

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, June 13, 2012
Wayzata City Hall

1. CALL TO ORDER

Babcock called the meeting to order at 7:04 p.m.

2. ROLL CALL

Members present: Doug Babcock, Tonka Bay; Andrew McDermott, Orono; Kelsey Page, Greenwood; David Gross; Deephaven; Gary Hughes, Spring Park; Anne Hunt, Minnetrista; Steve Johnson, Mound; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; Jeff Morris, Excelsior; Bill Olson, Victoria; and Mark Sylvester, Shorewood. Also present: Mary Tietjen (for Charlie LeFevere), LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

Members absent: Dan Baasen, Wayzata; Sue Shuff, Minnetonka.

3. APPROVAL OF AGENDA

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

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Babcock

Babcock stated that the Woodland City Clerk has administered the Oath of Office to Fred Meyer in lieu of LeFevere's absence. He welcomed Meyer to the LMCD Board, in which he was seated as a representative for the City of Woodland.

5. APPROVAL OF MINUTES – 5/9/12 LMCD Regular Board Meeting

MOTION: Page moved, Hughes seconded to approve the minutes from the 5/9/12 Regular Board Meeting as submitted.

VOTE: Motion carried unanimously.

6. APPROVAL OF CONSENT AGENDA

Babcock requested that agenda item 6D, a resolution approving State of Minnesota JPA Criminal Justice Agency and Court Data Services Subscriber Amendment to CJDN Subscriber Agreement, be removed from the consent agenda for the purpose of having staff provide further background on the costs associated with the network connection.

Gross moved, McDermott seconded to approve the consent agenda as amended, removing item 6D. Ayes (12), Nays (1, Morris); motion carried. Items so approved included: **6A**, Audit of vouchers (5/15/12 – 5/31/12) and (6/1/12 – 6/15/12); **6B**, March financial summary and balance sheet; **6C**, **Personnel Committee**, 2012

compensation adjustments for Executive Director and Administrative Clerk as outlined in 6/6/12 memo; **6E, 2012 Code Enforcement and Shoreline Inventory Programs**, approval of seasonal employee as outlined in 6/7/12 staff memo; and **6F, Minnetonka Boat Rental**, approval of 2012 renewal on-sale, non-intoxicating malt liquor license application for the charter boat Looneytoon.

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.

9. OTHER BUSINESS

A. Libbs Lake POA, approval of 2012 Save the Lake Grant Agreement for EWM Treatment Project on Libbs Lake

Babcock asked Nybeck for background on this agenda item.

Nybeck stated that at the May 9th meeting, the Board was notified that the Libbs Lake Property Owners Association (POA) had decided to withhold herbicide treatments in Libbs Lake while considering the possibility of participating in a weevil control project (via the Minnehaha Creek Watershed District [MCWD]) for management of Eurasian watermilfoil (EWM). At that time, the Board was given the following two options to consider: 1) take no action on the draft Save the Lake Agreement, or 2) rescind the prior Board approval for a one-time herbicide treatment, in which the Board chose to not take any action. He directed the Board to a memo, dated 6/11/12, from the MCWD that documented a decision to suspend the weevil project on Libbs Lake in 2012. An amended draft Grant Agreement has been prepared due to the treatment being completed (June 4th) prior to consideration of this Grant Agreement. He recommended the Board approve the amended Grant Agreement.

MOTION: Gross moved, Olson seconded to approve the amended 2012 Save the Lake Grant Agreement, in the amount of \$2,374, for a one-time herbicide treatment on Libbs Lake

VOTE: Motion carried unanimously.

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

Babcock directed the Board to a draft resolution in their packet, which would terminate the "Low Water" resolution, and asked Nybeck for background on this agenda item.

Nybeck stated that the Lake level on this date was 929.09', which was within normal range for this time of the boating season. The City of Minnetonka Beach had a pending 2012 Temporary "Low Water" Dock Extension Application for one of its dock sites; however, has recently withdrawn it. He recommended that the Board adopt the draft resolution terminating the resolution that declared "Low Water", providing for the

appropriate information to be completed on the resolution. This information included: 1) "LMCD Resolution 129" in the heading, 2) "929.09 feet" in the second WHEREAS paragraph, and 3) "June 13" in the last paragraph. He entertained questions and comments from the Board.

MOTION: Sylvester moved, Hunt seconded to approve the draft resolution terminating declaration of "Low Water" conditions, subject to adding the information as detailed above by Nybeck.

