

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, February 27, 2008
Wayzata City Hall

1. CALL TO ORDER

Whalen called the meeting to order at 7:04 p.m.

2. ROLL CALL

Members present: Lisa Whalen, Minnetrista; Tom Tanner, Wayzata; Tom Scanlon, Spring Park; Doug Babcock, Tonka Bay; Chris Jewett, Minnetonka; Steve Johnson, Mound; Dennis Klohs, Minnetonka Beach; Jeff Morris, Excelsior; Bill Olson, Victoria; Kelsey Page, Greenwood. Also present: Charles LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

Members absent: David Gross, Deephaven; Andrew McDermott, Orono; Richard Siakel, Shorewood; Herb Suerth, Woodland.

3. APPROVAL OF AGENDA

MOTION: Tanner moved, Jewett seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Whalen

Whalen stated that the Board would not be discussing the two draft ordinance amendments at this meeting that testimony was received at the February 13th LMCD Board Meeting. This testimony will be forwarded back to the LMCD Environmental Committee for discussion and consideration, which she believed would be conducted in April when Chair Gross was back in town. She believed that the next recommendation from the Environmental Committee to the LMCD Board would be how to proceed with the draft ordinance amendments from this point forward.

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

Mr. Pat Alexander, 16540 Grays Bay Blvd., stated that he was in attendance representing the Grays Bay HOA to discuss the Locust Hills multiple dock license. He made a number of comments, which are summarized below:

- In the last 20 years that he has resided on Grays Bay, he believed that there has not been anything more upsetting to the bay residents. He believed that the Board's decision to approve the multiple dock license was based on inaccurate and false information, in which he stated the Board concluded there were no water depth problems with the site.
- He read excerpts from the recent Minnesota Court of Appeals record that documented the public hearing process and the meetings conducted to consider the multiple dock license. He quoted comments from former LMCD Minnetonka Board Member Katy Van Hercke and Locust Hills legal counsel James Gilbert.

- The HOA has hired their own surveyor and concluded a different opinion on the site's water depth measurements. He distributed a survey that documented the site's water depth when the water is at the ordinary high water mark. Based on this, he believed that 13 to 16 slips would not be useable.
- The MCWD maintains an 11-year study, which documents a decrease in the lake's water levels during a boating season. In 2000, the dam was closed for the entire boating season. If that were to occur in the future, he believed that only four of the slips at Locust Hills multiple dock would be useable. He discussed the importance on the use of the licensed slips at Locust Hills, as boats will be backing into other slips that are in the same shallow water.
- He questioned why the license is approved through a consent agenda.
- He reviewed the LMCD's jurisdiction and the use of the straight-line measurement ordinance, documenting what he believed was the purpose of its creation. He discussed the Board members vote on the initial application, pointing out that it was a split vote in favor of Locust Hills.
- He expressed concern about the multiple dock license being located in a spawning area.

Mr. Rob White, 16744 Grays Bay Blvd., stated that he was also in attendance on behalf of a large majority of Grays Bay residents to discuss the Locust Hills multiple dock license. He made a number of comments, which are detailed below:

- The residents have been informed that the LMCD has not historically reversed approval of renewal (without change) multiple dock license applications, unless there is new information presented that warrants such action. He handed out documents that were an accumulation of pictures measuring the site's water depth. He spoke at length on each picture and felt that if the Board had previously had such pictures when considering approval of the license, they would have not approved the license.
- He reviewed the LMCD's historical vote on the approval of the license. He believed that the LMCD Board relied on the developer's statements that the water was navigable without dredging. He stated that a determination was not made at the time the license was approved if dredging was possible, but the applicant was provided credit for the shoreline as if it was useable.
- He presented a petition of 41 signatures from Grays Bay residents and was confident that more could be secured if more time was provided. He read comments from Congressman Jim Ramstad and five other citizens who were all in support of the petition.
- He requested that the LMCD not renew the 2008 renewal (without change) multiple dock license application for Locust Hills based on inaccurate information provided to the Board at the time of the original vote in 2006. He believed that Locust Hills should submit a new multiple dock license application that does not place 44 large boats in as little as two feet of water depth.

