

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, April 25, 2012
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; James Doak, Woodland; David Gross, Deephaven; Gary Hughes, Spring Park; Anne Hunt, Minnetrista; Steve Johnson, Mound; Jeff Morris, Excelsior; Bill Olson, Victoria; Sue Shuff, Minnetonka; and Mark Sylvester, Shorewood. Also present: Charlie LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; and Judd Harper, Administrative Technician.

Members absent: Dennis Klohs, Minnetonka Beach

3. APPROVAL OF AGENDA

MOTION: McDermott moved, Shuff seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Babcock

There were no Chair announcements.

5. APPROVAL OF MINUTES – 4/11/12 LMCD Regular Board Meeting

MOTION: Gross moved, McDermott seconded to approve the minutes from the 4/11/12 LMCD Regular Board Meeting as submitted.

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

6. APPROVAL OF CONSENT AGENDA

Baasen moved, McDermott seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved included: **6A**, Audit of vouchers (4/16/12 – 4/30/12); **6B**, February financial summary and balance sheet; **6C**, **Lake Minnetonka Association**, 2012 Save the Lake Grant Agreement for Eurasian Watermilfoil (EWM) and Curlyleaf Pondweed Treatment Projects on Carmans, Grays, and Phelps Bays; **6D**, **2012 EWM Harvesting Program**, staff recommends awarding the Truck Hauling Bids as outlined in 4/19/12 staff memo; and **6E**, 2/17/12 AIS Task Force Meeting Minutes.

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

There were no public comments.

8. PUBLIC HEARINGS

A. **Brian & Carolyn Taylor**, new multiple dock license application for 5 Boat Storage Units (BSUs) on 267' of shoreline on Wayzata Bay

Babcock asked Harper to provide background on this agenda item.

Harper stated that the application was submitted as a result of a past Proactive Code Enforcement Project in an attempt to bring this site into compliance with the LMCD Code. The site has 267' of continuous 929.4' shoreline and has proposed five BSUs. Relevant LMCD Code sections, which he reviewed, included: 1) authorized dock use area requirements, 2) the number of restricted watercraft allowed, 3) compliance with municipal governmental ordinances, and 4) subjective review criteria that can be used in the granting or denying of a multiple dock license application. Mr. Bryan Gaddow, Wayzata City Planner, has communicated that the City had no comments on the application. Staff believed that the Board had three options to consider. First, approve the application for the 2012 boating season, subject to: all watercraft being stored within authorized BSUs and the dock being installed in strict compliance with the approved site plan. Second, approve the application for the 2012 boating season, with modifications or conditions as deemed appropriate. Third, deny the application based on applicable subjective criteria. He entertained questions and comments from the Board.

Gross asked if the all five watercraft would be owned by the applicants.

Harper stated that question could be best answered by the applicants.

Babcock asked the applicant if they would like to provide additional background or comments. Seeing no additional background or comments from the applicant, he opened the public hearing at 7:10 p.m. There being no comments, the public hearing was closed at 7:11 p.m.

MOTION: Olson moved, Sylvester seconded to approve the new multiple dock license application for the 2012 boating season, subject to: 1) all watercraft being stored within authorized BSU's, and 2) the dock must be installed in strict compliance with the approved site plan.

Gross proposed a friendly amendment that all of the watercraft would need to be owned and registered to residents of the site. Olson did not accept this.

MOTION: Gross moved, Page seconded to amend the original motion to require that all of the
TO watercraft would need to be owned and registered to residents of the site.
AMEND

LeFevre stated that because this site complies with the 1:50' General Rule, the Code does not require all watercraft to be owned and registered to residents of the site. However, the Board could impose this condition if it were in response to a specific concern.

VOTE ON: Babcock stated the motion to amend failed based on a voice vote.

**MOTION
TO
AMEND**

VOTE ON: Ayes (11), Nays (2, Gross and Page); motion carried.

**ORIGINAL
MOTION**

- B. Ben & Judy Simmons**, new multiple dock license application for 8 Boat Storage Units (BSUs) on 731' of shoreline on Grays Bay

Babcock asked Harper to provide background on this agenda item.

