

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, May 26, 2010
Wayzata City Hall

1. CALL TO ORDER

Whalen called the meeting to order at 7:00 p.m.

2. ROLL CALL

Members present: Lisa Whalen, Minnetrista; Kelsey Page, Greenwood; Andrew McDermott, Orono; David Gross, Deephaven; Peter Hartwich, Excelsior; Chris Jewett, Minnetonka; Dennis Klohs, Minnetonka Beach; Bill Olson, Victoria; Herb Suerth, Woodland; Dick Woodruff, Shorewood. Also present: Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

Members absent: Dan Baasen, Wayzata; Doug Babcock, Tonka Bay; Steve Johnson, Mound; Tom Scanlon, Spring Park. Also absent, Charlie LeFevere, LMCD Counsel.

3. APPROVAL OF AGENDA

MOTION: Jewett moved, Olson seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Whalen

Whalen made the following two announcements: First, she stated that Board Member Scanlon's mother passed away and a card was being circulated. Second, she stated that a Board Workshop/Planning Session was scheduled for 6:00 p.m. on Wednesday, June 9th, to discuss rebranding proposals that have been reviewed by the Save the Lake Committee.

5. APPROVAL OF MINUTES – 04/28/10 LMCD Regular Board Meeting

MOTION: Woodruff moved, McDermott seconded to approve the minutes from the 04/28/10 LMCD Regular Board Meeting as submitted.

VOTE: Motion carried unanimously.

6. APPROVAL OF CONSENT AGENDA

Page requested confirmation that LeFevere reviewed and recommended approval of the Agreements being considered under agenda items 6C and 6D, in which Nybeck confirmed that he did.

Woodruff moved, McDermott seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved included: **6A**, Audit of vouchers (05/01/10 – 05/15/10) and (5/16/10 – 5/31/10); **6B**, April financial summary and balance sheet; **6C, SW/WC Service Cooperative**, approval of

Agreement for group employee benefit and other financial and risk management services; **6D, Minnehaha Creek Watershed District (MCWD)**, approval of Agreement for partial funding of watercraft inspectors for 2010 Watercraft Inspection Program.

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)

Ms. Page Robertson, 5430 Cedar Point Road in Minnetrista, addressed the Board for their consideration of an ordinance amendment to LMCD Code Section 3.01, subd. 18 (Commercial Sales on the Lake). This request was based off of her interest to operate a business entitled Snack Patrol. She provided an overview of the business via a PowerPoint presentation by highlighting the following: 1) four reasons as to why the amendment should be considered, 2) a basic overview of the business itself, including the products that would be sold and the state and county permitting process, 3) comments received from a current business owner of a Snack Patrol, 4) local business and advertisement opportunities, 5) services that would be offered to assist in lowering Boating While Intoxicated (BWI's) violations, and 6) the interest in participating in philanthropy/preservation opportunities specific to Lake Minnetonka. She entertained questions and comments from the Board.

Whalen thanked Robertson for her presentation. She stated that the request, noted above, would be sent to the Ordinance Review Committee for their review and comments prior to the Board's consideration. Additionally, she asked Robertson to leave her contact information so that staff can keep her apprised of the scheduling process.

9. UPDATE FROM STANDING LMCD COMMITTEES-

- AIS Task Force
- Save the Lake
- Technical Advisory Committee (TAC)
- Ordinance Review Committee
- Public Safety Committee

Whalen asked for an update from the Chair, or designated representative, of each committee.

AIS Task Force

Woodruff stated that the whole bay herbicide treatments have been completed. He participated in a review of Phelps Bay by boat with a number of representatives, with these representatives also reviewing Carman and Grays Bays. He believed that the results at this time were reasonable and that a report is planned by the MN DNR at the June 11th AIS Task Force meeting.

Gross requested confirmation from the Board as to their opinion on the expansion of whole bay treatments; in case this question was raised by his member city. The consensus of the Board was that expansion of whole bay treatments would be permitted by the MN DNR. However, the LMCD's commitment was to participate in a five year pilot project for three whole bay treatments (2008-2012).

Save the Lake

Olson stated that a committee meeting was held this date to review the proposed re-branding logos. He reiterated the Board's availability to review these proposals at the June 9th Workshop/Planning Session. Additionally, efforts are moving forward with the website design contractor, in which staff is currently providing feedback on.

Environmental Committee

Gross stated that he anticipated that a committee meeting would be scheduled sometime in the near future.

Ordinance Review Committee

Harper stated that a committee meeting was held on May 20th and that an ordinance amendment will be proposed for the Board's consideration on June 9th. This amendment will provide for the ability to apply for a multiple dock license for combined, residential boat storage. He anticipated that the next committee meeting would be scheduled for mid-June.

Public Safety Committee

Nybeck stated that he spoke with Chair Johnson and confirmed that the tabulation of the Black Lake surveys (for the consideration of making the bay entirely a Quiet Water Area) is currently underway; noting the return rate has been very high. He believed that the next committee meeting would be scheduled for late summer to consider the feedback.