Mr. Terry Bryce, 16828 Grays Bay Blvd., stated he was also in attendance to discuss the Locust Hills multiple dock license. He distributed a graph documenting boats per surface acre on Lake Minnetonka and Grays Bay, with and without the Locust Hills multiple dock license. He made the following comments: 1) Grays Bay is the most used bay, maintaining the largest amount of citations issued per the Sheriff's Water Patrol office, 2) Grays Bay averages 4.7' in water depth, and 3) he discussed the dangers that exist with a high boater concentration level and their concern for someone getting hurt, specifically with the congestion of boats around the Grays Bay public access and County Road 101 bridge.

Mr. James Gilbert, legal counsel for Locust Hills, stated he was in attendance for their 2008 renewal (without change) multiple dock license application. He reserved his right to comment on this application if the Board decided to remove it from the consent agenda.

Whalen recommended that Gilbert make his comments at this time because she believed that discussion would be limited to the Board if the application was removed from the consent agenda.

Gilbert stated that the Board conducted at least 10 hours of public hearing and input on this application when the original application was being considered by the Board in August of 2006. Similar comments were made at that time, adding that Alexander and White were in attendance in 2006. He read transcripts from 2006 that documented their comments. He stated that the Grays Bay HOA has filed a complaint with the Environmental Quality Board, which was summarily denied. Additionally, the Minnesota Court of Appeals recently affirmed the LMCD Board actions from 2006. He encouraged the Board to end this discussion now; based on the Courts affirming not only the approval of the 2006 license but also the 2007 renewal license. He believed that government has the duty to be consistent and fair as part of democracy, and anything to the contrary would be arbitrary and capricious.

6. APPROVAL OF MINUTES- 01/23/08 LMCD Board/Planning Workshop Session
02/13/08 LMCD Regular Board Meeting

MOTION: Babcock moved, Johnson seconded to approve the minutes from the 01/23/08 Board/Planning Workshop Session as submitted.

VOTE: Motion carried unanimously.

MOTION: Babcock moved, Page seconded to approve the minutes from the 02/13/08 LMCD Regular Board Meeting as submitted.

VOTE: Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

Jewett and Babcock requested that agenda item 7A be removed from the consent agenda.

Jewett moved, Scanlon seconded to approve the consent agenda as amended, removing agenda item 7A. Motion carried unanimously. Items so approved included: **7B**, Staff recommends that the Board award the maintenance contract for the 2008 EWM Harvesting Program to Curfman Trucking and Repair, Inc; **7C**, 10/12/07 and 11/30/07 EWM/Exotics Task Force Minutes; and **7D**, Audit of vouchers (2/16/08 – 2/29/08).

8. ITEMS REMOVED FROM THE CONSENT AGENDA

- **2008 Multiple Dock Licenses**, staff recommends Board approval of 2008 renewal (without change) multiple dock license applications, as outlined in 2/21/08 staff memo.

Whalen asked Babcock and Jewett to clarify why they had agenda item 7A removed from the consent agenda.

Babcock expressed an interest in approving the 2008 renewal (without change) multiple dock license applications in two separate motions.

Jewett stated that he would like to have the 2008 Locust Hills, LLC renewal (without change) multiple dock license application discussed by the Board.

MOTION: Babcock moved, Page seconded to approve the 2008 renewal (without change) multiple dock license applications, absent Locust Hills, LLC, that had been paid in full, as outlined in the 2/21/08 staff memo.

VOTE: Motion carried unanimously.

MOTION: Babcock moved, Page seconded to approve the 2008 renewal (without change) multiple dock license applications for those that have not paid their full application fee as outlined in the 2/21/08 staff memo, subject to payment of the balance due by 3/31/08.