Harper stated that the application was submitted as a result of a past Proactive Code Enforcement Project in an attempt to bring this site into compliance with the LMCD Code. The site has 731' of continuous shoreline in a lagoon off of Grays Bay. Relevant LMCD Code sections, which he reviewed, included: authorized dock use area requirements, 2) the number of restricted watercraft allowed, 3) compliance with municipal governmental ordinances, and 4) subjective criteria that can be used in the granting or denying of a multiple dock license application. He received comments from Mr. Loren Gordon, Minnetonka City Planner, which documented that the City does not assume authority over dock or watercraft licensing; however, the City had concerns about potential secondary impacts not addressed in the application. Additionally, a number of e-mails and letters have been received, which are in the Board packet or handout folders. Staff believed that the Board has three options to consider. First, approve the application for the 2012 boating season, subject to all watercraft being stored within authorized BSUs and the dock being installed in strict compliance with the approved site plan. Second, approve the application for the 2012 boating season, with modifications or conditions as deemed appropriate. Third, deny the application based on applicable subjective criteria. He entertained questions and comments from the Board.

The Board asked a number of questions and made comments, which were addressed. Those questions and comments are summarized as follows:

- A description of how this site accesses Grays Bay.
- How much useable shoreline exists at this site, taking into consideration a great deal of the 929.4' shoreline that is behind the vegetation. Harper clarified that the Code has a rule that allows the Board to reduce the amount useable 929.4' shoreline for areas with a large amount of meandering shoreline in the vicinity of vegetation. The straight-line measurements for this site, which is the greatest amount the Board can reduce the useable shoreline, was estimated at 430'.
- Whether there was a launch ramp at this site. Harper clarified that there was a tracking system currently at this site, which would not continue if the proposed application were approved.
- Whether water depth measurements had been provided for the channel that provided ingress and egress to this site. Harper stated that this had not been provided.
- Whether parking was being provided for the rental slips. Harper stated that he believed some

parking exists along the driveway.

- Whether there was a threshold for when this site would become a commercial site. LeFevere stated that the same application and criteria are used for multiple docks and commercial docks. He believed that a number of the land issues raised would most likely be addressed by the City. Babcock stated that the Board could address some of these issues through the subjective criteria.
- How the Board might be able to address navigation issues in the area. Babcock stated that could most likely be done through the subjective criteria.

Babcock asked the applicant if they would like to provide additional background or comments.

Mr. Ben Simmons, 2558 Crosby Road, made the following comments:

- Since the application meets the objective criteria, he stated that he would focus his time on some of the neighborhood concerns raised.
- He currently is an absentee property owner because he and wife became a grandparent three years ago and his daughter lives in the State of Washington. They have moved to Washington and the house has been rented. One thing lead to another and dock spaces have been rented to five people, which he recognized did not comply with the LMCD Code. He stated that he had been working with Harper to resolve this and he anticipated that they would be returning once the grandchildren reach school ages in a couple of years.
- When this property was purchased 33 years ago, it had six docks at the site (although they were configured differently). BSUs 1-6 currently exist, with BSUs 7 and 8 proposed. One of the dock BSUs goes to the individual that rents the house, with the remaining seven BSUs rented out. He identified the parking provided at his property and did not believe that anybody had ever parked on Crosby Road. This also cannot be done because of the "No Parking" sign in front of his property.
- He commented on the concerns raised relating to excess traffic and the racing around in the neighborhood. He has not had problems with past tenants, with one exception. Most of these tenants live within a mile of the property and want to enjoy access to Lake Minnetonka.
- He reviewed the contract he has with these tenants. Some of the conditions include: 1) one parking space per tenant, 2) no disturbance to the neighborhood, 3) nothing to be left on the dock, 4) only minor maintenance (one day) to be done at these docks, 5) pets to be on leashes, and 6) no dock parties. In 2011, one of the tenants was restoring their boat at the dock. This activity ceased and this tenant will not be back in 2012.
- A common theme in the e-mails and letters seems to be neighbor disruption. Because of the tenant contracts, the most cars that could be stored at this site are seven. Most likely, one or two cars may be parked at one time at this site. He believed that a number of the comments raised in writing were a response to when the homes were constructed at the nearby Crosby Cove development, when a number of the construction vehicles parked on the street and made it difficult for the neighbors in the area.
- He commented on the environmental and visual impacts in the area, noting that no part of them would touch the wetland and have been historically in this area for 40 years. He also understood why the Nelson's may have concerns about the docks because of the site lines they have with

the proposed docks.

