

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, February 8, 2012
Wayzata City Hall

1. CALL TO ORDER

Babcock called the meeting to order at 7:02 p.m.

2. ROLL CALL

Members present: Doug Babcock, Tonka Bay; Dan Baasen, Wayzata; Kelsey Page, Greenwood; James Doak, Woodland; Gary Hughes, Spring Park; Anne Hunt, Minnetrista; Steve Johnson, Mound; Keith Kask, Deephaven; Dennis Klohs, Minnetonka Beach; Jeff Morris, Excelsior; Bill Olson, Victoria; Sue Shuff, Minnetonka; and Mark Sylvester, Shorewood. Also present: Charlie LeFevere, LMCD Counsel; Greg Nybeck, Executive Director, Judd Harper, Administrative Technician, and Emily Herman, Administrative Assistant.

Members absent: Andrew McDermott, Orono

3. APPROVAL OF AGENDA

MOTION: Baasen moved, Page seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Babcock

Babcock made the following Chair announcements:

- The 45th annual Save the Lake Recognition Banquet is scheduled for February 15th at the Lafayette Club. Baasen recommended all Board members solicit the attendance of their respective municipal representatives, in which Babcock further invited all from the viewing audience that are interested to attend, as well.
- The Cities of Minnetonka and Woodland have recently appointed Sue Shuff and James Doak, respectively, as a new Board member to the LMCD. He welcomed Shuff and Doak on behalf of the Board and asked LeFevere to administer the oath of office, in which LeFevere did. Both were seated as LMCD Board representatives.
- He solicited the Board's interest in cancelling the Regular Board Meeting scheduled for February 22nd and scheduling a Board Workshop/Planning Session for February 29th in its place. He asked Nybeck to provide further comments on this.

Nybeck stated that staff recommends a Workshop/Planning Session be scheduled to provide for a new Board member orientation session, as well as initiating discussion on the current LMCD Code pertaining to personal watercraft (PWC). This matter has been referred to the Ordinance Review Committee by the Board. He recommended the Session be held at 6:00 p.m., February 29th, at Wayzata City Hall.

Seeing no objections from the Board, Babcock confirmed the February 22nd Regular Board meeting had been cancelled and the Workshop/Planning Session was scheduled, as noted above.

Olson arrived at 7:06 p.m.

- Sue Shuff has been appointed to replace Chris Jewett who has been representing the City of Minnetonka until a new representative could be appointed (due to relocating to another city). Babcock publically thanked Jewett for his dedication of service to the LMCD, in which he provided a great deal of knowledge and passion.
- The Lake Minnetonka Cable Commission (LMCC) has updated the viewing options of the LMCD Board meetings; providing for "agenda parced" viewing. He welcomed all to log on to their website at www.lmcc-tv.org to review this option.

Nybeck stated that, effective immediately, the Hennepin County Sheriff's Department will be closing all public accesses to motorized (automobile) traffic within Hennepin County due to the ice conditions. A press release announcing this is pending from the Sheriff's Department.

5. APPROVAL OF MINUTES – 1/25/12 LMCD Regular Board Meeting

MOTION: Baasen moved, Shuff seconded to approve the minutes from the 1/25/12 LMCD Regular Board Meeting as submitted.

VOTE: Ayes (12); Abstained (1, Kask); motion carried.

6. APPROVAL OF CONSENT AGENDA

Shuff moved, Morris seconded to approve the consent agenda as submitted. Items so approved included: **6A**, Audit of vouchers (2/1/12 – 2/15/12); **6B, William Mernik**, approval of draft Findings of Fact and Order approving side setback variance for a permanent dock; and **6C, LMCD Resolution 126**, a resolution designating appointments for 2012.

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

There were no public comments.

8. PUBLIC HEARINGS

There were no public hearings scheduled.

9. OTHER BUSINESS

A. Staff update on 2011 Strategic Plan project to document current car/trailer spaces on Lake Minnetonka.

Babcock asked Harper for background on this agenda item.

