

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, September 28, 2011
Wayzata City Hall

1. CALL TO ORDER

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

2. ROLL CALL

Members present: Doug Babcock, Tonka Bay; Dan Baasen, Wayzata; Andrew McDermott, Orono; Kelsey Page, Greenwood; David Gross, Deephaven; Anne Hunt, Minnetrista; Jeff Morris, Excelsior; Debbie Siakel, Shorewood; and Roger Swanson, Spring Park. Also present: Charlie LeFevere, LMCD Counsel; Greg Nybeck, Executive Director, Judd Harper, Administrative Technician, and Emily Herman, Administrative Assistant

Members absent: Chris Jewett, Minnetonka; Steve Johnson, Mound; Dennis Klohs; Minnetonka Beach; Bill Olson, Victoria; and Herb Suerth, Woodland.

3. APPROVAL OF AGENDA

Babcock stated that the reference to agenda item #8 should be changed to reflect that the “application” rather than the “public hearing” was continued from the 9/14/11 Regular LMCD Board Meeting. He clarified that the public hearing for this application was never opened.

MOTION: McDermott moved, Hunt seconded to approve the agenda as amended, making the change noted by Babcock above.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Babcock

There were no Chair announcements.

5. APPROVAL OF MINUTES – 9/14/11 LMCD Regular Board Meeting

In follow-up to the change made under agenda item #3 above, Babcock requested that the words “public hearing” be changed to “application” in the last sentence on page 6. This sentence would read, “Babcock stated that unless there was Board objection, he would table this application to the September 28th LMCD Board Meeting.”

MOTION: McDermott moved, Page seconded to approve the minutes from the 9/14/11 LMCD Regular Board Meeting as amended, making the change noted by Babcock above.

VOTE: Ayes (8), Abstained (1, Gross); motion carried.

6. APPROVAL OF CONSENT AGENDA

Nybeck directed the Board to an amended Audit of vouchers within their handout folders. He stated that check #19244 to Curfman's Trucking & Repair, Inc., in the amount of \$4,544, was added to pay off the balance of the Eurasian Watermilfoil Harvesting Program trucking contract.

McDermott moved, Hunt seconded to approve the consent agenda as amended, accepting the amended Audit of vouchers. Motion carried unanimously. Items so approved included: **6A**, Audit of vouchers (9/16/11 – 9/30/11), and **6B**, August financial summary and balance sheet.

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

- Mr. Pat Walsh and Mr. Peter Lanpher, residents at 1390 and 1380 Rest Point Road (respectively) in Orono, were in attendance to request the Board's assistance in solving a dock and canopy issue with a direct neighbor located between them. They provided a brief history of their unresolved efforts, in particular canopy colors and height, and requested that the Board schedule a future agenda item to help resolve this matter.

Babcock recommended that staff schedule a future agenda item to discuss this matter and solicited the Board's input.

McDermott believed that the current regulations relating to canopies warranted further review. The consensus of the Board was for staff to schedule an agenda item relating to this topic (including necessary documentation), as well as a review of the current ordinance pertaining to canopies.

- Mr. Terry Bryce, 16828 Grays Bay Boulevard in Minnetonka, spoke in favor of utilizing the proposed insurance settlement offer (for the capsized mechanical harvester) for season long chemical treatments vs. the purchasing of a new harvester. He provided an overview of his personal beliefs on the benefits of chemical treatments received in Grays Bay vs. the mechanical harvesting that had previously been provided.
- Shorewood Mayor Christine Lizee paraphrased and read a comment made by Minnesota Department of Natural Resources (MN DNR) Commissioner Tom Landwehr in today's Star Tribune. Commissioner Landwehr stated that "The threat posed by Asian Carp requires decisive strokes not just treading water." She stated that at the August 22nd Shorewood City Council Meeting, the city council unanimously passed a resolution that states a regional approach is needed to take on the task of Aquatic Invasive Species (AIS) management. She concurred with Chair Babcock's comments made at the last LMCD Board meeting that a new strategy was needed in dealing with AIS. She believed that a regional, if not statewide, strategy is possible through cooperation and collaboration as one cannot do this alone. A balanced approach will not work and they look forward to working with those involved in this matter.