- He estimated that the current water depth in front of BSUs 6-8, as well as the channel leading to this dock is two feet, pointing out that the middle of the area has silted up some.
- He entertained questions and comment from the Board.

Babcock opened the public hearing at 7:49 p.m.

The Board asked a number of questions, in which Simmons responded to. These included whether there are bathroom facilities on the site, boat sizes at the dock (including whether the applicant would be open towards length restrictions), whether the docks are removed during the winter (including whether the canopies are removed for the winter), and navigation and water depths in the channel area

Mr. Ron Zemansky stated that he was legal counsel and had been retained by Ken Melrose (2626 Crosby Road). After consulting with the Minnetonka City Attorney, he believed that the issuing of a permit by the LMCD would be in conflict with the R-1 zone for this property because of its commercial nature. He appreciated the honesty of the applicant that the parking spaces are being rented in addition to the slips in the water. He requested that staff re-measure the shoreline at this site because he has come up with a rough figure of 500'. He believed that operating a commercial marina in a residential situation should be denied. However, if the Board were inclined to approve the application, a condition should include a review of the commercial operation by the City of Minnetonka.

Ms. Jan Nelson, 2600 Crosby Road, stated that she and her husband owned the property that is directly across from the Simmons'. She estimated that the current water depth at the end of their docks was 6". She believed that the Simmons site has been adding a new dock each year and she did not recall seven docks at this site in the past at any given time. Because of the proximity of the dock and the size of the lagoon area, the conversations and activities appear to be generally in her living room. She did not believe that the Simmons site was set up to be a commercial marina, in particular since the property owner was an absentee land owner. She commented on the problems associated with the cabin cruiser that was renovated in 2011. She questioned how many boats could be stored at this site if the application were denied and believed that the activity at this site was disruptive.

Mr. Keith Benson, 2542 Crosby Road, stated that he was an abutting property just to the east. He expressed his frustration with the applicant because he had recently investigated the idea of getting one dock space for his property. During this process, the Simmons' were vehemently opposed to this proposal because it would be detrimental to the environment and habitat, although he was working with various issues with the City of Minnetonka, Minnehaha Creek Watershed District, and LMCD. His primary concern was that a commercial marina would exist in a neighborhood, without supervision, due to the absentee property owner. He commented on the off-road parking and the possibility that parking could spill to the road with added boat rentals.

Babcock stated that a number of e-mails and written letters have been received on this application, including one from former U.S. Congressman Jim Ramstad. They are public record and will be made available if requested. There being no further comments, Babcock closed the public hearing at 7:57 p.m. He entertained further questions or comments from the Board.

A summary of Board questions and comments were as follows:

- Shuff stated that she was struggling with the environmental, commercial nature, and public safety issues at these properties. If the Board were inclined to approve the application, she supported the idea of a condition that would require review of the site by the City of Minnetonka.
- Page stated that he had the following three concerns: 1) the providing of seven dock spaces without a bathroom, 2) the site has been in non-compliance with the LMCD Code for a number of years for boat storage, and 3) the proposal does not comply with a number of the subjective criteria.
- Baasen questioned how many boats could legally be stored at this site if the application were denied. LeFevere stated that this site would be entitled to four boats without reference to ownership.
- Shuff stated that the applicant could always re-submit an amended new multiple dock license application if the Board were to deny what has been proposed.
- Babcock questioned where this application was within the 60-day rule. Harper stated that the application was within the first 60 days.
- Hughes stated that he had interest in an extensive review of the land issues by the City of Minnetonka.
- Gross stated that he had concerns about the proposal meeting the subjective criteria.
- Olson stated that he had concerns about criteria 4-9.
- Babcock stated that he traversed this channel last fall and encountered prop dredging issues in this area, which concerned him.

MOTION: Gross moved, Baasen seconded to prepare draft Findings of Fact and Order denying the 2012 new multiple dock license application, based on the subjective criteria.

