

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, April 9, 2008
Wayzata City Hall

1. CALL TO ORDER

Whalen called the meeting to order at 7:02 p.m.

2. ROLL CALL

Members present: Lisa Whalen, Minnetrista; Tom Tanner, Wayzata; Andrew McDermott, Orono; Tom Scanlon, Spring Park; Doug Babcock, Tonka Bay; David Gross, Deephaven; Chris Jewett, Minnetonka; Steve Johnson, Mound; Dennis Klohs, Minnetonka Beach; Bill Olson, Victoria; Kelsey Page, Greenwood; Richard Siakel, Shorewood; Herb Suerth, Woodland. Also present: Charles LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

Member absent: Jeff Morris, Excelsior

3. APPROVAL OF AGENDA

Whalen recommended that agenda items 9B and 10A be considered at the same time because they were interrelated. Additionally, she recommended that these agenda items be moved ahead of agenda item 9A because of the anticipated lengthy discussion for agenda item 9A.

MOTION: Babcock moved, McDermott seconded to approve the agenda as amended, making the changes as recommended by Whalen.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Whalen

There were no Chair announcements.

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

There were no comments from the public on subjects not on the agenda.

6. APPROVAL OF MINUTES- 03/26/08 LMCD Board Planning/Workshop Session (handout)
03/26/08 LMCD Regular Board Meeting

Whalen stated the minutes from the March 26th Board Planning/Workshop Session had not been finalized and will be on the agenda for the April 23rd LMCD Board Meeting.

MOTION: Tanner moved, McDermott seconded to approve the minutes from the 03/26/08 LMCD Regular Board Meeting as submitted.

VOTE: Ayes (10), Abstained (3; Gross, Jewett, and Page); motion carried.

7. APPROVAL OF CONSENT AGENDA

Babcock moved, Gross seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved included: **7A, Cedarhurst Assoc., Foxhill HOA, and Seton Twin Homes**, staff recommends Board approval of 2008 renewal (without change) multiple dock license application that have been paid in full; **7B, Minnetonka Boat Club and Rental**, staff recommends Board approval of 2008 renewal (without change) non-intoxicating malt liquor license application for the charter boat Looneytoon (Approved Port of Call – Minnetonka Boat Club and Rental), **7C**, Audit of vouchers (4/1/08 – 4/15/08); and **7D, Queen of Excelsior, Inc.**, staff recommends Board approval to refund \$2,300 of 2008 renewal (without change) intoxicating liquor license application fees submitted for the charter boats Queen of Excelsior and Queen of Excelsior II.

8. ITEMS REMOVED FROM THE CONSENT AGENDA

There were no items removed from the consent agenda.

9. PUBLIC HEARINGS

B. Bill and Julie Rolfe, dock length and side setback variance application from LMCD Code at 16919 Grays Bay Blvd.

10A. Gary Knight, dock length and side setback variance application from LMCD Code at 16915 Grays Bay Blvd. (Public Hearing conducted at the 2/27/08 LMCD Board Meeting).

Jewett stated he would be stepping off the Board during this agenda item because he was an adjacent neighbor to the applicants and he would like to reserve the right to participate during the public hearing process.

Whalen asked Nybeck to provide background on these agenda items.

Nybeck reviewed his staff memo, dated 4/4/08, which summarized requests for dock length and side setbacks variances from LMCD Code at their residential sites. Based on the discussion at the February 27th LMCD Board Meeting for the Knight variance application, both applicants have proposed a 40' long dock along their common extended side site line, with no setbacks, and a 8.5' wide by 24' long dock use area (DUA) on the outer side of each dock. He highlighted three LMCD Code Sections to evaluate the variance applications. 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 that the applicants had demonstrated that these sites have particular hardships of irregular shoreline, converging lot lines, and possibly deep water and recommended the Board direct LMCD legal counsel to prepare draft Findings of Fact and Order for approval of the variance applications. However, the Board needs to consider whether there requests are reasonable and to decide whether to place restrictions on: 1) the number and size of watercraft, 2) whether watercraft overhang should be allowed, and 3) whether canopies and/or boat lifts are allowed through mutual consent of the abutting neighbors. He entertained questions and comments from the Board.

Tanner questioned whether a personal watercraft was considered a restricted watercraft.

Nybeck stated that a personal watercraft was considered a restricted watercraft per LMCD Code.

Whalen asked the applicants to provide further comments on their applications.

