

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, December 12, 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; Gary Hughes, Spring Park; Steve Johnson, Mound; Keith Kask, Deephaven; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; 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: Anne Hunt, Minnetrista and Andrew McDermott, Orono.

3. APPROVAL OF AGENDA

Babcock stated that he would like to clarify that agenda item 6E also involves approval of a one-year temporary variance for a condition on an approved Authorized De-Icing Area variance.

MOTION: Baasen moved, Shuff seconded to approve the agenda as amended, making the change recommended by Babcock.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Babcock

Babcock welcomed Kask to the Board as he was re-appointed at the 11/14/12 Regular Board Meeting, in which Babcock was not in attendance.

5. APPROVAL OF MINUTES – 11/14/12 LMCD Regular Board Meeting

MOTION: Shuff moved, Hughes seconded to approve the minutes from the 11/14/12 Regular Board Meeting as submitted.

VOTE: Ayes (11), Abstained (1, Babcock); motion carried.

6. APPROVAL OF CONSENT AGENDA

Baasen moved, Olson seconded to approve the consent agenda as submitted. Motion carried unanimously. Item so approved included: **6A**, Audit of vouchers (11/16/12 – 11/31/12) and (12/1/12 – 12/15/12); **6B**, October financial summary and balance sheet; **6C, City of Wayzata**, approval of 2013 Agreement for the use of the community room for LMCD Board Meetings, **6D**, Approval of appointments for 2013, as recommended in 12/6/12 staff memo (Auditor Selection- Abdo, Eick, & Meyer; Legal Counsel- Kennedy and Graven;

Prosecuting Attorney- Tallen and Baertschi; and Banking Depository Resolution for 2013- 4M Fund); and **6E, North Shore Marina (Smiths Bay)**, approval of 2012-2013 de-icing application and one-year temporary variance, as outlined in 12/3/12 staff memo.

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

There were no public comments.

8. PUBLIC HEARINGS

- Draft Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Plan (Plan) for Lake Minnetonka

Babcock asked Page to provide a background introduction for this public hearing.

Page stated that he is the City of Greenwood's representative on the LMCD Board, as well as the Chairman of the Aquatic Invasive Species (AIS) Task Force. He made the following comments:

- Eurasian Watermilfoil (EWM) was discovered in Lake Minnetonka in 1987. He provided a historical overview of the various committees and processes held in consideration of the management of EWM. To this end, the EWM Task Force (now known as the AIS Task Force) was established to provide professional guidance on the chosen management mechanism (the LMCD's EWM Harvesting Program), as well as other AIS management techniques.
- He provided an overview of those other management techniques that have been considered and studied (since the 1990's). This included biological control (weevils), weed pulling, and various herbicide treatments (the three-bay, five-year pilot project from 2008-2012 on Carmans, Grays, and Phelps Bays, which was a public/private partnership). Based on the pilot project's results, the LMCD Board recommended that extension or expansion of whole bay herbicide treatments should only occur following the completion of a comprehensive vegetation management plan.
- The recommendation provided for the establishment of the draft Plan, which was prepared by the LMCD's AIS Task Force through an established AIS Sub-Committee. He named both the members of the Task Force and its Sub-Committee; extending a debt of gratitude to those that served on the Sub-Committee.
- He reviewed the decision-making process involved in the establishment of the funding amount (\$75,000) to be included in the LMCD's annual operating budget for the proposed herbicide treatments.
- He asked Nybeck to provide a brief overview of the draft Plan.

Nybeck provided the following overview of the draft Plan:

- Purpose: Provide guidance for the management and control of EWM and Curly-Leaf Pondweed (CLP).
- Plan Components:
 - Balanced, cost effective, and environmentally sound;
 - Reflect the general public and property owners' use;
 - Balance the Lake's use and health;
 - Maintain or increase native aquatic plants and water quality;
 - Flexible; and