Babcock stated that he was concerned about the number and size of boats to be stored relative to the water depths of the channel.

McDermott emphasized objective criteria 4-10.

Sylvester emphasized criterion 8.

VOTE: Motion carried unanimously.

9. OTHER BUSINESS

A. AIS Task Force, Report to LMCD Board of Directors Assessing 2008-2011 Coordinated Herbicide Treatment Projects on Carmans, Grays, and Phelps Bays

Babcock stated that the Board would be receiving the AIS Task Force Report on this project at this meeting. This is not a public hearing and input will be limited to Task Force members, although a hearing may be heard on this topic sometime in the future. No actions are planned for this project tonight and the purpose of this agenda item is to review the draft Report. He believed that John Barten has been

designated as the spokesperson for the Task Force and he welcomed him on behalf of the Board.

Mr. John Barten stated that he was the Director of Natural Resources Management for the Three Rivers Park District (TRPD). He was in attendance at this meeting representing the AIS Task Force, not the TRPD. He provided an assessment of the 2008-2011 Coordinated Herbicide Treatment Projects on Carmans, Grays, and Phelps Bays (via a PowerPoint presentation). A summary of his comments were as follows:

- Role of the Task Force:- 1) developed the Lake Vegetation Management Plan (LVMP), 2) provided technical guidance to the project, and 3) developed a project assessment report at the request of the LMCD Board.
- Project Summary: 1) three bays selected for treatment, 2) LVMP was prepared to define goals, objectives, and treatment protocol, 3) the Lake Minnetonka Association (LMA) managed the treatments, 4) the projects have been funded by a number of sources, and 5) 10 treatments have occurred (three on Carmans Bay, three on Grays Bay, and four on Phelps Bay).
- Monitoring and Treatment Summary: He reviewed two tables that summarized early and mid season treatments of Eurasian Watermilfoil (EWM) and Curlyleaf Pondweed (CLP) from 2008-2012. Generally, EWM was treated with triclopyr and CLP was treated with endothall. The number referenced in the tables referenced point intercept surveys, which measures the presence or absence of EWM, CLP, and native species.
- Project Goal A- Control EWM and CLP in a safe and effective manner to reduce recreational interference, reduce shoreline clean-up, and improve ecological health: 1) appears to have reduced recreational interference and shoreline clean-up (based on anecdotal reports from the LMA and residents) and 2) measuring the change in ecological health was found not to be feasible (no indicators available).
 - Objective A-1- Control EWM occurrence to less than 20% through whole bay and spot treatments: 1) early season treatments were not effective, 2) spot treatments were not effective, 3) mid-season treatments were effective, 4) the percent occurrence increased in the year following treatment (with and without spot treatments), and 5) the treatment protocol changed during the project (timing and dosage).
 - Objective A-1- Control CLP to levels below 20% frequency in year of treatment and maintained at that level: 1) this objective has been achieved and 2) treatments occurred in 2008 and 2010.
 - Objective A-1- Develop a metric regarding density or matting of EWM for control assessment: This objective was not achieved because of the high costs of monitoring. This information would be of great value to this project because of the disconnect between the point intercept data and perception of the lakeshore residents on these bays.
 - Objective A-2- The water clarity in the bays will not diminish as a result of the treatments: 1) this objective was achieved and 2) no decline in water clarity was observed in any of the bays (based on monitoring done by the Minnehaha Creek Watershed District).
 - Objective A-3- Conduct annual assessment of user perceptions regarding treatment effectiveness: 1) LMA polled lakeshore residents only in 2008, 2) only 17 responses were received (a questions remains as to how representative this was), and 3) LMA reports that residents believed that recreational impacts and shoreline cleanup were reduced. Acknowledgement from McDermott that he received over 25 emails and half dozen calls from

Carmans Bay residents who supported the treatment and expressed their complete satisfaction with the results.

