

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, July 22, 2009
Wayzata City Hall

1. CALL TO ORDER

Whalen called the meeting to order at 7:07 p.m.

2. ROLL CALL

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

Members absent: David Gross; Deephaven.

3. APPROVAL OF AGENDA

Whalen stated that the Lake Minnetonka Association (LMA) will be discussing the logistics of the educational boat tour for elected officials, which may require Board action this evening. Therefore, she requested the Board add such item to the agenda as 11F.

LeFevere stated that item 6F, City of Wayzata's approval of 2010 Lease Agreement for use of community room for LMCD Board Meetings, needs to be removed from the agenda for further review at an upcoming Board meeting.

MOTION: Babcock moved, Woodruff seconded to approve the agenda as amended, making the changes noted by Whalen and LeFevere above.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Whalen

Whalen made the following two announcements: First, she stated that she will be adding a monthly LMCD committee update report to the agenda for the purpose of public education and follow-up. Second, she requested the following revisions to the August Board meeting schedule: 1) that the scheduled Board Lake Inspection Tour scheduled for August 12th be cancelled for the purpose of holding a Regular LMCD Board meeting that evening, 2) the addition of a Board Planning/Workshop Session to discuss the LMCD Strategic work plan, which was proposed for August 5th at 5:30 p.m. in the LMCD office, and 3) the cancellation of the August 26th Board meeting to accommodate LMCD Board member attendance at the August 25th educational lake tour for elected officials. She solicited the Board's input on the proposed August LMCD Board schedule.

MOTION: McDermott moved, Woodruff seconded to revise the LMCD Board meeting schedule for the month of August as noted by Whalen's comments above.

VOTE: Motion carried unanimously.

5. APPROVAL OF MINUTES- 6/24/09 LMCD Regular Board Meeting

Woodruff stated that in the third paragraph on page five, the word "not" (seventh word in from the end of the last sentence) was an extra word that needed to be removed.

MOTION: Tanner moved, Woodruff seconded to approve the minutes from the 6/24/09 LMCD Regular Board Meeting as amended, making the change noted by Woodruff.

VOTE: Ayes (9), Abstained (4; Babcock, Jewett, Olson, and Page); motion carried.

6. APPROVAL OF CONSENT AGENDA

McDermott and Whalen requested that items 6A and 6D, respectively, be removed from the consent agenda.

Page moved, McDermott seconded to approve the consent agenda as amended, removing items 6A and 6D; acknowledging the removal of item 6F previously noted. Motion carried unanimously. Items so approved included: **6B**, June financial summary and balance sheet; **6C**, 6/12/09 EWM/Exotics Task Force Meeting Minutes; and **6E**, **Jon Schwartzman**, staff recommends Board approval to refund \$108.70 of the \$250 deposit for recently approved variance from LMCD Code at 425 Oxford Road in Orono.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

- **6A**, Audit of vouchers (7/1/09 – 7/15/09) and (7/16/09 – 7/31/09)

McDermott requested clarification on the following journal entries: 1) the \$115.65 credit noted for check #17827 in the amount of \$3,327.93 to South Lake Office Building, 2) check #17833 in the amount of \$3,005.47 to Tonka Bay Marina, and 3) the credit noted for check #17840 in the amount of \$372.60 to Tonka Bay Marina.

Nybeck clarified McDermott's questions by stating: 1) that the \$115.65 credit for check #17827 to South Lake Office Building is for a routine lease payment adjustment, 2) that check #17827 in the amount of \$3,327.93 to Tonka Bay Marina is for mechanical repairs associated with the replacement of the lower unit for the Mako runabout, and 3) that the credit notation of \$372.60 for check #17840 to Tonka Bay Marina is the regular formatting of the journal entries, as noted on other checks listed within.

- **6D**, Agreement with Three Rivers Park District (TRPD) to coordinate harvesting on Libbs Lake

Whalen expressed concern about the LMCD's potential liability exposure in conjunction with the proposed Agreement. She requested that Nybeck and Jewett provide an update as to the need for harvesting and

solicited the Board's input as to whether the LMCD should take on such liability when the work is being performed by the TRPD.

