

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, May 25, 2011

Wayzata City Hall

**1. CALL TO ORDER**

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

**2. ROLL CALL**

**Members present:** Doug Babcock, Tonka Bay; Dan Baasen, Wayzata; Andrew McDermott, Orono; Kelsey Page, Greenwood; David Gross, Deephaven; Chris Jewett, Minnetonka; Dennis Klohs, Minnetonka Beach; Jeff Morris, Excelsior; Bill Olson, Victoria; and Debbie Siakel, Shorewood. Also present: Greg Nybeck, Executive Director and Judd Harper, Administrative Technician.

**Members absent:** Anne Hunt, Minnetrista; Steve Johnson, Mound; Herb Suerth, Woodland; and Roger Swanson, Spring Park. Also absent were Charlie LeFevere, LMCD Counsel and Emily Herman, Administrative Assistant.

**3. APPROVAL OF AGENDA**

Babcock stated that staff has recommended adding agenda item 9D to consider approval of an Agreement with the MN DNR to receive grant funding for the 2011 Watercraft Inspection Program. Additionally, there were a few agenda items on the consent agenda he would like discussion on. Thus, he recommended approving each consent agenda item separately.

**MOTION:** Jewett moved, Baasen seconded to approve the agenda as amended, making the two  
changes recommended by Babcock above.

**VOTE:** Motion carried unanimously.

**4. CHAIR ANNOUNCEMENTS, Chair Babcock**

Babcock stated that the City of Excelsior had recently appointed a new Board member to the LMCD. He welcomed Jeff Morris on behalf of the Board and asked Page to administer the oath of office.

Page administered the oath of office to Morris. He was seated as representative for the City of Excelsior.

**5. APPROVAL OF MINUTES – 4/27/11 LMCD Regular Board Meeting**

**MOTION:** Baasen moved, McDermott seconded to approve the minutes from the 4/27/11 LMCD Regular Board Meeting as submitted.

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

**6. APPROVAL OF CONSENT AGENDA**

**6A, Audit of vouchers (5/1/11 – 5/15/11)**

**MOTION:** Jewett moved, Baasen seconded to approve the audit of vouchers as submitted.

**VOTE:** Motion carried unanimously.

**6B, Audit of vouchers (5/16/11 – 5/31/11)**

Babcock stated that there was an amended audit of vouchers in the handout folders. He asked Nybeck for further background on this.

Nybeck stated that there was an additional check (#19096) included on the amended audit of vouchers. This was check was made out to the MN DNR, in the amount of \$100.48 for hats to be used in conjunction with the 2011 watercraft inspection program.

**MOTION:** Gross moved, McDermott seconded to approve the amended audit of vouchers, adding check number 19096, in the amount of \$100.48, to the MN DNR.

**VOTE:** Motion carried unanimously.

**6C, MCWD, draft Agreement for partial funding of \$7,500 for 2011 Watercraft Inspection Program**

**MOTION:** Jewett moved, McDermott seconded to approve the draft Agreement as submitted.

**VOTE:** Motion carried unanimously.

**6D, Sailor's World,** refund partial payment of \$253.00 for 2011 renewal (without change) multiple dock license application.

Babcock stated that this marina changed ownership over the winter and the current owner has paid the appropriate fees in full. Staff has communicated that minimal fees have been incurred on the deposit in question for the prior owner of the marina.

**MOTION:** McDermott moved, Jewett seconded to refund a partial payment of \$253.00 to the prior owner of this multiple dock facility for their 2011 renewal (without change) multiple dock license application.

**VOTE:** Motion carried unanimously.

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

Mr. Bob Newman, 5230 Meadville Street, stated that he was a Greenwood resident who resided just outside of the minimum-wake buoys in Excelsior Bay. He commented on the high lake levels and the current minimum wake restrictions that are in place. He has been a boater all of his life and he understood how wakes can affect other watercraft, docks, and shoreline. He believed that the current lake levels are the worst he had seen since 1992. Waves, caused by both wind and watercraft, have caused shoreline erosion at his and other properties around the lake, even with proper riprap protection. The raising and slowing of watercraft speeds, in particular by larger cruisers, creates short but deep wakes. He believed that this type of watercraft operation has a more significant effect on the shoreline rather than where the wake is created. There are a number of people who will boat the way that they want to, regardless of the level of law enforcement. He recommended that the Board: 1) better publicize the current

minimum wake restrictions and 2) further expand the minimum wake restriction for the entire lake during a High Water Declaration.

Baasen asked what the current lake level was.

Nybeck stated that today's lake level reading was 930.16'.

Baasen stated that he concurred with the comments made by Mr. Newman, in particular about the riprap not being adequate to protect shoreline from wakes created by larger cruisers. There is a problem with the current lake levels and he questioned whether there was anything that could be further done by the LMCD.

Jewett asked Nybeck to comment on the Public Safety Committee discussion on this topic at the last meeting.