VOTE: Motion carried unanimously.

Jewett asked LeFevere to comment on whether a prior precedent had been set by the LMCD that would prevent the Board from overturning the Locust Hills multiple dock license and opening it up for another public hearing.

Whalen also asked LeFevere to also advise the Board of their legal options in considering the renewal (without change) multiple dock license applications.

LeFevere stated that he had been retained as legal counsel for the LMCD since 1978. In these 30 years, he did not believe that the LMCD had denied a renewal (without change) multiple dock license application. However, the multiple dock license is associated with public waters, which does not provide a vested right for continuation of use as it exists. Violation of LMCD ordinances would allow the Board grounds to revoke a multiple dock license; not that anyone is alleging this option as a basis to decline the 2008 Locust Hills renewal (without change) multiple dock license application. He clarified that the Board would have to apply ordinances relating to multiple dock licenses fairly and uniformly across Lake Minnetonka, adding that a Board's decision cannot be arbitrary and capricious. He believed that the arguments made by the residents at this meeting were also provided at the 2006 public hearing for this multiple dock facility. Therefore, with the Board making their decision to approve the 2006 Locust Hills multiple dock license application after hearing the same argument, one could argue that the Board would be acting arbitrarily and capriciously should they decide to deny their 2008 renewal (without change) multiple dock license application. He cautioned the Board about denying a renewal multiple dock license application based on water depths, unless the Board does this on a lakewide basis or amends the current ordinance to that affect. He did not believe that it would be legally defensible to make such a decision for only one multiple dock license because of neighborhood opposition.

Babcock concurred with LeFevere that there was no ground to consider denying the 2008 Locust Hills renewal (without change) multiple dock license application in the absence of an ordinance change that would be applied on a lakewide basis. He reviewed an ordinance change adopted by the Board in the late 1970's that was applied on a lakewide basis for dock length at commercial marina facilities.

Jewett stated that he was not aware of any violations of LMCD ordinances at the Locust Hills multiple dock site. Additionally, he did believe that the Board was not currently in a position to discuss a lakewide ordinance amendment that would prevent the Board from granting approval of renewal multiple dock

license applications.

Whalen stated that she appreciated the public input from the Grays Bay residents and understood their position. Although she did not necessarily agree with the Board's decision on the Locust Hills multiple dock license application in 2006, she believed that it would be difficult to deny the 2008 Locust Hills renewal (without change) multiple dock license application based on LeFevere's comments.

Scanlon stated that he believed it was difficult for a Board member to state that they would have voted differently on the original multiple dock license application if they were not present in 2006 to hear all of the facts and input.

Jewett asked if new facts had been presented at this meeting that were not presented in 2006.

Nybeck concurred with LeFevere that similar comments were made by Grays Bay residents in 2006. However, he acknowledged that new handouts were provided at this meeting by Grays Bay residents.

LeFevere stated that he could not confirm the evidence was exactly the same, although water depths was an issue raised by the residents and discussed by the Board. When the Locust Hills multiple dock license application was approved in 2006, the Board also approved Findings of Fact and Memorandum. It acknowledges that the Board had some doubts about whether there was adequate water depths for the approved multiple dock facility. It states that if it was necessary to come back at a later date to accommodate a change due to water depth, then the Board would re-look at the question of whether 44 watercraft was an appropriate number for this site.

Page stated that he agreed that a lakewide change would need to be made in order for the Board to consider overturning the decision made by the Board in 2006 on the Locust Hills multiple dock license application.

Babcock asked LeFevere what the trigger would be for the Board to consider revisiting the license as noted in the Order.

LeFevere stated that condition 4 in the Order reads "This Order is based on assurances by the Applicant that there is sufficient water depth for the proposed facilities and that no variance will be required. In the event that variances are requested in the future, the Board may reconsider the number of watercraft stored at the facility".