Nybeck stated that harvesting by the TRPD on Libbs Lake was originally scheduled for July 28th and 29th. However, it has been postponed due to low milfoil growth as a result from a confirmed second herbicide treatment applied around the first of the month by Libbs Lake residents. Harvesting by the TRPD has been rescheduled for August 11th and 12th, with an inspection planned shortly before to verify whether harvesting is merited. If it is determined at that time that harvesting is not merited, Nybeck recommended that this project be suspended in 2009.

Jewett concurred with Nybeck that TRPD harvesting was not needed at this time and he could not predict the future need. He stated the project was initiated at the request of the City of Minnetonka asking if the LMCD could assist Libbs Lake residents to defray costs associated with their ongoing management of milfoil. In follow-up to that request, consideration was given to help defray costs through either a herbicide treatment or mechanical harvesting. With regards to the LMCD's liability, Jewett did not feel the risk was any higher than normal operations. However, he welcomed the Board's consideration for discussion.

Babcock questioned the use of the Grays Bay public launch ramp vs. the use of the private launch ramp on Libbs Lake.

Nybeck stated that if the Board was going to proceed on a contractual basis with the TRPD for this project, a decision should be made at this meeting. He did not believe that the use of the Grays Bay public launch ramp was an option due to the 2009 herbicide treatment project on Grays Bay, which he expressed concern about milfoil fragments and public perception. Additionally, he expressed concern about travel time that would be involved in the off-loading of harvested milfoil on Grays Bay rather than Libbs Lake. He stated that a Point of Entry agreement will be executed with the property owner of the private launch ramp on Libbs Lake.

LeFevere stated that the TRPD did not want to take on any liability with the proposed project. Therefore, staff viewed the matter as if the LMCD would have taken on the liability should the harvesting been completed in-house.

Further discussion was held as to the proposed project, in which the following comments were made: 1) confirmation that a third herbicide treatment is not currently approved for Libbs Lake; however, mechanical harvesting could be performed by the TRPD, 2) further review of the payment for services outlined in the proposed contract, 3) confirmation that the LMCD would like to work with both the City of Minnetonka and their residents so that they are receiving services for their levy payment, 4) confirmation that the LMCD has initiated communication to confirm liability insurance would cover action of another party, and 5) the recommendation that LMCD staff supervise the activity to reduce risk; including taking site pictures prior to launching the TRPD equipment.

MOTION: Babcock moved, Jewett seconded to approve the Agreement with TRPD to conduct harvesting on Libbs Lake, subject to: 1) receiving a Point of Entry agreement from the landowner of the private launch site, 2) a thorough pre-inspection of the private launching ramp, 3) confirmation

that the LMCD's liability insurance will cover another parties' actions, and 4) adding language to the Agreement that there be no exchange of payment should the harvesting not be merited.

VOTE: Motion carried unanimously.

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

There were no public comments.

9. LMA REPORT

Whalen stated that Richard Glidewell was in attendance to provide the LMA Report and welcomed him on behalf of the Board.

Richard Glidewell, representing LMA, provided an overview of the LMA's current activities by highlighting the following:

- An update on the 2009 Grays and Phelps Bays herbicide treatment program; noting no visible matting of milfoil and the confirmation that only one treatment had been applied. Current activities and/or considerations relating to this project included: 1) expressed interest in adding St. Albans and Gideons Bays as participants of the 2010 herbicide treatment project, 2) implementation of 2010 fundraising efforts, and 3) the desire for the LMA to transition a new project manager for 2010 and beyond. He respected the LMCD's decision to keep harvesters out of Grays Bay in consideration of the Libbs Lake project.
- Documentation that Flowering Rush was discovered on Lake Minnetonka on June 29th. He publically thanked the MN DNR for their efforts in educating the LMA on this matter. He stated the LMA recommends aggressive containment and/or eradication; noting the importance of early detection and response efforts.
- An update on the Aquatic Invasive Species (AIS) Prevention Plan, which is being drafted by representatives of the MN DNR and the LMA and reviewed by the EWM/Exotics Task Force. The Plan will include aggressive AIS prevention actions, possibly incorporating other state programs.
- Other activities included the following: 1) the 3rd annual LMA Golf Classic will be held Monday, August 10th at the Minnetonka Country Club, and 2) the LMA and LMCD educational boat tour for elected officials on August 25th.
- He entertained questions and comments from the Board.

Whalen asked Glidewell to provide an update on the LMA's fundraising efforts for their portion of the increased MN DNR public access inspection hours in 2009.