Harper stated that the LMCD's adopted Strategic Plan provides for an objective to "Promote public access

to Lake Minnetonka" with a goal to document current Lake car/trailer spaces. He reviewed the project task, responsible party, timeframe, and deliverables (to prepare a car/trailer map). The fieldwork for this project was completed on November 8th, utilizing GIS software for the preparation of the map. Analysis was completed utilizing concepts outlined within the 1994 Lake Minnetonka Lake Access Task Force (LATF) Report. He directed the Board to a 2011 Lake Minnetonka public access map, in which he is currently refining. He reviewed the seven physical standards that the 1993 LATF adopted for available car/trailer spaces. Additionally, he reviewed three categories (100%, 80%, and 60%) in which a percentage of car/trailer spaces were certifiable toward the LMCD's goal of 700. He directed the Board to a spreadsheet that summarized 1993 and 2011 car/trailer parking inventory statistics, in which he provided a detailed review and explanation. He acknowledged that the total number of car/trailer spaces have generally remained the same; however, the quality of spaces available has improved considerably primarily due to the opening of the public accesses at Maxwell Bay, Grays Bay, and the Lake Minnetonka Regional Park. He entertained questions and comments from the Board, in which he provided an overview of Cooks Bay public access parking restrictions.

Nybeck stated that staff's assessment of some of the statistical information was derived from information obtained in 2010 when staff completed a project that documented the number of car/trailer launches at public accesses during a boating season. He believed that this project provided for insight on where some of the parking is taking place.

Babcock stated that he served on the 1993 LATF and that the LMCD's goal of having 700 car/trailer parking spaces (noted above) had been agreed upon by multiple agencies. That number was based on the standard of one boat per 20 acres of water surface (Lake Minnetonka has approximately 14,000 acres). Although 1993 counts have ranged up to 1,000 car/trailers parked around Lake Minnetonka (during a fishing special event), the spaces were not dedicated (grass parking, etc.). Therefore, the discussion turned to obtaining 700 quality/dedicated parking spaces vs. just quantity. With that said, he asked staff to look at how the 60% (noted by Harper above) is being applied, possibly providing for some of those areas to be documented within the map. Additionally, he has asked staff to calendar the upcoming crappie fishing tournament as a guide in documenting the various parking locations for the 60% rule. He reminded the Board that the LATF Report, provided to them at the last meeting, outlined the criteria needed to obtain other access areas around the lake that are currently not being served by one, in which a few possibilities were discussed. In closing, he acknowledged staff's work on this project and offered his assistance to further refine information provided.

B. Discussion of LMCD Code relating to low-water conditions for docks (licensed and unlicensed).

Babcock asked Nybeck for background on this agenda item.

Nybeck stated that at the January 25th Board meeting, a request was made to confirm the current lake level due to the lack of snow fall. At this meeting, Board member Olson documented that the most current reading was 927.83' on the Minnehaha Creek Watershed District (MCWD) website. At that time, the Board directed staff to provide an update on water levels and a review of the LMCD Code pertaining to granting, by resolution, low water dock extensions (last done in the 1980's). He reviewed the following policies adhered to by the MCWD in managing lake levels via the Grays Bay Dam: 1) that the dam is

closed when the water level reaches 928.60' or below (as per MN DNR policy), 2) that prior to each winter, the MCWD reduces the Lake level to 928.60 (or slightly below), and 3) that the last lake level (documented 11/16/11) was 927.83'. Additionally, he provided water level readings from 1997-2011; specifically documenting similar low water years in 2000 and 2009. He provided a detailed overview of the Code for unlicensed sites (Section 2.01; Subd. 2d) and licensed sites (Section 1.07; Subd. 9). He believed that Board action was not necessary at this time as staff will continue to monitor water levels during the winter thaw and spring precipitation. He entertained questions and comments from the Board.