Babcock stated that condition 4 was included in the Order based on the assurances of the applicant. If those assurances are challenged, he questioned what the process was.

LeFevere stated the applicant has the ability to work around the use of their shallow water, without a change in their multiple dock license, by storing smaller watercraft or even paddling out to deeper water. To refuse to renew the renewal (without change) application, the Board would have to be in a position to prove the information the Board based their decision on was so fundamentally false that it would clearly have made a different decision with true information before it.

Tanner asked Locust Hills how they handle the distribution of slips per the owner's need of water depth for their watercraft.

Mr. Paul Robinson, representing Locust Hills, stated that they measured the exact water depths last summer. These water depths have been provided to the prospective buyers for their choice of slip.

MOTION: Page moved, Morris seconded to approved the 2008 Locust Hills renewal (without change) multiple dock license application.

VOTE: Ayes (9), Nays (1, Jewett); motion carried.

The meeting was recessed at 7:59 p.m. and re-convened at 8:01 p.m.

9. PUBLIC HEARINGS

- **Gary Knight**, dock length and side setback variance application from LMCD Code at 16915 Grays Bay Blvd.

Jewett stated he would be stepping off the Board during this agenda item because he was one of the adjacent neighbors to the applicant and he would like to reserve the right to participate during the public hearing process.

LeFevere stated that Jewett participating in the public hearing as a Board member may or may not have a legally disqualifying conflict of interest. However, this will not need to be addressed by the Board since Jewett has recused himself from the Board during this agenda item.

Whalen asked Nybeck for background on this agenda item.

Nybeck reviewed the staff memo, dated 2/22/08, which summarized a request from Gary Knight for a dock length and side setback variance from LMCD Code. The applicant has requested that the Board clarify his docking rights at the subject site, which currently has a newly constructed home for sale. He has proposed an 8.5' wide by 24' long dock use area (DUA), with irregular shoreline, converging lot lines, and a narrow site as his hardships. He highlighted three LMCD Code Sections to evaluate the variance application. These included: 1) Code Section 2.01, subd. 1-outlines authorized DUA requirements, 2) Code Section 1.07-outlines the variance process from LMCD Code, and 3) Code Section 2.02-outlines the number of restricted watercraft that may be stored at a site. He believed the applicant has demonstrated adequate hardships for the Board to direct LMCD legal counsel to prepare draft Findings of Fact and Order for approval. However, he believed that the Board needed to consider whether the request was reasonable and the precedent the decision would have on a possible variance request from 16919 Grays Bay Blvd. He entertained questions and comments from the Board.

Whalen opened the public hearing at 8:16 p.m. and asked for additional comments and background from the applicant.

Mr. Gary Knight, 16915 Grays Bay Blvd., stated that he purchased the property two years ago. He became aware of concerns about docking rights last year and contacted the LMCD office for assistance. He expressed an interest in establishing the docking and boating rights for future ownership at this site.

Ms. Julie Rolfe, 16919 Grays Bay Blvd., stated she and her husband owned the abutting property to the west. She and her husband were in support of setting a precedent in accordance with riparian property

being given reasonable docking rights and boat storage. She provided ownership history of her site by stating that the previous homeowner had the home since 1948. She expressed concern that if property owners had 25' or less of shoreline and required a variance, they are being punished for what is currently allowed under Code Section 2.02 for the number of restricted watercraft that may be stored at a site. She suggested an alternative to the variance request made by Knight. She believed that a zero foot side setback variance for both properties on the common extended side site line made more sense because the proposal made by Knight does not change the current docking situation. Based on the history of neighborhood relationship with the applicant, she and her husband do not want to share a common dock. However, she and her husband are in favor of each site having their own dock side by side on the common extended side site line. They also purchased the home without knowing that there were dock and boat storage issues associated with the property. As a result of neighboring discussions, they moved their dock in 2007 only to find out that there were concerns about side setbacks and dock length.

