

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, March 11, 2009
Wayzata City Hall

1. CALL TO ORDER

Whalen called the meeting to order at 7:03 p.m.

2. ROLL CALL

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

Members absent: Herb Suerth, Woodland. The City of Excelsior has no appointed member.

3. APPROVAL OF AGENDA

Whalen requested that agenda item 10C be removed from agenda, with discussion planned for the March 18th LMCD Strategic Planning Meeting.

MOTION: McDermott moved, Woodruff seconded to approve the agenda as amended, removing agenda item 10C.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Whalen

Whalen stated that Board member Olson would like the opportunity to address the Board.

Olson stated that a significant donation had recently been received from the Tom Brislin Memorial Fund for the Save the Lake Fund. He publically read the letter of thanks that was submitted, adding that use of this donation was to be used towards expansion of the solar-light program. He thanked the public for their continued contributions to the Save the Lake Fund.

Whalen stated that Mr. Robert Pillsbury was the founder of the Save the Lake Fund and recognized his son who was in the audience at this meeting. Lastly, she reminded the Board of the LMCD Strategic Planning Meeting in the LMCD office on March 18th at 5:30 p.m. in the LMCD office.

5. APPROVAL OF MINUTES- None

6. APPROVAL OF CONSENT AGENDA

Tanner requested that agenda item 6C be removed from the consent agenda. Babcock moved, McDermott seconded to approve the consent agenda as amended, removing agenda item 6C. Motion carried

unanimously. Items so approved included **6A**, Audit of vouchers (03/01/09 – 03/15/09) and **6B**, Timetable for 2010 LMCD Budget process.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

6C, Minnetonka Beach, staff recommends Board approval of 2009 renewal (without change) multiple dock license application as outlined in 3/5/09 staff memo.

Whalen asked Tanner to clarify why he had item 6C removed from the consent agenda.

Tanner asked Harper to clarify why there was a discrepancy between the language in the approved Order and the approved site plan for Dock Site 10.

Harper stated that in the approved Findings for Dock Site 10, it states that “The application for a dock length variance to construct a dock out to 120’ from the point at which it leaves the shoreline and for setback variances to zero feet from the extended southern property line of the site and to five feet from the northern property line of the site are approved.” However, the approved site plan (Attachment One) documents that the dock is approximately out 160’ from the shore of Dock Site 10. The 120’ length contour took into consideration the shoreline of the abutting property to the north. The dock length installed during the 2008 was consistent with Attachment One.

Babcock asked whether the same site plan was associated with the multiple dock license and the approved Variance Order.

Harper stated that it was the same site plan.

Babcock stated that he believed that a motion would be appropriate to approve the 2009 Minnetonka Beach renewal (without change) application, subject to LeFevere amending the approved Variance Order for Dock Site 10 for Board consideration at a future meeting.

Tanner questioned whether it made more sense to have the necessary changes to the approved Variance Order prepared first by LeFevere, with both the amended Variance Order and 2009 renewal (without change) application considered at the same Board meeting.

Babcock stated that he did not see a reason to delay approval of the 2009 multiple dock license application for Minnetonka Beach.

LeFevere stated that he would ordinarily recommend first amending the Variance Order prior to approving the multiple dock license because the dock plan would not be legal without the variance. However, if the Board views this as an administrative correction to the approved Variance Order that was intended in the first place, he stated that Babcock’s course of action may be considered as it is consistent with the Board’s original intent.

MOTION: Babcock moved, Klohs seconded to: 1) approve the 2009 City of Minnetonka Beach renewal (without change) multiple dock license application, and 2) to direct LeFevere to prepare draft Findings of Fact and Order for Dock Site 10 documenting the administrative change for the

length of the variance.

VOTE: Motion carried unanimously.

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

Mr. Dick Osgood, Executive Director of the Lake Minnetonka Association (LMA), stated that he was in attendance along with LMA Vice President Gedney Tuttle to talk about the eminent threat of zebra mussels. He stated that his presentation would be brief and that Tuttle would also like to address the Board. He provided historical background on the need for ecological control and the creation of the Environmental Protection Agency. He expressed concern for the invasion of zebra mussels and provided, via the overhead, a series of quotes regarding invasive species from professionals within the ecological field, as well as a verbal report on statistical projections for the presence of zebra mussels and what other agencies around the nation are doing to prevent such invasion.

