

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 PM, Wednesday, January 28, 2009  
Wayzata City Hall

**1. CALL TO ORDER**

Whalen called the meeting to order at 7:01p.m.

**2. ROLL CALL**

**Members present:** Lisa Whalen, Minnetrista; Tom Tanner, Wayzata; Andrew McDermott, Orono; Tom Scanlon, Spring Park; Doug Babcock, Tonka Bay; Steve Johnson, Mound; Keith Kask, Deephaven; 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.

**Members absent:** Chris Jewett, Minnetonka. The City of Excelsior has no appointed member.

**3. APPROVAL OF AGENDA**

Whalen requested that an additional item be added to the consent agenda, item 6J. This consent agenda item will authorize the hiring of Ms. Karen Boyd as a temporary, part-time Administrative Clerk at an hourly rate of \$12, with no benefits per LMCD Personnel Policy.

**MOTION:** Siakel moved, McDermott seconded to approve the agenda as amended, adding item 6J to the consent agenda.

**VOTE:** Motion carried unanimously.

**4. CHAIR ANNOUNCEMENTS, Chair Whalen**

Whalen made two Chair announcements. First, she reminded the Board that the 42<sup>nd</sup> Annual "Save the Lake" Recognition Banquet Dinner will be held on February 5<sup>th</sup> at the Bayview Event Center. She welcomed all to attend. Second, she announced that the City of Shorewood has appointed a new representative, Dick Woodruff, to the LMCD Board. She thanked Siakel for his commitment to the LMCD; complimenting him on his attendance, thoroughness, and participation.

**5. APPROVAL OF MINUTES-** 12/10/08 LMCD Regular Board Meeting  
01/14/09 LMCD Regular Board Meeting

**MOTION:** McDermott moved, Tanner seconded to approve the minutes from the 12/10/08 LMCD Regular Board Meeting as submitted.

**VOTE:** Motion carried unanimously.

**MOTION:** Tanner moved, Johnson seconded to approve the minutes from the 01/14/09 LMCD Regular Board Meeting as submitted.

**VOTE:** Motion carried unanimously.

## 6. APPROVAL OF CONSENT AGENDA

Tanner moved, Siakel seconded to approve the consent agenda as amended, adding agenda item 6J. Ayes (11), Abstained (1, McDermott); motion carried. Items so approved included: **6A**, Audit of vouchers (1/16/09 – 1/31/09); **6B**, December financial summary and balance sheet; **6C, 2009 Multiple Dock Licenses**, staff recommends Board approval of renewal (without change) multiple dock license applications, as outlined in 1/23/09 staff memo that have been paid in full; **6D, 2009 Multiple Dock Licenses**, staff recommends Board approval of renewal (without change) multiple dock license applications, as outlined in 1/23/09 staff memo that have not been paid in full; **6E, Brad Stannard**, draft Findings of Fact and Order approving side setback variance at 1700 Jones Lane; **6F, MN DNR**, 2009 AIS Prevention Program Grant Application, **6G, Al & Alma's (Site 2)**, 2009 new multiple dock (minor change) application, as outlined in 1/20/09 staff memo; **6H, Seahorse Condominium Association**, draft Findings of Fact and Order approving 2008 reconfiguration of non-conforming multiple dock license application, **6I**, 2009 LMCD Meeting Calendar; and **6J**, authorize the hiring of Karen Boyd as a temporary, part-time Administrative Clerk at an hourly rate of \$12 (no benefits per LMCD Personnel Policy).

## 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)

Mr. John, Evans, 2025 Arbor Lane, expressed a concern about the upkeep of buoys on Lake Minnetonka. He stated that if buoys were important enough to be seen during the day, he believed that there was a need to see them at night. He proposed low voltage LED lights as a means of lighting buoys on Lake Minnetonka, citing a recent incident he had on Black Lake with the Hennepin County Sheriff's Water Patrol. He believed that there were some discrepancies with buoy placements on a map prepared by Hennepin County and he referenced a recent newspaper article that documented a large percentage increase in Boating Under the Influence (BUI) citations in 2008. With proper maintenance, lighting, and mapping, he questioned whether the large percentage of increase in BUI arrests would have occurred. He hoped that this was not a money-making venture by the Sheriff Water Patrol.

