

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, February 10, 2010
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; Andrew McDermott, Orono; Tom Scanlon, Spring Park; Doug Babcock, Tonka Bay; Peter Hartwich, Excelsior; Chris Jewett, Minnetonka; Steve Johnson, Mound; Keith Kask, Deephaven; Dennis Klohs, Minnetonka Beach; Bill Olson, Victoria; Herb Suerth, Woodland. Also present: Charlie LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

Members absent: Kelsey Page, Greenwood; Dick Woodruff, Shorewood. There was no representative for the City of Wayzata.

3. APPROVAL OF AGENDA

MOTION: McDermott moved, Kask seconded to approve the agenda as presented.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Whalen

Whalen made the following two announcements: First, she reminded all that the Save the Lake Recognition Banquet is scheduled for Thursday, February 11th at the BayView Event Center. Second, she stated that the Technical Advisory Committee (TAC) has scheduled a Public Forum to consider TAC recommendations. The forum is scheduled for Wednesday, February 17th, from 7:00 p.m. to 9:30 p.m. at Shorewood City Hall. She directed the Board to a series of TAC handouts, which are downloaded on the LMCD's website.

5. APPROVAL OF MINUTES – 01/27/10 LMCD Regular Board Meeting

MOTION: Jewett moved, Johnson seconded to approve the minutes from the 01/27/10 LMCD Regular Board Meetings as submitted.

VOTE: Ayes (9), Abstained (1, McDermott); motion carried.

6. APPROVAL OF CONSENT AGENDA

McDermott moved, Kask seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved included: **6A**, Audit of vouchers (02/01/09 – 02/15/10); **6B**, **Resolution 120**, a resolution designating appointments for 2010.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

There were no items removed from the consent agenda.

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

There were no public comments.

9. UPDATE FROM STANDING LMCD COMMITTEES:

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

EWM/Exotics Task Force

Whalen directed the Board to a written update in their packet, noting that the next meeting is scheduled for Friday, February 12th. For this reason, a more thorough report will be provided at an upcoming Board meeting.

Save the Lake

In Olson's absence, Nybeck stated that the next committee meeting is scheduled for February 16th at 8:00 a.m. in the LMCD office. The purpose of this meeting is to refine the re-branding proposals discussed at the January 27th Board Workshop/Planning Session. Additionally, he solicited the Board's availability for a follow-up Workshop/Planning Session for the same purpose at 6:00 p.m., just prior to the February 24th Board meeting. The consensus of the Board was to schedule the Workshop/Planning Session as recommended.

TAC

Whalen reiterated the scheduling of the Public Forum as outlined under "Chair Announcements".

Ordinance Review Committee

In Babcock's absence, Harper stated that a committee meeting is scheduled for Tuesday, February 23rd, at 8:00 a.m. in the LMCD office. He is currently working with Chair Babcock on the agenda.

10. PUBLIC HEARING

- A. Seahorse Condominium Association,** 2010 reconfiguration of non-conforming, multiple dock license application.

Whalen asked Harper to provide background on this agenda item.

Harper reviewed his staff memo, dated 2/5/10, which summarized a request from Seahorse Condominium Association to reconfigure their non-conforming multiple dock license facility. He reviewed historical action taken by the Board in January of 2009 (application submitted in 2008), which resulted in a settlement between both parties recognizing a total square footage for slips of 26,800 square feet for overnight Boat Storage Units (BSU) and 2,364 square feet for transient use. The 2009 Order provided

for a site plan utilizing 25,580 of the 26,800 square feet of overnight BSUs. Therefore, the applicant currently proposes to utilize the remaining 1,220 square feet by making the changes outlined in the staff memo. He reviewed the following two LMCD Code Sections relevant to the application: 1) Code Section 2.01, subd. 1- defining an authorized dock use area (DUA) and 2) Code Section 2.015- reconfiguration of non-conforming multiple dock facilities process. He recommended that the Board approve the Association's 2010 reconfiguration of non-conforming multiple dock license application, subject to conditions outlined within the staff memo. He entertained questions and comments from the Board.

Whalen asked the applicant whether he had additional background or comments that they would like to provide the Board.