- Project Goal B- Protect native submersed plants except in localized areas where nuisance conditions occur: 1) this goal was achieved and 2) an initial decline occurred following mid season treatments (but the population recovered in subsequent years).
 - Objective B-1: The mean number of native plants per point will be maintained or increased: 1) there was an initial decrease in the mean number of native plants per point in some bays (2008 and 2009 relative to 2007), 2) these decreased tended to follow mid-season whole bay treatments, 3) the native plant populations recovered in subsequent years, and 4) the Minnesota Department of Natural Resources (MN DNR) has accepted the temporary decrease as an acceptable level of risk, in which they modified the objective.
 - Objective B-1: Measure the biomass of native submersed plants and use as a benchmark for treatment impacts: 1) this objective was not achieved and 2) biomass monitoring is expensive and time consuming (no funding was available for this task).
- Project Goal C- Provide limited individual nuisance control when bay-wide treatments are completed: 1) this goal was achieved and 2) this was allowed by the MN DNR permit.
- Project Goal D- The LVMP will be considered as framework for possible future expansion to other bays: 1) whole bay treatments expanded to two additional bays in 2011, 2) Gideon and St. Albans Bays were treated as stand alone bays (Task Force recommended at that time staying with the original project design for consistency purposes), and 3) additional consideration can occur after project completion in 2012..
- Observations: 1) data suggests that reoccurring whole bay treatments will be necessary to maintain acceptable levels of EWM, 2) the percent of frequency data did not always correlate with public observations of treatment effectiveness, 3) the increase in percent frequency did not cause recreational problems, 4) observed declines in native plants not always documented by percent of frequency data (i.e., lily pads on Grays Bay), and 5) the collection of biomass data may resolve some the data discrepancy concerns and would be valuable.
- Summary of Project Costs: Project costs from 2008-2011 provide for \$507,391 for herbicide treatments and project management costs. This does not include costs for monitoring and technical oversight by the U.S. Army Corps of Engineers and the MN DNR, which are fairly significant for this demonstration project. These costs would need to be factored in if the program were to continue or expand.
- Task Force Recommendations: The general consensus of the Task Force was:
 - The LMCD Board should support extension or expansion of whole bay herbicide programs only following completion of a comprehensive vegetation management plan for Lake Minnetonka.
 - The Plan should have the following minimum components:
 - Demonstrate a navigational or recreational benefit to the public's use of the lake (the use of public dollars should demonstrate a public benefit);
 - Prioritization criteria for control activities;
 - Have an accepted measurement protocol to determine project effectiveness; and
 - Identify funding sources (mix of public and private funding sources is necessary).
 - Barten commented that most of the components exceed requirements of a standard LVMP.
- He entertained questions and comments from the Board.

The Board asked a number of questions and made a number of comments, in which Barten addressed. These are summarized as follows:

- The number of bays that were statistically based on the point intercept data appears to be four out of 10.
- Whether there were benchmark bays outside of these three bays (it was communicated that there were not).
- Whether there were plans to publish the results of this project (most likely not at this time).
- Whether Carmans Bay in 2009 could be used as a benchmark bay since a treatment did not occur (possibly a reference bay).
- Future contributions from the Army Corps and MN DNR for these projects after 2012 (most likely not after 2012).
- Who would be responsible for the comprehensive vegetation management plan (most likely the AIS Task Force at this time).
- Whether the costs and effectiveness of the future herbicide treatments might be reduced as a result of the refinement of the treatment protocol.
- What measurement metric should be used moving forward to determine the effectiveness of the treatments (biomass or point intercept, in which point intercept is the standard used for most projects). There was discussion of the costs associated with a biomass metric, as well the methodology used.

Mr. Dick Osgood, LMA Executive Director and an AIS Task Force member, made the following comments:

- The Report is incomplete; it underestimates some of the positive results, and excludes some relevant information. For example, in the second bullet point on page three, he believed that the meeting of this goal needs to be emphasized greater.
- He commented on the data available to evaluate the effectiveness of the treatments to document protection of native species.
- He commented on the difference between a point intercept metric and biomass metric, pointing out that the biomass metric is onerous and most likely not needed since the treatments are becoming more operational rather than demonstration.
- He expressed concerns in not including the results from the 2011 Gideon Bay and St. Albans Bay treatments from the Report. These treatments used the most current treatment protocol and this information is useful and readily available.
- The highest percentage of frequency of EWM was on Grays Bay in 2011 (90%). The last whole bay treatment on this bay was 2009, with a small spot treatment in 2010. He believed that this bay has been useable for the last three years and points out what has been learned on this project. He believed that the use of point intercept survey metric (frequency of occurrence) does not provide for enough information.
- He did not believe that the herbicide treatments have done damage to the native species. In fact, the same treatment protocol is being used by the MN DNR in other areas of the State.
- The Army Corps' involvement on this demonstration project has been of great value. However, he did not believe it was necessary moving forward.

