

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 PM, Wednesday, October 22, 2008  
Wayzata City Hall

**1. CALL TO ORDER**

Whalen called the meeting to order at 7:35 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; 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; Dennis Klohs, Minnetonka Beach; Andrew McDermott, Orono; Richard Siakel, Shorewood; Herb Suerth, Woodland.

**3. APPROVAL OF AGENDA**

**MOTION:** Page moved, Olson seconded to approve the agenda as presented.

**VOTE:** Motion carried unanimously.

**4. CHAIR ANNOUNCEMENTS, Chair Whalen**

Whalen made two Chair announcements. First, she stated that the LMCD will hold an open house on Wednesday, December 3rd, from 4:00 to 6:00 p.m. to welcome Lake Minnetonka residents and city/public officials to the new office location. Second, she stated that the annual LMCD/Hennepin County Sheriff Water Patrol meeting was scheduled for Tuesday, December 2nd, at 7:30 a.m. at the Water Patrol Headquarters.

Scanlon arrived at 7:36 p.m.

**5. APPROVAL OF MINUTES- 9/24/08 LMCD Regular Board Meeting**

**MOTION:** Tanner moved, Babcock seconded to approve the minutes from the 9/24/08 LMCD Regular Board Meeting as submitted.

**VOTE:** Motion carried unanimously.

**6. APPROVAL OF CONSENT AGENDA**

Olson moved, Johnson seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved included: **6A**, Audit of vouchers (10/16/08 - 10/31/08); **6B**, September financial summary and balance sheet, and **6C, Save the Lake**, announcement of Funds available for 2009.

**7. ITEMS REMOVED FROM THE CONSENT AGENDA**

There were no items removed from the consent agenda.

**8. 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.

**9. PUBLIC HEARINGS**

There were no public hearings scheduled.

**10. OTHER BUSINESS**

- A. Ordinance Amendment**, first reading of an ordinance limiting the size of boats and watercraft for hire on Lake Minnetonka; amending LMCD Code Section 3.01, Subd. 22 and adding LMCD Code Section 3.07, Subd. 11.

Whalen asked Nybeck to provide an overview on this agenda item.

Nybeck stated that at the October 8<sup>th</sup> Board meeting, in which LeFevere was not able to attend, Jay Soule from AI & Alma's provided an update on more specific information relative to the design and size of a charter boat that would be rated at 149 passengers under the new USCG Rules. In follow-up to Soule's recommendation, the Board provided guidance with regards to preparation of an ordinance amendment. He stated the Board has the ability to approve first reading, with any changes deemed necessary, or possibly waive second and third readings and adopt. He reminded the Board that adoption of an ordinance is the majority of the Board rather than majority present. He entertained questions and comments from the Board.

Babcock recommended the following two changes. First, he believed that the word "or" should be changed to "and" in Subd. 11c. Second, he believed that an additional subd. should be added so that watercraft for hire over 70' in length need to be operated at low or no-wake speed. His intent was to ease watercraft displacement with watercraft of this size by maintaining a maximum speed that is compatible and reasonable with the present lake use, while protecting the lakeshore and residential dock structures.

LeFevere recommended that the words "hull speed" could be added in which a formula is utilized for each size boat to address their speed of travel without disturbance of a wake. He stated once hull speed is exceeded, a wake is created.

Scanlon questioned if Babcock's proposed change to subd. 11c would defeat the purpose of allowing a single engine to be maneuverable and add considerable expense.

Babcock stated he would like to see a level of redundancy in propulsion systems with the bow thrusters available for docking.

Whalen asked Soule for his comments on the draft ordinance amendment.

Soule stated that the draft ordinance amendment was in line with his request. With regards to a recommendation to add language that would restrict watercraft for hire speed over 70' in length, he was not prepared to respond to specifics. However, he acknowledged that most of the charter boats currently being manufactured are twin engines.

Tanner stated that the draft ordinance amendment would allow for a 22' wide x 90' long watercraft for hire. If the Board were to maintain the length and reduce the width, what impact would this change have on the maneuverability.

Soule stated that change would not impact Al & Alma's needs. However, the Board expressed an interest in setting a benchmark that provides for future accommodations and he concurred with the draft ordinance amendment that provides for future flexibility.

**MOTION:** Babcock moved, Olson seconded to approve for first reading of the draft ordinance amendment as amended, subject to: 1) inserting the word "and" in the place of "or" in Subd. 11c, and 2) to add language that would require watercraft for hire over 70' in length to be operated at low or no-wake speed.

