

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, March 10, 2010
Wayzata City Hall

1. CALL TO ORDER

Whalen called the meeting to order at 7:03 p.m.

2. ROLL CALL

Members present: Lisa Whalen, Minnetrista; Kelsey Page, Greenwood; Tom Scanlon, Spring Park; Dan Baasen, Wayzata; Doug Babcock, Tonka Bay; Peter Hartwich, Excelsior; Chris Jewett, Minnetonka; Keith Kask, Deephaven; Dennis Klohs, Minnetonka Beach; Bill Olson, Victoria; Herb Suerth, Woodland; Dick Woodruff, Shorewood. Also present: Charlie LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

Members absent: Steve Johnson, Mound; Andrew McDermott, Orono.

3. APPROVAL OF AGENDA

MOTION: Page moved, Woodruff seconded to approve the agenda as presented.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Whalen

There were no Chair announcements.

**5. APPROVAL OF MINUTES – 02/24/10 LMCD Regular Board Planning/Workshop Session
02/24/10 LMCD Regular Board Meeting**

MOTION: Kask moved, Woodruff seconded to approve the minutes from the 02/24/10 LMCD Board Planning/Workshop Session and the 02/24/10 LMCD Regular Board Meeting as submitted.

VOTE: Ayes (8), Abstained (2, Babcock, Page); motion carried.

Olson arrived at 7:07 p.m.

6. APPROVAL OF CONSENT AGENDA

Woodruff moved, Page seconded to approve the consent agenda as submitted. Motion carried unanimously. Item so approved included: **6A**, Audit of vouchers (03/01/10 – 03/15/10).

7. ITEMS REMOVED FROM THE CONSENT AGENDA

There were no items removed from the consent agenda.

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

There were no public comments.

9. UPDATE FROM STANDING LMCD COMMITTEES-

- AIS Task Force
- Save the Lake
- Technical Advisory Committee (TAC)
- Ordinance Review Committee

Whalen asked for an update from the Chair of each committee, with Nybeck providing the AIS Task Force update.

AIS Task Force

Nybeck stated the committee is scheduled to meet March 12th. At which time, the following two items would be discussed: 1) the MN DNR will provide an update on flowering rush (factoring in the 2010 EWM Harvesting Program) and 2) consideration of the 2010 Herbicide Program treatment proposals submitted by the Lake Minnetonka Association.

Save the Lake

Olson stated that agenda item 11C provided for discussion of the Save the Lake re-branding proposal, along with discussion on the shortfall of funding for the 2010 public access inspection program.

TAC

No update was provided.

Ordinance Review Committee

Babcock stated that a committee meeting was scheduled for March 11th. Therefore, an update will be provided at the March 24th Board meeting.

10. OTHER BUSINESS

A. Discussion with Lake Minnetonka commercial marinas.

Whalen stated the Lake Minnetonka marina owners have asked to address the Board. She welcomed them on behalf of the Board; acknowledging the LMCD's pleasure in working with them over the years.

Mr. Gabriel Jabbour, owner of Tonka Bay Marina & Sales and Shorewood Yacht Club, invited all those in attendance to introduce themselves to the Board. The following owners and/or representatives addressed the Board: 1) Mr. Jerry Rockvam, owner of Rockvam Boat Yards; 2) Mr. Jerry Brecke, original owner of 30 plus years for Howards Point Marina, 3) Mr. Paul Bergquist, owner of Minnetonka Boat Rentals; 4) Mr. Jim Bean, owner of Bean's Greenwood Marina; 5) Mr. Kent Carlson, owner of Excelsior Bay Harbor; 6) Mr. Dan Gau, General Manager of Wayzata and Minnetonka Marine; 7) Mr. Rich Anderson, owner of Northshore Marina; 8) Mr. Gordon Koch, owner of Curlys (Caribbean) Minnetonka Marina of 50 years; and 9) Mr. Mike Saylor, representing Sailors World Marina. Jabbour, speaking on behalf of those present, stated that they recognized the substantial change in the LMCD's Board

membership. Therefore, they felt this was a good time to engage the Board in allowing the marina owners to be a part of the overall resource management of the lake. He continued addressing the Board by making the following comments:

