

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, January 8, 2014
Wayzata City Hall

1. CALL TO ORDER

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

2. ROLL CALL

Members present: Doug Babcock, Tonka Bay; Dan Baasen, Wayzata; Andrew McDermott, Orono; Gary Hughes, Spring Park; Kent Carlson, Deephaven; Jay Green, Mound; Ann Hoelscher, Victoria; Dennis Klohs, Minnetonka Beach; Jeff Morris, Excelsior; Fred Meyer, Woodland; Rob Roy, Greenwood; 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

3. APPROVAL OF AGENDA

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

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Babcock

Babcock thanked Baasen for chairing the joint LMCD/Hennepin County Sheriff's meeting (in his absence) that was held just prior to this meeting. Additionally, he reminded all of the 47th Anniversary Save the Lake Recognition Banquet that will be held on February 5th at the Lafayette Club (6:00 p.m. social hour).

5. APPROVAL OF MINUTES – 12/11/13 LMCD Regular Board Meeting

MOTION: Hughes moved, Baasen seconded to approve the minutes from the 12/11/13 Regular Board Meeting as submitted.

VOTE: Ayes (11); Abstained (2, Meyer and Shuff); motion carried.

6. APPROVAL OF CONSENT AGENDA

Green moved, Shuff seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved included: **6A**, Audit of vouchers (12/16/13 – 12/31/13) and (1/1/14 – 1/15/14); **6B**, November financial summary and balance sheet; and **6D**, Approval of 2014 LMCD Meeting Calendar.

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. United States Geological Services, update on Zequanox project on Robinsons Bay

Babcock welcomed representatives from the United States Geological Services (USGS); recognizing their time in traveling to present this evening.

Mr. James Luoma from the USGS thanked the Board for this opportunity. He highlighted the Zequanox project on Robinsons Bay by making the following comments:

- This project is sponsored by the USGS, Environment and Natural Resources Trust Fund (ENRTF) research.
- Zequanox is a common soil bacterium that targets the digestive gland. It is registered with the United States Environmental Protection Agency (EPA) to control zebra and quagga mussels in enclosed systems (providing for its evaluation to determine its potential to control such mussels in limited, ecologically important, open waters).
- This research is a multi-agency, Great Lake Restoration Initiative grant (with a goal to evaluate the use of Zequanox). This product contains the killed-cells of a specific strain of the common soil bacterium *Pseudomonas fluorescens* as the active ingredient. It is a tolerance exempt product providing for the EPA to document it as being able to be consumed by humans.
- This is a Legislative-Citizen Commission on Minnesota Resources (LCCMR) and ENRTF funded project; providing for federal, state, local, and private partnerships (USGS, Minnesota Department of Natural Resources [MN DNR], Minnehaha Creek Watershed District [MCWD], LMCD, and Marrone Bio Innovations (MBI)).
- The zebra mussel control research will expand non-target animal database for Zequanox and evaluate: 1) the use of molecular tools for such zebra mussel treatment detection and 2) Zequanox for limited open-water zebra mussel control.
- Robinsons Bay on Lake Minnetonka was selected as a test site in partnership with the MCWD. This bay provides: 1) suitable habitat and water depth, 2) has an established zebra mussel population and public access, and 3) the partnership provides for access to the MCWD laboratory.
- He provided a detailed overview of the activities that transposed on this project in 2013:
 - Placement of substrates on June 4th; located in greater than 10 feet of water depth; three material types; uniform surface area, and allowed for replication.
 - Small scale treatments from September to October; nine, 1.5² meter enclosures; three treatments and three replicates; assessed zebra mussel mortality/density reduction; and methods that were transferable to the 2014 studies.
 - Pros and cons offered included: 1) no personal safety issues, and 2) some boat related

impacts (high rates of speed and waves over-topped enclosures and created “bellows” effect).