McDermott recommended documenting that a legally permitted dock may exist for the remainder of the boating season. Hunt confirmed that documentation is provided under condition #3 of the resolution.

Gross questioned if there were any pending applications that have not been acted upon, in which Nybeck confirmed there were not. Additionally, Nybeck stated that staff will submit a press release on the termination of "Low Water" conditions, subject to approval of the motion.

VOTE: Motion carried unanimously.

C. Staff update on Project Tonka Temporary Structures Permit Request at Big Island (Cruiser's Cove)

Babcock asked Nybeck for an update on this agenda item.

Nybeck stated at the May 9th meeting, the Board received a presentation from the representatives of Project Tonka, LLC (Robert Schleider and Charles Garnaas) for a temporary structures permit to operate a low-impact snack bar, merchandise, and waste management service operation at Big Island. In follow-up to that presentation, the Board referred the representatives to the Save the Lake Committee for further review and consideration. Since that date, the Orono City Council considered this proposal, in which they moved to advise the LMCD, in short, that they are opposed of commercial activity around Big Island (minutes of such were provided in the Board packet), as well as requested the ability to have a representative provide further background on the comprehensive plan for Big Island at this meeting. Additionally, the LMCD was in receipt of a letter from the Three Rivers Park District (TRPD), also within the packet, opposing the issuance of the temporary structure permit. With this new information from the City of Orono and TRPD, this matter has been deferred back to the Board prior to scheduling a Save the Lake Committee meeting. On June 9th, the representatives have withdrawn their request for the temporary structures permit. With that said, he stated representatives from the City of Orono are in attendance to provide an overview of the Plan adopted for Big Island.

Babcock stated that no formal action on this matter is needed by the Board since the request for a temporary structures permit has been withdrawn. Representatives from the City of Orono are in attendance to provide an overview of the preservation plans of Big Island; acknowledging this matter is not on the agenda.

Page stated that the Board moved to send this matter to the Save the Lake Committee and asked why this has not taken place.

Babcock stated that the LMCD received feedback from a number of agencies opposing the proposed operation. For this reason, Olson determined it was best to bring the matter back to the Board prior to scheduling a Save the Lake Committee meeting.

Olson stated that what he observed was a proposal that is currently at the beginning development stage. The Save the Lake Committee is always interested in citizens helping in fundraising efforts. However, he did not believe (based on the limited understanding of the proposal) that it would come to fruition as presented. Additionally, he felt it was awkward to bring this matter to the committee after receiving opposing documentation on the proposed project from the various public agencies involved. He acknowledged that the matter can always be sent back to the committee, but after having a discussion with the representatives of the project, the request had been withdrawn.

Page stated that he believed it was not appropriate, after providing direction from the Board, for the Save the Lake Committee to not meet on this matter.

Babcock invited Mr. Gabriel Jabbour to address the Board.

Mr. Gabriel Jabbour, 985 Tonkawa Road in Orono, commented that Orono Mayor Lili McMillan, Renae Clark (MCWD), and John Barten (TRPD) were in attendance at this meeting. He stated their presentation this evening was not to discuss Project Tonka's proposal. Instead, Orono would like to address who we are, how we got here, and what is currently planned for Big Island. McMillian joined Jabbour in this presentation, in which the two highlighted the following via a PowerPoint presentation:

- An overview of Orono's preservation philosophy; "... to protect and preserve Lake Minnetonka, its water quality, and its recreational assets;" acknowledging the natural, relatively passive area created for the Island.
- An overview of Big Island's facts and figures: 1) total acreage of 250-275, 2) Big Island Park – 56 acres, 3) TRPD (Dr. Arthur Allen Wildlife Refuge) 65 acres, and 4) an estimated 50 properties of private land.
- Reviewed historical public safety concerns associated with rafting and anchoring at Cruiser's Cove since 1999 (including actions taken to date to address this matter- primarily the public safety lanes).
- Established partnership with the Minnesota Department of Natural Resources (MN DNR) on public access, the MCWD on a conservation easement and the rehabilitation of bluffs and shore land, and the TRPD for the expansion of wetlands, wildlife, and scenic areas.
- The removal of debris (aerial pictures provided) through volunteer efforts.
- An overview of further positive aspects of Big Island (i.e., the historical representation of Native Americans and veterans, as well as acknowledging the significance of its destination for the public's use).
- An open invitation for the LMCD to call the City of Orono for any questions or concerns; acknowledging their interest in working together on matters pertaining to Big Island (reiterating the above noted partnerships).
- They entertained questions and comments from the Board.

