

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, September 9, 2009
Wayzata City Hall

1. CALL TO ORDER

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

2. ROLL CALL

Members present: Lisa Whalen, Minnetrista; Tom Tanner, Wayzata; Andrew McDermott, Orono; Tom Scanlon, Spring Park; David Gross, Deephaven; Peter Hartwich, Excelsior; Steve Johnson, Mound; Dennis Klohs, Minnetonka Beach; Kelsey Page, Greenwood; Herb Suerth, Woodland. Also present: Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; Emily Herman, Administrative Assistant.

Members absent: Doug Babcock, Tonka Bay; Chris Jewett, Minnetonka; Bill Olson, Victoria; Dick Woodruff, Shorewood; Charlie LeFevere, LMCD Counsel.

Scanlon arrived at 7:04 p.m.

3. APPROVAL OF AGENDA

Whalen recommended tabling agenda item 12B, 2009 EWM Harvesting Program Final Season Report, to the September 23rd LMCD Board meeting to allow staff an opportunity to revise the Report.

MOTION: McDermott moved, Johnson seconded to approve the agenda as amended, tabling agenda item 12B.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Whalen

Whalen solicited the Board's availability for a Work Session to discuss the draft Work Plan for the approved LMCD Strategic Plan. The consensus of the Board was to conduct a Work Session in the LMCD office on October 14th at 5:30 p.m. in place of the Regular LMCD Board meeting that was scheduled for that evening.

5. APPROVAL OF MINUTES- 8/12/09 LMCD Regular Board Meeting

MOTION: McDermott moved, Gross seconded to approve the minutes from the 8/12/09 LMCD Regular Board Meeting as submitted.

VOTE: Motion carried unanimously.

6. APPROVAL OF CONSENT AGENDA

Scanlon requested that agenda item 6B be removed from the consent agenda.

Tanner moved, McDermott seconded to approve the consent agenda as amended, removing agenda item 6B. Motion carried unanimously. Items so approved included: **6A**, Audit of vouchers (8/16/09–8/31/09) and (9/1/09–9/15/09), and **6C, City of Wayzata**, Agreement for use of community room for LMCD Board Meetings and License Agreement for use of the cable television/video production facility.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

- **6B**, July financial summary and balance sheet

Whalen asked Scanlon to clarify why this agenda item was removed from the consent agenda.

Scanlon stated that the format of the monthly financial summary and balance sheet has slightly changed. The cover page has been added to include a monthly cash flow analysis, which includes a chart for revenues and expenses for the General Budget for that month, as well as a chart for the ending cash balance. He hoped that this would assist Board members to monitor financial activities within the General Budget more efficiently.

MOTION: Scanlon moved, Page seconded to accept the July financial summary and balance sheet as submitted.

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. Update from standing LMCD Committees:

- EWM/Exotics Task Force
- Save the Lake Committee
- Technical Advisory Committee (TAC)
- Code Review Committee

Whalen asked for an update from the Chair of each committee, with Nybeck providing the update on the Save the Lake Committee in Olson's absence.

EWM/Exotics Task Force

Suerth stated that the Task Force coordinated a boat trip on August 31st to view the 2009 coordinated herbicide treatments on Grays and Phelps Bays. He reported that there had been some significant reduction in the amount of milfoil on these two bays, although there is some concern about the possible impact that it might have had on native vegetation. The scientific analysis of this project will be conducted by the U.S. Army Corps of Engineers (Army Corps), with the water quality assessments being coordinated by the MCWD. The next Task Force meeting is planned for September 18th, with an update on the plant surveys conducted by the Army Corps planned for this meeting.

Whalen asked for an update on the 2010 Aquatic Invasive Species (AIS) Prevention Plan.

Nybeck stated that the 2010 AIS Prevention Plan was currently being discussed by the Task Force, with review planned at the Board level sometime in either November or December. He believed that more will be known after the September 18th EWM/Exotics Task Force meeting.

Save the Lake Committee

Nybeck stated that one of the challenges for this committee was that demand for funds was much greater than donations being received. One recent change was to expand the database through Hennepin County tax records to include all lakeshore owners not on the current database. A special letter was sent out recently to these new potential contributors and donations are currently being received. The next committee meeting was planned for September 22nd, although it will need to be re-scheduled due to Chair Olson's schedule. Potential topics to be discussed at this meeting include: 1) the 2010 Funds Available Notice, 2) discussion of other fundraising strategies, and 3) other possible marketing opportunities for Save the Lake.

TAC

Gross stated that he had started the process of reviewing the scientific papers that were established by this committee. He believed that there was a lot of consistency amongst the papers that verifies what the committee already knows. In particular: 1) docks in shallow littoral zones should be avoided, and 2) motorboats in shallow areas stir up the lake bottom, which is environmentally unhealthy. He stated that he would summarize the papers and identify the relevant points. Once this has been completed, he hoped to get the TAC back together in the near future.