- Long-term, holistic approach.
- Problem Statement: EWM and CLP are problematic plants where they produce surface mats that interfere with recreational activities.
- Management Goals:
 - Enhance navigability and recreational/commercial use in public areas;
 - Maintain or increase native plants and water quality; and
 - Leverage the broadest funds available.
- Management Areas: LMCD to limit financial contributions to public use areas (areas outside of 100 feet from shore or outside of dock use areas; as defined by LMCD Code).
- Management tools considered are as follows:
 - Mechanical Harvesting
 1. Identified as the primary management tool for Lake Minnetonka.
 2. Funding includes a levy to member cities and Minnesota Department of Natural Resources (MN DNR) grant.
 3. The LMCD should continue to serve as project manager.
 4. Annual funding of at least \$35,000 should be included in the LMCD budget for depreciated equipment (Equipment Replacement Fund).
 5. Contact or systemic herbicides (as needed) could be utilized as a complement to harvesting.
 - Whole Bay or Large Scale Herbicide Treatments
 1. Identified as a complement to mechanical harvesting (in suitable management areas).
 2. Currently eight management areas have been identified as suitable. These areas include St. Albans Bay, Grays Bay, St. Louis Bay, Carsons Bay, Carmans Bay, Phelps Bay, Gideons Bay, and North Arm.
 3. The eight management areas are identified in a matrix in the draft Plan. All 42 management areas were ranked and took into consideration the following three criteria:
 - a) Suitability for success (size of the management area and whether it is open);
 - b) Public Use (the number of boat storage units and whether it is a public corridor); and
 - c) Treatment need (littoral zone percentage, historical EWM problems, and water clarity).
 4. The draft Plan identifies that the list of suitable management areas could change (based on the changing of the criteria). He stated that some criteria could change (such as historic EWM problems and water clarity), and some criteria will not change (such as size and openness of the areas, as well as littoral percentage).
 5. \$75,000 to be included in the LMCD's annual operating budget for this management tool. However, this needs to be a public/private partnership.
- 6. No consensus has been reached on project management for this tool, i.e., the LMCD or a non-public sector agency, such as the Lake Minnetonka Association (LMA). He encouraged feedback on this from the public during the hearing.
 - Hand-pulling
 - Biological weevils
- He asked Chair Babcock to provide an overview of the guidelines established for the public hearing.

Babcock stated that the purpose of this public hearing is for the LMCD to receive public comments of the

draft Plan in its current form. The draft Plan has been preliminary reviewed by the AIS Task Force and the LMCD Board of Directors. He urged the public to understand that the Plan is not in final form and expressed the value of receiving the public's input (providing for specifics in any recommended changes). He recognized that there are diverse opinions in the management of EWM and CLP (harvesting vs. herbicide treatments). An overview testimony process established for this meeting was provided, which included a public hearing testimony card and a form to allow the public to provide written comments to the LMCD. He opened the public hearing at 7:16 p.m. and proceeded to call the following names that requested to address the Board.

Ms. GERALYN BARONE, Minnetonka City Manager, stated that she was in attendance on behalf of the City of Minnetonka (City). She made the following comments:

- She concurred that AIS is a very serious problem (including its effects) that takes a joint effort to address.
- She commended the following organizations for their management efforts: 1) the private sector for contributing to the management of AIS (in particular the Lake residents that are most impacted), 2) the LMCD for the historical and current efforts offered, and 3) the Minnehaha Creek Watershed District's (MCWD) for their efforts in the management of AIS (in particular the hiring of a full-time AIS Manager).
- The City fundamentally disagrees with the LMCD being the appropriate agency to fund AIS treatments. She understood that the LMCD was established as a regulatory agency and that the LMCD's funding mechanism was created with that role in mind.
- The City has three percent of the Lake Minnetonka shoreline within their boundaries, in which 10 percent of the public access boaters live in Minnetonka. However, the current funding formula requires the City's property tax payers to pay 20% of the established levy.
- The City believes that the LMCD has had minimal involvement in AIS management since the late 1980's. She acknowledged the City's patient but constant verbal expressions of the percentage of the above noted levy contribution and believed that the current recommendation could threaten the availability to keep the LMCD intact as it veers further from its original mission. This has been further relayed in the media that the proposed funding is just a start to the annual commitment.
- The current proposal would raise the LMCD budget, and the City's share, by 23% in 2014. She questioned what city residents would say to that proposal (acknowledging that many of the member cities have had flat levies in recent years).
- The City understands that the proposed funding increase may seem *de minimis* to the LMCD; however, it is philosophical to the City (fiscally responsible and transparent). The City understands that AIS are not going away and, left unchecked, could be disastrous. However, the City believes there are other options than taxing the residents in an "indirect way." If the LMCD would like an expanded operating budget, the City recommends there is a need to work together at the legislative level and change the policy or continue to collaborate with existing agencies (i.e., members of the AIS Task Force). She stated that the MCWD has the ability to tax directly, which the City believes is more transparent (recommending the LMCD engage the MCWD more in this discussion).
- On behalf of the City, she asked that the LMCD not take on paying for the recommended maintenance proposed in the draft Plan. She appreciated the LMCD's consideration, as the task at hand required multiple supports. However, to this end, the City does not believe the LMCD is the appropriate agency to accomplish this task (based fundamentally on the way the LMCD receives its