LeFevere asked Soule what kind of speed would Al & Alma's need to maintain their charter boats within normal operations.

Soule stated that the LMCD already has provisions in place to address boaters being responsible for their wake. Typically, Al & Alma's charter boats cruise around the lake at eight to 11 knots. He believed any charter boat could travel the large areas of the lake safely without causing any concerns.

Discussion was held amongst the Board as to the wording of speeds for watercraft for hire that exceed 70' in length. The consensus of the Board was to allow staff and LeFevere to work together on that wording for Board discussion at future readings of the ordinance amendment.

**VOTE:** Ayes (8); Nays (1, Page); motion carried.

**B. Seahorse Condominium Association, 2008 reconfiguration of non-conforming multiple dock license application.**

Whalen asked for background on this agenda item from Nybeck.

Nybeck reviewed his staff memo, dated 10/17/08, that summarized an application from Seahorse Condominium Association (Seahorse) to reconfigure their non-conforming multiple dock facility. A summary of his comments are detailed below:

- He reviewed features of this site, which include: 1) 67 overnight Boat Storage Units (BSUs), 2) 10 transient BSUs, 3) 2,645' of continuous 929.4' shoreline, 4) a BSU density of 1:34' (legal, non-conforming status), and 5) the site conforms to authorized dock use area requirements.

- He reviewed a summary of events prior to the Board approval in 2007. These included: 1) a multiple dock license inspection conducted by Harper on 9/6/06, which Seahorse failed and he explained why, 2) the submittal of a 2007 renewal, without change, multiple dock license application on 1/16/07, which was considered at the 4/25/07 Board meeting and tabled until the 6/13/07 meeting, 3) review of a letter sent to Seahorse on 5/8/07 by LeFevere that summarized the 4/25/07 Board discussion and what needed to be submitted by Seahorse for the 6/13/07 Board meeting, 4) review of a letter submitted by Margie Oxborough on 5/17/07 that withdrew their renewal, without change, application and requested that the fees be applied to an Envelope application to be submitted in the near future, 5) the submittal of an Envelope application on 6/5/07, which was later withdrawn on 8/3/07 due to a lack of consensus of Seahorse members, and 6) the re-submittal of a renewal, without change, application on 8/23/07, with the intent of bringing all docks and boat storage in compliance with the 7/3/87 Slip Size Report.
- On 9/12/07, the Board approved the 2007 Seahorse renewal, without change, multiple dock license application. This approval included 23,820 cumulative square feet for the 67 overnight storage BSUs and 2,400 cumulative square feet for the 10 transient BSUs. Two conditions of this approval included: 1) the submittal of a to-scale survey, with proper dimensions, by 5/15/08 from the revised 1987 Slip Size Report, and 2) bring the existing dock installation in compliance with the revised 1987 Slip Size Report by 5/15/08.
- Since the 2007 approval, there have been a number of Board discussions with Seahorse in 2008. These included: 1) a request from Bert Foster on February 13<sup>th</sup>, representing Seahorse at that time, for the Board to interpret six slips on the South Dock that were historically installed wider than the 2007 approval (Board direction was for Seahorse to submit an Envelope application), 2) a similar request was made by Seahorse President Margie Oxborough on April 23<sup>rd</sup> to be placed on the May 14<sup>th</sup> Board meeting agenda (Board direction was for Seahorse to submit an Envelope application), 3) a public hearing was scheduled for Seahorse Envelope application at the May 14<sup>th</sup> Board meeting, which was tabled to the May 28<sup>th</sup> meeting at the request of Seahorse, 4) a public hearing was conducted on May 28<sup>th</sup>, with Board consensus of 26,800 cumulative square feet for the 67 overnight BSU's utilizing a one inch equals 100' scale proposed by Seahorse, with Seahorse directed to submit a revised site plan within these parameters for Board consideration, 5) discussion of a request from Seahorse for 30,760 square feet for the 67 overnight BSUs at the July 9<sup>th</sup> Board meeting, as well as new evidence discovered by LMCD staff that documented the actual approved square footage for these 67 overnight BSUs at 22,300 (a 60-day extension to the 60-day rule was signed that evening by Seahorse), and 6) a request from Seahorse at the September 10<sup>th</sup> meeting to table the agenda item until the October 22<sup>nd</sup> meeting, which the Board approved, to allow Seahorse President Steve Carlson to get feedback on two proposed site plans from residents and to get feedback on whether they were willing to compromise on the 30,760 square feet for the overnight BSUs (a second 60-day extension was signed to the 60-day rule).
- After the July 9<sup>th</sup> Board meeting, LMCD staff and Carlson discussed the discrepancy of the scale on the site plans/drawings. During this discussion, LeFevere recommended that a measurement be conducted on selected buildings to compare with the scale on the 1972 to-scale drawing and the 1984 approved site plan. Prior to these measurements, LMCD staff found a 1972 Schoell and Madson survey that documented the building sizes were consistent with the 1972 drawing. A garage and the side of two apartment buildings were measured on

