a budget amendment to reduce the AIS prevention line item from \$70,000 to \$35,000 and move that remaining \$35,000 to document scanning.

**MOTION:** Anderson moved; Jabbour seconded to amend the budget to reduce the AIS prevention line item from \$70,000 to \$35,000 and move the remaining \$35,000 to the document scanning line item.

Further discussion: Newell stated that when the AIS subcategories were set up there were some funds identified for treatment and some for prevention. He thought that prevention had a balance of about \$30,000.

Anderson commented that the committee split that amount up, but the overall AIS line item was never split out that way in the budget. He commented that even after moving the \$35,000 to document scanning there would still be a remaining balance of \$15,076 for AIS and he did not anticipate that those funds would be spent before the end of the year.

Hoelscher stated that the other option would be to use money from the reserve to cover the cost of document scanning, as the argument could be made that the reserves should have been spent in the past and therefore this would be a legitimate expense. She was not sure if there were any additional AIS requests but if the remaining AIS funds were not spent this year, those funds could be rolled over for AIS activity next year to increase the success of that program.

Anderson stated that if that is true, in the 2024 fiscal year, they could do exactly that by taking more money from reserves. He stated that the intent was to move over \$100,000 from reserves last year but they only did \$80,000. He stated that this year the plan is to move \$120,000 from reserves. He noted that his suggestion would be a way to move money while remaining in budget.

Brandt stated that he has not received any applications for this fiscal year but there has been traction on potential 2024 projects in partnership with LMA and the DNR.

Walesch commented that he did not see either option as a big deal. He noted that the budget was done in 2022 for 2023, and you do not typically amend a budget each time the budget is slightly out of balance. He noted that in a budget there are categories that are overspent and categories that are underspent which balance out in the end.

Brimeyer noted that while that is true of smaller amounts, this is a substantial amount that was not anticipated when the budget was prepared.

Walesch stated that for clarity it was already agreed to spend the money from reserves, so this seems irrelevant.

Anderson agreed and noted that he would welcome an amendment to the motion.

Walesch suggested voting on the motion and moving on.

Jabbour commented that if someone is going to be asked to serve as the Treasurer and that person spends additional time reviewing this information, the Board should respect that recommendation.

Brimeyer commented that for audit purposes they should show how the Board intended to fund this expense. He stated that the good news is that the Board has funds which provide flexibility.

**VOTE:** Motion carried unanimously.

## 15. EXECUTIVE DIRECTOR UPDATE

**A) LMCD Organizational Chart**

Brimeyer explained that his purpose in providing the chart was to show the designation of duties. He noted that once he reviewed those duties with the staff, they were able to better define the job descriptions. He stated that he also watched staff and their interactions and noticed that multiple staff were responding to requests from the Board about the website. He asked the Board to only contact the one staff person for that duty.

**B) Watercraft for Hire Workgroup Update**

Walesch provided background information on how applications for watercraft for hire were previously being submitted and reviewed. He noted that the workgroup has discussed these issues and developed a recommendation. He stated that if there is collective agreement on these changes, staff could then draft an amendment that could be formally considered for the LMCD Code. He provided an overview of the recommended changes as proposed by the workgroup.

Jabbour commented that it is important to include cannabis in the City Code as the ticket will be issued under the LMCD Code. He stated that Walesch is recommending new changes to policies that are substantial.

Walesch noted that watercraft for hire currently does not require ports of call to be identified and provided further explanation on the proposed changes. He noted that the liquor license and watercraft for hire regulations would be separated in the Code for clarity, although a watercraft for hire could apply for and obtain a liquor license. He provided details on the proposed six pack rule that would cover some of the anglers that go out and would be an exemption from the watercraft for hire and would follow the State rules. He commented that there are anglers going out daily that are technically in violation of the watercraft for hire LMCD rules. He provided examples of other smaller watercraft for hire that would be interested in taking smaller groups that could fall under the six pack. He reviewed some of the qualifications that would be suggested to allow for the exemption.

The Board thanked Walesch for his great work on this matter.

Walesch confirmed the consensus of the Board to direct staff to prepare a Code amendment for consideration at a public hearing.

Anderson commented that this has been vetting by the entities involved and supported moving this forward. The Board agreed.

Jabbour commented that they are still working on the issue of rental boats. He commented that there is a new phenomenon on the lake that is uprooting neighborhoods. He commented that any boat could be inspected by any County Sheriff to become a rental boat. He noted that two public accesses are being bombarded for use of rental boats, staying the entire day, and then staying overnight at Hennepin County Public Works in Spring Park. He noted that his intention was to make the Board aware of this issue and a response that may be

necessary to address the issue.

Hoelscher noted that the watercraft for hire could come back at a November meeting for a public hearing. She thanked Walesch for his great work.

Anderson noted a check on the audit of vouchers that he previously objected to.

Hoelscher suggested that Anderson follow up with staff.

## 16. ADJOURNMENT

**MOTION:** Kroll moved; Zorn seconded to adjourn the meeting at 7:51 p.m.

**VOTE:** Motion carried unanimously.

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Ann Hoelscher, Chair

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Michael Kirkwood, Secretary