- He provided a detailed overview of the activities that are proposed in 2014; larger scale (27 m²) enclosure trials; September – October; and 15 total enclosure setups (five per treatment day for up to 36 to 48 hours each).
- He requested the LMCD consider establishing a temporary, no-wake zone on Robinsons Bay for less than 14 days (September 8-22, 2014), in which they will place enclosures in four and one-half to five feet of water depth. He provided an aerial map of the proposed no-wake zone.
- This request for a temporary, now-wake zone will reduce impact to boaters (conducting the trial after Labor Day holiday). The rectangular enclosure design (changed from last year) will be positioned to reduce shoreline access impact and allow resident boat traffic. Boundaries will be marked with buoys during interim period.
- In summary, this project will provide the USGS the ability to gain valuable information on how well this product can be utilized and to determine how much product will be needed and at what minimized level to provide the needed control.
- He entertained questions and comments from the Board.

The Board asked a number of questions and made comments, in which Luoma’s responses and other respectively named comments are highlighted below:

Babcock asked if the USGS was open to positioning the project in another area of the Lake that is closer to the MCWD, provides minimum wake restrictions, and has efficient access (i.e., either side of Highway 101 on Grays or Wayzata Bays).

Lumoa stated this might be a little challenging as the substrates are already in Robinson Bay and that area offers larger boat size traffic.

Green thanked Lumoa for his communication and offered as much help from the LMCD as jurisdictionally possible. He asked if there was any damage to the substrates during a 2013 boat fire in that area. In regards to the temporary minimum-wake area, he understood that the enclosures will be in shallower waters (providing for them to be closer to shore). He asked if there was a product that could surround the enclosures to cut down the bellow affect (similar to ice curtains). He was not opposed to the proposed minimum wake area; however, he did not want to approve a process that could fail.

Lumoa stated the USGS checked the substrates after that incident, in which there was no documented damage. They designed the enclosures to be more rigid this year; providing for not as much of a bellow affect. He stated they do have curious traffic that comes close to the enclosures (especially when the team is snorkeling). He questioned whether Lake users understood what a diver’s flag is.

Klohs asked how the representative from the Wisconsin Technical College (WTC) assisted in this project. Additionally, he commented that it was important that all the major players were on the same page; including the University of Minnesota (U of M). Additionally, he asked if the U of M could endorse the project if they had not already.

Lumoa stated that the representative from the WTC is a professor and invertebrate specialist. He stated the U of M was involved in the project; however, the graduate student that was involved was hired on as a staff member. He offered to contact Dr. Sorensen at the U of M in consideration of their endorsement.

Babcock requested further details on the detection aspect of this project.

Mark Gaikowski, from the USGS, stated they are utilizing the use of microscopy for the presence of zebra mussel veligers in water samples, as well as the physical detection of attached adult or juvenile mussels. Additionally, he stated developments have provided for the use of Deoxyribonucleic acid (DNA) in documenting the presence and density of invasive species (including zebra mussels). This tool is currently utilized for Asian Carp and has been developed for other invasive species, as well. He provided a detailed overview on the process of locating the veligers via the use of DNA (targeting the sequences of the DNA itself and the survival status and quantity of such). This process provides for a target location for control purposes. Lastly, he stated that copper sulfate has been utilized with the use of DNA, which would allow one to go out into a water body and identify the respective sequence length for the surveying of live mussels after a control treatment vs. depending on visual sightings.

Nybeck stated that the MCWD provided a brief written update on this project last year. Representatives from the USGS were invited to attend this meeting to expand this discussion with the Board (providing for a more detailed review of the project). He directed the Board to a special event application (within their packet) that was submitted for the 2014 Zequanox project, in which they are requesting a temporary no wake zone that could be considered through this application process. He recommended staff work with Lt. Saunders and Lumoa (based on the Board's direction and guidance); providing for the drafting of a special event permit for future consideration.

Green recommended utilizing the special event permit process recently utilized for the Minnesota Wake Surf Championship as a draft model.

Babcock expressed his support in assisting the USGS with their needs on this project. However, he would prefer they work with staff in the consideration of other areas of the Lake that might be more viable (an area that does not impact Lake use and provides for more of the project's needs). He questioned how a temporary no wake zone would be enforced.

McDermott supported this project and asked if the neighboring properties were ever contacted.