Glidewell stated the LMA's fundraising efforts had been completed.

Discussion was held on the herbicide treatment program as it pertained to the success of the 2009 project, views for possible future expansion, water clarity, irrigation posting requirements, and the rejuvenation of native species that were impacted in 2009. It was recognized that any observations made in 2009 were anecdotal at this time and that conclusions should be reserved until the Final Report has been prepared by the U.S. Army Corps of Engineers this fall.

Whalen thanked Glidewell for his Report.

10. PUBLIC HEARING

There were no public hearings.

11. OTHER BUSINESS

A. Eric Lindberg, Environmental Sentry Protection (ESP) mid season report on 2009 Internet Landing Installed Device Sensors (I-LIDS) Project

Whalen asked Mr. Lindberg to provide his mid-season update.

Mr. Eric Lindberg, owner of ESP, stated that he was in attendance to provide the Board a mid-season update as required by the 2009 contract. He reviewed the 2009 program, as outlined in a handout, by highlighting the following information:

- The current year program provided for the placement of I-LIDS at the Grays and Maxwell Bay Accesses. Both units were operational by open fishing season, May 9th, although there were some power outages after that date. Thus, services were billed as of May 21st.
- He reviewed the amount of videos captured for both Grays and Maxwell Bay; providing for total video captures to date of 13,383 and 10,466, respectively.
- Preliminary discussions were held with LMA representatives for the possible viewing of videos captured if they were made available. He entertained the Board's consideration in providing that service to the public; in which the Board and LeFevere concluded further review of a written proposal was warranted.
- No violations of launching a watercraft with attached vegetation had been documented to date.
- He entertained questions and comments from the Board.

The Board asked a few questions, in which Lindberg responded to. Response to those questions included: 1) clarification that the videos captured are not all launches but the activation of the camera via some type of movement, and 2) confirmation that downtime is defined as any period longer than two hours from sunrise to sunset. From May 9th to May 21st, there were 13 outages due to the stabilization of the equipment and loss of wireless access. Since May 21st there have been nine defined outages.

Nybeck stated that during the second month of the project, he had observed one day for the two sites where the equipment was not meeting the two hour downtime specification from sunrise to sunset.

Further discussion was held amongst the Board as to the review of captured videos. Some comments and questions that were raised included the following:

- What low cost programs were available for the review of videos, in which Lindberg stated he utilizes a student incentive program with other lake associations.
- How many videos that could be viewed in an hour, in which Lindberg estimated 300.
- The recommendation to consider an intern program for the review of videos captured.
- Rather ESP would absorb the cost of the reviews, in which Lindberg confirmed his company would not absorb the costs. However, he offered to make the reviews as affordable as possible

and to volunteer his time in making the videos available to the public to review.

- Discussion was held as to the costs and effectiveness of the program, in which Vice Chair Tanner expressed concern.

Whalen thanked Lindberg for his mid-season update. She recommended the submittal of a written proposal with respect to making the videos available for the public's review; along with documentation as to defining the effectiveness of the program as a whole; both of which could be considered at a future LMCD Board meeting.

B. Luke Skinner, overview of MN DNR Aquatic Invasive Species (AIS) Program

Whalen stated that Luke Skinner and Chip Welling of the MN DNR were in attendance to provide an overview of the MN DNR AIS Program. She welcomed both on behalf of the Board.

Mr. Luke Skinner, Supervisor of the MN DNR AIS Program, thanked the Board for the opportunity. He provided an overview of the program by highlighting the following outlined within a PowerPoint presentation:

- He reviewed a list of invasive species that fall within the categories of plants, fish, invertebrates, and pathogens; some of which have not yet entered the state.
- The management efforts used by the MN DNR in minimizing the impact caused by invasive species to the ecology, economy, and the community.
- He outlined the challenges and considerations as it relates to invasive species, adding that there has been heightened awareness and expectations within the last 10 years. He provided a review of the funding available, \$3.9 million for AIS, and management planning considerations.
- A detailed review of the following four key elements to invasive species programming:
 - Prevention: Consists of the pathways in which the species travel, risk assessment, policies and regulations, and enforcement/education programs. Programs that were addressed included: the Water Resources Officers, the Watercraft Inspection Program, and the availability of prevention grants.
 - Early Detection and Rapid Response: He stated that early detection is extremely difficult as AIS systematic surveys are not widespread and that the MN DNR relies heavily on coordinated efforts of outside partnerships (i.e., the Zebra Mussel Citizen Monitoring Program). Once an AIS is detected, a decision is made to control/eradicate or prevent the spread of the AIS; some of which are not able to be eradicated and fall directly into the prevention programs (i.e., zebra mussels). Rapid response included assessing the risk/options and implementing the action (i.e., the treatment of Brazilian waterweed in Powderhorn Lake).
 - Containment: This was essentially highlighted under prevention efforts.
 - Management: He highlighted the two key management programs (aquatic and terrestrial) and their respective components. The programs have provided grants for the 2008 and 2009 herbicide treatment projects, nuisance control of Eurasian watermilfoil, and early detection/rapid response for milfoil and flowering rush, all of which have a long-term programming goal.
- He reviewed the \$67,600 worth of grants awarded on Lake Minnetonka in 2009 (\$10,000 for the Watercraft Inspection Program, \$24,800 for the herbicide treatment project, and \$32,800 for

- nuisance control with the harvesting program).
- He reviewed the MN DNR's field services, which included the invasive species specialists (the first responders) and their responsibilities; noting the demand for their use is high.
- He stated that Flowering Rush was discovered in Smiths Bay on Lake Minnetonka on June 29th. Ongoing surveying has confirmed its presence in Browns and Crystal Bay as well. To date, 10 of the 132 miles of shoreline have been surveyed. He stated that Flowering Rush is in the Early Detection and Rapid Response stage and that it is difficult to confirm when not in bloom as it maintains other look-a-like plants, such as the Sagittaria. The MN DNR will treat the current population in the next few weeks, and possibly in the future, with Habitat (imazapyr) herbicide. The surveying process will continue and the existence of its presence depends on how well it can be suppressed.
- He entertained questions and comments from the Board.

Whalen asked how many watercraft inspections hours were contracted for the 2009 boating season on Lake Minnetonka, in which Skinner documented 3,760.

Discussion was held at length in regards to the discovery of Flowering Rush on Lake Minnetonka.

Questions and comments pertaining to that discussion included the following:

- Confirmation that the blooming period is mid-July through the end of August and that it would be difficult for a non trained eye to document the plant without its distinctive blossom.
- That all reporting, via digital picture or verbal communication, is welcome by the MN DNR.
- That the vegetation depth ranges up to 4' and provides for submergent, emergent, and floating vegetative forms.
- The harvesting of the plant utilizes similar equipment to Eurasian watermilfoil; however, not recommended due to the spread via plant fragments.
- The treatment of Flowering Rush would only affect the plant itself and not the surrounding waters. However, posting of the treated area will include the shoreline area as per general policy.
- In response to the LMCD's offer to assist the MN DNR on this matter, the LMCD's support was appreciated and that the MN DNR would keep the LMCD apprised of the progress and any future needs, including possibly funding.

Tanner publically thanked the MN DNR for their continued support in working with the LMCD; especially their participation on the EWM/Exotics Task Force. He asked Skinner if there were any plans to construct boat washing sites around Lake Minnetonka, similar to what is offered on a brochure that is printed around the Brainerd area.

Skinner stated that the brochure Tanner was referring to was a publication produced via a group effort of the Minnesota Bass Federation, Minnesota Waters, and the MN DNR. This project utilizes privately owned car washing sites that meet specific criteria (proper drainage, bay size, water temperature, and water pressure). The program is available for all individual lakes associations and the MN DNR would assist in the production of the brochure. He further stated that the MN DNR does not construct boat washing sites and did not have plans to do so.

Nybeck stated that he had initiated efforts of such a brochure on Lake Minnetonka, in conjunction with the MN DNR. Due to the minimal number of privately owned car washing sites, two, around the 14 LMCD member cities, other communities outside the Lake Minnetonka area would need to be considered. All of these privately owned sites would need to be checked into whether they meet the MN DNR's criteria.

Suerth recommended that the boat washing stations should have the ability to flush the engine for the purpose of veligers.

Skinner concurred with Suerth; however, the flushing of engines at the car washing sites is not currently a need criterion of the MN DNR.