Ms. Julie Rolfe, 16919 Grays Bay Blvd., reiterated that she and her husband preferred an individual dock over a common dock with the Knight site. She requested that the Board consider a 42' long dock to address future water depth concerns, alleviate the need for custom dock sections, and to fully contain their 21.5' long boat.

Whalen opened the public hearing at 7:21 p.m.

Mr. Gary Knight, 16915 Grays Bay Blvd., asked that the Board consider allowing a boat lift to be stored at his site, provided there was mutual consent of the abutting neighbor to the east. Currently, he stated that he had consent of the abutting neighbor to the east, Paul Chamberlain.

Mr. Paul Chamberlain, 16912 Grays Bay Blvd., stated that he was in agreement with Nybeck's assessment of these applications and that a variance was appropriate at each site.

There being no further comments, Whalen closed the public hearing at 7:28 p.m.

Nybeck stated that if the Board were inclined to approve the variance applications, the Board should consider: 1) having these variance registered against the titles of each property, and 2) requiring the installation of monument markers along the common extended side site lines to assist in dock placement and direction from the shoreline.

Tanner questioned whether separate motions would be appropriate.

LeFevere stated there was no legal reason why the Board could not direct him to prepare draft Findings to approve each variance application within one motion since both variances would essentially mirror each other.

Siakel asked Nybeck to define what constitutes a canopy.

Nybeck stated that the 20' side setback for canopies takes into consideration the large arching canopies seen throughout Lake Minnetonka. However, these canopy setbacks do not apply to canopies that are part of a shore station, provided the canopy is an integral part of the boat lift and the vertical portion of the cover does not exceed 30" in material.

Babcock stated that he was in favor of approving both applications; however, he believed that separate motions were appropriate. When considering these applications, he believed that the Board should keep in mind that the docks, boats, and other structures would need to be stored within the newly defined DUA created by each variance. Since each site is narrow, he believed that adding additional structure, such as a boat lift, would place additional stress on the abutting neighbors to these sites. He was not in favor of canopies at the subject sites and agreed that one restricted watercraft per site was reasonable, with a condition that ownership of each watercraft being registered to the respective owners.

There was discussion of the proposed variance applications by the Board, LeFevere, and Nybeck. Some of the discussion included:

- Does it make sense to provide leverage within the motion to have some flexibility (i.e., the removal of the dock and installation of a boat lift).
- Can the Board grant more than what is being requested during the variance process.
- Can the Board simply define the DUA all the way to shore and let the applicants decide on their use per their needs, which would address the comment on watercraft overhanging in the front of the proposed DUA.
- Does it make sense to allow the applicants the ability to customize their DUA, which could then store more than one personal watercraft at each site.
- Concern was raised in allowing for a 42' long DUA and not knowing what the setbacks from the abutting properties would be.

Tanner asked Jewett to comment on the applications.

Mr. Chris Jewett, 16922 Grays Bay Blvd., stated that he was in agreement with Nybeck's assessment. He believed boat lifts at each of these sites was only warranted in a combined dock situation. Otherwise, he believed that docking and boat storage in the area was too tight. He believed that a 40' long DUA was appropriate in this area based on water depths.

MOTION: Babcock moved, Siakel seconded to direct LeFevere to prepare draft Findings of Fact and Order to approve Rolfe dock length and side setback variance application, subject to: 1) the DUA be defined as a zero setback from the common lot line and 2.8' from the abutting neighbor to the east, 16922 Grays Bay Boulevard, 2) the overall DUA length for this site is 42', with watercraft to be fully contained within this DUA, 3) a prohibition on canopies at this site, 4) a limit of one restricted watercraft at this site that must be registered to individuals living at 16919 Grays Bay Blvd., 5) the site plan must be amended to include the dock length dimensions, 6) the common extended side site line must be documented with monument markers to assist in dock placement and direction, and 7) approval of this variance must be registered against the title on this property.

LeFevere questioned whether the motion would allow for boat lifts within a combined dock use area, with one dock, by both applicants.

Babcock stated the motion does not allow the applicants to alter the variances further on the outer extended side site lines because the variances would be registered against the title of each property. However, the motion would allow the applicants to install a combined dock and possibly a boat lift(s) within the DUA established for each variance, provided the dock, boat storage, and other structures are fully contained within each DUA.

Whalen proposed a friendly amendment that would require the dock(s) at these two sites to be installed along the common extended side site line. Babcock and Siakel agreed to this.

