

Lake Minnetonka Conservation District  
Board of Directors  
Update to Tonka Bay City Council  
March 8, 2016

September 23, 2015 – February 10, 2016

The Board approved a new multiple dock license for a resident on Wayzata Bay.

After sending a Request for Proposal to area law firms, the Board interviewed candidates to serve as LMCD's civil and legal services attorney to replace Charlie LeFevre, Kennedy & Graven, who was retiring. The Board selected Troy Gilchrist, also from Kennedy & Graven.

The Board received training on the Minnesota Open Meeting Law and Data Practices Act.

The Board recognized Jay Soule, Al & Almas, and John Barten, Three Rivers Park District, for their partnership with the LMCD over many years.

Major Jeff Storms, Hennepin County Sherriff's Office (HCSO) provided an update on the additional deputy dedicated to Lake Minnetonka last year which was partially funded by donations to the Save the Lake fund. The additional deputy was on duty from 4:00 p.m. to 2:00 a.m. on Thursdays, Fridays, weekends and holidays (Memorial Day through Labor Day).

After a challenge from some residents of Tanager Lake the Minnesota Court of Appeals held that the LMCD Board should have decided a variance request from EOF Investments, LLC (Brown's Bay Marina) under the "undue hardship" standard within the LMCD Code of Ordinances. Both parties submitted their interpretation of the term "undue hardship" for the Board's consideration. After discussion the Board concluded that an "undue hardship" exists and approved the variance request. The LMCD has received a second writ of certiorari appeal from the Tanager Lake residents following the recent Board decision.

The Board approved a resolution ordering a negative declaration on the need for an Environmental Impact Statement for the Mandatory Environmental Assessment Worksheet for Bean's Greenwood Marina's proposed dock reconfiguration and reconstruction. The Board also approved the Marina's 2016 New Multiple Dock License for the reconfigured and reconstructed docks. The number of approved Boat Storage Units (120) remains unchanged.

The Board approved a Consultant Services Agreement with Lynn & Associates to assist in bringing closure to the Executive Director's (ED) performance review and to develop a performance management system going forward. At a subsequent meeting, Dr. Lynn provided a summary of feedback received from individual Board members on the ED's review, a draft 2016 ED Performance Improvement Plan (PIP), and a draft 2016 Performance Review form. The Board asked three Board members to work with the ED to refine the PIP and to work with legal counsel to draft a separation agreement should that be needed. At a subsequent meeting the three Board members updated the Board on their progress. A draft separation agreement will be discussed at the February 24<sup>th</sup> Board meeting.

The 2015 LMCD's Eurasian Watermilfoil (EWM) harvesting program occurred over 31 working days, covering 576 acres (185 more acres than in 2014). LMCD coordinated their harvesting with the Lake

Minnetonka Association's (LMA) treatment program. Total expenses were less than the \$95,000 budgeted, which included a \$30,000 grant from the DNR. The DNR has informed us that they will not be able to support this program at the same level they had in previous years. A precise funding level has not been determined.

The Board accepted the resignation of Judd Harper, LMCD's Administrative Technician, effective October 30, 2015. The office remains short staffed pending approval of a revised strategic plan.

Representatives from the LMCD, HCSO, and LMCD prosecuting and legal counsels met to review LMCD's public safety codes that are more restrictive than State law. Based on this review the Board approved an ordinance amendment to adopt by reference the Minnesota Statutes and Minnesota Rules related to 1) noise limits when operating any watercraft or boat; 2) watercraft safety rules; and 3) watercraft equipment.

The Board discussed two requests for special events to be held on the ice this winter. It was noted that LMCD has delegated the special event permitting process to the HCSO Water Patrol. Both event organizers are seeking permits from the Water Patrol and it was suggested they contact the adjacent city regarding any additional restrictions.

In 2015, LMCD contracted with the Three Rivers Park District (TRPD) to conduct watercraft inspections on Carsons, Halstead, and Wayzata Bays. The DNR continues to provide the inspections on Grays, Maxwell, North Arm, Cooks and Spring Park public access points. TRPD also provided inspections at the Lake Minnetonka Regional Park. Contracting with TRPD was economical and effective.

LMCD's Ordinance Review and Public Safety Committees were dissolved to allow those matters to be discussed at full Board meetings. Also, in 2016 the Board will consider action items on their first meeting of the month and use the second meeting of the month for training programs, committee work and in-depth discussions, with only minimal action items.

The Board approved an ordinance amendment to allow the operation of deicing equipment after March 1<sup>st</sup> without a license, provided that between March 1<sup>st</sup> and March 15<sup>th</sup> the area to be deiced must be entirely enclosed with a snow fence at least four feet in height and at least six reflectorized "Thin Ice" signs must be placed on the fence with a minimum of one sign for every 50 feet. Previously, no licenses were required to deice after March 15.

The Board agreed to suspend the Proactive Code Enforcement Program in 2016. The program was initiated in 2006 to enforce watercraft storage ordinances at residential sites. Primary focus was on sites storing five or more restricted watercraft that do not have a multiple dock license and sites storing three or four larger restricted watercraft that do not comply with the 1:50' General Rule. In 2015 there were 30 new and 15 repeat violations.

LMCD's Save the Lake Fund received nine proposals for funding in 2016. The Board approved partial funding for four of the requests 1) Excelsior Fire Department; 2) Long Lake Fire Department; 3) Mound Fire Department; and 4) HCSO (for added law enforcement assigned to Lake Minnetonka); and ongoing support for Boater Safety Education and the solar light program.

The Board approved a 2.5% salary increase for LMCD's administrative assistant and administrative clerk.

The Board approved a negative declaration of the need for an Environmental Impact Statement for the Wayzata Yacht Club's proposed dock reconfiguration and reconstruction project.

The Board elected new officers: Jay Green, Mound – chair; Deborah Zorn, Shorewood – vice chair; Chris Jewett, Deephaven – treasurer; and Gregg Thomas, Tonka Bay – secretary. The outgoing chair, Dan Baasen, Wayzata and treasurer, Gary Hughes, Spring Park were applauded for their years of service.

LMCD completed inspections of all the deicing sites around the lake and found everything in order.

Submitted by Gregg Thomas  
February 16, 2016