Nybeck stated that some contact was made by the MCWD in 2013. He concurred that the Wake Surf Championship permit, and the process utilized, could be utilized as a model (working through the issues that may arise amongst the various stakeholders).

Baasen believed that if the substrates are already in place on Robinson Bay (acknowledging the temporary no wake zone would be for a short period of time), he would consider leaving the project in that bay. It seemed to him most of the residents are in support of this project.

Green did not want to do anything that would jeopardize the project itself; acknowledging the enclosures are very heavy.

Nybeck solicited the Board's interest in assisting him on this project, in which Baasen, Green, and McDermott volunteered. He believed the draft permit would be brought back to the Board for consideration in February.

Gaikowski provided further information on the USGS's communication with the U of M for this project. He stated that they had been in contact with the U of M and, as noted above, in which the graduate student was hired on as a staff member. However, he stated the U of M is more interested in what new processes could be researched vs. this project providing for more of an applied research technique.

Klohs recommended the USGS at least have the U of M put something in writing so that the Board would know their exact position on this project.

LeFevere stated that making the proposed temporary no wake zone would not mean that the area will be a no wake zone, referencing the symbolic placement of a new stop sign. He recommended the USGS provide an outline that would better give the Board a sense of what results they are trying to achieve (i.e., number of events offered, etc.) including where the buoys will be placed and the dimensions.

Lumoa reiterated the need to consider personal safety (i.e., diving events with close encounters of watercraft operators). He reviewed the effort in re-designing the equipment to accommodate for the wave action (explaining the consequences of). However, he could not specify how much of a wave factor will falter the results.

Babcock thanked all for their time and effort in updating the Board on this project.

B. Wayzata Yacht Club (Site 3), consideration of 2014 new multiple dock license (with minor change application)

Babcock asked Harper for background on this agenda item.

Harper reviewed his staff memo, dated 12/27/13, which summarized a request from the Wayzata Yacht Club (WYC), to reconfigure and reconstruct the permanent dock on the east side of Site 3 (specifically, widening the slips and extending the dock fingers where there are currently approved dolphin poles). The applicant is proposing to correct some minor installation discrepancies on the remaining docks (acknowledging the total number of boat storage units [BSU] is not proposed to change). He provided an overview of relevant LMCD Code Section 2.03, Subd. 7, which outlines the issuing of a new multiple dock license without payment, by the Executive Director. He stated the proposed changes seem to meet the requirements outlined in the above code section; however, the Executive Director wanted the Board to review the application and allow the City of Wayzata (city) time to provide comments on the proposed changes, which were provided in the Board's handout folders.

Nybeck confirmed Harper's comments that this application could be approved at staff level (based on meeting LMCD Code requirements). However, based on the recent history and follow-up communication with the city and their respective permitting requirements, he referred this application to the Board for consideration. He and Baasen were in attendance at the city council meeting when considering comments for this application; referencing the city's concern for increasing the boat sizes. He recommended one approach the Board could consider is to add a condition on the license that would require no watercraft overhang (providing for watercraft size to not go beyond the structure). He stated that he spoke to the applicant relative to this, in which they had reservation but would agree to a two foot overhang restriction. He questioned if the two foot overhang restriction, on top of the proposed additional four foot length in dock structure, would remain within the spirit and intent of LMCD Code for minor change applications (no public hearing required).

Baasen questioned why the dock size is increasing in width and their need for an overhang restriction. Additionally, he questioned whether the proposed added dock widths would allow for adequate passage between the island and the parking lot.

Harper stated that the applicant would have to speak to why the dock size is increasing in width and their need for an overhang restriction. However, he stated the applicant documented their interest in having consistent measurements and a better access point to the island.

Mr. Jonathan McDonagh, representing the WYC, stated their concern for the condition of a specific overhang was that an estimated 24 foot watercraft would not measure up to length overall. Additionally, a lift would have to be moved all the way forward; causing concern with damaging of the dock structure and providing for a very tight envelope for such a watercraft. He further stated that a 28 foot E-Scow would provide for the rudder not meeting length overall by 1.5 feet. He expressed an interest in having their license allow for such options.