Whalen thanked Evans for his comments and directed this matter back to staff for an analysis, which will be scheduled for Board discussion at a future meeting. She assured Evans that the LMCD was not in the business of using BUI arrests as a money maker. However, drunken boating on Lake Minnetonka is a serious issue and she believed that the Sheriff's Water Patrol does a good job of protecting the public. She asked Evans to leave any information he deemed appropriate with LMCD staff.

Mr. Pat Alexander, 16540 Grays Bay Blvd, stated that he was in attendance representing the Grays Bay HOA (HOA) to discuss the 2009 Locust Hills HOA renewal (without change) multiple dock license application. The HOA respectfully requested that the LMCD deny their 2009 application, reiterating their concerns as outlined a year ago in the 2/27/08 LMCD minutes (including shallow water, prop dredging, and boater safety).

Whalen stated that the 2009 application submitted by Locust Hills HOA was for renewal, without change. She believed that the consensus of the Board in 2008 was that further review of the Locust Hills HOA could take place if a change were proposed to the approved multiple dock license.

LeFevere reviewed the various types of LMCD multiple dock license applications, including the procedures in place to process these applications. Although there is not automatic entitlement to the renewal of any multiple dock license (without change) application, it would be difficult to sustain unless there was a change in the subjective criteria in LMCD Code.

Mr. Richard Kline, 16800 Grays Bay Blvd., stated that he was also a member of the HOA. He asked what constitutes a change. He believed that there was a significant change in the type and quantity of boaters added to the lake due to the approval of the Locust Hills HOA multiple dock license. As a result, this has created a public safety factor in the area.

LeFevere stated that he could not provide a simple response to that question. Boater safety, density, and storage on Grays Bay were all matters where public testimony was received and discussed by the Board in the approval of the Locust Hills HOA license. The LMCD has a Management Plan for Lake Minnetonka where it provides for specific procedures to take place on a lakewide basis should density of Lake Minnetonka reach a specific level.

Kline stated that the density concerns he was referring to are not on a lakewide basis, but specifically created due to the approval of the Locust Hills HOA multiple dock site. He was present prior to this approval and has witnessed the change in density as boats have occupied these slips, which has created a dangerous and negative atmosphere.

Whalen thanked Mr. Alexander and Mr. Kline for their comments, stating that the LMCD will certainly take note of them.

## 9. PUBLIC HEARINGS

- A. **Sailors World**, variance application to amend the adjusted Authorized De-icing Area (ADA) approved in 2006.

Whalen asked Harper for background on this agenda item.

Harper reviewed his staff memo, dated 1/23/09, which summarized the variance request from Sailor's World. The applicant has proposed an amendment to an ADA variance previously granted by the LMCD Board in 2006 by moving the snow fence from 20' outside of the ADA to 40' on the south side of the site. The variance request was a result of multiple inspection infractions, outlined in the staff memo, that were called to their attention. He highlighted two LMCD Code

Sections to evaluate the variance application. These included: 1) Code Section 2.09- outlines the requirements to de-ice on Lake Minnetonka, and 2) Code Section 1.07- outlines the variance process from LMCD Code. He believed that the applicant had documented adequate hardship (public safety for those using the public launch ramp; noting the ice heaves there every year) for the Board to direct LeFevere to prepare draft Findings of Fact and Order for approval, subject to the five conditions outlined in the 1/23/09 staff memo. He directed the Board to two letters in their packet and handout folder from neighboring property owners and entertained questions and comments from the Board.

