

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., June 14, 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; Rich Anderson, Orono; Mike Kirkwood, Minnetrista; Bill Cook, Greenwood; Ben Brandt, Mound; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Ryan Nellis, Tonka Bay; Nicole Stone, Minnetonka; and Deborah Zorn, Shorewood. Also present: Joe Langel, LMCD Legal Counsel; Thomas Tully, Environmental Administrative Technician; and Maisyn Reardan, Administrative Coordinator, Raina Arntson, Seasonal Assistant.

**Members absent:** Dan Baasen, Wayzata; Gabriel Jabbour, Spring Park; Denny Newell, Woodland; and Jake Walesch, Deephaven.

**Persons in Audience:** Eric Evenson, Major Shane Magnuson, Sgt. Rick Waldon, Dan Gustafson, and James Ronning.

**4. APPROVAL OF AGENDA**

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

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

**A) Raina Arnston Introduction**

Chair Hoelscher introduced Raina Arnston, the newest LMCD employee, and welcomed her.

**B) Update on Implementation of 300 Foot Rule**

Hoelscher invited a member of Water Patrol to provide an update on the implementation of the new 300-foot rule.

Sargent Rick Waldon commented that they have fielded many questions and complaints this year on this topic. He stated that there have been two citations on personal watercraft with 16 verbal warnings, and 24 verbal warnings and no citations for regular watercraft. He commented that they are stopping people for this issue.

Anderson commented that he was on the lake today and asked why the channel buoys are not 300 feet out as a visual. He stated that would be a great visual for users.

Waldon agreed and noted that could be a great discussion for next year as he was unsure it could be implemented this year. He commented that many residents want to put their own 300-foot buoys out and they are being referred to the permit process.

Kirkwood asked if the LMCD should do more on public education.

Waldon replied that this is something new and people are creatures of habit. He believed the word is out and there will just need to be more repeated behavior and reminders from Water Patrol.

Stone asked if most people stopped are aware of the rule.

Waldmon stated that the majority of people were aware and either did not realize or had forgotten. He noted that it takes time for new rules to be learned.

Anderson asked the number of citations for BWIs. He noted that the Water Patrol presence on the lake has been outstanding.

Waldon replied that they are up 31 percent from last year with seven BWI arrests, 64 citations, 13 written warnings, and 346 verbal warnings. He stated that there are a lot of new people being trained in therefore they are fully staffed and get boats out every day.

Klohs asked if there has been feedback from landowners. He asked if the behavior on the lake feels different because of the 300-foot rule.

Waldon replied that he is unsure that it has had an impact on behavior. He stated that lakeshore owners are calling in violations.

Kroll commented that he has seen jumpers on Arcola bridge and asked if they should be called in.

Waldon replied that there are jumpers daily and they do not mind the calls.

**6. APPROVAL OF MINUTES-** 05/24/2023 LMCD Regular Board Meeting

**MOTION:** Brandt moved, Stone seconded to approve the 05/24/2023 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** Motion carried unanimously.

**7. APPROVAL OF CONSENT AGENDA**

**MOTION:** Cook moved, Zorn seconded to approve the consent agenda as presented. Items approved included: **7A)** Audit of Vouchers (06/01/2023 – 06/15/2023); **7B)** Resolution Disbanding Standing Committees; and **7C)** Renewal of Amendments to Office Lease Agreement.

**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**

There were no presentations.

**10. PUBLIC HEARING**

There were no public hearings.

**11. OTHER BUSINESS**

There was no other business.

**12. OLD BUSINESS**

**A) Modifications/Update to 9-1.01 – Observer Rule**

Hoelscher noted that this item is to consider potential updates or changes to the observer rule, noting that the observer rule for Lake Minnetonka is different than other lakes in the state.