Babcock thanked all above for their comments.

Swanson arrived at 7:09 p.m.

8. PUBLIC HEARING (application continued from the 9/14/11 Regular LMCD Board Meeting)

- **Russ & Gina Nettle and Ed Alexander**, dock length, side setback, and adjusted DUA variance application to amend a previously approved variance for a combined dock at 4658 and 4662 Kildare Road (staff recommends continuing consideration of the application to 10/12/11 Regular LMCD Board Meeting).

Babcock stated that staff had requested this agenda item be moved for consideration at the next Board meeting.

Nybeck stated that in follow-up to direction from the Board on September 14th, progress is being made on revised site plans for the Board's consideration. Those plans are being drawn up after on-site meetings that were held with Mr. Alexander and a local dock installer. He believed that draft proposals will be available for consideration at the October 12th Board meeting.

Seeing no objection from the Board, Babcock continued the consideration of the application to the October 12th Regular LMCD Board Meeting.

9. OTHER BUSINESS

A. MCWD, update on possible ideas to manage and prevent the spread of AIS

Babcock asked Nybeck to provide background of this agenda item.

Nybeck stated this agenda item was scheduled based on LMCD Board discussion at their September 14th meeting. At that time, the Board had interest in receiving an update from Board member Bill Olson on a August 25th Minnehaha Creek Watershed District (MCWD) Board of Managers meeting in which a draft Aquatic Invasive Species (AIS) Plan was discussed. As Olson was unable to attend that meeting, nor this one, Olson asked MCWD Administrator Eric Evenson to address the Board.

Babcock welcomed Evenson and invited him to address the Board.

Mr. Eric Evenson introduced MCWD Board of Manager, and Gleason Lake resident, Lee Keeley who was in attendance. He stated that he had an opportunity to review discussions held at the September 14th LMCD Board meeting and respective draft minutes. He stated he was in attendance at this meeting to answer Board questions. Prior to doing so, he thought it was appropriate to provide the Board with some background on what the role of the MCWD is as it relates to AIS, what they are currently doing, and where they are planning to go. He prefaced that specifics were not available as the AIS Comprehensive Plan before the Board had not yet been developed. With that said, the following is a summary of his comments:

- He has been employed with the MCWD since 1998, in which the District has had a long, on-going connection with various AIS management programs (i.e, carp removal, curlyleaf pondweed, flowering rush, and zebra mussels). He provided a brief overview of their involvement with the programs, as well as respective partnering agencies.
- He provided an overview of their current project (draft Christmas Lake AIS Plan) that was initiated about a year ago from conversations with a member of the Lake Minnewashta Association, as well as Christmas and Lotus Lake Association members. He believed that it is this current project that is

raising the most questions with the LMCD Board. For this reason, he provided the following overview of a conceptualized pilot project for Christmas Lake:

- To require inspections prior to the launching of boats; minimizing the costs by establishing a single inspection station that would serve Christmas Lake, Lotus Lake, and Lake Minnewashta and narrowing the lakes' accesses to a single, gated point of entry. Once a watercraft operator past their inspection, they would receive a code to access the gated launch.
- In talking with the MN DNR, more information was requested. Therefore, the MCWD was asked to put together a draft Christmas Lake AIS Management Plan. That draft Plan was created, in which the conceptualized "concepts" were documented on a broader basis. In referring to those concepts, he wanted to make it very clear that the MCWD was not proposing to place gates at every access on Lake Minnetonka. He further stated that the intent of the draft Plan was to provide concepts for use at Christmas Lake (acknowledging that he could not foresee what the future will bring for AIS management on Lake Minnetonka).
- The MCWD Board of Managers has directed staff to work with a company from Grand Forks, North Dakota, to assist in identifying watercraft that have been in infested waters (at a reduced cost). He acknowledged that the technology would be tested within the watershed, but, if accepted, could be utilized statewide.
- The MCWD Board of Managers has directed staff to proceed with a major Plan amendment. For the MCWD to follow through with an AIS project, the District needs to include that project in their Water Management Plan. He provided an overview of that process, as well as what is required for a minor vs. major Plan amendment.
- The MCWD Board of Managers has directed staff to solicit a long-term commitment of support from the member cities within the Watershed District prior to expending a large amount of funds to develop and implement a Comprehensive AIS Management Plan. The City of Shorewood was the first to adopt a resolution of support.
- The MCWD's current involvement in the management of AIS was initiated with the infestation of zebra mussels in Lake Minnetonka; acknowledging the infestation was making other surrounding lake residents nervous as they were aware of what could happen to the remaining un-infested portions of the watershed. The MN DNR, MCWD, nor any one agency, can manage the spread of AIS by themselves; stating that it must be a collective effort.
- The MCWD Board of Managers has authorized the hiring of an AIS specialist, in which the advertisement for the position was submitted this date for fulfillment by the end of October. One of the primary responsibilities of this position will be to develop a Comprehensive AIS Management Plan (prepared in collaboration with the LMCD, MN DNR, Three Rivers Park District, Lake Associations, cities, and surrounding public agencies). He indicated that he would want to capitalize on the expertise and experience of the LMCD and others in the development of this Plan.
- He addressed the funding of the draft Plan and the questions that were raised by the LMCD Board at the September 14th meeting. The MCWD has the ability to raise funds on an ad valorem basis (collecting funds from the property taxes within the Watershed District). He estimated that \$3 per residence would provide for \$1,000,000 (acknowledging that he did not believe the draft Plan was a \$1,000,000 effort but a multiple year effort that will require a great deal of resources). The MCWD can also fund projects on a sub-watershed, city by city, or fee basis.

- The next step for the MCWD is to continue working with Christmas, Lotus, and Minnewashta Lake Associations. The MCWD is asking communities if they are interested in the District moving forward with AIS planning. If the MCWD does not receive community support, he did not know if the District would be involved in the management of AIS. However, he would commit to working with those communities that support the role of the Watershed District in this issue. He could not know what the Plan would look like in the end, but acknowledged that the MCWD could not get their by themselves.
- He entertained questions and comments from the Board.

Babcock stated that it has been the position of LMCD, since 1987, to welcome any type of efforts that will help reduce the introduction or impact of AIS in Lake Minnetonka. He acknowledged that the draft Plan is the first formerly written concepts provided by the MCWD and that it calls for some pretty extensive changes to the way we operate today. He appreciated the efforts of the MCWD in stepping up to this cause; however, he asked why Lake Minnetonka had to be sacrificed to get to this point. He prefaced that the LMCD has been soliciting outside help since 1991 and that currently the cause for the prevention of zebra mussels had been lost; expecting devastating repercussions over the next five years and beyond. He would have welcomed the MCWD's logistical and funding assistance many years ago. He provided a statistical analysis of the infested bodies of water in the State of Minnesota today vs. what they were 20 years ago (acknowledging that containment is a much tougher problem to solve than prevention). He was skeptical that the expenditure of funds will prevent the introduction of AIS to the surrounding uninfested bodies of water than he was back then. He reiterated that he appreciated the enhanced program and commitment presented at this meeting, but, again, questioned as to why Lake Minnetonka had to be sacrificed to get to this point.