Mr. Gedney Tuttle, LMA Vice President, reviewed the LMA's mission statement and its purpose. He re-stated that the LMA believes that Lake Minnetonka was at an eminent threat, or at an emergency state, to a zebra mussel introduction. He provided a number of reasons why they believe that the LMCD and other agencies were not adequately prepared to deal with this issue; referencing inadequate state law and LMCD ordinances. He reviewed a series of recommendations of the LMA relating to zebra mussels and other aquatic invasive species. He reviewed the LMA's position on inspection fees and the need to explore alternative funding sources, pointing out they do not support the restriction on public access.

Whalen requested that Tuttle leave the list that he provided an overview of with LMCD staff. She believed that it would have been beneficial to have the LMA information in advance of this meeting to possibly allow for an agenda item to be scheduled. Some of these topics raised will be discussed in further detail later at this meeting with the MN DNR. The LMCD takes management and prevention of aquatic invasive species quite seriously and these topics might be more appropriate for the EWM/Exotics Task Force.

Mr. Gabriel Jabbour, 985 Tonkawood Road, spoke with regards to public access fees and closing of public accesses. He believed that this issue has portrayed the Lake Minnetonka area negatively with state legislatures. He believed that all organizations have the best interest of Lake Minnetonka; however, the coordination is fragmented and public perception is negative. He believed that there was a need to clarify who is doing what, including the authority to do such. The LMCD has very little power at the state level and he believed that zebra mussel prevention is a state issue, not a local level issue. He urged the LMCD, LMA, and other lake associations to get together because the points raised by the LMA deal primarily with state law. Great efforts have been made at the local level to improve relationships with the State of Minnesota and the MN DNR. He expressed concern as to what would occur if this relationship were to revert back. He thought the success on zebra mussel prevention was not at the LMCD level.

Whalen stated that this Board, along with many stakeholders, share in the concern to maintain Lake Minnetonka. Representatives from the MN DNR are in attendance to discuss their programs and policies. She agreed with the comment from Jabbour about the organizations being fragmented, which results in less being accomplished. She urged the need for partnerships to move forward in a more positive and productive manner.

9. PUBLIC HEARINGS- None

10. OTHER BUSINESS

- A. **MN DNR**, review of State of Minnesota statutes and policies relating to public accesses and the viability of charging user fees.

Whalen welcomed Dan Collins on behalf of the Board.

Mr. Dan Collins, Regional Manager of Trails and Waterways, thanked the Board for their invitation. He stated Minnesotans have affection for their waters and resources and that the MN DNR is a piece of that part. Also in attendance from the MN DNR were Kim Lockwood, Paul Perman, Luke Skinner, and a couple of employees from fisheries. He provided an overview via a PowerPoint, with a summary of comments as follows:

- **MN DNR Mission**: In addition to working with public assesses, the MN DNR's mission is: 1) to work with the citizens to conserve/manage the state's natural resources, 2) to provide outdoor recreational opportunities, and 3) to provide for commercial uses of natural resources that creates sustainable quality of life.
- **MN DNR Water Recreation Programs**: The MN DNR's commitment to free public access is a full-court press. To accomplish this, the MN DNR manages 1,590 public water accesses. There are 4,155 miles of water trails, 340 fishing piers and shore fishing areas, 134 scenic easements, nine safe harbors on Lake Superior, and 510 miles of shoreline cleaned through the Adopt-A-River program.
- **MN DNR Public Water Access in Minnesota**: There are approximately 3,000 public water access sites on Minnesota lakes and rivers all together. A number of the remaining county, city, township, and federal agencies operate the remaining public accesses, with cooperative agreements that they will support the MN DNR's commitment to public access. He reviewed the public access sites on Lake Minnetonka.
- **Program Goal**: The goal of the MN DNR public water access program is to provide free and adequate public access to all of Minnesota's lakes and rivers consistent with recreational demand and resource capabilities to provide recreational opportunities. Free public access means that no fees are charged for launching any craft, with no special regulations in effect that do not apply equally to all users. Where an access is provided within a park, uniform fees to get in the park must be charged to all users. Adequate means that the land is held for public interest, it is free, and that there is road access, parking facilities, and a boat launching ramp as minimum facilities (must be barrier free).
- **Program Statutes**: Minnesota Statutes (MS) 97A.015 defines "public access" as an access that is publicly owned and accessible to the public without charge. Other applicable statutes and rules include MS 97A.141 (Acquisition and Maintenance), MS 86A.05, Subd. 9 (State water access sites; purpose, resource, and site qualifications; administration), MS 97C.201 (Fish Stocking), and MR 6218.0100 (General rules on use of public water access sites).
- **Program Funding**: Funding for the acquisition, development, and maintenance comes from: 1) Water Recreation Account (dedicated state account derived from boat registration fees and motorboat gas tax), 2) Sports Fish Restoration Account (dedicated Federal account