Code Review Committee

Tanner stated that he had recently met with LMCD staff to discuss areas of LMCD Code where this committee should focus on. A spreadsheet is being finalized and the next committee meeting is scheduled for September 25th at 8:00 a.m. in the LMCD office.

10. LMA REPORT

There was no LMA Report.

11. PUBLIC HEARINGS

There were no public hearings.

12. OTHER BUSINESS

A. Lord Fletchers of the Lake, consideration of special event application for planned event on October 5th.

Whalen asked Nybeck for background on this agenda item.

Nybeck stated that Lord Fletchers has submitted this application to allow customers to view the October 5th Vikings and Packers Monday night football game from the deck. This game is proposed to be viewed from an inflatable screen located on a barge parked adjacent to Long Island in front of the docks. Because of the uniqueness of this event, he believed that this application should be approved by the LMCD Board rather than staff. He recommended that the Board approve the special event application,

adding that a draft permit (with conditions) was included in the packet. He stated that a letter was included in the handout folders from the City of Spring Park, with the Sheriff's Water Patrol most likely not permitting this event.

Whalen asked if there had been any feedback from the neighboring properties.

Nybeck stated abutting neighbors to the south and west were copied on this agenda item by LMCD staff, with no feedback received.

Scanlon stated that Lord Fletchers had a similar event in 2008, with no complaints. The only difference was that the inflatable screen was on the island rather than a barge.

Johnson asked why the inflatable screen was proposed on a barge in 2009 rather than the island.

Mr. Peter Peyerl, representing Lord Fletcher's, stated that there was more stability to anchor the screen on a barge rather than the island. There should be plenty of room for navigation around the barge, with most traffic anticipated to come to Lord Fletchers by car rather than a boat.

MOTION: McDermott moved, Gross, seconded to approve the Lord Fletcher's of the Lake special event application, with conditions recommended by LMCD staff.

VOTE: Motion carried unanimously.

C. 2009 LMCD Code Enforcement Project.

Whalen asked Herman for background on this agenda item.

Herman stated that the project was initiated in 2006 to enforce LMCD watercraft storage ordinances at residential sites on Lake Minnetonka. The primary enforcement efforts included sites storing five or more restricted watercraft, which currently do not have a multiple dock license, and sites storing three or four larger restricted watercraft that do not comply with the 1:50' General Rule. She reviewed the three-part communication process that is established for owners of the documented sites. In follow-up to the 2008 Code Enforcement Project, the Board established the following four priorities for 2009:

1. Priority #1: To resolve problematic sites established during 2006 forward; to not specifically look for new violation sites, unless flagrant; and to handle any formal complaints submitted. As a result, Herman reviewed statistics and their defined status for 269 documented sites; noting that an estimated 27 sites maintaining watercraft storage violations will be turned over to the LMCD prosecuting attorney.
2. Priority #2: To bring forth an LMCD Code amendment to Section 2.02, subd. 8, Defining of Watercraft Storage, for the purpose of streamlining this staff-intensive process. As a result, Herman stated the Board approved a Code amendment on May 13th that allowed staff to define a site's storage from four or more calendar days in any seven-day period to three or more calendar days in a two-week period.

3. Priority #3: Obtain feedback from member cities on how they feel about residential sites storing their watercraft on land to come into compliance with the LMCD watercraft storage ordinances. As a result, Herman stated communication was submitted to the member cities on April 2nd. In summary, the cities were comfortable with staff maintaining communication on this matter with their local residents. However, the matter may need to be reviewed should concerns arise.
4. Priority #4: Proceed with submittal of 2008 3 and 4-boat violation letters knowing that all documented sites will need to be inspected in 2009 as well as the remaining problematic sites. As a result, Herman stated those letters were submitted with inspection results included in the statistics provided under the first priority.

Herman provided an overview of 2009 project staffing and the operating budget. She entertained questions and comments from the Board.

The Board asked Herman a few questions or comments, in which she responded to. Some of those questions included:

- Clarification on sites documented in compliance; however, noted as a violation in prior years.
- Confirmation that Herman will communicate to the LMCD prosecuting attorney that the Board would like to be apprised of his process of communication.
- The request to submit the PowerPoint presentation, including statistics, to the LMCD Board members so that they can communicate the information to their representing municipality.
- Clarification on the difference between a sites violation going through the Proactive Code Enforcement Program vs. the formal written complaint process. It was noted that quicker resolution would be accomplished through the formal written complaint process.

13. EXECUTIVE DIRECTOR REPORT

Nybeck stated that there was a written Report included in the handout folders on pending and upcoming activities in the LMCD office. Two activities that he emphasized were 2009 lake levels (including the current lake level) and the Mass Casualty Incident Training planned for the morning of September 13th on Excelsior Bay.

14. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:46 p.m.

Lisa Whalen, Chair

Andrew McDermott III, Secretary