September 3<sup>rd</sup> by LMCD staff. This exercise verified that the scale on the 1972 drawing and Schoell and Madson survey were accurate, while the scale on the 1984 approved site plan was not. Staff offered to meet with Carlson on September 3<sup>rd</sup>, which he declined.

- Late September, a request was made for an update on the September 24<sup>th</sup> Seahorse Board meeting. An update was provided by Carlson on September 29<sup>th</sup> through an e-mail, with a request to table this agenda item to the November 12<sup>th</sup> LMCD Board meeting.
- He believed that it would be helpful for the Board to provide direction on the number of square feet for the overnight and transient BSUs, which would then allow the Seahorse to draw up a site plan. Four options have been identified by LMCD staff, which he provided further detail of. These included: 1) Option A- 30,760 square feet (as proposed by Seahorse), 2) Option B- 26,800 square feet (previous LMCD Board direction), 3) 22,300 square feet (original approved site plan), and 4) 24,418 square feet (grandfather and back license). Two site plans were previously submitted for Option A prior to the September 12<sup>th</sup> LMCD Board meeting. No additional site plans have been submitted for Options B, C, and D and Findings of Fact and Order might need to be prepared for denial of the Envelope application, unless Seahorse agrees to submit a dock plan that is consistent with the Board's direction.
- A number of e-mails have been received from Seahorse residents not supporting the current Seahorse application. He believed that these disputes need to be resolved internally and that the Board should make its decision based on LMCD Code.
- He entertained questions and comments from the Board.

Babcock asked if the application to be considered by the Board was for 30,760 square feet.

Nybeck stated that he believed so because this was what Seahorse asked for in July and has not been amended since. Just prior to this meeting, a site plan has been submitted for what he believed was slightly less than 30,760 square feet for the overnight storage BSUs.

Babcock questioned whether the two proposed site plans that were included in the packet were still currently being proposed.

Nybeck stated that those two site plans were provided at the September 10<sup>th</sup> Board meeting, which Carlson was to get feedback on from Seahorse residents. He believed that this question was best answered by Seahorse.

Mr. James Gilbert stated that he had recently been retained as legal counsel by Seahorse. He made the following comments:

- Seahorse has recently had a Board meeting since the last LMCD Board meeting. President Steve Carlson is in attendance to speak with the unanimous consent and approval of the Seahorse Board.
- A revised proposed site plan, which needed to go through the proper Seahorse internal governing process, has been finalized and was submitted just prior to this meeting. As pointed out, a request was made to have this agenda item tabled to the November LMCD Board meeting. Nybeck has previously communicated that this was not a decision that he could make.

- He stated that he had not been involved in this project over the months, although he had the opportunity to recently review the minutes to evaluate what has occurred. For over 25 years, he has had the opportunity to represent clients before the LMCD.
- He believed that things were done much more informally in the late 1970's and early 1980's. Because of this, details were not as clear and things moved forward. The Seahorse docks were originally constructed in the 1960's and received a multiple dock license from the LMCD in the early 1970's.
- He stated that he had reviewed the 1972 and other surveys that have been previously discussed. He questioned whether the measuring of buildings as done by LMCD staff was relevant because this was outside of the LMCD's jurisdiction. He questioned the accuracy of buildings and docks on earlier surveys because it was common to place them on drawings only for position purposes.
- He cautioned the Board from disregarding 25 years of accepting applications with what he deemed a template drawing because he believed that this would be a mistake. He believed that the facts presented to the Board have conclusively documented that the slips in the lagoon were 32' and that the building sizes should not be considered.
- It appeared that the problem started in November of 2006 because of a multiple dock license inspection conducted by Harper. He believed that an error was made internally by the LMCD because the inspection report makes reference to a site plan dated 11/6/91, which was not the approved site plan. He believed that the correct date for the Board to consider is what was approved on May 3, 1978. Based on around 20 years of submissions, and the fact that most sites plans other than the 1984 site plan had a one inch equals 100' scale, he believed that the template clearly shows that these docks were approved for 32'. Additionally, he believes that the LMCD records show that the Big "10" Docks were 40'.
- He believed that his clients had been good citizens, they have had no complaints, they have tried to do what's right, and applied annually to the LMCD. These docks need to be repaired, which he believed would be safer and a better looking dock. This will cost Seahorse a substantial amount of money and they need final approval by the LMCD Board.
- He re-stated that he believed it would be a critical error for the LMCD to use the building measurements in determining that the dock measurements are in error. This would prejudice his client and conflict with constitutional grandfathered rights.
- He asked Carlson for further comments on the proposed dock plan and procedures that Seahorse had recently gone through.

