

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, January 11, 2012
Wayzata City Hall

1. CALL TO ORDER

Babcock called the meeting to order at 7:00 p.m.

2. ROLL CALL

Members present: Doug Babcock, Tonka Bay; Dan Baasen, Wayzata; Andrew McDermott, Orono; Kelsey Page, Greenwood; Gary Hughes, Spring Park; Anne Hunt, Minnetrista; Chris Jewett, Minnetonka; Steve Johnson, City of Mound; Keith Kask, Deephaven; Dennis Klohs, Minnetonka Beach; Jeff Morris, Excelsior; Bill Olson, Victoria; 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: Herb Suerth, Woodland.

3. APPROVAL OF AGENDA

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

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Babcock

Babcock made the following three announcements: First, he reminded all that the 45th annual Save the Lake Appreciation Banquet is scheduled for Wednesday, February 15th (6:00 p.m. at the Lafayette Club). Second, he stated that agenda item #12 provides for an Executive Session for the purpose of the Executive Director's performance review. Third, he stated that the Cities of Spring Park and Shorewood had recently appointed Gary Hughes and Mark Sylvester, respectively, as a new Board member to the LMCD. He welcomed Hughes and Sylvester on behalf of the Board and asked LeFevere to administer the oath of office, in which LeFevere did; both were seated as LMCD Board representatives.

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

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

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

6. APPROVAL OF CONSENT AGENDA

Babcock provided for the following comments: 1) he directed the Board to an amended 2012 LMCD Meeting Calendar (agenda item 6C) within their handout folder to reflect the cancellation of a previously scheduled

January 13th AIS Task Force meeting and 2) he requested a word correction with the 10/21/11 AIS Task Force Meeting Minutes (agenda item 6D); inserting the word "cleanup" in place of "clean" in the second bullet point made by Page on page two. The sentence would read, "To manage EWM and CLP to: 1) reduce its interference with recreational activities, 2) reduce lakeshore cleanup, and 3) improve the ecological health of the Lake;"

Olson requested that agenda item 6E be removed from the consent agenda.

Jewett asked if the Executive Director's performance review was a part of agenda item 6F.

Babcock stated that agenda item 6F provided for other LMCD staff's 2012 compensation adjustments; acknowledging compensation adjustments must be approved outside of an Executive Session. The Executive Session scheduled at the end of this meeting will provide for the Executive Director's performance review; considering his 2012 compensation adjustment at a future meeting.

Baasen moved, McDermott seconded to approve the consent agenda as amended, making the changes noted by Babcock above, as well as removing item 6E. Items so approved included: **6A**, Audit of vouchers (12/16/11 – 12/31/11) and (1/1/12 – 1/15/12); **6B**, November financial summary and balance sheet; **6C**, 2012 LMCD Meeting Calendar, **6D**, 10/21/11 AIS Task Force Meeting Minutes, and **6F, Personnel Committee, 2012** compensation adjustments for LMCD employees as outlined in 1/5/12 memo.

Babcock asked Olson to comment on agenda item 6E.

Olson stated that the Save the Lake Committee continues to recommend the 2012 Save the Lake funding as outlined within his staff memo, dated 1/4/12. However, he believed limited discussion was warranted in awarding the \$13,676+ to the Hennepin County Sheriff's Foundation for the purchase of the Remote Operated Vehicle (ROV). He stated that Sheriff Stanek, at the annual LMCD/Hennepin County Sheriff's Office meeting, originally solicited the LMCD's assistance in the funding this equipment, as well as kicking off a fundraising effort. He estimated the total purchase amount of the ROV to be \$125,000. He acknowledged the successful use of Ramsey County's ROV equipment for the underwater recovery effort on Lake Minnetonka this past summer. The recommendation of the committee is to fully fund the \$25,000 via surplus funds not spent in 2012, as well as through additional fundraising efforts; acknowledging that both the Sheriff and other lake stakeholders (via matching funds) have committed funds for this purpose. He believed this request would provide for a great opportunity for Save the Lake to have a dedicated function for the purpose of raising funds. He solicited Baasen's comments as he was in attendance at the annual meeting.