derived from motorboat gas tax and excise tax on fishing equipment, and 3) Capital Funds (bonding and LCCMR).

- **Boat Registration:** He provided further background on boat registration fees, including that it is done every three years, that the fee is based on type and length of boat, and it includes a \$5 invasive species surcharge. He pointed out that the State of Minnesota was number one in the United States for the number of boats per capita (one boat for every six people) and that there was 867,875 boats registered in 2008.
- He concluded that Lake Minnetonka is one of many valuable natural resources in the State of Minnesota and he entertained questions and comments from the Board.

Tanner asked how many boat registrations there were for sailboats and pontoons.

Mr. Kim Lockwood, State Program Administration Director, stated that they had those statistics in the office and would be happy to provide that information to the LMCD. With regards to the 867,875 boats registered in 2008, the majority of them were power boats.

Babcock asked if federal funds would be put at risk if for some reason, such as an aquatic invasive species (AIS) concern, resulted in the MN DNR reconsidering its position on free public accesses.

Lockwood stated that the federal funds for boat access come from the Fish and Wildlife Service. An application is made with the understanding that public access is free. If the MN DNR were to change their position on this, consultation would need to be taken with Fish and Wildlife Service, with no ideas on that outcome. However, he believed that the federal government would prefer that free public access continue to be provided.

Babcock asked if the MN DNR knew how California and Nevada were dealing with restricting public accesses at Lake Tahoe.

Lockwood stated that he did not know all of the details on Lake Tahoe at this time.

Babcock stated that the \$5 surcharge for AIS was every three years. He hoped that there was some wiggle room with the State legislature to consider increasing that.

Page stated that the LMA had communicated that the possible introduction of zebra mussels was an emergency situation. He asked what the MN DNR's position was on this, including the need to increase inspections particularly at Lake Mille Lacs.

Mr. Luke Skinner, AIS Program Supervisor, believed that zebra mussels were one of the greatest threats to Lake Minnetonka and other bodies of water. Zebra mussel populations on Lake Mille Lacs are spiking and this is of great concern to the MN DNR. Changing people behaviors is the most productive means to prevent the spread of AIS because there are a number of vectors that can spread AIS. Some of these include recreational boaters, commercial transporters, dock installing companies, and commercial harvesting companies. One of the greatest risks to Lake Minnetonka is larger watercraft that are stored on the Mississippi and St. Croix Rivers for a longer period of time and then are launched into Lake Minnetonka, with a number of these watercraft launching through a private

launch ramp instead of a commercial marina. When considering the spread of AIS, limiting public access activity such as Lake Tahoe, is only one vector that will reduce the risk but will not necessarily make this risk zero.

Babcock stated that zebra mussels have been in Lake Mille Lacs since 2005. He asked Skinner what vector he believed might have introduced them into Lake Mille Lacs.

Skinner speculated that it could have been a recreational boater from one of the Great Lakes, Mississippi River, or St. Croix River; a dock relocated from an infested body of water (this is currently a great threat); and possibly a harvester. Lake Ossawinamakee, which has zebra mussels, is very close to Lake Minnetonka and it has been observed that the county has watered down roads with water taken from this lake. Inspection hours on Lake Mille Lacs have been doubled in recent years, partnerships have been established with resort owners, and targeted enforcement efforts have been stepped up. Increased targeted enforcement efforts will also be stepped up at Lake Minnetonka in 2009.

Tanner asked what media campaign efforts are done by the MN DNR.