Evenson stated that the infestation of zebra mussels on Lake Minnetonka was a terrible day for all involved. He recognized how deeply personal this matter is and acknowledged the costs involved in living with zebra mussels to every homeowner on Lake Minnetonka (starting this fall). He stated that the Legislative-Citizen Commission on Minnesota Resources (LCCMR) had a tour this date, in which they invited the MCWD to talk about some of their programs. During that tour, a MN DNR Conservation Officer displayed a picture of a boat that was taken out of the lake from three months ago (providing for the entire area below the waterline to be blackened with zebra mussels). He turned the discussion back to the draft Christmas Lake AIS Management Plan by reiterating that the Plan was written strictly for the purpose of implementing the pilot project on Christmas and Lotus Lakes and that it was not intended to be utilized district wide.

Babcock questioned Evenson on that last comment as his verbal statement contradicts the draft Plan that was published (providing for gates at 69 public accesses within the Watershed District, including Lake Minnetonka).

Evenson concurred that those numbers, noted above, are in the draft Christmas Lake AIS Management Plan. However, they are provided for illustrative purposes only as nothing else has been prepared. The material that was submitted by the MCWD and mailed in the LMCD Board packet was a copy of a request for a major Plan amendment to the Water Resource Management Plan, not a Plan. The request for a Plan amendment describes "what could be done" and not "what will be done." In order to complete a

Water Resource Management Plan amendment, the MCWD has to hear from various entities to see whether or not the framework of the Water Resource Management Plan makes sense; in which they are going to push the edges of the frame to include various concepts of how AIS may be managed. He reiterated that there is nothing in place that states what the MCWD will do at this time, other than for items related to Christmas Lake. In response to Babcock's comment as to where the MCWD was over the past 20 years, he stated that the MCWD was involved in some areas of AIS (including programs on Lake Minnetonka). The MCWD has supported the LMCD programs, as well as others, i.e., educational and peace officer training programs. He indicated that he would have loved to turn back the clock but we needed to move forward. He reminded the Board that the MCWD has another 128 bodies of water within the Watershed District that need to be protected and that he does not want to see what happened in Lake Minnetonka happen in Christmas Lake, Lake Minnewashta, Lake Calhoun, and other lakes in the District.

Babcock asked why Christmas Lake was more important than Lake Minnetonka (acknowledging the number of residents on each lake).

Evenson stated he does not care more about one body of water than another and that we need to stop making the comment that the MCWD is going to stop access to Lake Minnetonka.

Siakel stated that she believed Evenson had already stated that the entire draft Comprehensive AIS Management Plan is not in place. She asked for the floor and thanked Evenson for his attendance. The discussion on the management and prevention of AIS is a "move forward" situation rather than a "would of" or "could of" situation. She appreciated and liked the MCWD's technical expertise and ability to hire an AIS specialist; both of which she believed had not previously been provided. She reiterated her comments of September 14th, in which she stated she was in favor of a comprehensive Plan as currently all we have is a harvesting and a pilot chemical treatment program for the management of milfoil. She favors a comprehensive Plan that provides for all agencies to work together. What has happened in the past does not resonate with her as much as who has the best ability to build a Plan that can currently meet the needs of Lake Minnetonka.

Babcock stated that he believed Lake Minnetonka does not need a new Plan because zebra mussels and milfoil are already in Lake Minnetonka.

Siakel acknowledged there are many other AIS that have not yet infested Lake Minnetonka and that managing AIS is more than a Lake Minnetonka issue- it is a regional issue.

Babcock stated that the LMCD Board is charged with the management of Lake Minnetonka (including surface water use, public accesses, etc.).

Siakel stated that she believed AIS was not in the original charter of the LMCD and that the agency has evolved into the management of AIS. Furthermore, she acknowledged that the LMCD does not have the current funding, or the ability to raise it, to take us into the future of AIS management and prevention.

Page asked if the MN DNR had the ability to look over the draft Plan, including what had been proposed, and what their feedback was to the regulatory portion of the Plan.