The Board asked a number of questions and made comments, in which the following outlines the

responses:

- Confirmation that Orono's goal (from day one) is to maintain a sanctuary type preserve; providing for no signage, special events, etc. Services provided for special events are in conflict with the natural, passive atmosphere established for Big Island.
- An overview of the pristine woods (i.e., an eagles nest).
- Confirmation that keeping Big Island in a pristine condition was secondary to the mass of boaters anchoring and rafting at Cruiser's Cove (public safety programs in this area are the number one priority).
- Confirmation that the Island is public (acknowledging the need to control reasonable vs. over use).
- Encouragement from Board member Morris for all to read the Big Island Plan; acknowledging it is an easy read. In asking why "for profit" activity is considered a negative aspect for Big Island, he stated that those investing in a "for profit" business are more likely to protect their investment. The City of Orono believed it would take away from the natural feel; preventing removing a portion of the Park from the public, as well as having to provide services (i.e., restrooms, electrical, etc). The Plan centers on the public respecting natural features of the park. Acknowledgement was provided that businesses "for profit" were favorable, i.e., the Power Squadron who receives no services from the City of Orono.
- The restriction of motorized vehicles on Big Island is strictly enforced for the prevention of erosion and accidents (volunteers removed all the electrical poles, down lines, and shut off all electricity).
- Acknowledgement that Big Island is the last parcel of land to maintain wild habitat and the City of Orono does not want it destroyed.
- The veterans wanted Big Island to remain public vs. selling portions of it to private residents.
- The lack of restroom facilities provided for the prevention of vandalism, as well as the need to maintain maintenance of (at least twice a day). The "pack in, pack out" concept was adopted to prevent people from leaving trash that they expect someone else to pick up.

Babcock invited the public to comment on this matter.

Mr. Tom Skramstad, 333 Waycliffe Avenue North in Wayzata, stated that he served on the LMCD Board for eight years (including four as Chair). The Board has previously received a number of requests for commercial sales on the Lake, in which all were turned down. He personally met with Charles Garnaas and appreciated their entrepreneurship, but did not agree with the concept. He stated that if the Project Tonka Proposal goes back to the Board for consideration, it should be rejected.

Klohs asked if the Water Patrol could provide a quick summary of the enforcement/response activity provided at Cruisers Cove.

Sgt. Clayton Sedesky, Hennepin County Sheriff's Water Patrol, provided an overview of Cruisers Cove (via aerial photographs) prior to the public safety lanes being installed to better manage the area. He stated that many of the calls responded to at Cruiser's Cove include prop cuts, intoxication effects, stalled boats, and, at one time, a drowning. He confirmed that the Water Patrol receives a couple calls a day on the weekends; providing for a response time from four designated boats within a few minutes of Big

Island. He confirmed that citations are issued for motorized vehicles on the Island.

Babcock thanked all for their time and effort in presenting.

D. Review of draft 2013 LMCD Budget

Babcock stated that the draft 2013 LMCD Budget is before the Board for continued review and approval. He asked Nybeck to provide an update of this agenda item.

Nybeck stated that Board members Gross and Sylvester have presented the draft budget to their member cities. He has presented the draft budget at recent Minnestrista, Victoria, and Woodland City Council Meetings, with similar presentations planned for the Cities of Shorewood and Wayzata. He commented on the June 7th meeting conducted in the LMCD office to review the draft budget, noting that attendance was quite light (four Board members and Woodland Mayor James Doak).

McDermott stated that the City of Orono did not have a concern with the draft budget.

MOTION: Gross moved, Olson seconded to approve and certify the draft 2013 LMCD Budget as submitted.

VOTE: Ayes (10), Nays (2, Hunt and Sylvester); motion carried.

E. Staff update on 2012 EWM Harvesting Program schedule

Babcock asked Harper for an update on this agenda item.

Harper stated that he and Mike Heiland (Site Supervisor) attended an Aquarius Systems Seminar on May 18th in North Prairie, WI. He provided an overview of the attendees (80), organizations (33), state's represented (6), as well as the topics/tours presented. He provided an overview of the manufacturing status of the new harvester (including photographs of the process), with an anticipated delivery date the week of July 9th (there is a contract requirement of a \$200/per day penalty fee if it is not delivered by July 16th). He confirmed that Tonka Bay Marina has offered to assist in the launching of the harvester vs. the contracting for crane service as done in the past. A survey of EWM growth was conducted on June 6th and 8th, the equipment was launched on June 7th, he reviewed the 2012 rotating harvesting schedule (Lower Lake South option), staff was trained on July 11th, and initiated harvesting on June 12th in Old Channel. He provided an overview of the EWM survey findings via a number of photographs. He entertained questions and comments from the Board.