budget dollars).

- She thanked the Board for the opportunity to provide these comments.

Mr. Jay Green, 5966 Lynwood Boulevard in Mound, stated that he is an avid angler and spends a great deal of time on the Lake. He serves on the LMCD AIS Task Force and Anglers for Habitat Board. He made the following comments:

- When he started on the AIS Task Force, he questioned what the herbicide treatments were doing to the fishery. At that time, he addressed the MN DNR with the following two questions: 1) what empirical data do they have to assess the health of the fish, and 2) how many herbicide treatment permits (outside of the proposed draft Plan) are being issued on the Lake annually.
- He acknowledged an abundance of anecdotal stories about how good fishing is on the Lake (quoting a Bass Master's article that documents Lake Minnetonka is 7th best in the country). However, he was looking for facts and not subjective analysis.
- Going back to the comments noted in the first bullet point herein, the MN DNR provided him with ten years of creel survey data, in which he concluded that the Lake is very healthy (above average in some aspects) from a fisheries standpoint. However, the data provided did not answer his original questions above.
- He understood the scope of herbicide treatments (the goal and why herbicides are utilized). However, he is not a big fan of such. The MN DNR annually issues 146 permits serving 520 addresses around the Lake (39,000 feet of shoreline, which is roughly seven miles). He stated that is not only shoreline but fishing habitat. Additionally, he stated that he has this documented (via a map that was shown) if the Board would like a copy of. He was not trying to pass judgment but to better understand the scope of the herbicides use outside of the proposed, draft Plan.
- Based on his above noted comments, he highlighted the following relative to the draft Plan:
 - The work provided in drafting the Plan is invaluable (acknowledging Appendix E, "Whole Bay or Large Scale Herbicide Treatment Matrix" of the draft Plan). He believed that this matrix is key to making informed decisions.
 - He concurred with the recommendation that mechanical harvesting should be used as the primary management tool for EWM and CLP. However, more cost-effective procedures need to be considered (maintaining a long-term program does not mean there are not better procedures to be implemented).
 - Point-intercept frequency of occurrence and biomass measurements only address vegetation and not fish (habitat). He asked what is happening to the fish in the areas being treated. In asking anglers for their input, he subjectively documented that the fish left Grays Bay after whole bay or large-scale herbicide treatments. Assuming there was a problem, he asked how the draft Plan would capture that concern and what would the plan of action be.
 - The anglers he spoke to expressed concern of the timing in applying the herbicide treatments (late May or early June during the spawning season). He reiterated the need to address/measure the herbicide treatments' impact on fish within the draft Plan.
 - He referenced the possible use of 2,4-D and its ability to treat more areas for less money. He viewed this as just "less money."
 - In all due respect to the LMA, he believed that the LMCD was the appropriate body to manage the draft Plan with the cooperating effort of the partnering agencies (recommending the addition of commercial and other possible stakeholders).

- He closed by stating that the Lake is the home of many species of fish and wildlife (including Eagles). We are the stewards of the Lake's resources and we cannot screw this up.

Babcock called Mr. Dick Woodruff and Mr. Tom Lowe to address the Board; however both deferred speaking as they were unsure if they would be commenting.