Babcock stated that if the Board adopts a resolution providing for temporary low water dock extensions, the Executive Director has the ability to provide approval under non-licensed conditions. If a resolution is not adopted, all dock extension variance requests are required to meet current application requirements (including a public hearing and Board approval).

Nybeck stated that if the Board considers such a resolution, staff will address the following two matters for Board consideration: 1) an established compliance policy in not allowing the continuance of placing extra dock sections when the resolution is not in affect and 2) the management and prevention of AIS (i.e., the removal and re-placement of extra dock sections).

Babcock recommended consideration of dock removal by the end of the boating season. Additionally, he stated the MN DNR recommends a 21 day lay-up period for docks to be sold or removed.

C. Discussion of 2012 AIS Management and Prevention Projects for Lake Minnetonka

Babcock asked Nybeck to provide background on this agenda item.

Nybeck stated that Baasen, MCWD District Administrator Eric Evenson, Gabriel Jabbour, and he recently met with MN DNR staff (Heidi Wolf and Luke Skinner) for the purpose of discussing management and prevention plans for 2012. As a result of that meeting, he made the following comments:

- He reviewed the adopted 2012 Aquatic Invasive Species (AIS) budget; outlining three specific programs that totaled \$153,633 (mechanical harvesting, coordinated herbicide treatments, and watercraft inspection).
- He provided a detailed overview of historical watercraft inspection programs; in particular 2011. He reviewed the established partnerships (MN DNR, Volt Workforce Solutions (Volt), and the Three Rivers Park District (TRPD). This included: 1) the public accesses covered, 2) the days and times covered, 3) how the program has expanded; and 4) the number of inspection hours provided (including background on the State shutdown, contract details; and funding sources).
- He solicited the Board's input and approval, where needed, on the proposed 2012 LMCD watercraft inspection program. He and Evenson met with Volt to discuss continued partnership opportunities. He provided a detailed overview of a proposed contract with VOLT (budget, benefits received, accesses covered and their peak days and times, as well as funding sources). He directed the Board to a MN DNR grant application; soliciting their approval to submit it by February 21st for \$7,750. He acknowledged that the TRPD will continue providing their in-kind services (gate attendants at the Regional Park).
- He reviewed five projects that the LMCD has the ability to partnership with the MCWD on. Those

projects included the following: 1) the development of a comprehensive, watershed-wide AIS management plan, 2) the training of Lake service providers (reviewing training meeting dates and coordination efforts for training in this area), 3) a weevil demonstration project (Libbs Lake and Veteran's Bay), 4) follow-up work on the 2011 comprehensive flowering rush removal project, and 5) a comprehensive carp management program (coordinated with the University of Minnesota).

- He entertained questions and comments from the Board; offering that Olson, Hunt, and Evenson (in the audience) who were available to address questions, as well.

Hunt stated that a representative from EnviroScience (the weevil demonstration project) will be available after March 19th, in which she invited the Board to meet with the company representative.

Olson stated that the MCWD has been working on a proposed agreement with EnviroScience for the above noted project. He reminded the Board that Save the Lake funds have been approved for one herbicide treatment on Libbs Lake in 2012. However, herbicide treatments are not recommended due to containment restraints. He stated that the growth of the weevil's larva kills the plant and that the MCWD is also looking at Veterans Bay. He expounded on the flowing rush removal program (finding four more beds), as well as the carp management program. He believed the partnership between the LMCD and the MCWD in working together on the ongoing activities is a great opportunity to focus on AIS.

Sylvester asked if the LMCD knows how many of the boats that entered Lake Minnetonka in 2011 were inspected (in hopes of establishing an effective rate).

Nybeck stated that the 2010 car/trailer launch project the LMCD completed indicated there was an estimated 60,000 launches on an annual basis. His recollection, which did not include the LMCD's watercraft inspections, provided for the MN DNR to document about 12,000 to 13,000 watercraft inspections for incoming watercraft. He did not have the LMCD's inspection numbers conducted by Volt documented; however, those would also need to be added. He stated that effectiveness is a tough question to respond to (communicating to the Board that many of the inspections are launches from repeat car/trailers).