- He credited the 2009 Board Officers for working with the marinas; specifically noting the respect he has Vice Chair Tom Tanner who spent the day with him visiting the marinas around the lake.
- He acknowledged the positive efforts that have been accomplished in the marinas' collaborative work with the LMCD and the Hennepin County Sheriff Water Patrol. In which the following efforts were specifically noted: 1) the adoption of an ordinance that provides for the dock and mooring of safety boats while not being counted against the marinas' licensed storage density, 2) providing for the marinas' efficient maintenance and repair of Water Patrol and other safety boats for the continued care of all (noting 24 hour coverage, including peak holiday seasons), and 3) the use of their facilities for water rescue training for all of Hennepin County and the surrounding areas.
- He thanked the Board for having faith in the marinas; allowing them to share the LMCD's vision in resource management needs of the lake. Additionally, he stated they are committed, willing, and able to continue their assistance.
- He expressed the need for all to understand what it takes to provide the current level of resource management so that the vision is carried on when current providers are not able to. He acknowledged the efforts put forth in keeping the resources of Minnetonka Portable Dredging active for the lake community's use.
- He provided the Board an email of support from Mr. Don Westman, owner of Lindbo Landing Marina, who was not able to be in attendance this evening.
- He stated the marinas have been substantially engaged with both the local and state legislatures in the management of public water resources; acknowledging the critical need in doing so and the regular updates that are provided to the Board Chair.
- He personally thanked the LMCD Board, the Board Officers, and staff.

Rockvam stated that he has been involved in the "Minnesota Clean Marinas Program" for about one and a half years, in which he gained a better understanding of how far ahead the LMCD is in lake management resources. He commended the LMCD for having the forethought in the management of dock regulations for the past 40 years; which are now currently being addressed statewide by the MN DNR. As he is celebrating his 50th year of business as well, he acknowledged remembering back why the LMCD was originally established and commended the LMCD for coming a long way in their efforts. He stated it has been a pleasure to work alongside the LMCD.

Brecke stated that he spoke with Howards Point Marina management prior to addressing the Board this evening. He was happy to hear how comfortable that they were in approaching the LMCD with any question they had. He believed all were on the same team; acknowledging their support to the LMCD and gratitude for the little changes that have made operating a business on Lake Minnetonka easier.

Whalen read Mr. Westman's email, in which he stated that he was extremely pleased and impressed with the LMCD's progress. He acknowledged that the LMCD is a critical resource to insure the long-term viability of Lake Minnetonka and also his small family business. He appreciated the willingness of the Board and staff to partner with the marinas for the common good of the lake community. He provided his compliments and expressed his encouragement in the progress that is being made together.

Whalen stated that one of her goals in serving on the Board was to create partnerships and continuity with all involved in the lake community. She thanked all for working with the LMCD to see the goal come to fruition. She acknowledged that the Board needs all to help protect the lake for the betterment of the community as a whole.

Jewett arrived at 7:20 p.m.

Jabbour thanked the Board for allowing the marina owners to be in attendance at this meeting. He reiterated the owners are committed to a partnership in which the LMCD can rely on. Additionally, he stated that the owners are willing and able to expand their resource efforts; specifically in areas which may be of a challenge to the LMCD.

Anderson acknowledged the staff's ability to work with him over the years in solving dock configuration and boat storage concerns at his marinas; providing for the LMCD's flexibility which resulted in fully compliant licenses.

Whalen further reviewed one of the pending legislative bills that Jabbour provided her. This bill would require mandatory statewide training of individuals in the commercial installation of docks and boat lifts. She reiterated her belief that the prevention of aquatic invasive species (AIS) must be addressed on a statewide level and not specifically for Lake Minnetonka. She thanked all for their comments.

B. Abdo, Eick, & Meyers, review of draft 2009 LMCD Audit

Whalen welcomed Steve McDonald of Abdo, Eick, and Meyers on behalf of the Board.

McDonald stated that the 2009 audit has been completed and that he was in attendance to report on the audit itself and the supporting management letter. His comments were highlighted as follows:

- His position as auditor is to provide an unqualified opinion on the financial statements. The two key components include: 1) confirmation that the figures are materially correct and supported by appropriate note disclosures and 2) review of the internal control of the organization, a required part of the testing, to assist in planning of the audit.
- One internal control deficiency was noted (preparation of financial statements). He further explained that this matter falls within the segregation of duties, which is common in small office settings whereby one person is involved in the process (the Executive Director). He acknowledged the account receivable portion of finances is well segregated. However, at the end of the year, it is the Executive Director who has ultimate responsibility of the financial statements. He believed staff does a great job understanding the financial balances, which are all positive compensating controls. He stated that no legal compliance issues were found and that the audit process itself ran very smoothly.
- The General Reserve Fund year-end balance was at \$153,000 (\$153,321 actual), which was an estimated \$54,000 more than year-end 2008. He contributed the increase to court fine revenues received (up approximately \$50,000). He reiterated the need for the LMCD to maintain an adequate working capital reserve, in which the LMCD's current policy is 50% of planned expenditures. The fund balance has been operating under that targeted amount for the last several years (currently at 36%). Additionally, he reviewed a financial chart documenting the

historical expenditures of funds from 2005 through 2009, noting the importance of understanding the financial position as substantial purchases are expected in the near future.

- He reviewed the aquatic invasive species (AIS) budget vs. actual expenditures. He acknowledged the adopted 2010 LMCD Budget to decrease this fund by \$30,000, similar to 2009. The actual decrease in the AIS Reserve Fund was \$28,034 in 2009. He stated that the AIS Reserve Fund balance policy was 50% of planned expenditures and that the Board should be aware that the reserve level will drop an estimated \$30,000 more by the end of 2010. He reviewed the current equipment replacement fund balance; noting the lack of funds currently being budgeted for the purchase of replacement harvesting equipment. He believed that the Board should take this into consideration in the 2011 LMCD Budget process.
- He reviewed the Save the Lake Reserve Fund, in which there was a decrease of approximately \$15,000 because expenditures exceeded revenues received.
- He entertained questions and comments from the Board.

The Board made comments and asked questions of McDonald, in which he responded to. The following is a summary of two of his responses:

- His analysis of the AIS Equipment Replacement Fund and what was necessary to purchase replacement harvesters for the EWM Harvesting Program.
- He acknowledged that the fund balance policy of 50% could be a little high and entertained the idea of maintaining a reserve level between 30% and 50%.

Babcock stated that reserve fund levels were established a number of years ago after negotiations with the 14 member cities. These reserve fund levels included 50% for the General Fund and 100% for the AIS Fund.

Scanlon stated that as Treasurer, it is important to him to keep the fund balance in mind. The Board cannot rely on increased court fine revenues when balancing the budget. Additionally, he expressed concern about expenditure of depreciating equipment funds; which results in the lack of equipment replacement funds to replace existing harvesting equipment. For this reason, he believed that the LMCD needs to be more diligent in increasing the equipment replacement reserve fund balance, in which McDonald concurred as the LMCD does not have borrowing authority.

Babcock concurred with Scanlon's comments.

Whalen thanked McDonald for his review.

C. Consideration of 2010 LMCD Save the Lake Re-branding Proposal

Whalen asked Olson to provide an update on this agenda item.

Olson stated that he believed the Save the Lake initiatives and re-branding efforts would be a catalyst for the positive comments and initiatives heard by the marina owners this evening. He believed that the Save the Lake committee needs to expand the management of resources while continuing to uphold the ordinances currently in place. He reviewed the re-branding efforts by providing the following information:

- In an effort to make LMCD and Save the Lake better known without changing the LMCD's charges, a campaign proposal is recommended via a logo identity development plan and the re-working of the current website. The purpose of this effort is to gain more acceptance and participation by the public; resulting in increased contribution revenues.
- Implementation is planned in phases. Phase 1 recommendations include: 1) Logo and Identity Development (\$5,800), 2) Phase One Website Updates (\$5,775), and 3) Miscellaneous/Out of Pocket Expenses (\$500).
- All totaled, he estimated \$12,075 of expenses for the first phase. A draft contract was included in the packet from The Thornburn Group for the Logo and Identity Development of the project. A similar contract will need to be prepared for the Phase One Website Updates, which was not included in the packet.
- He reviewed possible funding options for the first phase. These included: 1) reducing planned newsletters from two to one in 2010 (a cost saving of \$3,000), 2) utilizing \$2,000 of contingency funds in the General Fund (\$5,000), and 3) utilizing \$7,075 of General Reserve Funds.
- Upon completion of the first phase, next year's goal would be to take the campaign out to the public with various programming opportunities. He recommended consideration of the first phase only at this meeting.
- He entertained questions and comments from the Board.

Babcock was generally in agreement with the proposed first phase, provided that it was funded with Save the Lake funds and not tax dollars that were not budgeted.