Babcock asked Rolfe if she was prepared to proceed with a variance application for her site.

Rolfe stated that she was prepared to submit a LMCD variance application for her site.

Mr. Paul Chamberlain, 16912 Grays Bay Blvd., stated he owned the abutting property to the east and will be affected by the proposed variance. He spoke in favor of the proposed variance and the dock placement along his common extended side site line. However, he maintained that the Board's decision needs to be reasonable for all property owners because he anticipated a new neighbor when Knight sells his home. His current dock placement was along the common extended side site line and he did not want to have that neighbor expressing concern about its placement.

Babcock asked Chamberlain if he was prepared to proceed with a variance application for his site.

Chamberlain stated that he was prepared to submit a LMCD variance application for his site, if deemed necessary.

Mr. Chris Jewett, 16922 Grays Bay Blvd., stated that he had been working with Nybeck this past summer to resolve docking issues in this area. He reviewed the docking situation before and after he and his wife purchased this property in 2007. This included the relocation of the Rolfe's dock in 2007 because it extended over their common extended side site line and impacted their dock use area. He and his wife supported either a common dock or two separate docks along the common extended side site line between the Knight and Rolfe sites. He believed that approving a zero foot side setback variance along the outer side site lines would create an undesirable precedent for his and Chamberlain's properties.

Knight stated he was informed the reason that Rolfe did not want a common dock was due to liability concerns and the need to obtain insurance. He was not aware the purpose was due to historical neighbor concerns, which were rectified.

There being no further comments, Whalen closed public hearing at 8:30 p.m. She stated that she was in favor of the dock(s) being placed down the common extended side site line, with a single common dock being the best option. However, riparian rights simply mean you may have reasonable use of the lakeshore and does not automatically dictate the use of a specific size of watercraft.

Babcock stated he generally was in favor of the neighbors working their docking rights out in these types of situations. For those that cannot be worked out, the Board has to look at the individual sites as they stand on their own. He typically does not consider a narrow site as a hardship; however, converging lot lines has been considered a hardship. He encouraged the applicant and the Rolfe's to get together for the placement of a single or abutting dock structure(s) to be placed along their common extended side site lines.

LeFevere stated that Rolfe has indicated her interest in submitting a variance application. Whatever the Board decides on one site will most likely have an impact on the other site. Since the Board does not have either an application or survey from the Rolfe's, he recommended that the Knight variance application be continued, unless Knight has concerns about the timing of his variance application.

Knight stated that he was hoping for a response by ice out.

LeFevere stated that Knight should update his survey work if his variance application were amended to adjust the placement of the dock along the common extended side site line with the Rolfe's.

MOTION: Babcock moved, Johnson seconded to table the Knight dock length and side setback variance application, with the assumption that the Rolfe's submit their variance application in time for a public hearing at the April 9th LMCD Board Meeting.

VOTE: Motion carried unanimously.

10. OTHER BUSINESS

A. Discussion of MN DNR General Permit 2008-0401 relating to docks and platforms.

Nybeck stated that Tom Hovey from the MN DNR was in attendance to provide the Board an overview of a recently approved MN DNR General Permit relating to docks and platforms. He anticipated that Hovey's presentation would be for informational purposes for the Board and to answer any questions that they may have. He noted that there were various dock installer companies in attendance; however, they have been informed that the presentation is for informational purposes only. If the Board were to consider changes to LMCD Code, he believed that a public hearing would be merited to get public input.

Hovey thanked the Board for the opportunity to speak on the General Permit and made the following comments:

- Prior to the adoption of the General Permit, the MN DNR had been dealing with more and more illegal size platforms being installed on Minnesota lakes. At that time, the MN DNR collected a great deal of information and increased their public education of current state law by holding many meetings.
- In April of 2007, a General Permit was issued for one season and was submitted via letter to dock installing companies. In response to that effort, many comments were received and a Dock Advisory Committee was established that held three meetings. From those meetings, some of the following recommendations were: 1) statewide rules were needed, 2) the General Permit should be a bridge to what is currently in place, 3) more information about docks is needed, 4) the MN DNR needs to do a better job of communicating and establish a more consistent enforcement policy, 5) the length of the dock should be limited, and 6) there is a need to consider current docking structures being manufactured.