Mr. Rob Roy, 21270 Excelsior Boulevard in Greenwood, stated that he represented the bay and street captains; comprised of 25 property owners (756 feet of lakeshore), numerous associations, and city dock slip holders. He made the following comments; acknowledging that comments relative to the draft Plan are based off of their 11/2/12 email to the LMCD:

- Their mission is to raise funds (currently over \$500,000) and communicate to their stakeholders for improved navigation and recreation for the common good (as well as the control of basic plants).
- They are excited about the MCWD's involvement in AIS and their aggressive first year Stop Gap Plan (as well as bringing all stakeholders to the table and considering future plans to keep AIS out, or contained, of the lakes).
- They appreciate the hard work done by all; however, expressed concern the draft Plan was incomplete (not going far enough). He referenced the absence of addressing Flowering Rush (FR) and a comment provided by Page (at the November 14th Regular Board Meeting) that the MCWD was handling such. They believe that this is too confusing and stated that FR should be handled by the LMCD and addressed within the draft Plan.
- The draft Plan should contain an "emergency response plan" in consideration of newly discovered AIS (designated course of action); providing for the ability to be proactive rather than reactive. Although this would take more time, they believe it is important to keep the momentum going and finish the work.
- They believe that harvesting is a needed management tool in controlling the current invasive plants, but that it is not the primary tool. They believe the use of harvesting puts the LMCD Board in an awkward situation (the need to look for economic, efficient, and results-oriented tools). Utilizing harvesting gives the impression (although the bay captains know it is not the Board's intent) that the LMCD will not entertain new products currently being considered by universities and commercial research companies.
- He commented on how businesses operate versus the government. In particular, a business would not draft a Plan without ratifying the funding mechanism (it is their understanding that the proposed funding of \$75,000 has not been ratified by the member cities). Should these funds be ratified, they questioned how it would be allocated. This decision should include the bay captains as the needs change yearly. For example, they anticipate a loss of up to \$20,000 as they currently receive that amount from the member cities in their current fundraising efforts. Their goal is to lose the need to have bay captains. Until then, they appreciate all the assistance they receive. He estimated that the LMCD's portion of the funding would make up an estimated 18% of the needed funds.
- The draft Plan requires new reporting, which they estimated would cost an additional \$2,000 per bay (over and above what the MN DNR currently requires).
- They do not care who serves as the project manager, provided they meet the requirements established. They are funding the biggest portion for the common good; providing for acting fiscally responsible for their customers. They question why the LMCD would want to be project manager

as they would have to deal with them. Additionally, they do not believe that the LMCD should become project manager only because public funds are involved and questioned whether the LMCD had sufficient staff to accommodate the requirements established.

- Fundraising would be impacted due to soliciting funds for a government body, in which they believe they could do better in that regard.
- He believed that all of us have one purpose in mind and that is to do best for the Lake. He thanked the Board for this opportunity to provide these comments.

Mr. Gabriel Jabbour, 985 Tonkawa Road in Orono, stated that he was in attendance representing himself and that Barone and Green reflected the majority of his thoughts. He made the following additional comments:

- He believed the biggest concern of the LMCD is dealing with the friction, provided over the last couple years, by all of us that want to provide for the Lake. This friction has provided for a waste of time and funds.
- He acknowledged Page as doing “one heck of a job” in chairing the AIS Task Force and Sub-Committee. As a long-time, active stakeholder on the Lake, he thanked him for his efforts.
- He rejected the premise that it is our way or the highway and that the draft Plan came up short. If, in fact, the draft Plan was incomplete, it was due to those that participated in its drafting of such did not bring all the details forward. He stated that the LMCD’s AIS Task Force, in which he serves on, did not move forward until every issue was dealt with (to the boredom of some and the frustration of others); providing for 100% consensus on the draft Plan. To this end, he “flat out” rejected the premise that it fell short.
- He personally would be one of the stakeholders that would benefit the most in the adoption of the draft Plan (due to ownership of his marinas being in everyone of the management areas proposed for a herbicide treatment). He also understood that those eight areas are a very small portion of the Lake, in which they are taking the most of the Board’s time. He believed that is an unfair, but normal, aspect in consideration of government affairs.
- He believed that a number of the written responses provided within the Board packet were very narrow in thought (specifically the City of Greenwood’s response that wants AIS management for the good of all of the Lake but not recognizing harvesting as the primary tool). He did not believe that expending public funds for chemical treatments that are not conducive to positive results (deep bays) was fiscally responsible. He reviewed actions taken in 2012 when the City of Orono called the LMCD for assistance in harvesting a large area in Veterans Bay for use by the greater public at the Orono Park (acknowledging that herbicide treatments would not provide positive results due to the water depth).
- He commented on the history of the funding of the LMCD, which has been changing from its original intent for regulatory purposes. If the LMCD member cities want to have herbicide treatments done in their communities, he questioned why these communities do not take the lead on funding these projects themselves and ask their Public Works Director to get the project done. He reminded all that the harvesters, when originally purchased, were done so via voluntary contributions (no tax dollars). With that said, he believed we are changing from private funding to public funding.
- He compared the five year herbicide treatment pilot project as a program managed by the FDA (in