10. PUBLIC HEARINGS

There were no public hearings.

11. OTHER BUSINESS

A. MCWD, presentation of 2009 Water Quality Sampling Program by Dr. Udai Singh

Whalen welcomed Dr. Singh on behalf of the Board and asked for an overview of the 2009 Water Quality Sampling Program.

Dr. Singh stated that in follow-up to the Board's request, he will be presenting on both the Minnehaha Creek Watershed District (MCWD) 2009 Water Quality Sampling Program and also the Operation and Management Policy of the headwaters control structure for the Grays Bay Dam. He highlighted both topics via a PowerPoint presentation by making the following comments:

2009 Water Quality Sampling Program

- He reviewed the 2009 MCWD Water Quality Monitoring Work Plan, which included the following:
 - 1) streams and lakes monitoring, 2) the MCWD/MWMO Joint Watershed Research Grant Program, 3) the Gleason Lake Water Quality Improvement Project (Vegetation Management Study), and 4) the review of Lake Management Plans for Lake Associations.
- He reviewed precipitation measurement and monitoring data, which was obtained by seven stations within the MCWD and four external readings.
- Stream flow monitoring and water quality sampling was completed at 10 locations on the Minnehaha

Creek and 30 locations in the Upper Watershed (covering all flows in and out of Lake Minnetonka with the use of a Flow Tracker device). He stated that the use of the Flow Tracker provides for the efficient stream flow monitoring of the 40 locations within three days. Additionally, the use of a YSI multi probe meter was used to collect the water temperature (Temp), dissolved oxygen (DO), Phosphorous (pH), and conductivity.

- Water quality samples were collected at various intervals for total phosphorous (TP), soluble reactive phosphorous (SRP), total suspended solids (TSS), and total nitrogen (TN). Additionally, the Minnehaha Creek is listed as an impaired body of water for Chloride; therefore that sampling is obtained monthly and when salt and sand is present on the roads during the winter time.
- E. Coli is tested bi-weekly (June, September, and October) and weekly (July and August) at 10 sites on the Minnehaha Creek (one site on Six-Mile Creek and four sites on Painters Creek).
- Lake water quality was measured at 26 sites on Lake Minnetonka and 11 upper watershed lakes that feed into Lake Minnetonka. Additionally this is the second of a three-year series in the monitoring of 15 limited access lakes on a monthly basis for four months, results of which are turned into the Environmental Protection Agency (EPA) and National Pollution Control Agency (NPCA).
- Physicality's of the lake water quality monitoring included the following: 1) the use of YSI probe measurements to obtain DO, Temp, pH, and conductivity, 2) nutrients are heavily focused on TP, SRP, and TN, 3) Chlorophyll-a for algal abundance, and 4) secchi disk depth for water transparency. Additional lake parameters included the testing of phytoplankton and zooplankton samples on St. Albans and Halsted bays, as well as Gleason Lake.
- The MCWD assumed zebra mussel monitoring, in which 11 bays were tested. No zebra mussel veligers were found.
- Lower Watershed Lake Monitoring is completed in coordination with the Minneapolis Park and Recreation Board and the Metropolitan Council. Additionally, the Three Rivers Park District assists in the monitoring of various sites and camps.
- He reviewed the process in reporting water quality data. A chart documenting the water quality grade for all 26 bays was provided; noting the water quality on Lake Minnetonka has had minimal changes. The MCWD has updated the water quality portion of their website; providing for the ability to specifically review reports on individuals bays within each lake.
- A summary of many other projects were reviewed. A few of which included storm water monitoring, the Telemetry-Remote Data Access Project for lake level monitoring, satellite weather station monitoring, Bathymetric Mapping, and the Gleason Lake Water Quality Vegetation Management Study.
- He reviewed the 2010 Water Quality Work Plan and acknowledged the various partnerships established to accomplish all the projects.
- He entertained questions and comments from the Board.

The Board asked a few questions, in which Singh responded to. His responses are highlighted as follows:

- Confirmation that the MCWD does not test for arsenic and mercury on Lake Minnetonka. However, he and Whalen confirmed that the MN DNR does have, at least, historical mercury data.
- Confirmation that the MCWD does not test for E. coli at the swimming beaches because he felt this was the responsibility of the agency in charge of the beach. However, he offered his assistance in familiarizing the agency of the testing procedure involved.
- Confirmation that the topographic study did not find any major changes to the water depth levels.

Additionally, he stated that the last readings obtained were in 1950s and that current readings were needed to complete the three dimensional model.

- Confirmation that the MCWD is always looking for that missing link in the hydrodynamics of water quality monitoring so that bays with a higher water quality grade can be scientifically evaluated to assist with bays carrying a lower water quality grade. Additionally, he stated that the Upper Watershed lakes drain into Lake Minnetonka and, in turn, drain into the Minnehaha Creek. It is the MCWD's hope that the three dimensional model can be completed on all of Lake Minnetonka to understand how the flow of water interacts with each bay.
- He reviewed the various initiatives currently taking place on Painters Creek, in which he believed data from all initiatives would be available within three years.