Specific questions and comments pertaining to the site's de-icing operation were asked of Harper, which he addressed. Some of the questions and comments included the following: 1) confirmation that the public access launching site adjacent to Sailors World's de-icing site is a winter access owned by the City of Orono, 2) the suggestion to provide flashing lights to a buoy until such time the ice is deemed safe, 3) confirmation on the placement of the de-icing curtain and that the current curtain maintained some product flaws, 4) the report of one other vehicle in prior years that fell through the ice near the adjacent winter access (confirmation could not be confirmed that the vehicle entered the water due to an improper de-icing operation), 5) a discussion of protecting permanent docks vs. public safety, including which was a higher priority, and 6) discussion that this site has been historically problematic with lack of required supervision and that staff was at the point of utilizing other options of bringing this site into compliance with LMCD Code (turning this matter over to the LMCD prosecuting attorney or possibly recommending the Board consider revocation of their license).

Whalen asked the applicant to provide further comments on the application.

Mr. Mike Saylor, Manager of Sailor's World, spoke on behalf of the applicant. He acknowledged that the fence was down at times; however, the site is unique because of its location on the main Lower Lake. Poles are commonly snapped by the wind because of the unique location. The truck that recently went through the ice was 93' from the Sailors World dock, with two feet of ice thickness by the fenced area at the time of the accident. He believed that the Sailors World employees do a good job of keeping the ice curtain in place and that it does not take much for the ice to break a pole. When this happens, it is not safe to replace the pole. However, the pumps do need to be turned on to prevent the ice from shifting. He concurred with staff recommendations and offered compliance, which he believed they were currently doing so. He has changed the pumps flow of direction to bubble up and that the current placement of the fence is about 105' from the docks, at the request of the Sheriff's Water Patrol, to the south in the vicinity of the winter public access. He requested that the LMCD allow this fence to remain in place for the remainder of the winter and comply with the Board's direction from that point forward. He entertained questions and comments from the Board.

Siakel asked if there was a caretaker present daily, expressing the need for the site to be heavily supervised by the owner and not at the burden of the Water Patrol or the LMCD due to the adjacent launching access.

Saylor concurred with Siakel's comment and stated that this year's supervision was unusual due to

employee circumstances and would be heavily supervised from this point forward.

Tanner asked for clarification on the current lighting of the fence and whether flashing lights could be installed.

Saylor stated that flashing lights were installed at the point adjacent to the winter public access, halfway down the fence, and one on the far end of the fence. He believed that a barricade would be more appropriate for flashing lights.

Babcock commented that this facility was in a location where any de-icing violation is pretty apparent to the public. However, he believed that there was a need for Sailors World to take the necessary steps to resolve these violations. He questioned the use of auger testing on a regular basis to determine ice thickness.

Saylor stated that the pumps are all on timers, which open a 50' diameter circle. The pumps are only on 24 hours a day during in extreme weather conditions.

Johnson stated there was plastic near the boat lifts along the shore where he had witnessed water outside of the ADA established for this site. He questioned if the lifts could be taken out each year to allow the de-icing curtain to abut closer to the shore.

Saylor stated the curtains are placed up to the edge of the dock in which they are supervised daily.

Whalen opened the public hearing at 7:50 p.m.

Mr. Tom Wiggins, a Spring Park resident, stated that he saw the vehicle that recently went through the ice. He believed that vehicle was "plowing his own road" rather than staying within the main path of vehicles entering in from the adjacent winter public access.