- He did not believe the data supports that the mid-season treatments had a greater impact on the native plants than the early season treatments. In particular, if the 2011 results from Gideon and St. Albans Bays are included.
- He commented on his conversations over the years when requests are made to re-treat because the residents believe they have EWM in front of their properties. In the majority of these requests, the vegetation is native rather than EWM. What has been learned is that EWM nuisances are gone.
- He believed there is a rationale for extending the current programs and expanding to other bays. These include: 1) EWM can be controlled for two to three years, 2) spot treatments in the future should be diminished or eliminated, 3) CLP has not been a problem, and 4) it is cost effective (public/private).
- He recommended the following:
 - Expand the current three bay projects for an additional two to three years.
 - To expand the project to include Gideon Bay, St. Albans Bay, Carsons Bay, and St. Louis Bay.
 - Keep the goal of reducing interference with recreational activities.
 - Provide public funding commensurate with public benefits.
- He entertained questions and comments.

Mr. Gabriel Jabbour, owner of Tonka Bay Marina, stated that he was an AIS Task Force member. He commented that his understanding was that the Army Corps and MN DNR would be participating in the treatments in 2012. The involvement of the Army Corps on these projects has been beneficial to them, as well as the Lake Minnetonka community. He commented on progress being made by the Army Corps on the biomass metric. He believed that after 2012, the MN DNR's involvement on this project (including financial) will be reduced in the future. The LMCD is currently going through its 2013 budget process, with the cities having a reduced tax base and the LMCD having a levy limit. If the Board were to levy the maximum levy to the cities per state law (estimated at an additional \$149,000), he did not believe this would make up the reduction in professional assistance provided by the MN DNR and Army Corps, in particular if additional bays are added. He stated that he was proud to serve on the Task Force because he thought the Summary Report was encompassing, commenting that Board member Page did a great job of running the Task Force meeting when it was reviewed and it is a general consensus of the Task Force. He questioned why Osgood did not get his comments included in the Summary Report at the AIS Task Force meeting.

Page stated that he concluded that he had consensus of those in attendance at the April 13th Task Force Meeting.

Jabbour stated that he had concerns that there has been a large effort of Carmans Bay residents to save them from the outcome of the Summary Report. He recognized that this is a part of the public process; however, one outcome of this effort is that various professionals that serve on the Task Force could decide to not participate in the future. He urged a unified front at the local level to encourage these professionals to want to continue to serve on the Task Force.

Babcock asked if the other AIS Task Force members wanted to make some comment. Seeing none, he

asked what the pleasure of the Board was.

Page believed that there was general consensus of the AIS Task Force and he encouraged the Board to accept the Summary Report and forward it to the member cities.

MOTION: Baasen moved, Olson seconded to: 1) accept the Summary Report as submitted and 2) direct staff to forward it to the member cities.

Sylvester stated that he believed it made sense to include the results from 2011 treatments on Gideon Bay and St. Albans Bay (possibly as an Appendix). The Board discussed this and the consensus was to possibly include this information in the final Report after 2012, which would allow for a second year of results for these two bays and allow the Task Force to review the outcomes.

VOTE: Ayes (12), Nays (1, Sylvester); motion carried.

The meeting was recessed at 9:30 p.m. and re-convened at 9:40 p.m.

B. Consideration of 2012 Temporary "Low Water" Dock Extension Permit Applications

Babcock asked Harper to provide background on this agenda item.