Mr. Chris Johnson, 5520 Ridgewood Cove in Minnetrista, stated he is chair of the Seahorse marina committee. He stated that Harper provided a thorough review of the application and thanked the Board for the opportunity to work with staff. He stated the committee has provided for a deliberate process to determine the proposed reconfiguration and that Seahorse understands and is supportive of the conditions set forth in the license. He entertained questions and comments from the Board.

The Board asked a few questions, in which Johnson responded to. The following is an outline of his responses:

- Confirmation that Seahorse understood the four-foot overhang restriction (length overall) and took the restrictions into consideration during the planning process.
- Clarification that Section "B" was reconfigured to provide safer access to watercraft on slips with canopies; providing for a triangular platform to walk on from one side to the other.
- Confirmation that Seahorse is aware dock boxes are not allowed to be stored on the dock.

Whalen opened the public hearing at 7:19 p.m. There being no comments, she closed the public hearing at 7:20 p.m.

Suerth and Babcock asked a few questions of the applicant in regards to the management of aquatic invasive species (AIS), in which Johnson provided the following responses:

- Confirmation that only Seahorse members utilize the access ramp as it maintains a locked fence.
- Confirmation that if there were to be legislative action requiring Seahorse to document the launching of watercraft for the purpose of preventing AIS, he stated that they would work with the LMCD. However, he foresaw difficulties to overcome.
- He personally would be supportive of such a regulation as long as it made sense and was effective.

Scanlon arrived at 7:18 p.m.

MOTION: Johnson moved, Babcock seconded to approve the 2010 Seahorse Condominium Association reconfiguration of non-conforming multiple dock license, subject to the conditions outlined in the staff memo.

VOTE: Motion carried unanimously.

- B. 5th Street Ventures, LLC**, 2010 new multiple dock license application to reconfigure the conforming multiple dock facility.

Whalen asked Harper to provide background on this agenda item.

Harper reviewed his staff memo, dated 2/4/10, which summarized a request from 5th Street Ventures, LLC, for a new 2010 multiple dock license application. He reviewed historical action taken by the Board in 2002 and 2003, which resulted in approval of 13 overnight three-sided Boat Storage Units (BSUs) with boat length restrictions. Therefore, the applicant currently proposes the removal of the boat length restriction on slips 1-12 and to increase the size of BSU #1. He reviewed the following three LMCD Code Sections relevant to the application: 1) Code Section 2.03, subd. 7- outlines the multiple dock license process, 2) Code Section 2.01, subd. 1- defining an authorized dock use area (DUA), and 3) Code Section 2.03, subd. 3- issuance of multiple dock license. He stated the applicant has met the objective criteria of Code Sections 2.01 and 2.02. However, he stated the Board may want to consider some subjective criteria in the granting or denying of the application; taking into consideration the concerns of the 2003 Board action and the currently proposed Technician Advisory Committee (TAC) recommendations. If the Board is comfortable with the increased size of BSU #1 and the removal of the boat length restrictions, he recommended the Board approve the new multiple dock license application for the 2010 season, subject to the conditions outlined within the staff memo. If the Board did not feel comfortable with the proposed changes, he recommended the Board either communicate their concerns to the applicant to allow him to revise the proposed configuration or direct LeFevere to prepare Findings of Fact and Order for denial of the application. He entertained questions and comments from the Board.

Scanlon requested Harper clarify who with the City of Spring Park signed the Review and Comment form stating approval of this application is recommended and whether reasons were provided. Additionally, he asked if he knew the date of the aerial photograph provided in his PowerPoint presentation; as he questioned navigability of that area and expressed concern for increasing the length of the docks due to the filling in of the wetlands after canoeing at that location in 2009.

Harper stated the Spring Park City Administrator signed the form, providing no reasons for recommended approval. Additionally, he believed the aerial photograph was from 2006 and concurred that the area has filled in over time.

Whalen asked the applicant whether he had additional background or comments that he would like to provide the Board.

Mr. John Wood, Property Manager for 5th Street Ventures, stated that they have been in existence for seven boating seasons with the original members still residing. The application is being presented for the Board's consideration due to the members working well together, the site providing for a good boating area, and the upgrading of boat sizes over the years; some of which are not conforming to the license. He respectfully requested that 5th Street Ventures be subjected to the same consideration as other applicants that come before the Board. He entertained questions and comments from the Board.