- A second General Permit was issued last month that is good for five years, or until the law is changed. He commented on the highlights of this General Permit:
 - It allows for no more than eight foot wide docks in many configurations, without obtaining a permit.
 - If a platform is installed, it cannot be more than 120 square feet if measured separately from the access dock. If the access dock is included, it cannot be more than 170 square feet.
 - In exchange for the use of the platform that is allowed by this General Permit, the walkway leading to it cannot be greater than five feet in width.
 - He commented on condition #11 that requires docks, platforms, boat lifts, canopies, sand blankets, and aquatic plant removal to be within the "Aquatic Impact Area".
- He reviewed various docking structures that were allowed with or without the General Permit, acknowledging that some may not be consistent with LMCD rules and regulations.
- He entertained questions and comments from the Board.

Page asked Hovey to comment on why the MN DNR would not make the expiration of the General Permit five years or later, rather five years or sooner, if the law were to change.

Hovey stated that the MN DNR cannot issue a General Permit for longer than five years.

Babcock stated that condition #1 states that the permittee is not released from any rules, regulations, requirements or standards of any applicable federal, state, or local agencies. LMCD Code has not changed and he urged the MN DNR to keep that topic in the forefront of their communication with the dock installers. He raised a question on whether the new MN DNR General Permit was sustainable on smaller lots.

Nybeck stated that the Board might want to consider a future stakeholder meeting to gather public input to assist the Board in making a decision on whether to amend LMCD Code for docks and platforms dimensions on Lake Minnetonka.

Whalen thanked Mr. Hovey for his time and presentation.

B. Staff update on 2008 Lake Vegetation Management Plan (LVMP) Project.

Whalen asked for an update on this agenda item from Dick Osgood.

Osgood stated that the LVMP document was in its final draft. The next step would be to submit the LVMP document to the MN DNR for their approval. The LMA Board recently approved the LVMP document and he requested that the LMCD Board do the same.

Jewett asked Osgood if he had documentation on the attendance at the stakeholder meetings.

Osgood stated that attendance at the four LVMP stakeholder meetings ranged from six to 20 attendees.

Babcock stated that he was in agreement with the technical aspects of the LVMP. However, he continued to have concern about the funding aspect to the LMCD. He believed that a motion to approve the LVMP would be appropriate, provided the LMCD is not bound to any particular level of funding beyond 2008.

Whalen stated that responsibilities of the LMCD are outlined on page 9 of the LVMP. She did not see any long-term financial commitment from the LMCD within the LVMP. She asked for clarification of what organizations were on the technical committee and how the annual assessment of user perceptions would take place.

Osgood stated that the project team consisted of the LMA and the LMCD. A number of other organizations serve as the technical committee, which are summarized on page two of the LVMP.

Whalen asked how much the user perception surveys would cost.

Osgood estimated this annual costs at \$1,000, which the LMA has agreed to develop and fund.

Whalen asked LeFevere whether the Board should approve or accept the LVMP.

LeFevere stated that he believed the LMA was asking the Board to accept the LVMP document for submission to the MN DNR. If the Board were to approve a motion as referenced by Babcock, he did not believe that the LMCD would be bound to future funding of the LVMP.

MOTION: Babcock moved, Tanner seconded to approve the LVMP draft document, subject to adequate funding being made available from multiple sources, including public and private.

VOTE: Motion carried unanimously.

Nybeck stated that approval of the draft Agreement between the LMCD and the LMA for the 2008 LVMP project will be on the agenda for the March 12th LMCD Board Meeting.