Evenson stated that there are two discussions going on with the MN DNR. First, the MN DNR is reviewing the draft Plan for the Christmas Lake project. The MCWD has not yet heard from the MN DNR other than they have some concerns with elements of the Christmas Lake Plan related to possible legislative limits on their ability to delegate regulatory authority. Second, the MCWD has been working with the City of Shorewood on a Joint Powers Agreement to address some of the MN DNR's concerns (delegating inspections and managing accesses). He believed that some individuals at the MN DNR appeared open to delegating inspection authorities. He also indicated that he erred in trying to create a partnership between the citizens and the MN DNR as he had originally hoped that the Plan would be a citizen based Plan. However, the MN DNR has communicated that they prefer to work with an agency rather than a lake association; therefore, they asked the MCWD to take the lead in preparing the Plan.

Page asked Evenson to comment on the "big picture" of the draft Christmas Lake AIS Management Plan, which documented the regulation of public accesses. He further explained that it was his understanding, given past conversations, that the MN DNR's position on buying and creating public accesses is that the lakes in Minnesota are unfettered access. He asked if the MN DNR is changing their position.

Evenson stated he did not know what the state's position will ultimately be on regulating public accesses. He asked the Board to be careful in calling the document, "a Plan", as it is a "Request for a Plan Amendment."

Babcock asked Evenson when he would be able to give the Board something in writing that is a Plan.

Evenson estimated the Plan to be in writing within six months (after the LMCD and other public agencies get together and devise the Plan). He stated that all of us are desperate for the solution to problems associated with AIS and that he did not know what the ultimate solution would be. He stated that he did not have all the answers and that he did not want to leave this meeting until the majority of the Board understood that the MCWD is not coming out to say that we are going to put up a gate at every access on Lake Minnetonka. The information included in the draft Christmas Lake Plan was included for illustrative purposes to show the difference in the costs between having staffed inspection points at every access vs. some other form of control. He indicated that it might be more cost effective to have a single inspection point that serves multiple accesses and that it could be possible to partner with the business community or other agencies to do the inspections. He believed that the Christmas Lake project made a lot of sense; testing a number of different possibilities to make it work.

Babcock stated that he was in full support of the Christmas Lake Association doing whatever is in their power to prevent the introduction of AIS. The LMCD has tried, within its regulatory authority, to prevent the introduction of zebra mussels. The LMCD's efforts delayed the introduction, but did not prevent such. Any efforts the MCWD can do to prevent the introduction of AIS in other bodies of water are not up for debate, but the documented closing of Lake Minnetonka public accesses, as part of that program, is.

Siakel stated that the draft Plan is being taken out of context and we need to move forward.

Evenson stated that he is not proposing to close Lake Minnetonka.

McDermott requested confirmation that the MCWD and the City of Shorewood are seeking the local municipalities' support for the MCWD's management of AIS. Additionally, he asked what the MCWD's short-term goals are to address the management of milfoil and other AIS.

Evenson confirmed the MCWD was seeking the municipalities' support and that they did not have a short-term Plan to manage milfoil and other AIS. He stated the key to a successful program is the municipalities' support for a comprehensive, long-term program. He indicated that the process of preparing and implementing the Plan requires considerable staff time and resources. Therefore, if the municipalities do not support the Plan, then the MCWD will step back. The City of Shorewood has adopted a resolution of support and submitted it to the local municipalities; recommending that they do the same. The MCWD will also follow-up with a letter to the local municipalities. The MCWD Board has indicated a willingness to dedicate staff time and funds into preventing the spread of AIS if they have the support of the communities. He did not believe that the MCWD Board would be willing to move forward with this effort without that support. Additionally, he did not believe that the state had the resources to adequately address AIS in the Watershed District.

Babcock stated that the LMCD moved forward in the prevention and management of AIS without support. He asked the MCWD to do the right thing independent of broad based community support or not. He did not support placing further restrictions and penalties on the local community that is dealing with this problem. He did not believe a new local program was needed but a state policy that encouraged responsible public access and control development vs. free public access and development. To this end, he asked what the MCWD was doing with the other watershed districts to make this a statewide comprehensive Plan.