The Board asked questions of Wood, in which his responses are as follows:

- Confirmation that they do have boats that are in non-conformance of the length restriction

required by the LMCD; however, he was unsure if the members were aware of the length restriction. He became aware of the restriction through this application process.

- With regards to Scanlon's comments above, he recognized that the water table has been lower than normal. However, he did not believe that the boats stored in these slips have had issues with backing into the wetland area and have not sought a dredging permit.
- Additionally, he confirmed that the slip customers do not traverse north and south within the wetland area.

Whalen opened the public hearing at 7:41 p.m.

Mr. Andrew Wiatrak, 5892 Sunnybrook Lane in Minnetrista, stated that he is a renter and one of the people subject to the boat length restriction. He has spent time studying the past LMCD minutes as it pertains to this dock. He believed the aerial photograph that Scanlon was referring to was taken in the spring time, acknowledging the area is not that open and has been filling in over time. He reiterated that those not in conformance with the length restriction would really like to stay as they respect and enjoy the area, listing out the area's positive aspects. He confirmed navigating the wetland area north and south has not been a concern.

The Board asked questions of Wiatrak, in which the following confirmations were provided:

- That BSU #1, where he stores his watercraft, will have a canopy. Harper confirmed that canopies are allowed at full capacity.
- His watercraft overhangs the end of the slip by three feet.
- His boat drafts 32", adding that his former boat was smaller and drafted 36".
- There are currently three watercraft that are in non-conformance of the length restriction and that they became aware of the concern when he questioned the revision of BSU #1 with Harper.

Mr. Mark Myer, 4540 Island View Drive in Mound, stated that he leases BSU #2. He paid dearly for BSU #2 and if he had concerns for the revisions to BSU #1, he would have communicated those concerns. However, he did not. He believed there has not been a concern with the drafting of the boats as they are inboards with the props remaining down.

Mr. David Buyse, 4700 Phlox Lane in Edina, stated that he leases BSU #8 and that his watercraft overhangs the end of the slip an estimated two feet. He reiterated the positive relationship he and his family have with all the other slip customers. He stated he and his family have not had a concern with damaging the wetlands, adding that both he and his wife have taken boating lessons.

Mr. David Bray, 2751 Sandpiper Trail in Excelsior, stated that he leases BSU #3 and that his watercraft is also in nonconformance with the overhang restriction. He owns a 32' long boat, with an estimated three foot overhang due to a swim platform. He estimated that his boat drafts 18" and that he and the other members were not aware of the length restriction until this application went forward. He reiterated the positive relationship they all maintain and the belief that the wetlands were not being damaged; noting all are very conscientious of taking care when backing out.

Whalen had questioned the length restriction of BSU #1, in which the members provided feedback on the

configuration of that BSU.

Babcock stated that he was on the Board during the approval of the multiple dock license in 2003. Although BSU #1 is longer than 30', the Board limited the size of the watercraft due to water depth limitations and recommended review of the historical record on that decision.

Mr. David Gross, Chair of the LMCD Technical Advisory Committee (TAC), expressed concern about approving the application as proposed. In particular, he questioned removing the overhang restriction on all slips when it currently is a concern for only a few slips. The request from 5th Street Ventures contradicts the TAC's recommendations that the Board is currently considering in protecting wetland areas such as this. He directed the Board to the approved 2003 Findings which addressed those concerns at that time.

There being no further comments, Whalen closed the public hearing at 7:58 p.m.

Whalen asked Babcock to provide his perspective of the Board's actions in 2003.

Babcock stated the Board spent a great deal of time considering the water depth measurements. Additionally, he stated the wetlands are closer to the left sided BSUs and that the Board tried to manage the boat size on that side specifically due to environmental concerns. He believed customers all get along and that they provide the utmost care of the area; noting a friend of his leases a slip. However, he believed that churning of the lake bottom is occurring and that the application currently before the Board would not have been approved in 2003.

Whalen asked Babcock to address the lesser draft with larger boats.

Babcock confirmed that less draft does assist in the care of the wetlands. However, the propeller continues to cause churning of the lake bottom, with effects depending on the size of the propeller.