Nybeck stated there were two philosophies at the committee level on the current ordinance. First, some committee members recommended one speed for the entire lake (minimum wake) because it is easier to communicate, for the public to understand, and the Sheriff's Water Patrol to enforce. Second, some committee members believed that the public generally complied with the current minimum wake restrictions the last time a "High Water Declaration" was made in 2004. A further update is planned for the June 8<sup>th</sup> LMCD Board Meeting, with Lt. Hartig from the Water Patrol and Renae Clark from the Minnehaha Creek Watershed District to be in attendance. If further restrictions are a desired outcome by Board, this would require an ordinance amendment.

McDermott asked if there were any emergency provisions in the current ordinance.

Nybeck stated that he consulted with LMCD legal counsel on that question and there are not any emergency provisions.

Babcock stated that the Board in the past has discussed this issue in great length. One of the factors considered by the Board was that establishing the lake as entirely minimum wake would preclude yacht clubs from their racing schedules. A second factor was a Report prepared by the MN DNR, in conjunction with the State of Wisconsin, on waves and shoreline erosion on the St. Croix River. This Report did not conclude that the majority of shoreline erosion that was occurring

on the St. Croix River was caused from wakes created by watercraft. He believed that the possible next step for the Board to consider was to require minimum wake speed for watercraft with a certain amount of displacement. He has seen shoreline erosion at his property, although it is difficult to determine which watercraft created the wake.

Newman stated that bass boats which are on plane are not creating the wake issues. The larger power boats are the problem and an exemption for sailboats could be considered by the Board.

The Board discussed this topic in great detail. The "High Water Declaration" will continue at least through the Memorial Day weekend. Staff was directed to send out a press release on this to set expectations. This press release should ask for voluntary compliance of larger watercraft to comply with minimum wake on a lakewide basis.

**MOTION:** Baasen moved, Gross seconded to direct staff to coordinate a special Public Safety Committee

Meeting to discuss this topic, with an update planned for the June 8<sup>th</sup> LMCD Board Meeting.

McDermott proposed a friendly amendment that the Public Safety Committee report back to the Board with recommendations. Baasen and Gross agreed to this.

**VOTE:** Ayes (9), Nays (1, Morris); motion carried.

## 8. PUBLIC HEARINGS

There were no public hearings.

## 9. OTHER BUSINESS

**A. MN DNR,** presentation of 2010 Coordinated Herbicide Treatment Project Report by Chip Welling.

Babcock stated that Chip Welling from the MN DNR was in attendance to provide an overview of the 2010 project. He welcomed him on behalf of the Board.

Welling provided a brief overview of this project to manage both Eurasian watermilfoil (EWM) and curlyleaf pondweed (CLP). He made the following comments:

- This is an important project for Lake Minnetonka and elsewhere in the State of Minnesota on what can realistically be done to manage both EWM and CLP.
- He made the following summary points based on the first three years of this project:
  - EWM and CLP can be reduced on a baywide basis.
  - Baywide treatments may have to be repeated in intervals of two to three years.
  - Baywide treatments of EWM may reduce some native (followed by increases in others).
  - The understanding of this project is increasing.
  - It is difficult to strike a balance between increasing the rate to maximize control of EWM vs. reducing the rate to minimize risk of reducing native plants.
  - Baywide treatments require much effort and resources.
- This project is being done under the auspice of a Lake Vegetation Management Plan. He reviewed three goals defined within the LVMP for EWM, CLP, and native plants.
- Information received on this project is done through a point intercept survey, which he provided further explanation of. Results of 2010, by comparison to 2009, included:
  - Distribution of EWM increased in Grays and Phelps Bays.
  - Distribution of EWM did not decrease as much as hoped in Carmans Bay.
  - Distribution of native plants increased in all three bays.
  - He assessed these results taking into consideration the acres treated and the percent of occurrences based on the point intercept surveys.
- An analysis of triclopyr treatments, based on the 2009 project, was used for a closed bay (Grays) vs. an open bay (Phelps). This took into consideration concentration levels and exposure times.
- Based on the results of the 2009 project, the MN DNR has been operating under an amended objective, although this has not been included in the LVMP. This objective states “The mean number of native species per point may decrease during the year of baywide treatment,

but will be maintained or allowed to increase in at least the first year after baywide treatment.

- He reviewed the treatment plans of these three bays, as well as treatments planned for Gideon and St. Albans Bays, in 2011. The U.S. Army Corps of Engineers plans additional monitoring for this project in 2011, which includes biomass of the plants and hydroacoustic sampling.
- He entertained questions and comments from the Board.

The Board asked a number of questions and made a number of comments, in which Welling responded to. These included:

- What might have contributed to the decrease in the percent of frequency of EWM on Grays Bay from September of 2008 to June of 2009.
- Possible weather impacts on the treatments, such as wind and rain.
- Whether point intercept surveys have been done on other untreated bays to be used as reference sites.
- Whether granular, liquid, or a combination of the two herbicide types are planned for 2011.
- How the costs of the herbicides compare to the cost estimates provided by the Lake Minnetonka Association (LMA) in advance of this five-year project.
- The differences between a scientific project vs. a pilot project.
- How this treatment is being perceived by the bay residents.
- The statistical significance of the percent of frequencies (margin or error).
- Background on why fluridone is not frequently being used in the State of Minnesota.
- How the lily pads recovered in 2010 based on the 2009 project.
- An assessment of this project is planned later in 2011 by the LMCD's AIS Task Force. The Task Force will take into consideration: 1) whether the project is complying with the goals and objectives of the original LVMP, 2) a financial analysis of the project, and 3) a recommendation on whether this project should be considered for other bays in 2013. It was noted that fieldwork would need to be conducted in 2012 if the recommendation were to expand this project to other bays.