particular to decide if the drug (the use of herbicide) is damaging the Lake). He stated that he serves on the MCWD's AIS Task and at the last meeting. At the last meeting, 100 percent of other Task Force members in attendance, which represent other water bodies within the watershed, stated that they do not deal with herbicide treatments and that they do not believe that EWM is a major problem (more of a nuisance).

- He believed that now and then you have to do chemotherapy, but it is not elective surgery. The Lake has a vegetation problem, not an EWM problem, and that most see vegetation as EWM when, in fact, it is not.
- He thanked the Board for this opportunity to make his comments.

Babcock called Mr. Joel Koonce, 16524 Grays Bay Boulevard in Minnetonka, to address the Board, in which he deferred at this time.

Mr. Mark Washa, 205 Queensland Land in Plymouth, stated that he is was in attendance representing the Lake's ecology. He believed that the use of herbicides should be placed back in the tool chest and left there. He provided the following comments, which he stated were based on facts:

- For perspective purposes, he provided a 2009 delineation map of Grays Bay, in which he stated 14,000 lbs of Renovate OTF granular herbicide, was applied. This application: 1) was a sufficient enough amount to render the Lake not acceptable for lawn irrigation for, what was deemed, a long period of time, 2) the U.S. Army Corps of Engineers (Corps) documented the water quality as poor, and, 3) subjectively, the fish left the bay.
- Two of the degradation parts of triclopyr (about 14% of Renovate OTF) are TCP and TMP. TCP, in deeper parts of the Lake, can have a one-half life of 3.5 years and TMP has a bio-concentration factor of 200 in fish; providing for it to be a lipophylic (attracted to lipids).
- In 2011, the dam had to remain open due to high Lake levels. Therefore, no treatments were provided. However, in 2012, the Renovate OTF granular herbicide was increased to 14,300 lbs.
- Due to the facts noted above, he believed the focus should remain on harvesting and biological weevils (acknowledging there is a weevil for just about every plant). Triclopyr causes a hormone mimic which causes salivation in the plants to the point where the salt wall bursts (killing some of the plants). But other ones that have the herbicide driving into it actually stimulates the plant. 2,4-D is used in tissue culture to make little parts of plant roots (for the purpose of mass production).
- The overspill of the chemical, noted above, is very serious business and not a good method to utilize. Additionally, it is very expensive (\$107,000 was expended in 2009 for two small bays as compared to an estimated \$95,000 for harvesting the entire Lake).
- He expressed an interest in utilizing ecological friendly methods and reiterated that the above comments are based on fact.

Mr. Ken Pucel, 2608 Crosby Road in Minnetonka, stated that he lives on Grays Bay and disagreed with comments that the fish are leaving that bay. In fact, this past fishing season was productive for his family. As a home owner and regular Lake user, his interest is the management of the weeds and AIS. He has visually experienced years when the bay was treated with herbicides, when it was not, and when it was just harvested. He believed the herbicide treatments offered perfect control (explaining the difference in recreational Lake use between the two management tools). Due to that control, he contributes \$1,000

when asked for his contribution (comparing that to the \$500,000 that the bay captains raised). He recommended eliminating the word "primary" out of the draft Plan and utilize "appropriate treatment." In terms of the noted private/public partnership, he stated the Board can count him in for contributing his portion of the herbicide treatment to Grays Bay (connecting results for his contribution). He acknowledged his love for the bay (use by his family and the public). He reiterated the word "primary" was a concern for him and he wanted to have a connection between his money and results.