There being no further public comments, Whalen closed the public hearing at 8:52 p.m. She stated that she was concerned about any vehicle breaking through the ice, whether it is 50' from the fence line or 100', and the multitude of de-icing infractions that were documented by staff. She suggested that the following conditions be considered if it were the consensus of the Board to approve the Sailors World variance application:

1. That the de-icing operation is stringently supervised due to the serious nature of this public safety issue as that is the priority over replacement of dock structures; and
2. That lights be installed every 50' around the entire perimeter of the fence; and
3. Open water can only occur 10' outside of the entire dock structure; and
4. A de-icing curtain needs to be installed around the entire dock structure up to the shoreline; and
5. That communication be initiated with the proper agency to place road barriers, with flashing lights, to warn vehicles when using the abutting winter public entering, when warranted; and
6. That daily inspections are maintained, with weekly reports to the LMCD; and
7. That the LMCD inspect, when warranted, outside of the normal application process at

- the applicant's expense; and
8. The assurance that the fences remain up 24 hours a day, seven days a week with whatever structural standards are required to withstand the wind; and
  9. That communication be made with the City of Orono on any other matters that need to be addressed.

Babcock concurred with Whalen's concerns. With regards to Harper's five conditions outlined in the 1/23/09 staff memo, he suggested the following two changes. First, the first bullet point should be re-worded to state that the de-icing permit will be revoked, and the de-icing operation will be ceased, rather than the revocation of the variance. Second, he believed that there was a need to add the following words at the end of the second bullet point "... that are capable of preventing open water or weakened ice around the boundaries of the adjusted de-icing area."

**MOTION:** Babcock moved, McDermott seconded to direct LeFevere to prepare draft Findings of Fact and Order approving the Sailors World variance application, subject to the following conditions: 1) the ability for staff to request immediately ceasing of the operation for non-compliance of any documented de-icing operation, 2) the applicant shall maintain de-icing curtains around the entire dock structures that are capable of preventing open water or weakened ice around the boundaries of the adjusted de-icing area, 3) that flashing lights be installed every 50' on the fence around the entire perimeter of the de-icing site and that communication be initiated with the proper agency to place road barriers with flashing lights for vehicles entering the access when warranted, 4) that open water or weakened ice must be contained within 10' from the entire dock structure, 5) that daily inspections are maintained during the de-icing operation with weekly reports to the LMCD, and 6) any early season de-icing as allowed by LMCD Code shall not be conducted until: a) a de-icing curtain is installed around entire dock structure, or b) the shoreline at the site is fenced with a 4' high semi-opaque fence with "Thin-Ice" warning signs installed every 50' along the shoreline.

LeFevere requested clarification on: 1) discussion that additional follow-up inspections by LMCD staff would be at the owners expense, and 2) the use of whatever materials are needed for the fence posts to withstand ice movement.

Babcock stated that he believed the first two inspections should be covered within an applicant's de-icing permit fee, with any additional inspections to be billed back to the licensee. The strengthening of the fence posts are addressed via the compliance stipulation within the motion.

Scanlon proposed a friendly amendment to reduce the amount of flashing lights to every 50' along the fence on the south side abutting the winter public access. Babcock and McDermott agreed to this, provided there is a light on all four corners of the fencing.

**VOTE:** Motion carried unanimously.

**B. Pelican Point HOA**, new multiple dock license application to reconfigure the conforming multiple

dock facility.

Harper reviewed his staff memo, dated 1/23/09, which summarized the request from Pelican Point Association to reconfigure the multiple dock structure. The site is currently approved for 40 Boat Storage Units (BSUs) on 2,800' of non-continuous 929.4' shoreline. He reviewed the current configuration of the dock structures and stated that the applicant has proposed to make all 40 BSUs 12.5' x 32. He highlighted two LMCD Code sections to evaluate the application. These included: 1) Code Section 2.03, subd. 7- outlines the multiple dock license process and 2) Code Section 2.01, subd. 1- outlines authorized dock use area requirements. He recommended Board approval of the application for 2009, subject to the following conditions: 1) all watercraft moored or docked must be fully contained within the 100' contour from the 929.4' shoreline, 2) construction of dock structures and location of moored or docked watercraft must be in strict conformance with the approved dock plan, and 3) that the Board approve a refund of \$130 for fees overpaid from the 2009 renewal (without change) multiple dock license application submitted prior to the submittal of the new multiple dock license application. He entertained questions and comments from the Board.