Mr. Dick Osgood, LMA Executive Director, commented that the treatment

planned in 2011 for Grays Bays

has been temporarily suspended due to the high discharge rates from the dam. This decision has been

made due to the herbicide being discharged through the dam, which will most likely result in an ineffective

treatment. It is questionable whether a treatment will occur on Grays Bay in 2011 and the LMA has

requested an amended permit from the MN DNR due to these circumstances. He commented on the

percent of frequencies from 2007 through 2010 on Phelps Bay. Although there has not been a significant

reduction in EWM, the bay residents have considered the project a success due to the reduction in the

mass. A similar assessment has been made by Grays Bay residents, although concerns have been

raised by Carmans Bay residents. He expressed his appreciation of the MN DNR to adjust the treatment

protocol and the objectives on an annual basis. He concurred with Welling's assessment that baywide

treatments would be needed every two or three years, with spot treatments in the off years.

McDermott asked what the treatment costs for the five bays in 2011 would be.

Osgood stated that the cost for the five bays, including project management, was projected at \$350,000.

Babcock thanked Welling and Osgood for their attendance and participation at this meeting.

#### **B. 2011 EWM Harvesting Program, staff overview of project**

Babcock asked Harper to provide an overview on this agenda item.

Harper provided an overview of the 2011 EWM Harvesting Program. This included 1) an overview of staff and independent contractors, 2) an overview of the EWM Harvesting Program, and 3) an overview of plans for the 2011

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 employees at an hourly rate of \$11 per hour. He entertained questions and comments from the Board.

Olson suggested an approach that would use a combination of mechanical harvesting and spot treatments with herbicides. He asked if a harvester could be retrofitted to do both.

Nybeck stated that concept could be taken into consideration.

McDermott asked if a bay would not be harvested if a herbicide treatment was planned in 2011.

Harper stated that was correct.

Siakel stated she believed there was need for the LMCD, through its AIS Task Force, to re-evaluate the management of EWM on Lake Minnetonka. She believed that the metric used to evaluate the success of the EWM Harvesting Program was the number of truck loads. She suggested considering another metric(s) to evaluate a successful project. She questioned the effectiveness of the harvesting program. She referred to an aerial photo located on a Carmans Bay website. She believed that a future program should be a multi-faceted program; taking advantage of the various management techniques available, as well as the consideration of science.

The Board briefly discussed this topic. Some of the discussion included: 1) the objective of the harvesting project- to address impediments to public navigation, 2) the methods used by the harvesting project; a combination of clear cutting and tandem cutting, 3) the reduction in budget of the harvesting program over the years, 4) how the effectiveness of the project has changed over the years (acres vs. truck loads, 5) public assessment of the project (good and bad), and 6) what creates fragments (harvesters and non-harvesters).

Siakel stated that she would bring this issue up to the AIS Task Force.

**MOTION:** Gross moved, Jewett seconded to authorize the hiring of seasonal

employees as  
recommended by Harper.

**VOTE:** Motion carried unanimously.

**C. Staff update on “High Water Declaration”**

This update was covered under agenda item 7.

**D. MN DNR, draft Agreement for partial funding of \$6,200 for the 2011 Watercraft Inspection Program**

**MOTION:** McDermott moved, Jewett seconded to approved the MN DNR Agreement as submitted  
in the handout folders.

**VOTE:** Motion carried unanimously.

**10. Update from standing LMCD Committees:**

- Aquatic Invasive Species (AIS) Task Force
- Finance Committee
- Ordinance Review Committee
- Public Safety Committee
- Save the Lake Committee

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

AIS Task Force

There was no AIS Task Force update.

Finance Committee

There was no Finance Committee update.

Ordinance Review Committee

There was no Ordinance Review Committee update.

Public Safety Committee

There was no Public Safety Committee update.

Save the Lake

Olson provided a brief update on the fundraising ideas being considered by the committee. These included: 1) aerial Lake Minnetonka photography, 2) an efforts to explore possible reduced fuel costs at participating gas docks on Lake Minnetonka, and 3) participating in the “Boat in Theater” event planned for July. He anticipated that the MCWD would be assisting in a short production for the “Boat in Theater” event.

## 11. EXECUTIVE DIRECTOR REPORT

Nybeck commented on two items. First, he had recently attend Orono and Victoria city council meetings to discuss the 2010 LMCD Annual Report and the draft 2012 LMCD Budget. Second, the 2011 Watercraft Inspection Program is scheduled to start on May 27<sup>th</sup>.

## 12. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:44 p.m.

Douglas E. Babcock, Chair

Andrew McDermott, Secretary