Evenson supported Babcock's rationale to have responsible public access and control development. He stated that the MCWD has been working with the other watershed districts for a number of years; trying to get this matter on the legislative agenda. There are not many other watershed districts that have stepped up to the plate, with the exception of the Pelican River Watershed District. Additionally, the MCWD has been working with Minnesota Waters (MN Waters) and other lake associations. He believed there are more citizen-based support groups that are stepping up to the plate than ever before, in which the MCWD is trying to capture that enthusiasm and build their desire to get something done.

Page asked if it was the MCWD's long-term intention to continue being involved in the LMCD's AIS Task Force, in which Evenson confirmed he would be happy to maintain their involvement.

Babcock asked how the LMCD could work with the MCWD on management and prevention program funding.

Evenson indicated that there were two things needed. First, there is a need for on-going dialog on these issues. Second, we need to be careful not to misrepresent what is being said. He believed that we should be supportive of each other's efforts and continue to seek support of the communities and local agencies. He suggested that a letter of support from the LMCD for a Comprehensive AIS Management Plan would send a powerful message to the MCWD.

Babcock stated that letters of support have been sent in the past; however, the LMCD could do it again.

Baasen stated that he believed it was premature for communities to adopt a resolution of support, placing the MCWD in charge of AIS prevention and management without a specific Plan in place.

Evenson stated that he raised the same question to his Board of Managers; acknowledging that it may be premature to consider support without concrete Plans. However, the Board of Managers stated that substantial funds could not be expended (including political capital) without the initial, good faith support of the communities prior to proceeding. He believed that the MCWD and the LMCD could also work together on a good faith basis.

Babcock stated that he had spoken to a member of the fishing lobby who had stated that a MCWD representative was not present at any of the state AIS or LMCD AIS Task Force meetings, which provides for a perception that the MCWD is new to the game. He expounded on the need of the MCWD to hire an AIS expert and challenged the MCWD to educate themselves on the matter of AIS quickly. He believed that the Minnesota Sea Grant and U.S. Corp. of Engineers have already provided that level of education.

Evenson reiterated that we need to choose our words very carefully so that we do not put a negative twist on things. The MCWD is not hiring an AIS expert but a specialist to take us through the planning process and to be a liaison to the MN DNR. He indicated that he was open minded and will listen to others to develop a strategy to deal with AIS.

Baasen concurred that all need to work together on this matter. However, in attending a lake association meeting held at the MCWD office this date, he heard an attack on the MN DNR. He did not believe that was a good start to a collaborative relationship and recommended the need to enrich, support, and enhance all agencies involved.

Evenson appreciated Baasen's comments and acknowledged that he respected many MN DNR representatives. However, he expects leadership from the commissioner and acknowledged that was not fully provided, although he believed the commissioner was a good person. He expounded on the quality of MN DNR staff and other positive aspects they provided in the management and prevention of AIS.

Siakel personally did not view the solicitation of the communities' support as placing the MCWD "in charge" of AIS prevention and management. She believed that this effort will take the collaboration of many agencies. What she does see the MCWD doing is developing and driving a comprehensive Plan for the future that is managed through multiple agencies.

Babcock asked Mayor Lizee' to comment on the resolution of support that was adopted by the City of Shorewood.

Lizee' stated the resolution was not intended to be the City of Shorewood vs. anyone. It was an effort to start a collaborative working effort amongst all agencies. The resolution does ask the MCWD to manage AIS on a regional basis for the purpose of taking on a leadership role in the coordination and

implementation of a comprehensive AIS program. She believed the word “coordinating” is a collaborating effort and not placing the agency “in charge.”

Babcock stated that the draft Plan will have its challenges for state controlled public accesses; providing for the example that during the state shutdown, the LMCD volunteered to place Volt watercraft inspectors at the two state-controlled public accesses for continued coverage. However, due to the state policy, the LMCD was unable to do so. As Christmas Lake maintains a state controlled access, the MCWD will want to work with the MN DNR as they have the final say of what can be accomplished.