Skinner stated that a large part of the annual AIS budget is used on targeted television and radio spots, educational billboards, and educational signage at public accesses. These efforts will particularly be stepped up around Lake Mille Lacs; communicating to the public a zero tolerance level.

Babcock asked that in what we have learned from Lake Mille Lacs, how can the public view AIS on a proactive basis rather than a reactive basis.

Skinner stated that education is the key to changing the public's behavior. Based on feedback from the public during the 2008 Public Access Inspection Program, the threat of a zebra mussel inspection is just as great from the Mississippi and St. Croix Rivers. The primary effort of the AIS Program is to focus on the spread of AIS, with an emphasis on infested bodies of water.

Babcock stated that he would support creative ways to pay for inspection of watercraft, citing an inspection fee for outgoing watercraft at infested bodies of water.

Whalen stated that possible infestations to a body of water can occur through a number of vectors, not only public accesses. This becomes more complicated when the Minnesota State Constitution states that the waters will be free and open to the public. She asked if public access or exit fees would be contrary to the state constitution.

Lockwood stated that he believed that this statement refers to unfettered and unrestricted public access.

Babcock stated that there are also state statutes that support this position.

Collins stated that the public is not access public waters free because of the AIS surcharge and funds derived from fuel taxes. Funding sources are already very scarce and the departments within the MN

DNR enjoy these dedicated funds. There is a mechanism already in place to possibly collect additional fees; however, that mechanism must be uniform and across the board to all users of the public bodies of waters.

Page asked if there was a way to eradicate zebra mussels once they are introduced into a body of water.

Skinner stated that there currently was no effective way to manage zebra mussels once introduced into a body of water. This is true of most AIS once introduced.

Whalen stated that she would not be taking feedback from the public at this meeting because the purpose was to have a dialogue between the LMCD and the MN DNR. Sometime in the future, the Board might consider an agenda item to allow for feedback from the public on this. She believed that this could be a topic for discussion at the EWM/Exotics Task Force.

Woodruff asked if the MN DNR had a written plan on the spread of AIS.

Skinner stated that a written plan exists. Additionally, a PowerPoint also exists that provides an overview of the MN DNR AIS Management Program. This includes assessing risks, identifying pathways, and finding ways to interrupt these pathways. A heavy emphasis has been placed on education and enforcement, with some changes made to state statutes. One point that he stated needs to be clarified was that the risk of spreading zebra mussels and other AIS can never be zero. He provided a brief overview of the MN DNR AIS Program compared to states of Wisconsin and Michigan with regards to the spread of AIS. He offered to provide this PowerPoint presentation to the Board at a future meeting.

Whalen thanked the MN DNR for their presentation at this meeting. The LMCD has a long standing relationship with the MN DNR and she hoped to continue to build on this relationship.

The meeting was recessed at 8:15 p.m. and reconvened at 8:24 p.m.

B. Bay View Event Center, discussion of request to amend LMCD Code to allow for the service and sales of liquor on the ice.

Whalen asked Nybeck for back on this agenda item.

Nybeck provided an overview of his memo, dated 3/5/09, with a summary of his comments as follows:

- A request was made in January by Bob Ziton, representing Bay View Event Center (Bay View), to allow for the sales and service of liquor on the ice because a number of their clients would like to use the ice. Ziton has proposed an ordinance and was in attendance at this meeting.
- This was brought to the Board's attention at the January 14th meeting. A question was raised to the Board as to whether this was something they would like to consider. Feedback from the Board included: 1) non-committal on Bay View's request, 2) to direct staff to solicit

feedback from potential stakeholders, and 3) to schedule an agenda item at a future Board meeting.