Scanlon questioned how Seahorse can take the position that the building measurements are incorrect; however, the rest of the measurements are correct.

Gilbert stated that the drawings were accepted by the LMCD a number of years ago and nobody questioned them. He believed that he had an estoppel argument that if they were wrong, they should have been corrected then.

Babcock commented that there might not be conclusive evidence based on the site plans. However, he did not believe that this supports the position of Seahorse. He asked Gilbert whether the proposed site plan distributed at this meeting was the site plan that Seahorse wanted considered by the LMCD

Board.

Gilbert stated that was the proper site plan for the LMCD Board to consider, with 30,690 square feet for the overnight BSUs and 2,364 for the transient BSUs.

Babcock stated that he did not believe that the current dock installed was in strict compliance with any of the past site plans. This is why this matter was brought forward to the Board's attention. He asked whether the applicant agreed with his observation.

Gilbert stated that he believed that pictorial evidence from 1972 through 1975 document that some of the slips are wider than 12.5'.

Babcock believed that a starting point for what is approved was critical at this meeting. LMCD Code Section 2.015 clearly does not allow for the expansion of a grandfathered structure. He believed that the Board and staff has offered some options that might be a compromise for the LMCD. It seems that the Seahorse has asked the Board to consider 30,760 for the overnight storage BSUs and no evidence has been provided that the Board will support. He did not believe that progress had been made since the last LMCD Board meeting in September, which concerned him.

Gilbert questioned the relevance of what was installed in the water because the docks could have been approved for a greater size and not fully constructed, which would be grandfathered.

Carlson stated that he would summarize a letter he submitted to the LMCD, dated 10/22/08. He made the following comments:

- He believed that the purpose of this meeting, after a discussion with Nybeck, was to update the Board on progress being made by Seahorse.
- A number of comments were received by Seahorse residents on a proposed site plan. These comments were included in a proposed site plan that was submitted to the LMCD just prior to this meeting.
- This proposed site plan has unanimous acceptance by Seahorse after meeting with the residents. He believed that the concerns raised by Mr. Regan at the last LMCD Board meeting, as well as the e-mail comments received from other Seahorse residents, have been resolved through a series of meetings.
- The Seahorse Dock Committee met on October 14<sup>th</sup>. This committee voted unanimously to support the proposed site plan and to engage the services of Gilbert. This recommendation was unanimously approved by the Seahorse Board of Directors on October 15<sup>th</sup>. He believed that Section 4 of the 10/22/08 letter outlines the position of the Seahorse Dock Committee.
- He entertained questions and comments from the Board.

Tanner stated that there was testimony from Carlson stating that some of the residents that had submitted an e-mail to the LMCD have recanted their comments. He questioned whether any of these residents were in attendance.

Carlson stated that none of these residents were in attendance.

Gilbert offered to meet with LMCD staff and a few Board members to see if a resolution was possible.

Whalen asked for feedback from the Board on the request to table this agenda item to the November 12<sup>th</sup> LMCD Board. If so, the Board should provide Seahorse clear direction prior to this meeting. Otherwise, the Board could decide to act on this application at this meeting.

Scanlon and Tanner stated that they were prepared to act on the application at this meeting.

Babcock stated that he hoped Seahorse would be willing to compromise to a lower square feet number since the September LMCD Board meeting. Although he believed Seahorse has listened better to their residents, he did not believe that the applicant has listened to the LMCD. Because the application does not meet any of the criteria outlined in LMCD Code Section 2.015, he believed that a motion to deny the application would be appropriate. However, he expressed an interest in working something out with Seahorse.

**MOTION:** Tanner moved, Babcock seconded to direct LeFevere to prepare draft Findings of Fact and Order to deny the 2008 Seahorse Envelope application for the site plan submitted prior to this meeting because it does not comply with the criteria outlined in LMCD Code Section 2.015.

Scanlon questioned what Seahorse's options were if the motion were to be passed.