James Ronning, 740 Tonkawood Road, stated that they last spoke about this during August of 2020 via Zoom. He stated that Minnesota law allows for a wide-angle mirror in lieu of an observer whereas Lake Minnetonka requires an observer in the boat regardless of whether there is a wide-angle mirror. He stated that White Bear Lake would most likely be most comparable to Lake Minnetonka and allows the wide-angle mirror in lieu of an observer before Memorial Day, after Labor Day, or before 4 p.m. on weekdays or before noon on Saturdays and Sundays. He recognized that there is traffic on Lake Minnetonka that would dictate the need for an observer but there are times when that would not be necessary, as recognized by White Bear Lake. He stated that he set up a time lapse camera on Stubs Bay during 4<sup>th</sup> of July weekend in 2021 to record the amount of boat traffic.

Hoelscher stated that the current ordinance refers to water skiing and towing and therefore they should most likely update that portion of the ordinance, whether or not the times are adjusted.

Ronning played the time lapse video of the bay showing very little traffic on the bay on that Thursday and

showing little traffic in the mornings with traffic picking up in the afternoons/evenings of that weekend.

Anderson commented that he would not see a need to differentiate before Memorial Day/after Labor Day.

Ronning stated that he would propose an observer be required on holidays, Saturdays and Sundays after 10 a.m. until 30 minutes after sunset; and Monday through Friday noon through 30 minutes after sunset. He stated that prior to the Memorial Day weekend and after Labor Day weekend he would propose an observer be required noon to 30 minutes after sunset; and Monday through Friday 2 p.m. to 30 minutes after sunset.

Anderson stated that in his opinion the marina is jumping on May 15<sup>th</sup> and therefore does not see Memorial Day and Labor Day causing a start or end with traffic.

Ronning agreed that the lake is busier on the first nice days after people have been cooped up all winter.

Stone commented that she does not oppose this. She stated that there should be some commonsense language as there is a boat parade on the 4<sup>th</sup> of July on Grays Bay and boats start lining up at 8:30 a.m.

Kroll commented that they have talked about this over the past year to 18 months. He believed that adoption of the White Bear Lake rule would be appropriate and noted that in reference to Stone's comments, people will most likely avoid a bay with 35 boats lined up.

**MOTION:** Kroll moved, Anderson seconded to direct staff and legal counsel to prepare a Code amendment to state that an observer is required in the boat Saturdays, Sundays and holidays from 10 a.m. to 30 minutes past sunset; and Monday through Friday from noon until 30 minutes past sunset.

Further discussion: Kirkwood asked if this would extend to families towing kids on inflatables.

Anderson stated that if there are too many distinctions, people will become confused, therefore the rule should apply to all.

Kroll stated that he would be open to amending the motion to state that this applies to situations where towed individuals are above a certain age.

Hoelscher stated that she would not use towed individuals as wake surfers are not towed.

Brandt read language used in statute.

Hoelscher suggested that language be mimicked. She stated that legal counsel could take the input tonight to bring forward an amendment that would include the times in the motion and the description of those participating in water activities based on the State statute.

Kroll confirmed that he and Anderson supported the additional language as described by Hoelscher.

**VOTE:** Motion carried 9 - 1 (Cook opposed).

Langel noted that vote was for the amendment and now the vote would be for the motion.

Brandt noted that the wide-angle mirror would be needed in lieu of the observer.

Kroll confirmed that would be the direction for staff.

**VOTE:** Motion carried 9 - 1 (Cook opposed).

### 13. NEW BUSINESS

#### A) AIS Treatment Funding Request for Browns Bay, Phelps Bay, and Black Lake

Brandt commented that there have been applications brought forward for treatment in Browns Bay, Phelps Bay and Black Lake. He stated that he has reviewed the applications which were submitted on behalf of the bays by Eric Evenson.

Eric Evenson, Director of Lake Minnetonka Association (LMA), presented the request for EWM treatment in Browns Bay, whole lake treatment of Black Lake, and pilot treatment of Phelps Bay and provided an overview of those requests. He provided details on those that would be involved including the contractors, project/fiscal manager, and noted that the grant funds will only be used for treatments noting that plant surveys, in-kind and administrative costs are not included in the request. All plant survey and other data obtained will be shared with the LMCD and the LMCD would be listed as a partner in the project.