Harper updated the Board on current lake levels, noting the level as of this date was 927.98'. Since the April 18th Special Board Meeting, four additional General Permit Registration Forms, two Temporary Dock Extension Applications (for residential sites), and one Temporary Dock Extension Application (for a licensed multiple dock) had been received. He requested Board approval for the following two Temporary Dock Extension Applications:

Michael Johander (245 West Point Road in Tonka Bay)

The maximum dock use area (DUA) length for this residential site is 80'. During normal lake levels, the water depths are 2.5'. To reach a water depth of four feet, an additional dock extension of 64' has been requested, for a total dock length of 144'. Staff has forwarded this request to the Board because of the proposed total dock length.

MOTION: Baasen moved, McDermott seconded to approve the 2012 Temporary Dock Extension Application as submitted.

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

Gideon's Point HOA

The maximum DUA length for this multiple dock ranges from 100' to 160' (with the sites that have a DUA greater than 100' in length having approved variances from LMCD Code). Water depths at these lengths range from 3.4' to 6.3' at normal lake levels. To maintain these lake levels, temporary dock extensions of 20' have been requested, with the DUA lengths ranging from 120' to 165'.

MOTION: Olson moved, Johnson seconded to approve the 2012 Temporary Dock Extension Permit Application as submitted, subject to waiving public hearing and fee requirements.

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

C. Review of Draft 2013 LMCD Budget

Babcock asked Nybeck for background on this agenda item.

Nybeck made the following comments:

- A meeting was conducted in the office on April 18th to discuss this. Changes have been made to this draft budget consistent with the discussion at this meeting. In particular, \$30,000 has been budgeted for unspecified AIS management and prevention projects.
- He reviewed the upcoming review process. In particular, a meeting with the member cities on June 7th to review it, as well as a review and approval by the Board on June 13th.
- The budget has taken into consideration the LMCD Strategic Plan Objectives, the financial status of the member cities, current trends in revenues and expenditures, and no levy increase is proposed at this time.
- He summarized highlights for the Administration and AIS Budgets. One question that was raised on April 18th was whether part of the proposed Administration Reserve Fund transfer (\$28,051) should be levied to the member cities.
- He reviewed two charts that summarized: 1) levies to the member cities from 2007 to 2012 and 2) the proposed 2013 levy to the member cities (including incremental breakdowns of forwarding part of the \$28,051 to the member cities).
- Three Board action items are requested at this time. These include: 1) preliminary approval of the 2013 LMCD Budget, 2) to direct him to work with Treasurer Page on the preparation of a cover letter to submit this draft 2013 LMCD Budget to the member cities, and 3) to schedule a meeting with the member cities on Thursday, June 7th.
- He entertained questions and comments from the Board.

Gross suggested that a slide be added to the PowerPoint that would document the actual costs for the LMCD from 2007 through 2012 (to justify the increase in the levy to the member cities).

Babcock stated that he would also like a slide added to document taxable market and net tax capacity for the same period.

Sylvester stated that he would prefer to tie a levy increase to a specific new project. Perhaps this would be more appropriate for 2014, with a flat levy for 2013.

Shuff concurred with Sylvester.

The Board discussed the preparation of the comprehensive vegetation management plan. A question remains as to whether this would be done through volunteers of the AIS Task Force or contracted out. Page stated that this should be flushed out at the June AIS Task Force Meeting.

MOTION: Page moved, Olson seconded to provide preliminary approval of the draft 2013 LMCD Budget as amended (reducing the amount of the transfer from the Administration Reserve Fund so that it is 40% of annual expenses).

VOTE: Ayes (10), Nays (3; Hunt, Sylvester, and Shuff); motion carried.

10. Update from standing LMCD Committees:

There were no committee updates.

11. EXECUTIVE DIRECTOR REPORT

Nybeck stated that Harper and 2012 EWM Site Supervisor Mike Heiland have proposed attending an Aquarius Systems seminar relating to mechanical harvesting. He believed that it made sense and asked Harper to provide further background on this.

Harper stated that a seminar is being hosted by Aquarius Systems on May 18th in Wisconsin. A number of topics are on the itinerary, which should assist the harvesting program in 2012 and beyond. He recommended that he and Heiland attend this seminar, with estimated costs of \$800.

MOTION: McDermott moved, Shuff seconded to authorize attendance of the Aquarius Systems by Harper and Heiland as proposed.

VOTE: Motion carried unanimously.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:23 p.m.

Douglas E. Babcock, Chair

Andrew McDermott, Secretary