Baasen stated that the general consensus of those attending the meeting believed that this effort would be a partnership effort between agencies (as well as other agencies and stakeholders around the lake). All acknowledged there would be some degree of sharing the ROV amongst other counties; however, it was the Sheriff's preference that the equipment remain for Hennepin County's use as much as possible. It was the Sheriff's hope that the total amount of the ROV could be funded; however, he acknowledged that the proposed funding level with Save the Lake is a good start to this effort.

Olson solicited the Board's comments and/or a motion to approve the 2012 Save the Lake funding proposals, as outlined within his staff memo.

MOTION: Baasen moved, McDermott seconded to approve the 2012 Save the Lake Funding Proposals, as outlined in Olson's 1/4/12 memo.

VOTE: Motion carried unanimously.

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

Ms. Alison Fletcher, 3845 Northome Road in Deephaven, expressed concern that the LMCD is not sufficiently engaging the public in considering ordinance revisions. In particular, recent consideration of proposed changes to public amenities for special density licenses (Code Section 2.05). A summary of her comments were as follows:

- The public's perception regarding discussion on the public amenities is that of minor legislation (acknowledging her belief that the considered amendments are more in-depth than portrayed). She expressed the importance in the public becoming more involved in ordinance amendments pertaining to density regulations.
- She believed that the ability to provide a public amenity to increase boat storage density is controversial. She acknowledged that some public amenities are positive; however, she expressed concern in providing public amenities for the purpose of increasing boat storage density.
- She acknowledged that some of the amenities are outdated; however, she understood that the Board is considering the removal of beach areas as a public amenity. She was against this consideration as she was previously involved in a group effort to keep the City of Deephaven's beach, which she provided further background on.
- "Ramping up" amenities for very high priority matters, such as the prevention and management of zebra mussels, could be addressed in other creative ways (recommending a comprehensive program be established).
- Public amenities should not be tied back to specific real estate; acknowledging the words "city dock slips" is ambiguous.
- The belief that some amenities are profit driven (i.e., refueling stations) and could change the character of neighborhoods.
- The Ordinance Review Committee (ORC) is comprised of lake business owners and she believed that there has not been an active effort in getting the general public involved in the committee.
- She recommended the following: 1) all discussion of public amenities be widely publicized (what have other cities done; open comment meetings, and copying of material to municipalities for their residents' review), 2) provide for "fee based" sessions where the public could address different issues, and 3) "big picture" issues need to be addressed.
- She thanked the Board and entertained questions or comments.

8. PUBLIC HEARING

- **Halsted Acres Improvement Association**, 2012 new multiple dock license application to increase Boat Storage Units from seven to eight.

Babcock asked Harper to provide background on this agenda item.

Harper reviewed the staff memo, dated 1/3/12, which summarized a request to increase the size of the currently approved seven boat storage units (BSUs) from 10' x 20' to 12.5' x 32', as well as adding one additional BSU at the same size. He documented that the currently approved license provides for 352' of continuous 929.4' shoreline, in which through this application process, was amended by a certified surveyor to be 388'. He provided an overview of relevant LMCD Code Sections, which included: 1) Code Section 2.03, subd. 7 – outlining new multiple dock license requirements, and 2) Code Section 2.01, subd. 1 – defining of authorized DUA. He recommended approval of the new multiple dock license for the 2012 boating season, subject to the dock installation and watercraft storage be maintained in strict conformance with the approved site plan. He entertained questions and comments from the Board.

The Board asked a few questions, in which Harper confirmed the following: 1) that the change in the 929.4' shoreline measurement was a result of a current survey vs. the estimated shoreline previously documented (providing for more accurate findings in consideration of this application), 2) the navigational direction of the channel located at the site, 3) that the notched area of the shoreline (north of the proposed dock) provided for countable shoreline as documented by the surveyor, and 4) that there were no water depth issues.