Kirkwood asked for details on the treatment area within one of the bays.

Evenson provided details on the proposed area of treatment. He noted that everything would be treated in Black Lake, with the exception of the cattail area. He confirmed that the DNR is supportive of the treatments and is very interested in the pilot project as that entity is also interested in potential application of that product.

Klohs asked if each lakefront owner is contacted for response.

Evenson replied that there is a published notice required and treatment buoys are placed. He noted that LMA has applied on behalf of the bays, with Bay Captains reaching out to the residents to raise the required matching funds.

Klohs asked what would happen if a lakeshore owner objected.

Evenson commented that there is a waiver that could be filled out if a homeowner did not want treatment, noting that has only happened once in his experience and that area in front of that property is left out.

Anderson shared his experience raising funds for treatment in his bay.

Evenson also shared his experience. He noted that it is often easier to raise funds for the initial treatment, as people sometimes do not see the need for ongoing maintenance, or the homes have turned over in ownership and those people have only seen the nicer conditions.

Klohs commented that the transition to this program has been successful and was wondering about the input from the residents as he recalled situations where people were against chemical treatment.

Evenson stated that he does not receive that type of pushback and noted that they are very transparent about the process and treatment.

Brandt referenced Phelps Bay and asked if the green dots on the map are the treatment areas.

Evenson confirmed that the dots circled in yellow are the proposed treatment areas.

Brandt stated that typically they cover 25 percent of the treatment cost and asked for clarification on the request.

Evenson stated that for Phelps Bay they would not be asking for funding if they were using the typical chemical and are therefore asking for assistance covering the difference in the cost between the chemicals as they are hoping to see longer term benefits with this chemical.

Anderson stated that he would recommend funding that in the typical manner of 25 percent with the Bay Captains left to raise the remaining funds.

Cook stated that he would prefer to include the higher amount requested for Phelps Bay.

Anderson stated that he would prefer to apply the program consistently funding 25 percent.

**MOTION:** Anderson moved, Brandt seconded to authorize funding for the treatment of EWM and CLP in Black Lake, Browns Bay, and Phelps Bay in the amount of \$14,423.08 and authorize LMCD staff, Anderson, and Brandt to make payment upon verification and completion of the project.

**VOTE:** Motion carried unanimously. (Zorn abstained)

#### **14. TREASURER REPORT**

Anderson had no report.

#### **15. EXECUTIVE DIRECTOR UPDATE**

**A) Boater Safety Education Program Volunteers**

Reardan stated that the Boater Safety educational program will be held on Tuesday June 20<sup>th</sup>, and they are looking for Board volunteers to assist.

Hoelscher advised available Board members to contact staff if they can assist.

**B) LMCD Boat at City of Tonka Bay Marina**

Hoelscher stated that information was provided in the packet giving an update on this topic.

Tully stated that Tonka Bay did offer the Board an option to store the boat in that location and noted that a memorandum was provided by Brimeyer.

Nellis stated that he spoke with the City Administrator, and he made the connection and there is a formal consideration process to ensure everything is done appropriately.

Anderson asked if a lift would be allowed. He stated that he could rent a lift to the LMCD for \$1 per year.

Nellis commented that while the City was favorable, he was unsure that there was space.

Hoelscher stated that it seems that there was space, and the details are being worked out.

**C) Workshop Protocol**

Hoelscher stated that the Board Officers met with Brimeyer last week to discuss the protocol for the new workshop format, which was provided in the packet. She noted that the first workshop will be held on the 28<sup>th</sup> at 6 p.m. She summarized some of the items that will potentially be discussed.

**16. ADJOURNMENT**

**MOTION:** Kirkwood moved, Stone seconded to adjourn the meeting at 7:59 p.m.

**VOTE:** Motion carried unanimously.

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Ann Hoelscher, Chair

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Michael Kirkwood, Secretary