Whalen asked the applicant if they had further information or comments that they would like to provide the Board. There being no information or comments from the applicant, she opened the public hearing at 8:08 p.m. There being no comments from the public, she closed the public hearing at 8:09.

**MOTION:** Babcock moved, Tanner seconded to approve Pelican Point HOA new multiple dock license application for the 2009 boating season, subject to Harper's recommendations.

**VOTE:** Motion carried unanimously.

**C. Charles and Shanda Shannon**, side setback and adjusted dock use area (DUA) variance application at 3800 Sunset Drive in a lagoon off of Coffee Cove Channel.

Whalen asked Nybeck for background on this agenda item.

Nybeck reviewed his staff memo, dated 1/22/09, which summarized the Shannon's request for a side setback and an adjusted DUA variance to clarify their docking rights at the subject site. The site consists of approximately 79' of continuous 929.4' shoreline that is located within a lagoon area immediately to the west of Lord Fletchers of the Lake. The applicants have proposed the following: 1) a 13 degree deflection of the westerly and northerly extended side site lines, 2) a reduction of side setback requirements from the adjusted side site line extensions, and 3) the storage of two watercraft, with the watercraft to be stored on a lift in slip #2. Proposed hardships for the variance request include converging lot lines and unusable water. He highlighted three LMCD Code Sections to evaluate the variance application. These included: 1) Code Section 2.01, subd. 1- outlines authorized dock use area requirements, 2) Code Section 1.07- outlines the variance process from LMCD Code, and 3) Code Section 2.02- outlines boat storage density requirements. He believed that the applicant had documented an adequate hardship for the conversion of lot lines; however, he did not believe that a particular hardship of unusable water

exists (more of a financial hardship). He recommended that the Board direct LeFevere to prepare draft Findings of Fact and Order for approval of the variance application with the following conditions:

- To approve the adjustment of the northerly extended side site by 13 degrees; however, to deny the proposed 13 degree deflection on the westerly extended side site line.
- To establish a DUA for this site, rather than a specific site plan, as follows:
  - a) A five-foot side setback, for docking and boat storage, from the westerly extended side site line and the adjusted northerly extended side site line extension.
  - b) A reduction in the canopy side setback, for canopies as defined by LMCD Code, to 15' from the westerly extended side site line and 10' from the adjusted northerly extended side site line.
  - c) The consideration to allow the minimal encroachment of the dock structure into the five-foot side setback area from the westerly extended side site line until the dock is moved (not providing for encroachment of the five-foot side setback area for the storage of watercraft
- To allow up to four restricted watercraft at this site, provided: 1) these watercraft are all owned and registered to the residents in the single family structure, and 2) these watercraft are stored within the authorized DUA established by the Board. If any of these restricted watercraft are not owned and registered to residents of residential structure, he recommended restricting the number of restricted watercraft allowed at this dock to either one or two.
- To require LMCD staff to register the Variance Order against the title of the applicants property, with fees incurred by the LMCD to be charged back to the applicants.

He entertained questions and comments from the Board.

Discussion was held amongst the Board as to the various options available for: 1) the proposed dock structure and watercraft storage meeting a five-foot (or alternative) side setback, and 2) addressing unusable water depth issues raised by the applicants due to runoff from the abutting city street and the Lord Fletcher's parking lot. It was Nybeck's recommendation that the dock structure and boat storage eventually need to be moved to the east. However, the concern of the drainage needs to be addressed prior to this happening because it most likely involves a dredge.

Whalen asked the applicant to provide further background and comments on their application.

Mr. Charles Shannon spoke on behalf of the applicants via a PowerPoint presentation. Topics discussed within that presentation included: 1) an introduction to their reasoning for the requested variance, 2) an overview of the survey supporting their variance application, 3) a photographic overview of their property identifying the noted hardships, 4) a response to Nybeck's presentation and recommendations, and 5) a conclusion, which included entertaining questions and comments from the Board.