Babcock stated the LMCD typically accepts the surveyor's evidence as part of the application unless there are opposing views. He confirmed the notched area (noted above) is documented in the currently approved site plan and measured more accurately on the proposed site plan. He confirmed the surveyed measurements provide for the requested density and does not trigger the requirement of a straight line measurement (Code Section 2.02, subd. 7), in which he reviewed. He asked the applicant if they would like to address the Board, in which they did not have any additional information or comments. He opened the public hearing at 7:29 p.m. There being no comments, he closed the public hearing at 7:30 p.m. He entertained questions and comments from the Board.

The Board asked a few questions, in which the following was offered: 1) confirmation that the LMCD typically does not challenge a surveyor's findings unless requested by the public due to specific reasons, and 2) confirmation that the surveyor used for this application is one commonly used for LMCD applications.

MOTION: Jewett moved, McDermott seconded to approve Halstead Acres Improvement Association new multiple dock license application for the 2012 season, subject to the dock installation and watercraft storage be maintained in strict conformance with the approved site plan.

Baasen asked the applicant why they were increasing the size of the BSUs.

Mr. Bob Bittle, representing the applicant, stated that they were in the process of buying new docks, in which the proposed sizes are standard dimensions.

Johnson acknowledged the applicant's foresight for properly obtaining a license prior to the installation of the new dock.

VOTE: Motion carried unanimously.

9. OTHER BUSINESS

- A. **MN DNR**, update from Chip Welling on 2008-2011 Coordinated Herbicide Treatments on Carmans, Grays, and Phelps Bays.

Babcock invited Welling to address the Board.

Mr. Chip Welling stated that he is the Management Coordinator of Aquatic Invasive Species (AIS) for the Minnesota Department of Natural Resources (MN DNR). He provided an update on the 2008-2011 Coordinated Herbicide Treatment Projects on Carmans, Grays, and Phelps Bays (via a PowerPoint presentation). A summary of his comments were as follows:

- He reviewed the mission of the MN DNR and acknowledged the value in working with the LMCD and other groups (such as the LMCD's AIS Task Force).
- He acknowledged the need to devise programs to better manage the infestation of Eurasian watermilfoil (EWM) throughout the lake.
- A meeting was conducted at the MN DNR office in August of 2005 to discuss options available to address the infestation of EWM on Lake Minnetonka. A number of local representatives were in attendance (Congressman Jim Ramstad, Wayzata Mayor Andrew Humphrey, MN DNR Commissioner Gene Merriam, and many LMCD representatives). He reviewed six comments made by Commissioner Merriam at that time.
- He provided an overview of the two goals established in the adopted Lake Vegetation Management Plan (LVMP) for this project. First, a goal was established to reduce interference with recreational activities and lakeshore cleanup, while improving ecological health, by controlling EWM and curlyleaf pondweed (CLP) in a manner that is safe and effective. For this goal, the objectives included: 1) to reduce the percent of frequency of EWM in the first year and subsequent years to 20%, and 2) to maintain water clarity in these bays. Second, a goal was established to protect native submersed plants, with an objective to maintain or increase native submersed plants. The measurement for this objective is the mean number of species per sample point.
- He acknowledged representatives that provided valuable assistance throughout the program (including Mike Netherland, Dean Jones, and John Skogerboe from the U.S. Army Corp of Engineers, as well as Gabriel Jabbour of Tonka Bay Marina).
- He reviewed a number of charts in his presentation. These included:
 - The number of acres treated for years one through four for control of EWM on the three bays. He provided a detailed overview of the different methodology used each year.
 - The percent of EWM late summer occurrence for years one through four.
 - The mean number of late summer native submersed plant species for years one through four per sample point.
 - The differences between 2007 and 2010 in percent of occurrence of late summer native submersed plant species.