A lengthy discussion took place on the proposed application and the wetland areas. Comments made are highlighted as follows:

- That the Board cannot designate the storage of the watercraft's prop style.
- Wiatrak's comment that he is not a scientist; however, he has not seen a change over the years.
- Meyer's concurred that prop churning is a concern; however, acknowledged that churning happens lakewide and he hoped the Board would not deny the application based on that concern.
- The question as to how 5th Street Ventures is going to adhere to the length limitations that are set in the current approval, or would be set if the proposed application was approved. Adding signage was one possibility discussed.
- Suggestions provided on how one can prove that there has been a change in the wetlands and lake bottom over the years. Nybeck confirmed that further water depth measurements could be taken, working with the applicant.
- The Board concurred that their decisions are based on subjective criteria; with Babcock noting that the MN DNR would not have approved the original dock plan had there been evidence that the wetlands were going to be damaged.

- Confirmation by LeFevere that the limitations placed on the applicant are boat size limitations and not a four foot overhang limitation required by LMCD Code for non-conforming facilities. He addressed the difference between the terms "subjective" and "arbitrary". The use of the term "arbitrary" implies that the limitations of the license set by the Board are illegal, in which they are not. All decisions made by the Board are based on subjective criteria; noting the Board's ability to exercise their judgment based on rationality. Only when restrictions are placed in an irrational manner can it become an arbitrary situation.
- Acknowledgement that 5th Street Ventures operates in a respectful manner. However, it is their responsibility to understand the rules and regulations, including the conditions on the annual multiple dock license, which includes the following: "Subject to all conditions set forth per 2/19/03 LMCD Board action including watercraft sizes will be limited to the length of the BSU including all equipment and attachments in their normal operating positions..."
- Confirmation by LeFevere that if the Board were to direct him to prepare Findings of Fact and Order for denial of the application based on specific subjective criteria and the applicant would challenge the decision, it would be the burden of the applicant to provide proof against the subjective criteria utilized. Additionally, he reiterated the importance (as previously stated by Nybeck) that if the Board were to direct staff to research procedures for wetland delineation, the Board would need to be specific and in the same mind as to what staff is being asked to perform (i.e., staff can obtain water depth readings; however, would have problems providing feedback on turbidity and a wetland assessment at this site).
- The consensus of the Board was for the applicant to provide further information for consideration, which could include an assessment on the wetlands, background information on turbidity, and updated water depth readings.

MOTION: Babcock moved, Johnson seconded to table the application.

VOTE: Motion carried unanimously.

11. OTHER BUSINESS

- A. Minnetonka Boat Rentals**, consideration of amended proposed site plan for 2009 reconfiguration of non-conforming, multiple dock and variance applications.

Whalen stated that there had been significant Board discussion on the proposed applications at recent meetings. In December, a public hearing was conducted and the Board postponed a decision on both applications. At the January 27th LMCD Board meeting, she believed that clear direction was provided by the Board on what would be considered, which would allow the applicant time to make the recommended changes for Board consideration at this meeting. She asked Harper for further background this agenda item.

Harper reviewed his staff memo, dated 2/5/10. In particular, the concerns raised by the Board at the January 27th LMCD Board Meeting, as well as changes to the proposed site plan requested by the applicant.

Whalen questioned whether conforming side setbacks from the south extended side site line (20') was to the dock structure or to the boat to be stored on the south side of the transient dock near the launch

ramp, transient boat storage unit # 1 (T1). She understood that the side setback requirement of 20' should be from the edge of the boat to be stored at T1.

Harper stated that conforming side setbacks would be from the edge of the boat to be stored at T1. However, the side setback variance previously granted by the Board allows for two boats to be stored on the south side of the transient dock.

Nybeck stated that the two transient BSUs were allowed on the south side of the dock; however, the dock was approved at only 27' in length. Additionally, he stated there were two concerns raised by Board in December that continue to be questions for the Board to address. First, the applicant has continued to propose a launch ramp on the south end of the property, which the Board was concerned about in December. It appears that the Board has re-considered this concern, in particular since the abutting neighbors to the south testified in January that they support this change. Second, the applicant has continued to propose a BSU on the south side of the transient dock nearest the launch ramp. LMCD Code requires a doubled side setback (20') to comply with conforming setback requirements from the edge of the boat at T1. He stated, the question for the Board is whether to require a conforming side setback from the edge of the boat. If a conforming side setback is required from the edge of the boat, the only aspect of this proposal requiring a side setback variance would be the launch ramp. This has been communicated to the applicant that the cleanest and easiest way for the Board to consider his proposal would be for the boat to meet the 20' setback from the south extended side site line.