Babcock asked if the MN DNR had considered changing its grant policy as it relates to herbicide treatment funding of \$3,000 per lake vs. a specific amount of funds per the shoreline or acreage. Additionally, he questioned why the MN DNR has not considered a quarantine program.

Skinner stated that the MN DNR allocates the base funding rate to control invasive species that are in the Early Rapid Response stage. Once invasive species have progressed to the Nuisance Control stage, the funding formula is much larger. He stated that both legislative and fiscal will are needed to consider a quarantine program for the control of aquatic invasive species, citing the amount of funds that would be needed to maintain watercraft inspectors on Lake Mille Lacs for 24 hours a day, seven days a week. When considering what other states are doing in the prevention of AIS, he stated that there is a need to take into consideration the traffic level of the Minnesota lakes and other bodies of water.

Tanner asked what MN DNR budget cuts are scheduled for 2010.

Skinner stated the general fund was reduced; however, a decision was made to reduce the terrestrial budget and not the aquatic budget. He anticipated future initiatives to increase the aquatic budget.

Welling stated the DNR values the current herbicide treatment program on Lake Minnetonka as the surveying completed by the Army Corps of Engineers provides a value to the program.

Whalen expressed her appreciation for the long standing relationship the LMCD maintains with the MN DNR, the Army Corp of Engineers, and the Three Rivers Park District.

Hartwich asked if there were any lakes that maintain a goal of eradication of invasive species instead of management. Additionally, he asked if there are any implications associated with the receipt of grant funds as it relates to the set goal.

Skinner stated that the individual grant's Request for Proposal has specific criteria, providing for ecological benefits, in which the applicant would need to meet. He further stated that approval of funds was not judged by their goal of eradication or management. However, communication is offered to the applicant as to what the treatment will provide so that the recipient is not set up for failure should their goal be to eradicate the invasive species, which is typically not an option.

Whalen thanked Mr. Skinner for his presentation and welcomed continued communication on all the current projects that are being coordinated on Lake Minnetonka (specifically the treatment of Flowering Rush).

The meeting was recessed at 9:00 p.m. and reconvened at 9:12 p.m.

C. Ordinance Amendment, first reading of an ordinance relating to non-conforming structures; amending LMCD Code Section 2.10, Subd. 1.

Whalen asked LeFevere for an update on this agenda item.

LeFevere stated that the LMCD Board adopted the boat density regulations in 1978, which includes the general rule of docking or mooring one restricted watercraft per each 50' of continuous shoreline. He stated that sites that exceed this density standard that were legally in existence were grandfathered in. Over the years, staff had addressed many grandfathered sites via the multiple dock license process (five or more restricted watercraft) or by what is known as a non-conforming, non-multiple use permit (Code Section 2.10, subd.1); both of which require adequate proof that the requested number of boats were legally docked or moored on May 3, 1978. At the May 27th Board meeting, after the consideration of a non-conforming, non-multiple use permit, he was directed to prepare a draft ordinance amending Code Section 2.10, subd.1 by removing the grandfathering option currently allowed by Code. As a practical matter, LeFevere believed that since 1978 many of the sites needing to be grandfathered in for a multiple dock license may have been discovered. However, for sites falling within the non-conforming, non-multiple use permit, those sites continue to be discovered on an on-going basis. He entertained questions and comments by the Board.

The Board discussed this matter at length, in which the following comments and questions were raised:

- The comparison of how the proposed draft ordinance would affect prior court cases that have established resident's docking rights.
- The suggestion that an educational letter be sent to all lake residents prior to consideration of approving the draft ordinance.
- The notation that only two non-conforming, non-multiple dock permits have been issued to date (both of which were approved with what the Board deemed sufficient evidence).
- The interest of handling this matter on a case by case basis rather than adopting an ordinance amendment that could have dramatic impact on an individual resident's riparian rights.
- Concern that the adoption of the ordinance would create more concerns than what it is intended for (including legal implications in changing resident's docking rights).
- That grandfathering creates different dock and mooring categories around the lake and that the adoption of the ordinance would not deny docking rights.
- The need to streamline future applications and the required criteria that would provide for a more efficient application process

Babcock made a motion to approve the first reading of the ordinance amendment as submitted, to waive second and third readings, and to adopt it. The motion failed due to the lack of a second.

MOTION: Klohs moved, Tanner seconded to deny the ordinance amendment as proposed.

VOTE: Ayes (12), Nays (1, Babcock); motion carried.