- He reviewed the process involved in utilizing a point-intercept survey and hydroacoustic sampling for this project. He acknowledged the survey process is not very reliable; however, it is the most cost-effective way to understand the quantity of plants that are in existence. Additionally, he stated that the acoustic software is being produced by Contour Innovations, LLC, which provides for more efficient turn-a-round time in receiving data results (the quantity of vegetation within a water column).
- He reviewed a chart providing for the differences between “closed” and “open” bays (specifically Grays and Phelps Bays) relative to concentrations of triclopyr herbicide after treatment in 2009.
- He provided the following summary points for consideration in utilizing herbicides to control EWM and CLP:
 - They can reduce EWM and CLP baywide.
 - Baywide treatments for EWM may have to be repeated at intervals of two to three years (providing for the possibility of reducing some natives; followed by increases in others).
 - The MN DNR’s understanding of this matter is increasing.
 - It is difficult to strike a balance between increasing concentration of herbicide to maximize control of EWM vs. reducing herbicide to minimize risk of reducing native plants.
 - Baywide treatments require much effort and resources.
- He reiterated the importance of partnerships in completing this task (listing them out); acknowledging we are all in this boat together.
- He entertained questions and comments from the Board.

The Board asked a number of questions, in which Welling responded as follows:

- Confirmation that the recommendation to treat EWM every two to three years took into consideration the bay’s makeup (opened or closed) as to whether spot treatments will be required in between that timeframe.
- With regards to the amount of herbicides that were applied to Grays Bay, Welling did not have that documentation. However, he offered to obtain it for future reference. He commented that the type of triclopyr utilized was a granular, which provided for a large weighted amount to deliver the herbicide. Additionally, the Minnehaha Creek Watershed District had previously requested the amount of herbicides being applied to the lake as a whole, in which he could forward that information to the LMCD as well. In this discussion, a request was made to distill the information down to the weight of the active ingredient that was applied, in which Welling offered to provide both measurements.
- Confirmation that the target application rates originally specified in the LVMP have changed over time. He provided an overview of those concentrations and confirmed that the makeup of the bay was a contributing factor in those changes (closed bays, longer exposure, etc.).
- He could not confirm (with all that was learned) future effectiveness of treatments (based on the growth of EWM that can vary year to year, water movement, etc). He acknowledged that there are always uncertainties present (the ability to have positive and negative outcomes on native plants). He confirmed that uncertainty will be reduced as time goes on.
- In response to whether Welling envisioned treating partial portions of large bays and whether a harvester could be utilized (in tandem) with cutting and applying chemicals, he stated the MN DNR works with people throughout the state on the control of all species. They view this

opportunity to establish partnerships in finding a balance between controlling the invasive species and guarding against unintended harm, as well as providing for individual interests of the various bay residents. He believed it made sense to balance a number of different approaches, but the MN DNR looks to the LMCD (in cooperation with the 14 member cities) to strike that balance.

- He confirmed that lakewide treatments on Lake Minnetonka did not make sense (acknowledging there needs to be a combination of various management techniques for each bay's needs).
- After completion of this five year herbicide treatment project (and currently with Gideons and St. Albans bay), the MN DNR requires the development of a herbicide treatment plan that includes monitoring. At the very least, the MN DNR will require delineation of targeted plants in the spring; as well as a point interceptor survey in late summer and water clarity monitoring twice a month (May through September). He stated that, at times, the monitoring can be completed by the MN DNR, while other times a third party contractor will be hired to provide the pre-survey monitoring.
- The U.S. Army Corp of Engineers will not continue to provide their services, as they have, after the five year pilot project is complete. Additionally, he could not confirm whether the MN DNR could continue to provide the services that have been provided.
- A LVMP is required for herbicide treatments exceeding 15% of the littoral zone. He provided a detailed overview of the plan, which captures the basic information about the lake, problems that need to be addressed, goals for management and provisions for the various types of treatments and control measures. He acknowledged the plan can be extensive and takes time to write (delaying completion of a project). The MN DNR is working to provide a short form of an LVMP for EWM and CLP (expediting the approval process). He confirmed that this pilot project has maintained a MN DNR LVMP, which the MN DNR signed off on it as a reference to issue the permit. Treatments taking place after the five year project is completed will require a new plan; however, a revision of the currently approved plan could be provided for reconsideration (acknowledging the MN DNR would be involved at some level). Additionally, he stated that the MN DNR will be forthcoming to confirm if the treatment plan will be approved prior to time being expended in writing a plan.
- He understood the LMCD was looking to the MN DNR, LMA, and other agencies to offer guidance in how to achieve effective control of EWM and CLP lakewide (questioning the risks involved, what bays would receive preference, and balancing the competing interest). He offered, as a point of reference, that the residents of Carsons and St. Louis Bay are currently developing a LVMP, with Carsons Bay being considered a phased out grandfathered bay (in which he explained). He believed that if the LMCD were to consider a lakewide treatment, a comprehensive plan would need to be developed; providing for a lakewide assessment of interference of use, as well as documenting potential ecological problems. Additionally, the MN DNR would take into consideration each bay's characteristics and needs (i.e., Halstead Bay's lower water quality and less vegetated state, providing for some of the bays to be self limiting in treatment consideration).