- A letter was sent out to potential stakeholder on February 6th. This letter stated that LMCD Code only allows for the issuance of liquor license to charter boats on Lake Minnetonka. Any issuance of liquor licenses beyond this would require special approval from the Minnesota Liquor Control Division, perhaps a change in the liquor enabling law.
- Two questions were asked of stakeholders in this letter. First, what their thoughts were of the service of beer, wine, and liquor on the ice as proposed by Bay View. Second, whether an activity should be allowed on the ice, which provides for the sales or service of liquor, in coordination with a Minnesota caterer's license and a special event permit from the LMCD. He provided an overview of comments received from the stakeholders.
- He believed that there were three options for the Board to consider when analyzing Bay View's request. First, the Board could prohibit commercial sales and service of liquor on the ice. This would be the cleanest and safest approach because he did not believe that the ice was ever deemed safe. Second, the Board could allow for the sales and service on the ice through a caterer's permit. He reviewed the pros and cons of this option. Third, the Board could issue a license to allow for the sales and service of liquor on the ice. This would require approval from the Minnesota Liquor Control Division and perhaps a change in the liquor license enabling law. He believed that the location of the sales and service would need to be better defined, recommending the "Authorized De-Icing Area" concept as a good starting point. He believed that the Board should also consider a number of other conditions up and above those recommended by Bay View.
- He provided a number of comments relating to the use of restaurants off of Lake Minnetonka, including whether this was something the Board would like to allow.
- He recommended that the Board not allow either of these activities to occur on Lake Minnetonka due to public safety concerns and precedent that this would. If needed, the Board should direct LeFevere to prepare the necessary draft ordinance amendment(s).
- He entertained questions and comments from the Board.

Tanner questioned whether this activity would require supervision from the Sheriff's Water Patrol.

Nybeck stated that supervision might be required from the Sheriff's Water Patrol, citing the recent pond hockey tournament on Excelsior Bay. Otherwise, he did not believe that the supervision for this activity would be any different from a bar.

Whalen asked if liquor was prohibited in conjunction with a special event permit, using the pond hockey tournament as an example.

Nybeck stated that for the pond hockey tournament, he assumed that liquor purchased at either Maynards or the Bayside Grille would have needed to stay within those facilities. For this event, there was discussion of the possibility of sales of liquor outside, although he recognized that Bay View's request was separate.

Jewett stated that it was most likely legal at the pond hockey tournament, provided it was purchased off-sale rather than on-sale at either Maynard or the Bayside Grille.

Tanner expressed concern about the public safety aspect and whether allowing the activity at Bay View would be opening Pandora's box.

Nybeck stated that this is particularly true when these activities take place in the vicinity of a de-icing site. De-icing is very unscientific and quite dangerous to the public.

Tanner asked whether de-icing should be shut down for the whole winter in areas where the sales and service of liquor on the ice takes place.

Nybeck stated that he did not believe that the sales and service of liquor on the ice should have any impact on whether de-icing is allowed at adjacent facilities. However, he believed that at the same site, the Board should discuss whether de-icing and the sales of liquor should be allowed on the ice because he did not believe that it could be done safely.

Babcock questioned whether a caterer's permit would allow an individual that had a liquor license in Spring Park to sell and serve liquor in Mound.

LeFevere stated that activity could take place, provided the sales of liquor is an incidental part of food sales. He believed that this was intended for wedding and corporate events where the sales and service of liquor would have been difficult.

Woodruff stated that the position of the Shorewood City Council was: 1) there was concern about where the event could occur, with a recommendation that it should take place in the proximity of the business with the liquor license, and 2) private parties should not be able to provide food and the sales of liquor through a caterer's permit.

Babcock asked how the Board might be able to prohibit someone who has a caterer's permit from providing a private party on the ice on Lake Minnetonka.

LeFevere stated the issue for the Board to address was whether the LMCD would like to issue liquor licenses on the ice for these types of activities. If so, this would require approval by the Minnesota Liquor Control Division and possibly revisions to state law.

Babcock questioned why the LMCD could not issue a caterer's permit as an extension of a licensed charter boat.

LeFevere stated that caterer's permits are issued by the State of Minnesota. He questioned how practical it was to have a sit down meal on the Lake to comply with caterer's permit requirements. The LMCD cannot prohibit obtaining a caterer's permit; however, the Board could restrict their use on Lake Minnetonka possibly through the special event permitting process.

Tanner questioned if the LMCD has their hands tied between a commercial activity and a private catering event.

LeFevere stated that catering licenses can serve meals and use their liquor license anywhere. Typically, they go to a private place where there is not a bar to cater. In this case, Bay View Event Center has a caterer's permit and the corporate event is most likely the private party.