D. 2009 EWM Harvesting Program, mid-season report.

Whalen asked for an update from Nybeck on this agenda item.

Nybeck directed the Board to a mid-season report in their packet. He reviewed the report via a PowerPoint presentation, in which the following was highlighted: 1) that the program commenced on June 11th with the harvesting of the East Upper Lake and Spring Park Bay, 2) a review of 2007-2009 statistical harvesting data to date, 3) a review of the rotating harvesting schedule, and 4) a current financial assessment of the program. He stated that a more detailed update will be provided at the end of the season.

E. Staff update on 2009 Lake Levels.

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

Nybeck stated that due to lower than normal water level readings during the 2009 boating season, a summary was provided at the June 24th Board meeting, in which lake levels (current and historical) and applicable LMCD Code provisions were reviewed. At that time, staff was directed to keep the Board apprised of the water levels for future consideration in possibly declaring a low water emergency. He stated that lake levels to date are at 927.96', which would allow the Board to declare a low water emergency since it is below 928.00'. He reviewed the Board's ability to declare a low water emergency, offering pros and cons of doing so. He recommended that the Board continue to monitor the water levels and not declare a low water emergency at this time. However, the Board might want to consider a low water next spring if current lake levels continue. He entertained questions and comments from the Board.

The Board made comments and asked questions, in which Nybeck responded to. Questions and comments included the following: 1) the impact on staff in declaring a low water emergency, 2) the number of applicants that had historically requested a temporary dock extension variance, 3) what types of variances could be handled at staff level, and 4) the request to document the number and reason for calls currently being documented by staff. In follow-up to those questions, the Board decided not to declare a low water emergency at this time and to re-evaluate the water levels at the August 12th Board meeting.

E. Board Consideration of LMCD and LMA Educational Boat Tour

Whalen stated the LMCD and the LMA are co-hosting an educational boat tour for elected officials on Tuesday, August 25th. She stated that she conferred with LeFevere with regards to the legal requirements of the LMCD's participation in the event, including the logistics of the state gift law. She believed the LMCD should participate in the event for the purpose of working with the elected officials on the needs of Lake Minnetonka. In doing so, she believed Board approval was needed to designate

a nominal amount of funds for the participation fee of the LMCD Board Members in attendance, along with the mailing expense of the invitations. She solicited the Board's input on this matter.

Tanner asked what the invitations would consist of.

Whalen stated the LMA is designing the invitation and that printing costs should be nominal.

Nybeck stated that the boat tour has been planned with the LMA providing the boat and food for the event at a cost to those that attend. LMCD Board members will be invited to attend the boat tour and the questions for the Board include: 1) does the LMCD want to reimburse the attendance of LMCD members, and 2) does the Board want to provide the postage costs for the mailing of the invitations. Any other expenses considered by the Board might need LeFevere's input before a decision can be made.

Discussion was held amongst the Board as to the fee associated with all elected and appointed officials as it relates to the state gift law, in which LeFevere stated that all officials have the ability to request a reimbursement of the fair market costs should their attendance be warranted.

Babcock asked if the LMCD was jointly participating in the event, specifically any presentations that may be conducted.

Whalen stated that the presentation will provide background on both organizations. However, the main portion of the presentation will address issues facing Lake Minnetonka and how they should be addressed.

The Board discussed the logistics of the tour, in which the following comments were made: 1) that the LMCD have the opportunity to review the presentation so that all views are properly conveyed, 2) confirmation that the presentation will be made by an outside expert, 3) the question as to whether having guests attend would take away from the purpose of the tour (more of a social vs. educational event), 4) confirmation that the LMA's 501(c)(3) status does not allow them the ability to lobby (the LMCD does have that ability), 5) confirmation from LeFevere that the level of attendance does not have any legal repercussions of the event as all elected officials are paying their own way, and 6) a suggestion was made for LMCD Board members to pay their own way for lack of unforeseen repercussions.

MOTION: Page moved, Babcock seconded to participate in the sending out of invitations and to defer consideration of the LMCD paying for the Board member's attendance until a later date.

VOTE: Motion carried unanimously.

11. EXECUTIVE DIRECTOR REPORT

There was no Executive Director Report.

12. ADJOURNMENT

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

Lisa Whalen, Chair

Andrew McDermott, III, Secretary