The Board briefly discussed future needs of Lake Minnetonka, in which the following individual comments were offered: 1) that the LMCD needs to initiate immediate communication at the AIS Task Force level in consideration of future EWM and CLP control on a lakewide basis and 2) that a lakewide assessment (per Welling above) should be a top priority.

Welling recommended the LMCD consider a subjective assessment (acres harvested and number of MN DNR permits per bay, as well as the assessment of information currently at hand). He acknowledged the MN DNR has some funding. That funding is considered based on the scope of the project; taking into consideration all the lakes that need to be managed. He stated 2011 provided for the issuance of 25 nuisance control grants (\$32,800 to the LMCD for EWM harvesting) and an estimated 30 represented lakes received baywide control funding. He acknowledged that the point intercept survey is a helpful tool in documenting the percentage of effectiveness and hoped that the hydroacoustic sampling evolves over the years. Limitations are present in defining both the public and technical success criteria. He confirmed that completed user surveys for EWM control were not done for this project. EWM would need to be addressed with aggressive control measures every three to four years to provide for proper native plant levels. He confirmed that the MN DNR does not have any concrete documentation as to how zebra mussels could impact EWM growth on Lake Minnetonka.

Mr. Gabriel Jabbour, 985 Tonkawa Road in Orono, commented on the possible use of non-native weevils for the control of EWM. A company (EnviroScience, Inc.) wants to work with the Minnehaha Creek Watershed District in the use of the weevils; however, they need a critical mass to kick the program off and the MN DNR will not permit this operation. He asked Welling if the MN DNR could cooperate with EnviroScience, Inc. to provide for such an opportunity.

Welling stated he was familiar with EnviroScience, Inc. He provided a detailed overview (pros and cons) on the use of both native and non-native weevils for the control of EWM. The MN DNR considers the use of the weevils as the furthest extreme of use when it comes to uncertainty; providing for the published results to be ambiguous and not encouraging. Based on those reasons, the MN DNR did not find reason to issue a permit to allow such use (nor are they willing to take that risk). The MN DNR has expressed concern about moving weevils from state to state and EnviroScience, Inc., understands the requirements of the MN DNR. He explained the difference between weevils inside of the state vs. out, in which the native weevils provide for a genocide match. Therefore, there is less risk in creating another genotype.

Babcock thanked Welling for his presentation; acknowledging the Board's appreciation in receiving the vast knowledge of information he always provides.

Mr. Dick Osgood, Executive Director of the Lake Minnetonka Association (LMA), stated that Welling did a nice job in summarizing the five year herbicide treatment project. He offered the following perspectives from the LMA's point of view:

- The LMA supports a lakewide assessment and management plan for EWM on Lake Minnetonka; acknowledging that is ultimately the next recommended step. He stated there were some misconceptions as to how that might imply. He stated a lakewide assessment does not mean treating every acre of EWM (i.e., Halstead Bay and the lack of EWM due to water clarity). He assesses this need by problem identification, scoping, evaluating alternatives/feasibility, and providing recommendations.
- He estimated that the associated costs for a lakewide plan to be \$60,000, which included a point intercept survey (varying needs provides for varying price).
- It is the LMA's interest to continue the whole bay treatments after the five year herbicide treatment project is completed.