Mr. Terry Bryce, 16828 Grays Bay Boulevard in Minnetonka, commented on the beauty of Grays Bay. Harvesting is nice but chemicals work. He acknowledged the many agencies and pressures present in the management of AIS; however, he believed the arguments pertain to the little stuff (i.e., he did not agree that the fish left Grays Bay). He believed everyone had a stake in this process and he questioned what the word "primary" meant in the draft Plan, in which he thought the LMCD would rather harvest than apply chemicals. He stated Page did a wonderful job chairing the AIS Task Force dealing with multiple challenges, in which he named. He believed that continued leadership is a must.

Mr. Tom Fletcher, a Greenwood City Council Member, stated that he disagreed with the use of the word "primary" within the draft Plan. He directed the Board to Appendix C of the draft Plan, "Comparison of Mechanical Harvesting vs. Herbicides", which was prepared by the MN DNR. He understood it to read that 11 aspects in the management of EWM favored herbicide treatments, seven favored harvesting, and four did not apply. He stated that Board member Page, which also serves on the Greenwood City Council, recently updated the city council that because of the herbicide treatments in 2012, harvesting was enhanced (where needed) around the Lake. He believed the use of the word "appropriate" rather than "primary" was recommended (appropriate tool for the appropriate place). He referenced a former comment by LMCD Board member Anne Hunt, in which she questioned if the LMCD should be contracting out the use of harvesters on the Lake. He believed that comment made sense (in terms of safety, cost, etc.). He thanked the Board for this opportunity to make his comments.

Mr. Dick Woodruff, 4485 Enchanted Cove in Shorewood, stated that he is a member of the LMCD's AIS Task Force but did not serve on the Sub-Committee that drafted the Plan. He wholeheartedly supported the concept of the Plan. Certainly in his mind, and those that served, believed the draft Plan is not an end but a start. He personally believed that the word "primary" may not be the correct choice as next year it could be secondary. He acknowledged how much has been learned within the five year herbicide treatment pilot project (providing for the changing of technique in applying herbicides throughout). He believed the process needed to be started; expressing some concern relative to the funding (explaining the LMCD's limited levy cap). He acknowledged many partnering agencies are involved in this process. However, he reminded the Board of a comment previously made by MCWD Administrator Eric Evenson, in which he communicated that he was unsure if the MCWD Board of Managers would support maintenance types of activities in the MCWD's AIS Plan as opposed to prevention (acknowledging they may not provide funding towards the proposed \$75,000). There were a lot of moving parts to this process but reiterated that we need to get started.

Babcock re-invited Joel Koonce and Tom Lowe to address the Board, in which they both chose not to comment. He asked if there was anyone else in the audience that wished to address the Board, in which there were none. There being no further comments, he closed the public hearing at 8:05 p.m. He stated

that this meeting agenda did not document action to be taking at this time (acknowledging a public hearing report will be produced for future consideration). He thanked all for attending this evening.

The meeting was recessed at 8:06 p.m. and reconvened at 8:13 p.m.

9. OTHER BUSINESS

A. **Scott Stefan**, consideration of 2012-2013 de-icing application at 5085 Greenwood Circle.

Babcock stated that this application was on the agenda due to the documentation of a violation during the 2011-2012 de-icing season. LMCD Code requires that when a violation has been documented, subsequent renewal applications are to be approved by the Board. He asked Harper for further background on this agenda item.

Harper provided a historical overview of de-icing licenses issued for this site (originally in the 1980's). Mr. Scott Steffen purchased the site in 2008, in which he obtained a de-icing license for a combined installation with his abutting neighbor (Mike Bogen) at 5175 Queens Circle (this continued up until 2010). From that date forward, Stefan informed the LMCD office that he was not going to de-ice and did not obtain a license (Mr. Bogen then obtained an individual de-icing license). During Mr. Bogen's de-icing inspection last winter, staff discovered his fencing partially down (due to de-icing equipment being operated at Steffen's site). Steffen was charged with violation of LMCD Code relative to de-icing, in which he pled guilty to one of the violations and paid a fine. Code Section 2.09, Subd. 7, "Issuance of License, New and Renewal" provides for the Executive Director to renew applications (provided there is not a proposal to enlarge the Authorized De-icing Area or the configuration of the docks, as well as document prior violations during the term of the prior season). Due to the above noted violation, staff is presenting Steffen's 2012-2013 de-icing application to the Board for consideration. Mr. Steffen was scheduled to be in attendance at this meeting; however, he was unable to attend due to a work conflict out of town. Staff believes the Board may approve the 2012-2013 de-icing license application subject to strict compliance with all LMCD De-icing Code requirements, including the submittal of proof of adequate liability insurance. With that said, he offered the following three options for their consideration: 1) to continue with approval (as noted above), 2) approve the application (with the requirement that Steffen address the Board in January), or 3) table consideration of the application until Steffen is available to address the Board. He entertained questions and comments from the Board.