VOTE: Motion carried unanimously.

Knight stated that he had expressed an interest in a common dock with the Rolfe's, which would possibly allow for a boat lift. However, he believed that he was being punished because the motion would not allow for a boat lift through mutual consent from the abutting property owner to the east.

Babcock expressed concern about encouraging the storage of larger watercraft when there was not room to do so. He believed that the motion would provide for a reasonable boat use for site that has 17.5' shoreline.

Page stated that when a variance was registered against the title of a property, he believed that certainty and clear definitions are preferred.

Chamberlain appealed to the Board not to take the flexibility away from neighboring properties to mutually consent to adjust side setback requirements. Whether Knight sells his property or not, he would allow for a zero foot setback since a common dock was not an option with the Rolfe's.

MOTION: Babcock moved, Page seconded to direct LeFevere to prepare draft Findings of Fact and Order to approve Knight dock length and side setback variance application, subject to: 1) the DUA be defined as a zero setback from the common lot line and 2.2' from the abutting neighbor to the east, 16912 Grays Bay Blvd., 2) the overall DUA length for this site is 42', with watercraft to be fully contained within this DUA, 3) a prohibition of canopies at this site, 4) a limit of one restricted watercraft at this site that must be registered to individuals living at 16919 Grays Bay Blvd., 5) the site plan must be amended to include the dock length dimensions, 6) the common extended side site line must be documented with monument markers to assist in dock placement and direction, 7) approval of this variance must be registered against the title on this property and 8) the dock(s) to be stored at these two sites must be installed along the common extended side site line.

VOTE: Motion carried unanimously.

B. City of Minnetonka Beach (Dock Sites 2-25), reconfiguration of non-conforming, multiple dock license and variance applications (dock length and side setback variance application at Dock Site 10– Cross Point Road).

Whalen stated that Minnetonka Beach had submitted an application to reconfigure the site plans at all dock sites, as well as a variance application for Dock Site 10. A request has been made by Minnetonka Beach to remove Dock Site 10 from the public hearing and discussion by the Board at this meeting, although they would like the public hearing and Board discussion to take place for the remaining dock sites. She recommended that public testimony and Board discussion on Dock Site 10 should not take place until the May 28th LMCD Board meeting that Minnetonka Beach has requested. This will allow Minnetonka Beach to sort through the issues at Dock Site 10 and that public testimony and Board discussion would take place on the proposed site plan that Minnetonka Beach would like considered.

Babcock stated that the shoreline associated with Dock Site 10 was a package deal with the remaining dock sites in Minnetonka. Because of this, he questioned how the Board could make a decision at this meeting on the remaining dock sites. He recommended that the Board take public testimony on all dock

sites at this meeting and hold off on making a decision on all dock sites, including Dock Site 10, until the May 28th Board meeting.

LeFevere stated that he believed the Board in the past has considered Minnetonka Beach Dock Site 10 separately, as well as some sites associated with the Mound Commons Docking Program. He did not believe that partial approval of the Minnetonka Beach application, excluding Dock Site 10, would create any problems for the Board in the long run.

Babcock stated that he would be okay with considering approval of the Minnetonka Beach application at this meeting, provided the approved site plan for Dock Site 10 remains the same from 2007. The application process was unique for this situation because the variance application for Dock Site 10 was made within the context of an application to consider all dock sites within Minnetonka Beach.

Whalen stated that an alternative to this would be to not allow any docks or boats to be installed at Dock Site 10 until approved by the Board at a later date.

LeFevere stated that Minnetonka Beach runs the risk that they may need to come back and amend a site plan at another dock site if, for example, the number of boats stored at Dock Site 10 is reduced. With partial approval by the Board at this meeting, docks and boats would technically not be allowed to be stored at the remaining dock sites. Approval by the Board of the site plan for Dock Site 10 might not make sense because it was contingent of mutual consent of the abutting neighbor(s), which they currently do not have.

Klohs stated that he believed that partial approval was made by the Board in 2007, excluding Dock Site 10.

Harper stated that in 2007, the Board commented that they would not get in an enforcement situation if the docks at the other dock sites were installed, acknowledging that the multiple dock license issued to Minnetonka Beach had not been approved.

Nybeck stated that one difference was that the only changes proposed in 2007 were at Dock Site 10. In 2008, Minnetonka Beach has proposed changes at all dock sites.