- He concurred with the MN DNR's monitoring requirements, which he estimated to be two to three percent of the management costs.
- He documented a high level of bay resident satisfaction, in which they have expressed a continued interest in funding (hoping that public funding will be available to assist).
- He stated that the protocol for the five year pilot project has changed, in which he believed all bays met project objectives.

Jewett directed Osgood to a recent Guest Column he wrote in the SunPatriot Newspaper (published 1/6/12), entitled "Have the milfoil treatments worked?" He expressed concern about the costs per acre that were referenced in the Guest Column being wrong, in particular for costs associated with the LMCD's EWM Harvesting Program. Therefore, he asked how the LMCD could be assured that the \$60,000 cost estimate provided by Osgood for a lakewide plan was accurate.

Babcock stated that he believed Osgood picked the year that provided for the most herbicide treatments and the least amount of harvesting (comparing the two together). He also expressed concern about this Guest Column because it did not compare apples to apples, which he believed was unfair. He recommended that all partnering agencies, in disseminating information out to the Lake Minnetonka stakeholders, do so in a very rational and equally comparable basis.

Osgood stated that those figures were provided by the LMCD staff, which also compare to historical costs per acre. He has researched the expended numbers for a long time and stands by them. However, he welcomed the opportunity to discuss them with staff (providing for an update to those numbers if necessary).

Nybeck stated that the actual costs per acre for mechanical harvesting and herbicide treatments, which does not include funds for capital equipment depreciation, were provided to the AIS Task Force Meeting in October. He offered to e-mail this information to Osgood in the morning.

Sylvester stated that some of his constituents have asked why the LMCD has not put together an overall plan for AIS.

Babcock stated that AIS, such as zebra mussels, is so new it would be difficult for the LMCD to devise a plan as there is not a control mechanism in place. The LMCD has 25 years of history in the management of EWM, in which the adopted LVMP was to help obtain a new management approach for consideration. In asking why there is not an overall plan for all AIS, his belief is that some AIS do not have as large of impact as others (commenting on the long standing existence of flowering rush and the lack of need to expend funds for those that do not have a significant impact). He acknowledged the multi-facet approach the LMCD has currently provided for in considering the management of EWM, public access inspections, herbicide treatments, etc. He recommended that further discussion of the topic discussed this evening be considered by the AIS Task Force, with a recommendation to the Board on what the next phase in this project should be.

The meeting was recessed at 9:20 p.m. and reconvened at 9:25 p.m.

B. Update on sealed bid process for possible purchase of new mechanical harvester.

Babcock asked Jewett for an update on this agenda item.

Jewett stated that at the December 14th Board Meeting, he provided an update on whether the current harvester purchasing specifications were up to date (providing small suggested amendments based on discussions with other harvester manufacturers). He acknowledged that it was not the LMCD's intention to engineer the specifications but to provide a more broad scope of the specifications for the harvester manufactures to engineer. Amended specifications were submitted on December 21st to a number of manufacturers requesting sealed bids; providing for review and comments by January 9th. After review of those comments, any additional changes to the specifications will be made by Addendum, with sealed bids due in the office by January 18th at 12:00 p.m. Those involved in this process will meet again on that date to open and review the bids received for consideration of the Board at their January 25th meeting. He acknowledged that throughout this process, he and Harper have learned a great deal more on the operational aspects of the LMCD's Harvesting Program, in which they believe the program will be cleaner, safer, and more efficient. He believed that the Board was going down the right path in purchasing another harvester as all partnering agencies (MN DNR, LMA, etc.) believed the future will provide for a combination of both harvesting and chemical treatments to manage EWM.