Mr. Bob Ziton, President of Bay View Event Center, clarified that the pond hockey event was the type of event that he would not support because this would be a public event. He clarified why Bay View has made the request, including that less than 11 percent of the weddings occur during the winter months. Thus, the majority of events at Bay View during these months are corporate. A number of these corporate events have expressed an interest in an association with the ice. The only place proposed to serve alcohol is the ice fishing village. There were 12 events scheduled since January on the ice and LMCD staff has informed him that this activity was prohibited. All of the events have some other event taking place in the main location of the of the Bay View Event Center on land. The incidental meal is served on land at either the Bay View Event Center or Bayside Grille, with snacks and liquor served in the ice fishing village. He believed that this complied with the incidental meal requirement for the caterer's permit from the State of Minnesota. The location of the ice fishing village is to catch fish, based on the feedback from the fishing guide, as well as being in the proximity of Bay View Event Center. No corporate events were planned for this winter, other than those scheduled on the ice. The ice underneath that ice fishing village is 18-24" thick and obviously they take safety very seriously, pointing out that it could be moved. He reviewed caterer's license requirements of the State of Minnesota. The ice fishing village has been inspected by the Excelsior Fire Department and the Sheriff's Water Patrol. Corporate events at Bay View are cash bars, with \$5 drinks. He questioned what the need would be for the de-icing restrictions as proposed by Nybeck. He entertained questions and comments from the Board.

Tanner asked for feedback on Bay View's supervision during these events.

Ziton stated there was always supervision within the ice fishing village because there is always a server for the alcohol. This means everything gets cleaned and there is always a manager on duty.

Tanner asked staff of what involvement the Sheriff's Water Patrol would have.

Nybeck stated that the Sheriff's Water Patrol would be the agency to issue the special event permit. He clarified that the owner of the abutting property to the north, Gabriel Jabbour, has expressed concern about the location of the ice fishing village in proximity to the de-icing take place at Tonka Bay Sales. He concurred with Jabbour's comments and stated that the village is getting pretty close to the channel leading between Excelsior and St. Albans Bays, as well.

Whalen asked LeFevere to clarify whether an individual that owns a restaurant and has a liquor license and caterer's permit, could set up a tent on Lake Minnetonka and sell liquor.

LeFevere stated that could happen, provided a special event permit is approved and the sales or service of liquor is an incidental part of serving a meal. He questioned whether the service of liquor could take place in a different jurisdiction than where the service of food would take place.

Whalen stated that she was not inclined to seek new liquor legislation; however, she would consider

looking at restricting the special event and catering aspects through an LMCD ordinance. Currently, it appears that what has been proposed is legal.

Page stated that what Ziton was asking for is what he can currently do through his caterer's permit.

Babcock stated that the Board could craft an ordinance(s) if the Board deems that these are activities that should not take place on the Lake. He preferred to review these on a case by case basis via a controlled situation.

Harper asked Ziton to clarify how they sell off-sale liquor in accordance with these events, including whether the liquor is delivered to the event.

Ziton stated that the food and liquor is sold through Bayside Grille through their off-sale liquor license, with a server included in the ice village.

LeFevere questioned whether the activities at the ice village were being conducted in compliance with state requirements for caterer's permit and consumption and display. This would need to be checked into further by LMCD staff.

Whalen stated that she did not believe that Board action was necessary at this meeting since the ice activities are nearly complete. She recommended staff check further into this matter and bring it back for additional review at an upcoming LMCD Board meeting prior to next winter.

Page asked whether one special event permit would be required for each corporate event proposed by Ziton.

Nybeck stated that he believed that one special event permit per season could possibly cover multiple corporate events.

Page asked whether a special event permit was issued by the Sheriff's Water Patrol for the ice village permit.

Ziton stated that a special event permit was issued by the Sheriff's Water Patrol for this past winter, as well as the City of Excelsior.

Nybeck stated that the LMCD delegated the issuing of special event permits to the Sheriff's Water Patrol during the winter months because the primary concerns of the LMCD was aquatic invasive species. If this activity is allowed by the Board, the Board might want to reconsider this.

The consensus of the Board was for LMCD staff to check further into this with the Liquor Control Division and bring this matter back to the Board for further discussion in the near future.

10. EXECUTIVE DIRECTOR REPORT

There was no Executive Director Report.

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:25 p.m.

Lisa Whalen, Chair

Andrew McDermott, III, Secretary