Whalen recommended that the Board consider the Minnetonka Beach application at this meeting, with the assumption that no docks or boats could be installed at Dock Site 10 until this has been resolved at a future Board meeting.

Klohs stated that he believed Minnetonka Beach would be satisfied with the Board proceeding as recommended by Whalen.

LeFevere stated that procedurally, the Board could approve the application in part and deny the application in part for Dock Site 10, with the understanding that Minnetonka Beach would be amending Dock Site 10 at a later date.

Whalen asked Harper to provide background on this application.

Harper reviewed the staff memo, dated 4/4/08, which provided background on the overall Minnetonka

Beach multiple dock license and an overview of the changes proposed (excluding Dock Site 10). During his review of the proposed changes, a number of questions were asked by the Board, to which he responded to. These are detailed below.

Babcock recommended that the amount of shoreline at Dock Site 3 should be documented on the proposed survey.

McDermott questioned whether the proposed changes at Dock Sites 5-7A were installed previously by the applicant.

Harper stated that the majority of the proposed changes have been installed historically, which were identified during the 2007 multiple dock license inspection process. Minnetonka Beach has been tightening its process with its residents by stating that this is the approved site plan that needs to be installed, to which he credited Minnetonka Beach.

Page questioned why the dock lengths at Dock Sites 5-7A were proposed to increase from 70' to 100'.

Harper stated that the maximum dock length for this site was 100', provided the watercraft stored at these docks were fully contained within the dock length.

Babcock asked for clarification of the reduction in 929.4' shoreline from 400' documented on the approved site plan to 304' documented on the proposed site plan.

Harper stated that the reduction in shoreline was the difference between a computer aided drawing for the approved site plan versus a survey for the proposed site plan. This was, most likely, a result of inaccuracies on the approved site plan.

Scanlon questioned why Dock Site 15A was a stand alone dock.

Harper recommended that the applicant should provide further background on that.

Babcock questioned why the side setback proposed at Dock Site 12, 20', did not meet the conforming side setback requirement, 30'.

Nybeck stated that the outer perimeter established for this application for side setbacks was 20'.

Babcock recommended that the amount of 929.4' shoreline should be documented on the proposed site plan for Dock Site 17-23.

Harper reviewed the proposed changes with LMCD Code Section 2.015, which is outlined in the 4/4/08 staff memo. He recommended Board approval of the reconfiguration of non-conforming multiple dock license application for dock site 2-9, and 11-25 for the 2008 season, subject to five conditions. These included: 1) watercraft moored with Boat Storage Units (BSUs) must comply with the four foot length overall restriction, except for BSUs that are installed at the end of docks that are at the limit of a dock use area (DUA), 2) all watercraft must be moored within the authorized DUA for each site, 3) any approvals should carry over from all previous license conditions and approved variances, 4) all docks must be installed with boats moored in strict compliance with the approved site plans, and 5) no watercraft or dock

may be installed at Dock Site 10 until there is Board approval. He entertained further questions and comments from the Board.

Babcock questioned whether the grandfathered side setback of 20' south of BSU 1 at Dock Site 12 was still applicable because of the proposal to increase the length of this dock to 100'.

Nybeck reviewed LMCD Code and when doubling of side setbacks were required. Currently, side setback requirements need to be double when a multiple dock license abuts a non-multiple dock license. At this Dock Site, the 15' side setback would need to be doubled for conforming side setback requirements. However, the doubling of side setbacks is not required for sites that existed prior to May 3, 1978 per LMCD Code.

LeFevere stated that Nybeck's assessment of grandfathering for doubling of side setback requirements was correct. However, there is a prohibition on expansion and the question for the Board is whether the proposal to increase the length of the dock from 80' to 100' is an expansion.

Whalen asked for further comments and background on the application from Minnetonka Beach.

Mr. Vibhu Sharma, 2505 Lafayette Road, stated that he would speak on behalf of the City of Minnetonka Beach. Also in attendance were Mayor Joann Anderson, City Council member Tom Seuntjens, and City Administrator Susanne Griffin. Over the past several months, Minnetonka Beach has taken a number of actions on docking and boat storage. First, a dock committee was established to review and update the city's dock ordinances to ensure that they are consistent with LMCD Code. This dock committee will be diligent to ensure that docks installed are consistent with approved site plans. Second, certified surveys have been prepared for all dock sites in Minnetonka Beach to accurately document them. Third, the 2007 LMCD multiple dock license inspection report and changes have been proposed in 2008 to correct the deficiencies. Fourth, an application for 86 BSUs and the cumulative square footage of 21,460 has been submitted in response to these changes for 2008. He thanked LMCD staff for their assistance on this project, in particular Harper, for educating the dock committee and Griffin. He requested Board approval of the 2008 application excluding Dock Site 10, which will be brought back for public hearing and Board discussion at the May 28th LMCD Board meeting. He entertained questions and comments from the Board.