The Board discussed what was currently being done to address the drainage problem into the applicant's DUA.

Shannon stated that he had met with Tom Emer, General Manager of Lord Fletchers, who in turn referred him to the owner of the property, Bill Naegele. He has also met with the MCWD who had discussed a one-time dredge permit, which was not going to solve the on-going drainage problems. He was unaware if a drainage easement existed and has not met with the City of Spring Park.

Whalen deferred to LeFevere on the question of drainage.

LeFevere stated that he was unclear on whether a drainage easement with the City of Spring Park existed through the applicant's property based on the documentation of their survey. He reviewed various factors that would need to be explored to research whether the easement existed.

It was the consensus of the Board that addressing the drainage concerns would require a group effort amongst a number of parties (in particular the applicants, the City of Spring Park, the owner of Lord Fletchers, and the MCWD).

Whalen opened the public hearing at 8:50 p.m.

Mr. Jason Maki, 3806 Sunset Drive, directed the Board to his letter in the packet dated, 1/14/09. He disagreed with the applicant's request of a zero-foot side setback from the adjusted lot line extensions. He believed that a five-foot setback, without any adjustment of the lot line extensions, was appropriate to define the applicant's DUA. He reviewed historical verbal agreements on the dock structure placement between the property owners that have not come to fruition. He did not believe that the proposed site plan was the only viable option for placement of their dock structure when prior owners of the applicant's property maintained dock and boat storage with a five-foot setback. The drainage has been in existence for two decades and that any re-deflection of the property line would cause personal expense to him and his wife. In re-building his own dock structure, he has received verbal agreement with the neighboring property owner on the west on encroachment into the side setback requirements. He requested that the LMCD deny the Shannon's variance request and approve Nybeck's recommendations, with one exception. He did not believe that there was a need for a minimal side setback encroachment of the dock structure on a temporary basis. He entertained questions and comments from the Board.

There being no further comments from the public, Whalen closed the public hearing at 8:55 p.m.

Shannon stated that he disagreed with Maki's representation of the five-foot setback verbal agreement between the two property owners. In regards to the drainage, he and his wife purchased their home in January and they were not aware of the drainage issues until the following spring.

Whalen reminded the Board that an economical hardship is not a factor that can be considered by the Board when considering a request for variance from LMCD Code. She believed that it was the Board's responsibility to look at the facts as they pertain to the current law and apply them evenly; while not getting involved in the neighboring disputes. She did agree with a deflection of the northerly extended side site line and the storage of one larger watercraft at this site, provided there

is adequate water. She struggled with the idea of not having two large boats as a hardship and she did not think it was fair to deflect the extended lot lines on the westerly side with the Maki's. She suggested a serious review of the drainage concern, involving both the owner of Lord Fletchers and the City of Spring Park.

Babcock stated LMCD Code allows for abutting property owners to adjust side setback requirements on a mutual consent basis. When this option fails, it is the Board's responsibility to grant reasonable access to the lake for all property owners. The hardship belongs to the property and not the owners. Prior to making a decision on the variance request, he believed that: 1) title work needed to be researched on the drainage issues, and 2) water depth readings needed to be confirmed with the applicant's DUA.

The consensus of the Board was for the applicant to work with representatives of Lord Fletchers and the City of Spring Park to see what could be worked out regarding the drainage issues and to have Scanlon, as Spring Park representative, assist in the matter.

**MOTION:** Siakel moved, Tanner seconded to table consideration of the Charles and Shanda Shannon side setback and adjusted DUA variance application, subject to the applicants signing a waiver of consent form to the 60-day rule.

**VOTE:** Motion carried unanimously.

The meeting was recessed at 9:10 p.m. and reconvened at 9:15 p.m.

## 10. OTHER BUSINESS

- A. Tonka Bay Sales (Site 2),** draft findings of Fact and Order approving new multiple dock license and special density license applications.