Babcock stated that length overall is measured with all watercraft equipment in the normal position; providing for a uniform measurement for all to comply with (explaining the difference between this situation and an envelope application). To Nybeck's point, he questioned when an application would not fall under the provisions of a minor change.

Nybeck confirmed that the application before the Board is a new multiple dock, with minor change.

McDonagh confirmed they are not lengthening the slips.

Nybeck stated that this facility has a watercraft storage history dating back as far as the early 1990s. At that time, dolphin poles and pilings were installed within a moratorium, which became the approved length of the licensed BSUs. His recollection is that the dolphin poles, providing for staff measurements, were three to four feet beyond the end of the 24 foot length; providing for the length of the BSU (including the dolphin poles) is estimated at 27 to 28 feet. The applicant is looking to construct dock structure out to the approved length of the BSUs.

Babcock stated that confirms what he was looking for in considering a minor change application vs. an application that triggers the need for a public hearing.

Nybeck believed that the Board could approve this application, as a minor change, with a condition of some measurement of an overhang restriction. He prefaced that if he knew, up front, that the applicant had intentions of increasing the length of the fingers by four feet and had greater than a two foot overhang restriction, he would have required a public hearing (acknowledging that the proposed changes would not be considered a minor change).

Green requested confirmation that the same boats are being placed in their respective BSUs, in which McDonagh confirmed they were.

Nybeck asked the Board to understand his conversation with the applicant this date prefaced their interest in putting different sailboats in those BSUs. Therefore, he believed setting expectations to the applicant would be the right thing to do.

McDonagh spoke to the city's expressed concern (outlined within their staff memo), in which they believed that larger boats would create larger crews; causing parking concerns. He confirmed that larger boats could accommodate smaller crews; similar to what is currently offered. He expressed concern that if the Board placed a two foot overhang restriction on their license, he will not be able to be in compliance with the currently stored boats being placed in their respective BSUs.

Babcock stated that there is no guarantee the applicant had not rented the BSUs in the past, in which the watercraft had extended beyond the dolphin poles. He stated that if it is the intent of the Board to restrict the applicant from having watercraft beyond such, it is possible to do so. However, it would set new expectations.

MOTION: Baasen moved, McDermott seconded to approve the WYC (Site 3) 2014 new multiple dock license, with minor change, application; subject to imposing a two foot overhang restriction on BSUs 1-10.

Klohs asked the applicant how many of their watercraft are on lifts as compared to 20 years ago.

McDonagh stated all their watercraft are on lifts; acknowledging the concern with zebra mussels. He believed that there are many factors that limit boat sizes besides slip length (i.e., depth of water). He believed the approach to limit the boat size to limit the parking concerns (as noted by the city) is slightly misguided.

LeFevere stated that discussion on the size of the watercraft is a little unusual. If the applicant was going through a public hearing process, the Board would have to have some basis for the applicant not meeting the subjective criteria outlined within the LMCD Code in considering the size of watercraft. At this time, the Board is considering a minor change to a conforming license. If the applicant meets the LMCD Code

requirements for such, then the only question for the Board is the process involved. If the Board concludes that there may be a substantial increase in the slip size, length, width, or watercraft storage (taking into consideration the proposed four foot increase in structure and wider slips), then the Board should document the proposed changes as substantial and direct the applicant to go through the public hearing process. If the Board defines what they believe is okay for a minor change (no overhang or a specific measurement for such), then the Board is defining the limits between a minor and substantial change. Additionally, if the Board imposes a condition in approving the minor change application and the applicant is not satisfied with such, the applicant could request a public hearing, as well (recognizing the city had already responded to such).

Babcock stated that the Board licenses the dock structure (not the size of the watercraft). He did not see a substantial change in size (providing an overview of) and noted his interest in approving the application without an overhang restriction. He did express concern with the proposed increased width in structure; however, the dolphin poles are being proposed to be moved inside the slips from outside (which limits the width of the watercraft).

Klohs concurred with Babcock's comments.