Babcock complimented the efforts of Minnetonka Beach, in particular the submittal of the site plans on certified surveys. One question he raised was whether some watercraft may not be able to comply with the four foot overhang restriction because of the decrease in slip sizes proposed in this application. He asked what efforts Minnetonka Beach had made to address this.

Sharma stated that boat lengths throughout Minnetonka Beach dock sites in the past have been analyzed. He concurred with Babcock that Minnetonka Beach does not want to make a BSU non-compliant with the four foot overhang restriction because of this application. Precautions Minnetonka Beach has initiated to ensure compliance with this requirement include annual inspections to be conducted by the dock committee and annual documentation of registered watercraft length as part of their application process with their residents.

Babcock reminded the applicant that the four foot overhang restriction is for watercraft length overall, with equipment in normal operating position. This is different than the hull length of the watercraft provided by the manufacturer.

Nybeck stated that compliance with the four foot overhang restriction would be a key element of the inspection process in 2008 and future boating seasons.

Scanlon asked why Dock Site 15A was a stand alone dock.

Sharma stated that there were a few residents that were classified tier one. For these residents, they are provided the option to either have a stand alone dock or to have their dock space combined with a larger dock system.

Whalen opened the public hearing at 8:56 p.m. There being no comments, she stated that the public hearing for Dock Site 10 was continued to the May 28th LMCD Board Meeting. She believed that the Board would need to decide on the required side setback requirements at Dock Site 12.

The Board discussed whether the proposed dock length at Dock Site 12 would require an increase in side setbacks from 20' to 30'. The consensus was that the additional 20' of dock length was an expansion of the dock structure, thus, the greater side setback would be necessary. However, Minnetonka could reduce the length of this dock back to 80' and still qualify for the reduced side setback of 20'.

Minnetonka Beach agreed to reduce the length of the dock from 100' to 80'.

The Board discussed the process of approving the application without addressing Dock Site 10 at this meeting. The consensus was to approve the application for the changes proposed at all other dock sites, providing for the ability to install Dock Site 10 as approved in 2007 subject to Minnetonka Beach securing necessary mutual consent from the abutting neighbor(s).

Klohs believed that the City of Minnetonka Beach would be agreeable to that.

MOTION: Babcock moved, Klohs seconded to approve the 2008 Minnetonka Beach reconfiguration of non-conforming multiple dock license, subject to: 1) reducing the length of the dock at Dock Site 12 from 100' to 80', and 2) no changes have been approved at Dock Site 10.

Babcock clarified his motion that changes to Dock Site 10, including the need for a variance application, would take place at the May 28th LMCD Board Meeting

VOTE: Motion carried unanimously.

10. OTHER BUSINESS

- B. Lakeland Boat Storage**, discussion of Charlie LeFevere e-mail in response to email, dated 3/25/08, from Kevin Sullivan.

Whalen asked LeFevere to provide background on this agenda item.

LeFevere stated that LMCD staff had recently received a public inquiry relating to a business being formed that would involve the storage of watercraft off Lake Minnetonka in the City of Minnetrista. For a price or contract, these watercraft would be picked up and brought to Lake Minnetonka, either through a public or private access. Mr. Sullivan has asked the LMCD staff if this concept complied with LMCD Code. The proposal is unique and staff thought they would bring this to the Board's attention to formulate a response to him. LeFevere summarized an e-mail he prepared, dated 4/2/08, which identified and discussed relevant LMCD Code to Mr. Sullivan's request. He believed that the policy question that the Board would need to decide was whether this type of business could operate, as stated in the 3/25/08 e-mail from Mr. Sullivan, if the LMCD does not regulate the storage building and these watercraft are launched through a public access. If the Board were to interpret these activity as off-lake storage as detailed in LMCD Code Section 2.045, it would create a whole new series of questions.