Evenson acknowledged the challenges, pointing out that there are new challenges that we are now facing, and that we need to consider new, innovative alternatives. The MCWD is willing to take on a leadership role in the management of AIS, although he believed that leadership is not synonymous to control. For the MCWD to accomplish this task, education, research, and capital investment are needed if the community support is there.

Gross applauded the MCWD’s involvement. However, he stated a district wide approach was not good enough as we need a state and national approach. Additionally, he believed that humanity has never stopped the spread of AIS and cannot do so now.

Seeing no further Board comments, Babcock invited the audience to comment.

Mr. Gabriel Jabbour, 985 Tonkawa Road in Orono, commented on Congress and their approach in solving matters. The LMCD was founded as a coordinating agency with a total levy limit of approximately \$125,000. With respect to current AIS matters, he offered the following: 1) adopt a joint vision, 2) not adopt the “I told you so” approach, 3) don’t be shy in accepting help, 4) solicit the attorney general’s opinion on the legalities of unfettered public access (in which the attorney general told the MCWD that he did not have the time), 5) provide a united front to get the State policies in order, and 6) provide the MCWD with all known AIS knowledge. Lastly, he stated that he asked the MN DNR commissioner to not let their limited budget stop the flow of ideas (expounding on the wealth of funding that can be provided with a united front).

Mr. Dick Osgood, Board member and Chair of the AIS Committee for MN Waters, stated that he concurred that the management of AIS is a statewide issue. He believed the prior negative comments about the MN DNR were misplaced, in that the commissioner has made it very clear to the MN Waters that they cannot manage AIS alone and asked them to assist. Until the state can implement a comprehensive statewide program, MN Waters is relying on a regional AIS management approach. He stated that MN Waters supports the initiative of the MCWD and hopes others will follow.

McDermott clarified that the LMCD did not come out and state the LMCD does not support the MCWD’s initiatives. However, he acknowledged some isolated feedback from various Board members.

Babcock thanked Evenson for addressing the Board. He offered the LMCD’s assistance in this endeavor and looked forward to more dialog. To this end, he expressed his interest in Lake Minnetonka not being the first public body of water to have closed accesses.

The meeting was recessed at 8:25 p.m. and reconvened at 8:36 p.m.

B. Staff update on 2011 multiple dock license inspections.

Babcock asked Harper to provide background on this agenda item.

Harper directed the Board to his memo, dated 9/22/11, in which he provided an overview of 2011 multiple dock license inspections. A summary of his comments were as follows:

- Multiple dock license inspections are conducted to verify compliance with LMCD Code Section 2.03. Inspections for compliance provide for installation and storage consistent with the approved site plan, license conditions, and variance/special density orders (if applicable). Inspections for 2011 were performed from late May through early September.
- There were 120 multiple dock licensed sites inspected, four of which were District Mooring Area licenses. Of those, 101 passed first inspection and 19 failed due to boat storage and/or dock installation, as well as specific license conditions (outlined within his memo).
- Inspection reports were provided to all licensees, noting pass or failure, as well as a request to provide proof of all special density amenities (if applicable). Re-inspections were completed on the 19 sites noted above, in which he provided an overview of those results that were outlined within his staff memo (including an overview of Wayzata Yacht Club (WYC) and Wayzata Community Sailing Center (WCSC) compliance status).
- He reviewed the following observations for the Ordinance Review Committee to possibly address: 1) unrestricted watercraft storage, 2) dock boxes, and 3) boat lifts. The Board had a brief discussion on the basis for these considerations.
- He entertained questions and comments by the Board.

Babcock asked if the WYC and WCSC's non-compliance issues discussed last winter were addressed, in which Harper confirmed that they were.

C. LMCIT, staff update on Insurance Claim #8560

Babcock asked Nybeck for background on this agenda item.