Baasen stated that he had the advantage of listening to McDonagh's presentation to the city (held the day prior). At that time, he informed the city council that they were putting the same boats within the same BSUs and that they were not concerned with putting additional/larger boats within such.

McDonagh clarified that the WYC would be putting in A-Scow and not E-Scow sail boats.

Babcock stated that, within the current license, the applicant would not be restricted from putting A or E-Scow sailboats in the BSUs.

Klohs stated that with the use of lifts, the applicants will not be putting larger watercraft in the BSUs (compared to what the original intent was). He questioned why the Board would impose a restriction on the overhang. He believed (per LeFevere's comments), that if the Board imposes a restriction to the overhang, the Board is considering this application a substantial change.

MOTION Green moved, Babcock seconded to amend the original motion that would remove the
TO AMEND: two foot overhang restriction.

VOTE ON
MOTION TO
AMEND: Ayes (10), Nays (2, Baasen and McDermott), Abstained (1, Meyer); motion carried.

VOTE ON
ORIGINAL
MOTION (AS
AMENDED): Ayes (12), Abstained (1, Meyer); motion carried.

C. Update on Lake Minnetonka Communications Commission request.

Babcock asked Nybeck for an update on this agenda item.

Nybeck directed the Board to his staff memo, dated 1/2/14, in which he highlighted the following:

- The LMCD has partnered with the Lake Minnetonka Communications Commission (LMCC) and City of Wayzata (city) since 2005, with a goal of improving public communication.
- The city's Community Room Agreement is approved and paid annually (\$3,090 budgeted for 2013). This provides use of the community room and cable television studio, as well as audio and video equipment upgrades (provided in 2013).
- The LMCC has provided 1) delayed airing of Board meetings (Mediacom), 2) Video on Demand on the LMCC website, 3) LMCD pays the city \$1 annually for use of video production studio (no other costs were assessed to the LMCD), and 4) license agreement between all three parties approved annually. All the above have been provided at no cost to the LMCD.
- The 2014 Agreements were scheduled for Board consideration at their December 11th meeting. The LMCD was in receipt of two emails from LMCC Executive Director Sally Koenecke on December 10th, in which the LMCC requested cost sharing for the 2014 contracted services. The Board removed their consideration of the Agreements to provide Hughes and staff time to further research the request (reporting back to the Board in January). Communication to this affect was relayed to the city.
- A meeting was held on December 18th, in which Hughes, Nybeck, Koenecke and LMCC Operations Manager Jim Lundberg were in attendance. At that time, it was concluded that an LMCC representative would be in attendance at this meeting. The following provides a summary of discussion:
 - The LMCC had 17 member cities contracted in 2013, five of which (four LMCD member cities) no longer contract with the LMCC (Minnetrista, Orono, Tonka Bay, and Victoria).
 - This reduction has caused financial hardship for the LMCC; providing for their request of the LMCD to provide financial assistance for the cable production and on-line services in 2014.
 - The LMCC producer is contracted through June 30th, in which the LMCC will pay this expense.
 - The LMCD's financial assistance for the producer would include a \$50 per meeting fee (two hour limit - \$12 per hour beyond - billed on one-fourth hour increments). Airing would be provided on Mediacom cable at no cost to LMCC member cities.
- On-line viewing will not be provided as of January 1st. Additional cost options would include \$250 or \$100 per meeting for or without agenda parsing, respectively.
- 2014 LMCD highlighted options were highlighted as follows:
 - Option 1: continue services offered in 2013 and contract cable producer (\$750 for 10 meetings) and on-line viewing, including agenda parsing (\$5,000 for \$20 meetings); total cost estimate \$5,750.
 - Option 2: contract cable producer (\$750 for 10 meetings) and on-line viewing, without agenda parsing (\$2,000); total cost estimate \$2,750.