LeFevere stated that the approved variance allows for the storage of two watercraft on the south side of the dock. However, it was limited to only two fishing boats approved to be stored on the abutting slide. This is not allowed for other boats, including boats from the public to use the restroom or for boats that would be launched from the launching ramp if the application is approved.

Whalen questioned whether the use of T1 as a designated transient BSU might be expanded in the future to other uses, such as a gas dock. If so, she believed that this type of a use needs a conforming side setback.

Babcock believed that limitations on the use of this transient BSU was discussed at the January Board Meeting. The concerns raised by Whalen are valid and that the Board could place restrictions on any approval because it involves a variance from LMCD Code.

Whalen recommended an alternative that would not require a side setback variance from LMCD Code for the boat to be stored at T1. This included moving the dock to the north to allow for the boat to comply with the 20' side setback requirement. In this alternative, the applicant could consider re-locating BSU 7 somewhere within the established dock use area, possibly to the south of BSU 12.

Babcock stated that one of the decisions for the Board to decide on is whether reasonable use exists at this site without further side setback variance. He believed that this was a reasonable compromise and that the abutting neighbor to the south has agreed to the proposal.

LeFevere stated that the applicant has testified that the public already uses the south side of the dock for transient purposes for the use of the restroom and other facilities, which he was not inclined to stop.

He reminded the Board that this type of use on the south side of the dock is not allowed by the approved side setback variance and that an enforcement issue exists, which could further become a problem if boat storage is allowed on the south side of the dock in conjunction with the launch ramp.

Whalen questioned whether there is a need to grant a variance when a further hardship does not exist. She believed that there are other options for the applicant to consider.

Mr. Paul Bergquist, owner of Minnetonka Boat Rentals, addressed the hardship issue. A side setback variance of 10' has already been approved from the extended south side line, which included the slides, and a five foot side setback variance from the extended north side site line. He believed that the Board makes the best decisions that it can make at such time. He reminded the Board that primary concern expressed by the abutting neighbor to the south is the in and out activity of the 18 fishing boats on the south end of this property.

Whalen stated that she believed the current application was a new variance request because a number of things have changed since the approved variance. She supported eliminating some of the current uses that require variances, which should benefit both the LMCD and the applicant.

Bergquist stated that the south side of this dock is used periodically as a gas dock and he expressed concern about not being able to use the south side of the dock for fueling purposes.

Whalen stated that the use of the south side of the transient dock for fueling purposes was the first time that she had heard this. She expressed concern about this added use and believed that this supported the need to conform to the 20' side setback requirement to the south from the edge of the boat.

Bergquist questioned what the best way to proceed was when resolving one issue creates another issue.

Babcock stated that he believed that the applicant at some point needs to make a decision on the best means to use the dock use area, with and without a variance. Some of the possible uses that the applicant might need to be maintained might need to be reconsidered, citing the need to relocate BSU 7 as an example. He believed that further compromise might need to be reached.

Nybeck stated that the applications being considered by the Board was for the 2009 season. Staff hoped that this application would have been submitted last spring; however, it was not received until this past November. He did not believe that there was a need to further send this back to staff, citing the 60-day rule as a concern. He recommended that the Board should approve the application as proposed; to approve the application and deny part of it, citing not allowing storage of boats on the south side as a possibility; or to deny the application. All of these possible Board actions would require the preparation of Findings of Fact and Order, which could be brought back for consideration at the next meeting.

Babcock suggested allowing the applicant to preserve T1 by relocating it south of BSU 12; requiring the applicant to make a decision on whether to use it at this location or to make an application for change in the future. One additional issue he expressed concern about was the conversion of existing slide space to on land storage, estimating an increase in slide square footage from 200 square feet on the approved site plan to 1,600 square feet on the revised proposed site plan.

Whalen stated that she believed there was consensus on the Board to not allow for the conversion of use from boats being stored on the proposed slide to in-water BSUs. She did not believe that there was any additional space within the dock use area that would provide for this conversion.