The Board spoke at length in regards to the use of General vs. Save the Lake Funds, with some Board members expressing concerns for not having a concrete analysis of all miscellaneous expenditures. Some comments made included the following:

- That the proposed project meets some of the goals and objectives of the LMCD Strategic Plan and the proposed expenditures would remain within the set budgeting parameters.
- That being fiscally responsible means making tough decisions and/or cutting other funded programs.
- Confirmation from LeFevre that quotes were not needed for professional service contracts.
- Discussion on the pros and cons of utilizing General Reserve Funds, primarily because of 2009 court fine revenues, and how it affected the 2010 operating budget.
- That possibly holding off in funding the proposal will cost more in the long run.
- In summary, the Board asked that staff: 1) refine the proposed open-ended, miscellaneous expenditures in the draft Thornburn Group proposal, 2) review and provide further funding recommendations, and 3) provide an update on what will be required for the staff's maintenance and upkeep of the newly proposed website. Feedback on these issues is to be presented for consideration at the March 24th Board meeting.

D. Review of draft 2010 Lake Minnetonka AIS Prevention Plan

Whalen asked Nybeck to provide an update on this agenda item.

Nybeck provided an overview of the draft 2010 AIS Comprehensive Aquatic Invasive Species (AIS) Plan via a PowerPoint presentation, in which the following comments were provided:

- The Plan was initiated in June of 2009 by the AIS Task Force and representatives of the LMA, in which a series of 10 meetings were held.
- The intent of the original Plan was to be more comprehensive. However, due to timing, an interim Plan has been prepared for the Board's consideration. Additionally, further work on the interim Plan will take place in the near future for consideration in 2011.
- He reviewed a list of all the participating agencies and their respective representatives that were instrumental in the preparation of the draft Plan.
- The Plan utilized a matrix from the State of Minnesota Action Plan, including a wish list of possible actions to implement in dealing with AIS specific to Lake Minnetonka.
- He solicited the Board's interest in approving the draft and entertained questions and comments from the Board.

Whalen believed that the Board should approve the Plan this evening and commented that other participating agencies were going to do the same with their respective Boards. She asked AIS Task Force Co-Chairs Suerth and Woodruff if they would like to make any comments.

Woodruff reiterated the amount of time that was provided in the drafting of the interim Plan. He stated that the original Plan was based on a number of assumptions. Therefore, the Task Force created the interim Plan that was structured around the MN DNR. The Task Force will continue to work on a more comprehensive plan; answering many questions that will require further research. He concurred that approval of the interim Plan is in order.

MOTION: Babcock moved Suerth seconded to approve the draft 2010 Lake Minnetonka AIS Prevention Plan, subject to adding "Develop an Interagency Notification Plan" between #4 and #5 of Section II, on page 2.

VOTE: Motion carried unanimously.

- E. **5th Street Ventures**, consideration of 2010 new multiple dock license application to re-configure the conforming multiple dock facility.

Whalen asked Harper to provide background on this agenda item.

Harper reviewed his staff memo, dated 3/4/10, which summarized a public hearing that was conducted on February 10th in considering a 2010 new multiple dock license application. He reviewed the proposed changes, including: 1) to increase the size of the watercraft in Boat Storage Unit (BSU) #1 from 12' 6" x 30' to 14' x 42' 8" and 2) to increase the overall length of watercraft allowed in BSUs 2-12 by an additional four feet (watercraft to overhang a maximum of four feet beyond the end of these slips). The Board discussed the application at length during the public hearing; however, no formal action was taken. Instead, the Board requested that the applicant provide additional information. That additional information and their respective responses are outlined as follows:

- Assessment of the wetlands. He directed the Board to a March 1st document within the packet entitled, "Potential for Impacts to Wetland Vegetation 5th Street Ventures Spring Park Boat Slips," written by Ronald P. Peterson of Westwood Professional Services.
- Background information on turbidity. He directed the Board to a March 1st document entitled,

“Potential Water Quality Impacts of Proposed Increase in Boat Length at Spring Park Marina,” written by Carolyn J. Dinsdorf of Fortin Consulting.