- Option 3: contract cable producer only (\$750 for 10 meetings); total cost estimate \$750.
- Option 4: no contract services; cost estimate \$0
- The above options do not include costs associated with a meeting space. Communication has been made to pay the city on a prorated basis (\$131.87 per meeting) in 2014 should the LMCD relocate.
- Cable producer costs for the above options are for only six months (doubling in price for a year).
- Options 1 and 2, cable viewing would only be available for Lake Minnetonka communities that are members of the LMCC (viewing could be done by all 14 LMCD member cities on-line).
- LMCC will continue to air options 1-3 on Channel 20 @ no charge to LMCC member cities.
- Prior to inviting the LMCC representatives to address the Board, he entertained questions and comments from the Board, in which Harper confirmed the LMCD would need to increase website storage capacity to download and archive the LMCD Regular Board meetings.

Ms. Sally Koenecke, LMCC Executive Director, reiterated that five of the 17 LMCC member cities decided to independently franchise their viewing options (resulting in budget constraints for the LMCC). The LMCC believes airing of the LMCD meetings is critical based on all sharing in the Lake's natural resources, which "puts us on the map." In witnessing the discussion held this evening for the prior agenda items, she believed it was fantastic how organized matters are addressed; prefacing a second reason for the continued importance in continuing to offer this viewing option on the LMCC. In the 30 years of the LMCC's operation, their main focus has been placed on non-profit programming; providing for the diversified viewing of a variety of meetings (i.e., schools, etc.). In closing, she expressed the importance of not letting the budget constraints eliminate non-profit program viewing. She introduced Jim Lundberg who provided further details on how their viewers benefits from the LMCD's programming.

Mr. Jim Lundberg, LMCC Operations Manager, stated the LMCD's meetings have been produced since 2005, in which they have offered a consistent contracted producer (Daphne Okey) for almost the entire time. Additionally, he stated the LMCD's meetings have been streamlined on "Video on Demand" since 2006 (agenda parsing initiated in 2012; 44 meetings). He confirmed that the LMCD's streamlined videos are available on line for a period of one year. He provided further details as highlighted below:

- The LMCC has been paying their producer \$73 per meeting (up until this month); providing for the LMCC expending \$14,746 (over time) specific to the production of the LMCD meetings.
- Additional programming expenses (including agenda parsing) are a very labor intensive cost proposition.
- The LMCC incurred a 40% budget reduction starting in 2014. They cannot continue to provide the services as offered in the past (providing for their need to adjust and remodel the organization).
- This budget reduction has resulted in staff reduction (in which he outlined); providing for the remaining staff to take on more responsibilities. The LMCC is the largest member producing agency in the state with the fewest amounts of staff members.
- The LMCC's goal is to continue to provide core services as they have done in the past. In doing so, this will require the LMCC to come to terms with some viewing changes. As noted by Nybeck, they will continue to cover specific agencies (in which he named).

- He directed the Board to an LMCD Fact Sheet. The LMCC contracts with another company to receive viewing statistics and this company has recently changed their software; providing for these statistics to cover November, 2012 to October 2013 only. The LMCC typically reports an estimated 1,000 views each month. He confirmed that the LMCD, during this period of time, had at least one of their meetings (except for two) listed in their top 10 viewing chart (outlining specific meetings and viewing percentages). The LMCC recognizes the communities' interest in viewing options and expressed their interest in continuing to partner with the LMCD.
- He entertained questions and comments from the Board.

The Board had a lengthy discussion on this matter, in which those comments and Lundberg's respective responses are highlighted below:

- Confirmation was provided that, although the meetings are not on file with the LMCC after one year, a copy of each meeting is provided to the LMCD for physical storage and retention.
- The 443 meetings represented on the fact sheet were from November, 2012 to October 2013.
- Confirmation that only residents of member cities can view the meeting on their cable channel (providing for residents of the four LMCD member cities that have independently franchised would not have LMCD viewing options); documenting the need to provide some type of video streamlining for all to view.
- The LMCC has expended a one-time cost of \$3,200 for the agenda parsing hardware, as well as an annual fee of \$6,000 to the respective company for a single license to host all meetings. He stated that the City of Orono was recently licensed for such at the same price.
- The City of Mound is not an LMCC member city; however, they have signed a user agreement that gives the residents the same full rights as any of the member cities (providing for their programming to remain).
- Nybeck was asked what it would cost to host the LMCD on its website, in which he confirmed more research would have to be provided to respond to that question. He stated this meeting agenda was provided as an update to the Board. He welcomed the Board's additional questions that staff could further research.
- Baasen thanked the LMCC for what they do. He believed it was important for the LMCD to be visible and did not believe this was a good time to cut back. However, he recognized that the 2014 LMCD budget has already been approved and that an overall estimated one percent assessed fee on the LMCD's annual budget was significant.
- Hughes questioned the value of agenda parsing; confirming his city has had more questions based off of cable vs. on-line viewing.
- Babcock expressed concern for being assessed 100% of the funding, while the LMCC maintained 60% of their budget from the LMCD member cities. Lundberg understood the hardship; however, pointed out that the same services has been offered for nine years at no charge, in which Babcock recognized the benefit received for such to the LMCC.
- Koenecke stated that when funds were available, it was the LMCC's position that viewing of the non-profit meetings was worth the expenditure of their funds. She reiterated their interest in continuing to produce the LMCD meetings as there is a value to Lake community.

- Lundberg confirmed that their charge is to provide cable viewing to their subscribers, which does not include Video on Demand or agenda parsing. He reiterated that those two services were provided at no charge “up and above” what is provided by their member subscribers. He recognized that the LMCC is addressing this matter late in the game (after the LMCD’s 2014 budget was approved). He confirmed that a number of other agencies have been affected by this, as well. He stated that the school districts have always produced their own meetings and provided the LMCC their programming for cable viewing, in which they are moving in that direction with other agencies, as well. In closing, he asked the LMCD to keep the communication open; reiterating their main goal is to continue to provide the information to the community. He has offered the LMCC’s service in answering questions for other viewing options, as well as the continuation of providing that programming to the LMCC for additional viewing.

Nybeck stated that he and Hughes will continue to research the options available, including speaking with the member cities that have chosen to independently produce their meetings. He thanked the LMCC for their time and assistance in their resources.

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).

Morris stated that the AIS Task Force will be meeting on January 17th at 8:30 a.m. at the LMCD office. One agenda item is to finalize the discussion held on the consolidation of the AIS Advisory Committee with other west metro AIS committees. Additionally, there will be discussion of 2014 watercraft inspection options.

Green stated that the Minnesota Department of Natural Resources will be hosting their 2014 Roundtable event this weekend, in which he, Nybeck, Gabriel Jabbour and John Barten will be in attendance. He anticipated some good discussion on aquatic invasive species.

Baasen stated that the Save the Lake Committee will be meeting on January 14th at the LMCD office. The committee will continue to finalize the evaluation of the 2013 Watercraft Safety Pilot Program that was held on November 16th. He provided an overview of the 2013 fall/winter solicitation drive, in which he stated contributions were substantial and favorable from prior years. He stated that the LMCD solicited proposals for 2014 funding last October (naming those that have been received). The committee will review and provide recommendations to for the Board’s consideration. Lastly, he encouraged all to further communicate with their member cities on attending the Save the Lake banquet.

There were no reports for the Finance, Ordinance Review, Personnel, and Public Safety Committees.

11. EXECUTIVE DIRECTOR REPORT

Nybeck stated that Green and Morris had offered to assist staff in a 2014 LMCD Harvesting Program working group. He invited all that would like to participate to do so.

12. Executive Session- Performance Evaluation of the Executive Director (Note: Board may vote to conduct evaluation in a closed session)

LeFevere stated that the Open Meeting law provides an exception for the Board to close a meeting for the purpose of personnel evaluations or personnel subject to its control (the Executive Director). It is the Board's choice as to whether to go into executive session. If the Board chooses to, a summary of the results of that personnel evaluation must be provided at the following Board meeting.

MOTION: Green moved, McDermott seconded to: 1) go into executive session at 9:06 p.m. to discuss the Executive Director's personnel evaluation, as allowed by Open Meeting law, and 2) to adjourn the meeting upon completion of the executive session.

VOTE: Motion carried unanimously.

Doug Babcock, Chair

Andrew McDermott, Secretary