LeFevere stated that Seahorse would have a number of options if the draft Findings were to be approved by the Board. Three options include: 1) challenge the Board's ruling in court, 2) apply for a renewal, without change, multiple dock license application and make the necessary changes to the dock, if approved, and 3) apply for back licensing and grandfathering for what physically existed on May 3, 1978.

Whalen stated that the LMCD attempts to work with all applicants, pointing out that this has gone on for close to two years. She regretted that a solution could not be agreed to and she did not believe that evidence supported 30,760 square feet for the overnight BSUs.

Page stated that he was in support of the motion because he believed the correct square feet for these 67 BSUs is 22,300. He believed that it was a red herring to state that the measurements of the buildings were not relevant because the LMCD did not have jurisdiction on land. The LMCD has a to-scale drawing in the files that supports 22,300 square feet and there was previous testimony from a Seahorse resident that the docks were 24' long from the time that they were constructed.

**VOTE:** Motion carried unanimously.

- C. **Excelsior HOA**, non-conforming, non-multiple permit application for the storage of four Boat Storage Unites (BSUs) on 131.6' of shoreline at 120-126 West Lake Street on Gideon Bay.

Whalen asked Harper to provide an overview on this agenda item.

Harper reviewed his staff memo, dated 9/19/08, which summarized a request for a non-conforming, non-multiple dock permit. The application has been submitted to moor or store four restricted watercraft on approximately 131' of shoreline. This site became problematic when it was observed during the 2007 LMCD Code Enforcement Project that too many restricted watercraft were being stored and it appeared not to comply with LMCD boat storage regulations. A public hearing for this application was held at the September 24<sup>th</sup> LMCD Board meeting, whereby the majority of the Board did not feel that the evidence submitted was sufficient to prove four restricted watercraft were lawfully in existence at this site on May 3, 1978. Upon approval with the applicant, the 60-day rule was extended and the Board did not take action on this application to allow more time for the applicant to obtain additional evidence. He highlighted three LMCD Code Sections to evaluate the application. These included: 1) Code Section 2.01, subd. 1- outlines authorized dock use area requirements, 2) Code Section 2.02, subd. 1- outlines the 1:50 General Rule for restricted watercraft storage, and 3) Code Section 2.02, subd. 4- outlines the non-conforming, non-multiple dock permit process. He re-emphasized that the applicant needs to demonstrate to the Board's satisfaction that the dock existed in May of 1978 and that the number of restricted watercraft applied for were stored at that time. He evaluated further evidence submitted by the HOA, including a notarized letter from Lois Anselment, one of the current residents of the site. He expressed concern about the evidence submitted by the HOA and that approval without adequate evidence could set an undesirable precedent for other sites. He did not believe the applicant provided sufficient evidence to prove the storage of four watercraft were moored or docked on May 3, 1978. However, he recommended that if the LMCD Board believes that the applicant has provided sufficient evidence, the LMCD Board should direct LeFevere to prepare Findings of Fact and Order for approval of the application. He entertained questions and comments from the Board.

Whalen stated that there was evidence previously supplied by the applicant that included a letter from a former Excelsior Planning Commission member documenting approval for the storage of four boats.

Harper stated that the letter from the Excelsior Planning Commission member made reference to the Excelsior's intent to approve the storage of four watercraft. However, LMCD Code requires consideration of what was in existence in 1978.

Babcock reiterated the need to provide conclusive evidence that four boats were moored or docked on May 3, 1978. He recommended that the applicant should continue his search for possible photographs supporting their request.

Discussion was held amongst the Board on how one would prove storage of watercraft on one particular day of a specific year. Nybeck stated the Board has a point in that May 3, 1978 is not an ideal time of the year to document watercraft being docked or moored. However, if one reviews the prior boating season and finds a photo to that affect, the Board may consider that conclusive evidence. He stated that the LMCD staff did find a photograph of boat storage in the summer of 1977 that did not support the applicant's request. He reiterated the recommendation of keeping the agenda item open for discussion to allow the applicant and staff to review LMCD historical photos.

Whalen invited the applicant to address the Board.

Mr. Don Sealock, 126 West Lake Street, asked the Board to clarify the role of the LMCD in 1973 and 1974.

LeFevere stated the LMCD's authority was created by state legislation in 1967. That authority has not changed from 1967 to present; however, what has changed are boat density rules because there were no boat density regulations until 1978.