Babcock stated that there is language on the approved site plan that allows for the storage of 18 fishing boats on a slide. He believed that the Board had proceeded to this point that the approval could continue with the assumption that these 18 slides could continue, with a possible conversion rate of 100 square feet for each boat stored on these slides. Two concerns he raised included: 1) whether an expansion can take place unless the slides are eliminated and 2) whether the expansion of the slide square footage is allowed since this is a legal, non-conforming facility. He believed that the second concern needed to be reconciled by the Board because a change from 18 stackable fishing boats to 14 jet skis and four fishing boats is an expansion of use.

Bergquist expressed concern about whether this was an expansion of grandfathered use. He questioned whether boat storage in the original approval was limited to only the slide square footage. He believed that 18 watercraft were permitted to be stored on land and launched through the approved slide.

Kask stated that he believed the applicant has demonstrated that 18 watercraft have been historically stored on the property. In general, he expressed support for the changes proposed by the applicant, provided the boat to be stored at T1 on the south side of the transient dock meet the 20' setback or be moved to another location.

Babcock stated that he believed the conversion from stackable boats to jet skis has a much greater impact on the lake. However, he supported the storage of 18 fishing boats on slide near the location of the existing launch ramp.

MOTION: Kask moved, Klohs seconded to direct LeFevere to prepare Findings of Fact and Order for approval of the side setback variance application, with the revised proposed site plan, subject to: 1) the conditions outlined in the 2/5/10 staff memo, 2) to move T1 as proposed to the south of BSU 12 on the site plan (with adequate signage to restrict parking on the south side of the dock) to ensure a 20' side setback to the south, and 3) to prohibit the conversion of boats stored on slides to boats stored in the water.

LeFevere asked the applicant to clarify whether he would prefer to: 1) move the transient dock to the north to allow for T1 to continue on the south side of the dock, or 2) move T1 to another location on the revised proposed site plan.

Bergquist agreed to remove T1 from the proposed location and to relocate it to another location.

Whalen clarified that this would not allow for any boat storage on the south side of the transient dock.

MOTION TO: Babcock moved, Johnson seconded to: 1) reduce the size of the 28' x 42'
AMEND slide to 400 square feet and 2) to restricted the storage of type of boats on this slide to fishing boats only.

LeFevere stated that the amended motion, if approved, would essentially restricted the storage of jet skis on land at this site.

VOTE: Ayes (4; Babcock, Hartwich, Johnson, and Suerth), Nays (6); motion to amend the original motion failed.

VOTE ON: Ayes (6); Nays (4; Babcock, Jewett, Johnson, and Scanlon); original motion passed.
ORIGINAL MOTION

B. Consideration of recommendations for 2010 from Public Safety Committee

Whalen ask Nybeck to provide background on this agenda item.

Nybeck stated a committee meeting was held on January 26th, in which Board members Johnson, Jewett, and Kask were in attendance for the LMCD, as well representatives from the Hennepin County Sheriff's Water Patrol and Environmental Services. Two topics were discussed at that meeting. First, the 2010 Lake Minnetonka Solar Light Project. The committee considered expansion of the program to both other and the same types of buoys on the lake. The consensus of the committee recommended not expanding the program to other types of buoys on the lake as they believed that it would be confusing to the public. However, the committee recommended expanding the current program of red and green navigational buoys by adding the following 12 additional lights: 1) eight lights at the channel northwest of Goose Island on Phelps Bay, and 2) four lights at the channel off of Skogsberg Point on West Arm. Second, an assessment of Quiet Water areas of Lake Minnetonka was considered. The committee has recommended making a change to the Quiet Water Area on Black because it currently is confusing. The recommendation is to possibly make Black Lake entirely Quiet Water Area, possibly as soon as 2010. The committee recommended that the Board hold a public hearing to receive feedback on this recommendation. He entertained questions and comments from the Board.

The consensus was to direct staff to provide a map delineating the current Black Lake Quiet Water Area for discussion by the Board prior to making a decision on whether to schedule a public hearing, as recommended by the committee.

C. Ordinance Amendment, second reading of draft Ordinance #206 relating to reconfiguration of non-conforming structures, amending LMCD Code Section 2.015, Subd. 4b).

MOTION: Babcock moved, Johnson seconded to approve the second reading, to waive the third reading, and to adopt the ordinance as presented.

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 10:00 p.m.

Lisa Whalen, Chair

Andrew McDermott, III, Secretary