Whalen stated that this agenda item was in follow-up to Board's direction from the January 14<sup>th</sup> Board Meeting in which LeFevere was directed to prepare draft Findings of Fact and Order to approve the 2009 special density and new multiple dock license applications, subject to the re-platting, relocation, or control of the firelane. The matter of a possible variance that was discussed at that meeting has since been resolved and she asked Nybeck to further comment on this agenda item.

Nybeck stated that staff was directed at the January 14<sup>th</sup> Board meeting to work with the applicant on photos to document the proposed placement of the dock structure in proximity to the channel between Excelsior and St. Albans Bays. He reviewed a series of photos that addressed this Board direction.

Whalen asked Jabbour to update the Board on the vacation of the firelane.

Mr. Gabriel Jabbour, owner of Tonka Bay Sales, stated that the draft Findings were prepared in a way which eliminated the need for any potential variance if the firelane was vacated. He expected to receive feedback from the MN DNR by January 27<sup>th</sup> on the vacation of the firelane.

Babcock stated that he believed there was a need for "No Parking" signage on the west side of the walkway by BSUs 71 to 84.

**MOTION:** McDermott moved, Siakel seconded to approve the draft Tonka Bay Sales (Site 2) Findings of Fact and Order as amended, subject to adding a condition for "No Parking" signage on the west side of the walkway by BSUs 71 to 84.

**VOTE:** Ayes (11), Nays (1, Page); motion carried.

Jabbour requested a few minutes of the Board's time to address a matter that was not on the agenda.

Whalen granted Jabbour's request.

Jabbour expressed concern about a recent article that was published in the Minneapolis Star Tribune relating to public access launch fees. He stated that he had received three telephone calls on this article, which has resulted in negative feedback from some local legislators that could have negative impact on receiving public funds for Lake Minnetonka projects.

Whalen stated that she concurred with Jabbour's comments and that the LMCD Board has worked very hard over the years to establish the important working relationships with various local agencies to benefit Lake Minnetonka. The funds that the Lake Minnetonka Association received for the 2008 herbicide treatment project were from a number of public entities, not just the LMCD, as well as the abutting property owners on these three bays. The LMCD is dedicated to the prevention of new aquatic invasive species into Lake Minnetonka, citing the work of the EWM/Exotics Task Force and a number of other projects where partnership have occurred with the MN DNR and various other local agencies. She expressed her frustration in how to handle this article because it was not factually correct.

Babcock suggested that the Board should re-affirm their commitment to the 700 dedicated car/trailer spaces, as outlined in the 1991 Lake Access Task Force Report, which will be free and available to the public.

Whalen thanked Jabbour for his comments.

- B.** Update on: 1) Board member terms that expire in January, and 2) nominating committee recommendations for 2009 LMCD Board Officers.

Whalen asked the Board if they had any questions pertaining to the appointment of Board member's terms for 2009. Seeing no questions, she asked Babcock for an update on the nominating committee's recommendations for 2009 LMCD Board Officers.

Babcock stated that the nominating committee recommended the same Board Officers for 2009 as was in place for 2008. He thanked the Board officers for their past and continued service.

Whalen asked the Board if there were any other nominations from the floor for the individual 2009 LMCD Board Officer positions. Seeing none, Whalen closed the nominations from the floor and entertained a motion to approve the recommendations of the nominating committee.

**MOTION:** Babcock moved, Siakel seconded to approve the slate of 2009 LMCD Board Officers as recommended by the nominating committee (Lisa Whalen- Chair; Tom Tanner- Vice Chair; Andrew McDermott- Secretary; and Tom Scanlon- Treasurer).

**VOTE:** Motion carried unanimously.

Whalen welcomed another year of service as the Chair and expressed her thanks to the Board for their dedication and attendance to their work.

#### **11. EXECUTIVE DIRECTOR REPORT**

There was no Executive Director Report.

#### **12. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:37 p.m.

Lisa Whalen, Chair

Andrew McDermott, III, Secretary