The Board asked a few questions, in which Harper's responses were as follows:

- Since the weevil demonstration was not planned in 2012 by the MCWD for Veterans Bay, harvesting was completed in that bay today.
- The commencing of the program two weeks earlier was a difficult option due to the makeup of the harvesting staff (primarily teachers and college students).
- He confirmed that the entire Lake was surveyed and assured every area available to cut will be

addressed.

- A review of the staff's normal shift (10 hour days Monday-Thursday), as well as the approval to work on Fridays (overtime) due to the heavy growth. Staff levels do not provide for multiple shifts to alleviate overtime; however, Fridays will not be a full 10-hour day.
- That staff does not have concerns about budget overruns at this time.
- The crew is properly staffed when the new harvester arrives.

Morris, a member of the EWM Harvesting Program Working Group, thanked the Water Patrol and Jabbour for all of their assistance in this program.

10. Update from standing LMCD Committees:

Babcock asked for an update from the Chair, or designated representative, of each committee (Save the Lake, AIS Task Force, Finance, Personnel, Public Safety, and Ordinance Review).

Nybeck stated the Public Safety Committee met on June 6th. He provided an update on the following three agenda items: 1) a request for a quiet water area (QWA) on West Arm Bay, 2) the 2012 solar light program, and 3) bow fishing on Lake Minnetonka (Board updated on staff initiating communication to the member cities). A brief discussion was held on bow fishing; winter bow fishing, setbacks to swimming beaches and structures (as compared to the MN DNR), and special events. Lt. Saunders, who was in attendance at the meeting, confirmed that a recent bow fishing special event was held in which he confirmed the participants were notified to check local regulations. No complaints from the event were received.

Page stated that the AIS Task Force met on Friday, June 8th. At this meeting, the Task Force appointed a subcommittee to initiate work on creating a Comprehensive Vegetation Management Plan for Lake Minnetonka. Sub-committee members include: John Barten (TRPD), Eric Fieldseth (MCWD), Dick Osgood (Lake Minnetonka Association), and Chip Welling (MN DNR). Tony Brough from Hennepin County Environmental Services also provided the Task Force an update on changes made to the North Army public access relating to AIS prevention and signage. He recommended that Nybeck schedule an agenda item at an upcoming Board meeting to allow Brough to present his PowerPoint on this.

Sylvester asked Page to provide a brief overview of the subcommittee's goals.

Page stated that the proposed Plan will cover the entire Lake and its respective needs. This will most likely involve both harvesting and chemical treatments for specific areas of the Lake. He confirmed that the Plan will address a wide range of AIS and not just EWM. Once a Plan is created and approved, there will be a need to discuss how to fund it.

Babcock stated that the Plan will be a long-term effort and not a pilot program.

Olson reminded the Board that funding will have to be solicited from multiple agencies.

Babcock stated that he attended the first Task Force meeting coordinated by the MCWD to create a watershed wide AIS Plan. Future meetings are planned for the next three to four months, at 5:00 p.m., on the

first and third Wednesday of each month. He planned on attending as many of those meetings as possible; however, he expressed an interest in a Board member serving as an alternative. He stated that there was no update from the Ordinance Review Committee.

Olson stated a Save the Lake Committee meeting will be scheduled sometime in June.

11. EXECUTIVE DIRECTOR REPORT

Nybeck stated that he and three of the four Board Officers attended a boat trip and luncheon, coordinated for Senator Franken on May 31st, to discuss AIS and the local economy. He believed it was a good trip (acknowledging there were about 40 officials from various local agencies in attendance).

Page stated that he had an opportunity to visit with Dr. Netherland from the Army Corps of Engineers. He reported that Netherland confirmed the Army Corps will be providing continued assistance in the analysis of various chemical treatments.

McDermott stated that Senator Franken was very interested in the Lake.

Babcock stated Senator Franken viewed AIS as a federal problem and spoke to more standards in the prevention of cross breeding. He, too, believed it was a good trip and personally thanked Jabbour for donating and operating the watercraft.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:49 p.m.

Douglas E. Babcock, Chair

Andrew McDermott, Secretary