Hunt questioned if the prior year's unspent funds could be utilized for additional AIS initiatives.

Nybeck stated that the 2011 draft audit is due in the office in the next day or two and expected to be considered by the Board in March. He reviewed prior Board discussions, in which he communicated that some of the AIS funds will be needed for the purchase of the new mechanical harvester. He recommended that any unspent 2011 AIS funds be directed to the Equipment Replacement Budget.

Sylvester asked if the Board has ever considered increasing the percentage of boats being inspected. He expressed concern with the LMCD's goal to prevent the spread of AIS and the effective rate of the program. Additionally, he questioned what AIS educational campaign efforts have been implemented.

Nybeck commented on the LMCD's efforts in educating the lake residents on the AIS transportation laws and the lake service provider training permitting process. He anticipated a joint press release with the MCWD in the near future, which would be included in the upcoming LMCD newsletter. Additionally, this

newsletter would provide an overview of 2012 LMCD AIS programs. This newsletter is targeted to be mailed around April 1st.

Hughes stated that there should be consideration to extend the weekend and holiday inspection hours from 6:00 p.m. until 9:00 p.m. to accommodate for the mid-summer daylight.

Nybeck stated that the original times were established to accommodate incoming watercraft inspections. He concurred with Hughes that the time frame could be evaluated now that both incoming and outgoing watercraft are being addressed. He acknowledged that Grays and Maxwell Bay public accesses (under the MN DNR's jurisdiction) maintain an estimated 50% of Lake Minnetonka's launching activity. Upon Board direction, he stated he will work with the MN DNR in utilizing the summer evening hours to the best of their ability.

Hunt recommended more social media be utilized in documenting how one inspects their watercraft.

Babcock stated that his personal observation is that not only are we fighting an enemy we cannot see, the inspectors cannot do containment on site. He questioned if increasing the hours of watercraft inspection is the most effective means of utilizing our funds. He would like to see the Board provide Nybeck approval to submit the MN DNR grant, noted above, and schedule time at a future meeting to have a more meaningful discussion on AIS management and prevention efforts.

MOTION: Page moved, Baasen seconded to direct staff to submit a MN DNR grant application for for use in the LMCD's watercraft inspection program to the maximum amount of funds available (\$7,750).

VOTE: Motion carried unanimously.

D. Chair update of 1/11/12 Executive Session to discuss the performance of Executive Director Greg Nybeck

Babcock stated that on January 11th, the Board conducted an Executive Session for the purpose of obtaining feedback prior to initiating the annual performance evaluation of Nybeck. Therefore, no action was taken that evening. He stated he will complete the evaluation after February 15th and meet with the Personnel Committee, prior to sitting down with Nybeck.

10. Update from standing LMCD Committees:

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

Save the Lake

Olson reiterated that the Save the Lake Appreciation Banquet is scheduled for February 15th at the Lafayette Club.

AIS Task Force

Pages stated a Task Force meeting is scheduled for February 17th, in which the Task Force's objectives will

be discussed.

Finance Committee

Page stated that all investments are up to date and the current audit of voucher (approved above) looked to be in good order.

Personnel Committee

Babcock stated he will have a brief discussion with the Personnel Committee on Nybeck's evaluation and proposed compensation adjustment.

Public Safety Committee

There was no report.

Ordinance Review Committee

There was no report.

Baasen stated that due to the lower than normal precipitations this past fall, he concurred with staff (noted above) that the spring newsletter should be released earlier than normal to address low water and early ice out.

11. EXECUTIVE DIRECTOR REPORT

Nybeck concurred with Baasen's comments noted above.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:35 p.m.

Douglas E. Babcock, Chair

Kelsey Page, Treasurer