Babcock solicited the Board's questions, in which there were none. He stated that he has experienced matters such as this in the past (including the establishment of a moratorium on new de-icing licenses and then re-establishing such; subject to restrictions). He recommended approval of the de-icing license; subject to the applicant being put on notice that any further violations would prevent obtaining a 2013-2014 de-icing permit license. He asked for LeFevere's input on this.

LeFevere recommended the applicant be put on notice that he "may not" be approved for a license vs. "would not" (acknowledging the importance of not prejudging the situation). Should there be further violations, a hearing would be needed on the matter.

Babcock also suggested that if there were no violations, staff could renew the de-icing license without

Board consideration. He entertained further questions from the Board.

Meyer requested clarification on Code Section 2.09, subd. 10; in particular, the exception for when a de-icing license is not required by the Code.

Babcock stated that the ordinance does not require a permit after March 15th, provided adequate "Thin-Ice" signs are installed along the affected shoreline. The thought process for this exception was that winter activities on the ice would already not be safe.

MOTION: Olson moved, Morris seconded to approve the 2012-2013 Scott Steffen de-icing application; subject to staff recommendations and the discussion noted above by Babcock and LeFevere.

VOTE: Ayes (11), Nays (1, Page); motion carried.

B. Appointment of nominating committee for 2013 LMCD Board Officers

Babcock stated that Kask, Hughes, and Shuff have volunteered to serve on the nominating committee (with Kask serving as chair). He solicited other Board members that are interested in serving on the nominating committee, in which there were none.

The consensus of the Board concurred with Board members Kask, Hughes, and Shuff serving on the nominating committee (with Kask serving as chair). An update for 2013 LMCD Board Officers is tentatively planned for the January 23rd Board Meeting.

C. Staff update of LMCD's 46th anniversary Save the Lake Recognition Banquet Dinner

Babcock asked Nybeck for an update on this agenda item.

Nybeck recommended the following two matters on this agenda item be resolved: First, the date and location of the banquet needs to be scheduled. He offered the Lafayette Club on February 6th, 20th, and 21st as possible dates. Staff has recommended February 21st since this would be on the off-week for LMCD Board Meeting and would not conflict with MCWD AIS Task Force Meetings (presumably on February 6th and 20th). Second, a decision on the special deputy to be recognized at this event should be made. Lt. Art Saunders from the Sheriff's Water Patrol has recommended Special Deputy Robert Stamm.

The consensus of the Board was to: 1) hold the Banquet Dinner at the Lafayette Club on February 21st, and 2) to recognize Robert Stamm as the Special Deputy of the Year.

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).

Olson stated the LMCD has been receiving a large number of contributions in response to the Fall/Winter Save the Lake solicitation campaign. Additionally, he believed that a Save the Lake committee meeting would be scheduled in the near future.

Johnson stated that the Public Safety Committee met on Monday, December 10th, relative to the Board's prior comments on a proposed bow-fishing ordinance for the Lake. Based on the discussion at this meeting, he believed that a more appropriate lakewide ordinance for bow-fishing would be forwarded to the Board in the near future.

Nybeck stated that a revised draft ordinance, consistent with the committee's discussion, would require his and LeFevere's time. He solicited the Board's approval to expend that time, in which there were no concerns noted. Additionally, he stated the matter will be on the agenda for the January 9th Board Meeting.

Babcock stated that the Finance Committee met this date to re-invest a matured Certificate of Deposit. Additionally, he is working with Nybeck on a list of possible topics for the Ordinance Review Committee to address.

11. EXECUTIVE DIRECTOR REPORT

Nybeck stated that the Lake levels are currently three to four inches below readings documented last year at this time. He will continue to monitor this, working with the MCWD should Lake levels need to be documented closer to next spring.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:24 p.m.

Doug Babcock, Chair

Dan Baasen, Vice Chair