- Updated water depth readings. He directed the Board to an updated March 3rd site plan within the packet that documented water depth measurements taken on February 23rd, which compared to original water depth readings taken in 2002.
- The application seems to have met the objective criteria spelled out in LMCD Code. However, there are subjective criteria that the Board could consider in the granting or denying the application.
- With the additional information provided, he outlined two options for the Board’s consideration. First, if the Board feels that the site is appropriate to support the two proposed changes, he recommended that the Board approve the new multiple dock license application for the 2010 season, subject to conditions outlined within the staff memo. Second, if the Board does not feel the site is appropriate to support the two proposed changes, the Board could communicate these concerns to the applicant to allow them to revise the proposed configuration or direct the LMCD attorney to prepare Findings of Fact and Order for denial of the application.
- He entertained questions and comments from the Board.

Nybeck recommended that the Board direct LeFevere to prepare Findings of Fact and Order, whether or not the application is approved or denied. He also suggested that the Board not take into consideration the Code references to a four-foot overhang restriction. This restriction is limited to legal, nonconforming facilities that are reconfigured. This facility is a legal, conforming facility and this restriction is being proposed by the applicant and is not a Code requirement.

Babcock concurred with Nybeck’s comment that the four-foot overhang is being proposed by the applicant and is not a Code requirement.

Hartwich asked staff who sponsored the water depth studies, in which Harper stated he observed the measurements taken but deferred to the applicant for further clarification.

Whalen asked the applicant whether he had additional background or comments that they would like to provide the Board.

Mr. Andrew Wiatrak, 5892 Sunnybrook Lane in Minnetrista, directed the Board to professional findings documented from England within the October 2009 Findings of the Technical Review Committee (TAC), in which he compared estimated boat movement within the applicant’s dock use area to what was considered ecologically friendly within the professional findings.

Whalen stated that the applicant coordinated the professional documents provided within the Board’s packet. Additionally, she stated that she personally knows limnologist Carolyn Dinsdorf, who is with Fortin Consulting and was considered an expert in her field.

The Board discussed this matter at length, with a summary of the comments made as followed:

- Confirmation from Harper and Babcock on why a boat length restriction was originally imposed.
- Concerns that the applicant is requesting approval of an ongoing illegal activity and the need to confirm accountability.

- Acknowledgement by some Board members that there has been legitimate concerns about the environmental impact of the area. However, some Board members believed that those concerns have been addressed by the documents provided by the applicant.
- Belief by some Board members that prop dredging has occurred within the dock use area, which was an original Board concern.
- Confirmation by staff that four BSUs are out of compliance, as testified at the February 10th public hearing.

Scanlon expressed concern about some of the comments made within the Westwood document. In particular, the following two statements. First, "While the precise dates of the 2000 aerial photograph is not known, it was taken during full leaf-on conditions so that aquatic plant growth beyond the cattail mats should have been visible if it existed". Second, "Also, the expansion of wetland and aquatic vegetation into the channel east of the cattail island suggests that the presence of slips may have actually reduce boat traffic there, in turn fostering additional growth of the wetland and aquatic plants". He questioned the accuracy of these comments and whether the author, Mr. Peterson, was in attendance. Additionally, he asked Mr. Peterson if he knew the exact date of the aerial photos. He struggled with adding bigger boats to the slips and believed that prop dredging had occurred.

Mr. Ronald Peterson, representing Westwood, stated that none of the aerial photos he received were dated. Additionally, he did not concur with Scanlon's comments.

Mr. Todd Robideau, 5640 Christopher Road in Shorewood, requested that the Board take into consideration the capability of larger boats having the ability to raise the prop at water level and turn on a dime. He confirmed that he has been a tenant of this marina for two years and that he has significant boating experience (50 years, four days a week). His observation on the ecological effects within the subject area is that no damage to the vegetation is being done.

Mr. David Buyse, 4700 Phlox Lane in Edina, stated he leased BSU #8 and owns one of the watercraft that is in non-compliance with the boat length restriction. He asked the Board to take into consideration the increase in six of the BSUs will maximize out to 28' and not 40'. He has signed a five-year agreement for this slip and is not interested in moving his family to another location as it presents a family, friendly situation. He confirmed that it was not clear to him when making the agreement that there was a boat length restriction. However, that agreement was verbal and not in writing.

Mr. John Wood, Property Manager for 5th Street Ventures, stated that Ms. Dinsdorf's report documents sediment movement can be caused by wind, water movement, and boat traffic. Additionally, this request was driven by Wiatrak's pro-active request to install a bigger boat, at which time the concerns were raised to the members. He believed that the marina owners have been a good steward of the lake and that they were not previously flagged. He was unaware that inspections were being performed and he proceeded to lease the space by the size of the boat. This application process had forced the owners to better understand ecological effects and that larger boats would be more deliberate and in their movements, which supported Dinsdorf's report. He stated that the marina will provide assurance to work with LMCD staff now that they are aware of the licensed restrictions.