10. Update from standing LMCD Committees:

Babcock asked for an update from the Chair, or designated representative, of each committee.

AIS Task Force

There was no AIS Task Force update.

Save the Lake

Olson stated that a Save the Lake Committee meeting is scheduled for February 1st (8:30 a.m. in the LMCD office).

Personnel Committee

Babcock stated the Personnel Committee met on January 4th to consider consent agenda item 6F, that was approved at this meeting. He has been processing the Executive Director's performance review to the Board members for their considered this evening under agenda item 12; providing for final approval at the Board's January 24th meeting.

Finance Committee

Page stated the Finance Committee met this date to invest funds in a local Certificate of Deposit; confirming that the finances have been reviewed and suitably managed.

Public Safety Committee

Johnson stated the poor ice conditions are preventing signage from being placed. That matter is being considered on a day by day basis.

Babcock stated that he read an article in today's paper documenting no ice related fatalities, to date, in the State of Minnesota.

Ordinance Review Committee

Babcock stated the Ordinance Review Committee met on Tuesday, December 20th, to review the current special density license holders to confirm whether the newly proposed amenity list would apply to them. He confirmed the scope of this committee is to update the amenity list. He stated the committee has not changed the requirements of the special density license (including the boat count) relative to the amenity points. The committee did change amenity point standardizations and their respective point scales. He spoke to Ms. Fletchers' comments provided under agenda item 7, "Public Comments" above, in which he confirmed the committee has not changed any accounts, limits, who gets a license, etc. He believed a great amount of public opportunities to review the committee's work has been provided (Board discussion three times in the last 18 months). He welcomed other Board members to join the committee. His goal is to finalize the public amenities list for Board consideration (which he provided a brief overview of) within the next 30 days. He reiterated the reason behind the review of the public amenities and their goals in changing what is currently being considered.

Hunt asked Babcock to address Fletchers' comments regarding public beaches.

Babcock stated that the committee is looking to drop public beaches from the standardized amenity list due to the fact that license holders were receiving credit for beaches that were not a part of the application or it was not contributing (plus or minus) to the nature of the docking facility. He reviewed the City of Deephaven's situation in which they were getting credit for a beach that they were providing for regardless of the application. The goal of the ordinance is to make sure the boats that do go on the lake have a very public flavor to them and not because the applicant is a municipality. Additionally, the committee looked at taking off amenities that provide for credit from other agencies, i.e., rip raft via the Minnehaha Creek Watershed District.

Olson stated, for point of clarity, that Babcock is the only Board member serving on the committee and that the other members of the committee are volunteers and members of the public.

Babcock recommended other members of the Board join this committee as he will not consider the personal watercraft density regulations (forwarded to the committee for review by the Board at their December 14th Meeting) unless more members join. If not, he will be disbanding the committee after the special density matter is resolved.

11. EXECUTIVE DIRECTOR REPORT

Nybeck updated the Board on two topics: First, he directed the Board to an update in their handout folders on the MN DNR Roundtable event that was held January 6th and 7th. He acknowledged the event was informational and that Baasen did attend one of the Friday afternoon sessions. Second, he attended an organizational meeting yesterday afternoon for the upcoming pond hockey event planned for January 20th. He stated it appeared the pond hockey event will be pulled off due to the weather; however, Hockey Day Minnesota is still up in the air.

Baasen commented on the MN DNR Roundtable event by stating there was a tremendous amount of passion on the topic of AIS throughout the State of Minnesota; to the point where partnerships in the fight against AIS have escalated. He acknowledged that a number of different lake associations were represented, as well. Those in attendance acknowledged the inability to always look to the top for funding and realized that due to the current discussion at hand with AIS, this is a really good time to be creative in our fundraising efforts. He stated it was a good conference and worth every minute.

12. EXECUTIVE SESSION-Performance Evaluation of Executive Director

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: Jewett moved, McDermott seconded to: 1) go into executive session at 9:40 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.

Douglas E. Babcock, Chair

Andrew McDermott, Secretary