C. Staff update on possible 2008 Aquatic Invasive Species (AIS) Prevention Programs.

Whalen asked Nybeck for background on this agenda item.

Nybeck provided background on the Board Planning/Workshop Session conducted in the LMCD office. The consensus of those Board members in attendance included: 1) there was a need to finalize a 2008 AIS Prevention Program Budget, 2) there was a need to submit a 2008 MN DNR Prevention Grant Application by February 25th, and 3) there was a need to priority rank primary and secondary accesses. The MN DNR Grant application was submitted on February 25th, with a copy of it in the handout folders. He discussed the 2008 AIS Prevention Program Budget and the priority ranking of the primary and secondary public accesses at the same time. At this time, it is anticipated that there was \$35,000 of funds available for this project in 2008. Expenditures for 2008, primarily contracted MN DNR inspectors and Internet Landing Installed Device Sensors (I-LIDS), are proposed at \$67,330. He recommended reducing coverage of MN DNR inspectors by: 1) reducing the coverage at the Maxwell Bay public access from 12 hours per day to eight on Saturdays, Sundays, and holidays, and 2) eliminating secondary public access coverage from three to two per day. In turn, this would reduce the coverage hours from 2,896 to 2,388 (reducing the costs from \$50,680 to \$41,790). He stated that Eric Lindberg was in attendance to discuss his I-LIDS proposal for 2008.

Mr. Eric Lindberg, CEO of Environmental Sentry Protection, made the following comments:

- The one-time costs that were required in 2007 will not be incurred in 2008, with the exception of installing power at the Maxwell Bay public access.
- The proposed operation dates are May 8th through October 8th at the Grays Bay, Maxwell Bay, and North Arm public accesses. The total proposed costs vary based on the amount of weeks that video sequences were to be reviewed.
- He reviewed statistics of boater AIS compliance in 2006 and 2007.
- He believed that improvements have been made of the camera for better viewing ability.
- He discussed the challenges offered as to why warning letters were not submitted to boaters documented as a potential violation and felt those challenges were resolved. He recommended that an action plan be adopted to initiate that effort.
- He reviewed his proposal on a launch by launch basis and his recommendation to the Board as it associates to the budget.
- He entertained questions and comments from the Board.

Tanner asked Lindberg if he could define the terms “partial review” and “limited review.”

Lindberg reviewed the terms as defined on page four of the proposal.

Nybeck recommended that costs of the I-LIDS proposal need to be reduced, similar to the MN DNR inspectors. He believed that contracting for an I-LIDS unit at the Grays and Maxwell Bay public accesses made the most sense, with 13 weeks of review of the video sequences. This would reduce the costs of the I-LIDS proposal from \$16,650 to \$10,232 with power, and \$9,482 without power.

The Board discussed the likelihood of the MN DNR Prevention Grant being funded, the notation that human interface and education was the best option in dealing with AIS, and how to best enforce AIS law violations. The consensus of the Board was for Nybeck to prepare draft contracts for MN DNR inspectors and I-LIDS, per his recommendation.

D. Staff recommendations for 2008 LMCD Code Enforcement Project.

Whalen asked Nybeck for background on this agenda item.

Nybeck stated that he believed the staff memo was self-explanatory. He believed that the next step in this project was to initiate the hiring process for part-time seasonal employees in the LMCD office and the field for when Herman assumes her Project Supervisor responsibilities in 2008. He stated that he would work with the Personnel Committee on the hiring of these two part-time seasonal employees.

11. EXECUTIVE DIRECTOR REPORT

Nybeck updated the Board on two items for informational purposes. First, there was a memo in the packet that outlined new appointments and re-appointment to the LMCD Board in 2008. Second, there were to recent articles from the Lakeshore Weekly News included in the packet and handout folders.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:19 p.m.

Lisa Whalen, Chair

Andrew McDermott, III, Secretary