MOTION: Klohs moved Kask seconded to approve the 5th Street Ventures 2010 new multiple dock

License, subject to staff's recommendations.

Babcock requested that the new slip sizes be read into the record.

Whalen stated that as presented on the proposed site plan, the following was offered: BSU #1- 38'; BSU #2- 30'; BSU #3- 30'; BSU #4- 30'; BSU #5- 30'; BSU #6- 30'; BSU #7- 24'; BSU #8- 24'; BSU #9- 24'; BSU #10- 24'; BSU #11- 24'; BSU #12- 24'; and BSU #13- 50'. Additionally, the proposal would provide for up to a four-foot overhang beyond the end of the slip at BSUs #1 - #12.

Babcock asked if some BSUs were increasing in size plus getting the addition of the four foot overhang. He recommended that the motion should include both a slip dimension and clarification of which slips get a four-foot overhang.

Harper confirmed that there would be an expansion of BSU #1 because it will be wider. The approved site plan allows for piling to be 12.5' away from the dock, with the proposed plan to be 14' wide.

Babcock proposed a friendly amendment that Findings be drawn up that document approved slip sizes and maximum boat length overall sizes that are indexed on the proposed site plan. Kloh and Kask agreed to this.

VOTE: Ayes (8), Nays (4, Baasen, Babcock, Hartwich, and Scanlon); motion carried.

11. EXECUTIVE DIRECTOR REPORT

Nybeck stated that he had recently received notification from the MN DNR that the LMCD's request for 2010 AIS prevention grant funds for the 2010 Public Access Inspection Program has been reduced from \$10,000 to \$6,720. Additionally, the hourly rate for public access inspection that need to be paid by the LMCD to the MN DNR has increased from \$17.50 to \$20.75. Because of these two changes, the local cost for the 2010 project has increased from \$45,612 to \$68,472, an increase in \$22,860. The Save the Lake Committee met on March 9th to discuss whether additional funding was available for 2010. Three possible programs were discussed by the committee. These included: 1) a Base Plan of 3,176 inspection hours (\$49,382), 2) duplicating the 2009 Plan of 3,552 inspection hours (\$57,184), and 3) the original proposed 2010 Plan of 4,096 inspection hours (\$68,472).

Olson provided an overview of financial options for the local costs of all three plans. This included: 1) the \$30,000 that was approved in the adopted 2010 AIS Management Budget, 2) current contingent Save the Lake funding of \$6,238, 3) an anticipated reduction in contract hours provided by the MN DNR, based on past experience of 15%, and 4) an anticipated reduction in Save the Lake funding for the three-bay herbicide treatment project of \$5,000. Taking this into consideration, there is a shortfall of funding of \$737 for the Base Plan; \$7,369 for the 2009 Plan; and \$16,964 for the original proposed 2010 Plan.

Babcock asked what the MN DNR's justification was for the rate increase.

Nybeck stated that the increased costs were for administration.

The Board discussed the various funding sources for each Plan; receiving clarification from Olson and Nybeck when needed.

Nybeck stated that he needed feedback from the Board at this meeting on which plan they would like to proceed with. The MN DNR needs this feedback so that this could be taken into consideration for hiring purposes. He anticipated that a draft 2010 contract would be brought back to the Board for consideration. Additionally, he anticipated that a request for partial funding of this 2010 project will be made of the Minnehaha Creek Watershed District in the near future.

MOTION: Page moved, Klohs seconded to approve the expenditure of \$6,238 of 2010 Save the Lake Funds in the for the 2010 public access inspection program.

VOTE: Motion carried unanimously.

MOTION: Woodruff moved, Suerth seconded staff be directed to communicate to the MN DNR the LMCD's intent is to achieve the 2009 Plan and that they should coordinate hiring to that affect. Additionally, he directed staff to work with the MCWD and other entities to fund the \$7,369 shortfall provided in the funding of the 2009 Plan.

VOTE: Ayes (9), Nays (3, Babcock, Jewett, and Page); motion carried.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:45 p.m.

Lisa Whalen, Chair

Tom Scanlon, Treasurer