The Board discussed this agenda item in detail. Some of the discussion included:

- The types of access available to Lake Minnetonka (public, private, and commercial) and whether these are included in the car/trailer inventory for the 700 spaces outlined in the Lake Minnetonka Public Access Task Force Report.
- It was discussed whether this proposal would be a new type of access to Lake Minnetonka, including whether this should be regulated by the LMCD.
- The need to regulate the overall activity on Lake Minnetonka and to identify where the contributing sources were coming from.
- At what point might this activity potentially become off-lake storage because of some commercial transactions.
- Whether it made sense to permit these types of commercial activities, possibly through a tiered system, which could include documenting the number of launches conducted annually.
- How this proposal might be considered by LMCD Code if a slip from a licensed commercial marina was rented and there was a public access in the near vicinity.

Mr. Robert Foster, legal counsel for Lakeland Boat Storage, provided a brief overview of the business model being considered. Lakeland Boat Storage would buy three to five condominiums, and combine them into one, and sell business interests through a LLC. A second business would be a service to deliver these watercraft and to launch them through either a public or private access. These owners would always have the ability to transport and launch these watercraft themselves. The only difference between these owners and the rest of the public that utilize public or private accesses was where they stored their watercraft. He generally concurred with LeFevere's assessment of LMCD Code and did not believe that the LMCD had the authority to regulate this type of use.

The consensus of the Board was for LeFevere to prepare a draft letter to respond to public inquiry made by Lakeland Boat Storage. This draft letter was to be prepared based on the discussion at this meeting and the parameters outlined in the 4/2/08 e-mail from LeFevere. This letter will be brought for Board comments and discussion at the May 14th LMCD Board meeting. Staff was also directed to forward a copy of the 1992 Lake Access Task Force Report.

- C. Noah & Associates, Inc.**, discussion of proposal to conduct a study of compensation for LMCD employees.

Whalen stated that in the past year, the Board had discussed the need to conduct a study to better delineate what was fair, equitable, and reasonable relating to compensation adjustment for LMCD staff. A meeting was recently conducted in the LMCD office and the proposal would conduct such a study.

MOTION: Siakel moved, Tanner seconded to approve the proposed Agreement to contract with Noah & Associates, Inc. as submitted for a compensation study of the three full-time LMCD staff positions, in an amount not to exceed \$2,250.

Gross proposed a friendly amendment in point #2 under "Payment for Services" to insert the words "and acceptance" between the words "completion" and "of". Siakel and Tanner agreed to this.

VOTE: Motion carried unanimously.

D. 2008 EWM Harvesting Program, staff overview of project.

Whalen asked Nybeck to provide background on this agenda item.

Nybeck provided an overview of the 2008 EWM Harvesting Season. This included: 1) an overview of staff and independent contractors, 2) an overview of all aquatic invasive species programs planned by the LMCD in 2008, 3) a request to hire staff for the EWM Harvesting Program at the hourly rates outlined in the Report, 4) an overview of plans for the 2008 EWM Harvesting Program, and 5) an overview of LMCD harvesting statistics from 2002 through 2007. Statistics collected annually for the EWM Harvesting Program include truck loads, harvester loads, and acres harvested. He cautioned reading too much into these statistics because they are at most, indicators of milfoil growth that year. For example, there was a significant decline in acres harvested from 2002 to subsequent years. The primary cause for this reduction was that 2003 was the first year the LMCD used a handheld GPS to calculate acres harvested. Prior to that, acres harvested were not a reliable statistic because it was done through estimates by the seasonal staff. If the Board were to want to use acres as an evaluation of the program each year, he recommended that the Board consider that the majority of the 5,876 littoral acres are surveyed each season, with a decision on whether to harvest made based on these surveys. He stated that there was a Position Statement from the Lake Minnetonka Association on Milfoil Management. He recommended that the Board refer this to the EWM/Exotics Task Force for their discussion and analysis. He entertained questions and comments from the Board.

McDermott asked which bay would be harvested first should the herbicide treatments go forward as planned.

Nybeck stated harvesting would commence in Old Channel Bay and then commence to the Lower Lake.

MOTION: Babcock moved, Gross seconded to authorize Nybeck to hire the seven EWM Harvesting Program seasonal positions as outlined in the Report.

VOTE: Motion carried unanimously.

11. EXECUTIVE DIRECTOR REPORT

There was no Executive Director Report.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:03 p.m.

Lisa Whalen, Chair

Andrew McDermott, III, Secretary