Sealock stated that his previous conversations were directed to the number of slips the site has maintained. However, he has since learned that he should be talking about the number of boats docked or moored in the water on a specific date. For this reason, he went back and spoke with a current resident, Ms. Anselment, who has lived at this site since the homes were constructed. She has confirmed data exists that shows who lived at the site, on which date, and that there were four watercraft in existence from 1977 to 1986. In 1986, the four slips were built.

Babcock confirmed with Sealock that he had the names and addresses of the individuals that lived at the site from 1977 to 1986. He asked Sealock to forward the information to staff so that they may run those names by the MN DNR with the hopes of documenting the four watercraft.

LeFevere stated that at some point the Board will need to decide if the weight of the evidence is sufficient. For this reason, he recommended that Ms. Anselment legally strengthen her notarized statement by placing the personal knowledge of ownership in the form of an affidavit.

Page concurred with LeFevere and expressed a personal interest in obtaining further evidence prior to possibly considering the application.

Tanner asked Sealock if Ms. Anselment would be willing to address the Board.

Sealock stated that he did not believe that Ms. Anselment would address the Board. He asked if the affidavit would be sufficient evidence for the Board.

LeFevere stated that in applications of this nature, the Board is acting in a judicial capacity trying to find sufficient facts. Until the entire body of evidence is presented, the Board cannot prejudge what evidence is sufficient.

The Board expressed an interest in continuing discussion of this agenda item after the winter months as Sealock is out-of-town until next spring and has signed an indefinite waiver to the 60-day rule. A suggestion was made for Sealock to obtain the affidavit at this time and provide staff the documentation needed to research boater registration from a list of former residents of the site.

**D. 2008 Lake Minnetonka Shoreline Boat Storage Count.**

Whalen asked Herman to provide background on this agenda item.

Herman made the following comments:

- 1971 marked the beginning of the Shoreline Boat Storage Count; providing for 2008 to be the 28<sup>th</sup> season. All counts consist of riparian, multiple dock, and district mooring area locations.
- The project includes the following three objectives: 1) the establishment of the total number of watercraft stored, 2) an outline of historical data collected, and 3) the identification of observable trends.
- She reviewed parameters set forth in the methodology of the project. Those parameters include dates and times, along with the avenue used to collect the data, the watercraft classifications, and the identification of residents that have empty slips and that store three, four, or more, boats.
- The total number of watercraft inventoried in 2008 was 10,233, which further broke down to 6,400 watercraft stored at riparian residences and 3,833 at multiple dock/district mooring facilities. Of the 6,400 watercraft stored at riparian residences, 51% fell within the runabout/cruiser category (27% and 24% respectively). Of the 3,833 watercraft stored at multiple dock facilities, 53% fell within the runabout/cruiser category (30% and 23% respectively).
- 332 residences stored three restricted watercraft, compared to 376 in 2006. 188 residences stored four or more restricted watercraft, compared to 269 in 2006. There were 1102 empty slips documented in 2008, compared to 409 in 2006.
- 542 watercraft were stored within the Mounds Commons Docking Program.
- A review of historical multiple dock/riparian shoreline counts conducted by the LMCD from 1971 to 2008. From 1971 to 2000 counts were provided on both an annual and varying basis. From 2000 forward, counts have been maintained every other year. Shoreline Boat Storage Reports from 2000 to present can be found on the LMCD website under the Reports section; [www.lmcd.org](http://www.lmcd.org).
- There were no apparent increases from 2006, which may have been attributed to the economy. From 1998 to 2006, there was a 19% increase in the number of watercraft inventoried through this project (8,608 in 1998 vs. 10,278 in 2006). This increase was primarily due to the 25% increase in the number of watercraft inventoried at riparian residences (5,347 in 1998 vs. 6,888 in 2006). Two large increases during this time period included: 1) a 105% increase in PWC category (1,223 in 2006 vs. 596 in 1998), and 2) a 14% increase in the runabout/cruiser categories (3,837 in 2006 vs. 3,372 in 1998).
- Based on the historical data outlined, it is the recommendation of staff that the next Shoreline Boat Storage Count remain as scheduled in 2010.
- She entertained questions and comments from the Board.

Questions received from the Board, which Herman and Nybeck addressed, included: 1) confirmation that the definitions outlined in Appendix A, specifically cruiser and runabout, were useful in completing the storage count, and 2) why were the increases in empty slips so high, and if that was an indication to start the storage count later in the season.

## 11. EXECUTIVE DIRECTOR REPORT

There was no Executive Report provided.

**12. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:30 p.m.

Lisa Whalen, Chair

Tom Scanlon, Treasurer