Operation and Management Policy for Headwaters Control

- The policies and procedures of operating the Grays Bay Dam are outlined on the MCWD's website and are managed by Renae Clark.
- He provided a handout on the discharge zones and allowable discharge rates (based on specific times of the year) provided for the headwaters control structure. Additionally, he provided a thorough review of that handout, in which the following comments were made:
 - The MCWD is mandated to close the dam when the level is at 928.6' or below.
 - 929.4 is considered the ordinary high water mark on Lake Minnetonka.
 - The MCWD is mandated to release up to 300 cubic feet per second (cfs) when levels are between 928.6' and 929.6' (the established flood zone level).
 - The MCWD takes great strides in not releasing too much or too little water at one time (providing for a longer flow on the creek during the dry season).
 - The base flow is considered the level in which the MCWD maintains to sustain aquatic life.
 - 930.5' is the record high water level reading. At that time, there was no control of the water levels on Lake Minnetonka.
- He entertained questions and comments from the Board.

The Board asked a few questions, in which Singh responded to. His responses are highlighted as follows:

- Confirmation that Lake Minnetonka is not listed for TMDL monitoring for another five years.
- Confirmation that the lake level is currently 929.31'.
- Confirmation that the City of Edina is the most sensitive flood zone area downstream from the dam. Additionally, he stated that FEMA is currently revising their 100 year flood plain in which they are using the MCWD's model. He anticipated the completion of that project in another six months,
- Confirmation that the mandating procedures are based off of many agencies working together to establish the discharge rates. He confirmed that long-term weather forecasting is currently not being used; however, all avenues are being considered for a revised, long-term plan.
- He stated that in follow-up to the Board's request a year ago to review the MCWD's Capital Investment Projects, he has offered to schedule a presentation by Planner/Program Coordinator James Whisker.

Whalen thought that a presentation by Mr. Whisker would be beneficial; specifically if projects pertain to the lake's member cities. Additionally, she stated she was curious as to what the outcome of the lake monitoring results on Painters Creek will be. She thanked Dr. Singh for his presentations.

B. 2010 EWM Harvesting Program, staff overview of project.

Whalen asked Harper for background on this agenda item.

Harper provided an overview of the 2010 EWM Harvesting Program. This included: 1) an overview of the staff and independent contractors, 2) an overview of the EWM Harvesting Program Budget, and 3) an overview of plans for the 2010 EWM Harvesting Season. He recommended that the Board approve: 1) the hiring of Mike Heiland as Site Supervisor, at an hourly rate of \$15, and 2) the hiring of five additional seasonal positions at an hourly rate of \$11 per hour for new employees and freezing the hourly rate for returning employees as compensated in 2009. He entertained questions and comments from the Board.

McDermott stated that there is a small area of Carmans Bay that was not included in the 2010 herbicide treatment project. He asked if harvesting could be done in 2010 if needed.

Nybeck stated that the area referenced by McDermott was along the east side of Carmans Bay between the Narrows and the lagoon area that leads into Pheasant Lawn. Because this area is immediately adjacent to the herbicide treatment, he did not believe that harvesting would take place in 2010. However, if milfoil was matting and causing these residents problems, it could be assessed at that time.

Gross stated that the rotating schedule did not provide for harvesting in Carsons and St. Louis Bays. He requested that the schedule be updated to identify that harvesting is planned for these two bays.

Whalen asked how LMCD policies relating to the seasonal employees would be firmed up for the 2010 season.

Harper stated that employment policies, in particular for excused and unexcused absences, were currently being worked on. These policies will be reviewed with the seasonal employees during a training session.

MOTION: Woodruff moved, Page seconded to authorize the hiring of seasonal employees for the 2010 EWM Harvesting Program as recommended by Harper.

VOTE: Motion carried unanimously.

12. EXECUTIVE DIRECTOR REPORT

Nybeck highlighted the May 28th start date for the 2010 Watercraft Inspection Program, in which he stated the Memorial Day weekend is 100% covered utilizing both the MN DNR and VOLT employees. He entertained questions and comments from the Board.

Questions regarding the use of VOLT employees were raised, in which Nybeck responded to. His responses included the following: 1) that direct supervision is not provided in the field; however, VOLT management and LMCD staff will be spot checking their performance, and 2) t-shirts and hats with an LMCD logo were provided to all the employees. Additionally, he is in the process of creating a photo identification badge to be

displayed by VOLT employees.

Whalen stated that she was present during a portion of the training session and commented that indirect supervision by general drive bys will be provided by LMCD representatives throughout the season.

13. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:20 p.m.

Lisa Whalen, Chair

Andrew McDermott, Secretary