Nybeck stated that during the September 14th Board meeting, an update on the 2011 Eurasian Watermilfoil Harvesting Program was provided. This discussion included the capsized harvester, the offer made from the insurance trust, and whether or not the harvester should be replaced. In follow-up to that discussion, the following was offered:

- At the October 21st meeting, the AIS Task Force will consider all three discussion items noted above. Follow-up Board discussion is planned for the October 26th Regular Board meeting.
- Proposed specifications for the potential purchase of a harvester were sent out to respective companies for review and comment (due October 5th). Proposed specifications, possibly including these comments, will be presented to the Board for possible consideration at the October 26th meeting.
- He directed the Board to an email in the packet from Mr. Mark Lenz of Bearence Management

Group (account executive for the LMCD's insurance). He confirmed that 180 days was typical for the settlement of a claim. Lenz acknowledged that extenuating circumstances may be considered for an extension of time (based on the settlement being offered by a trust company vs. an insurance company). Page recommended making the decision of whether to replace the capsized harvester within 180 days; providing for the settlement offer to be finalized.

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

Page stated that a meeting is scheduled for Friday, October 21st.

McDermott asked if the Task Force was going to look at other control measures for the management of AIS prior to the Board's consideration of replacing the harvester.

Nybeck confirmed that he was currently working with AIS Task Force co-chairs Suerth and Page on setting up the agenda for this meeting, including necessary attachments. This will include an assessment of the need for future mechanical harvesting, as well an assessment of the goals and objectives spelled out in the Lake Vegetation Management Plan for the coordinated herbicide treatment project from 2008 through 2011.

The Board briefly discussed the various options in the management of milfoil, in which the following comments were provided:

- A review of the State's policy on the maximum percent of surface water that can be chemically treated on a littoral basis.
- Confirmation that the LMA had historically asked the Board to replace outgoing harvesters with chemical treatments, in which the approved LVMP was written to compare the fourth year treatment results prior to making that decision. The AIS Task Force is currently at that juncture in which they need to make the comparison and recommendation to the Board as to whether to manage milfoil by harvesting, chemical treatments, or a combination of both.
- Confirmation that staff is in the process of providing a detailed cost comparison of the options noted above, in which a recommendation was made to identify the critical public navigational areas so that the cost analysis of chemical treatments are apples to apples with areas harvested. Discussion was held on the measurements of navigational areas.
- Confirmation that public navigation does not mean public channels only but out to open water from marinas, residential docks, public accesses, etc. (utilizing clear cutting, channel cutting, or a combination of the two).
- The pros and cons of manually pulling milfoil, as well as the notation that St. Albans bay is now

dealing with the matting of sea grass after its chemical treatments.

- Confirmation from Page that the Task Force will have a thorough discussion on the various options to manage AIS (including cost comparisons) prior to reporting to the Board.

Finance Committee

Nybeck stated an investment in a Certificate of Deposit was recently made.

Ordinance Review Committee

Babcock stated a meeting is pending to be scheduled, in which McDermott reiterated the need to address concerns raised from the neighboring property owners under "Public Comments" above.

Personnel Committee

Nybeck stated a meeting will be scheduled in the near future.

Public Safety Committee

In Johnson's absence, Siakel recognized the recent loss of special deputy Denny Smith who was a volunteer with the Hennepin County Sheriffs Water Patrol. Officer Smith worked with the Water Patrol for over eight years (logging over 2,000 volunteer hours) protecting and serving Lake Minnetonka. She could not speak enough about Officer Smith; who was an asset to the community and will be dearly missed.

Babcock thanked Siakel for bringing this to their attention and offered the LMCD's personal condolences to the family and the Hennepin County Sheriff's Office staff. He acknowledged that special deputies provide an unbelievable level of service that would not be provided on budgeted funds alone.

Save the Lake

Nybeck stated a meeting will be scheduled in the near future.

11. EXECUTIVE DIRECTOR REPORT

There was no Executive Director Report.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:15 p.m.

Douglas E. Babcock, Chair

Andrew McDermott, Secretary