

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, September 12, 2012
Wayzata City Hall

1. CALL TO ORDER

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

2. ROLL CALL

Members present: Dan Baasen, Wayzata; Andrew McDermott, Orono; Kelsey Page, Greenwood; David Gross, Deephaven; Gary Hughes, Spring Park; Steve Johnson, Mound; Dennis Klohs, Minnetonka Beach; Jeff Morris, Excelsior; Bill Olson, Victoria; and Sue Shuff, Minnetonka. Also present: Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant

Members absent: Doug Babcock, Tonka Bay; Anne Hunt, Minnetrista; Fred Meyer, Woodland; and Mark Sylvester, Shorewood. Also absent was Charlie LeFevere, LMCD Counsel.

3. APPROVAL OF AGENDA

MOTION: Gross moved, Hughes seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Vice Chair Baasen

Baasen stated that Chair Babcock attended a Minnehaha Creek Watershed District (MCWD) Board of Managers Meeting in August. He believed that Babcock had some questions and concerns relative to the feedback he received at that meeting, in which he will address the matter with the Board on September 26th. Additionally, due to the light agenda, he asked that each member provide a brief update on any municipal discussions or actions that may be of interest to the Board at the end of the meeting.

McDermott arrived at 7:05 p.m.

5. APPROVAL OF MINUTES – 8/22/12 LMCD Regular Board Meeting

MOTION: Shuff moved, Page seconded to approve the minutes from the 8/22/12 Regular Board Meeting as submitted.

VOTE: Ayes (9), Abstained (1, Gross); motion carried.

6. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

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. Audit of vouchers (9/1/12 – 9/15/12)

MOTION: McDermott moved, Gross seconded to approve the Audit of vouchers (9/1/12 - 9/15/12) as submitted.

VOTE: Motion carried unanimously.

B. Staff update on 2012 multiple dock license inspections

Baasen asked Harper for background on this agenda item.

Harper provided an overview of the 2012 multiple dock license inspections via a PowerPoint presentation. A summary of his comments were as follows:

- Inspections were conducted to verify compliance with LMCD Code Section 2.03. Inspections for compliance provided for: 1) installation and storage consistent with the approved site plan, 2) conformance with license conditions, and 3) and conformance with variance and special density license orders (if applicable). Inspections were performed from June to early August.
- There were 121 multiple dock licensed sites inspected (four of which had a District Mooring Area license). Of those, 101 sites passed initial inspection, with 20 sites failing their initial inspection due to boat storage and/or dock installation (as well as specific license/code conditions).
- Inspection reports were provided to all licensees, noting pass or failure, as well as a request to provide proof of all special density license public amenities (if applicable). For those that failed, corrective steps were outlined. Re-inspections were completed on the 20 sites noted above, in which he provided an overview of those results.
- He provided an overview of Wayzata Yacht Club (WYC) and Wayzata Community Sailing Center (WCSC) inspection dates and initial failed to current compliance status.
- He provided a detailed overview of the following three observations during this year's inspections: 1) the storage of unrestricted watercraft (i.e., paddleboards), 2) boat lifts, and 3) boat and lift overhang. He believed further discussion on the above observations was warranted by the Board; considering possible Code amendments to address specific concerns. The consensus of the Board concurred with this.
- He entertained questions and comments by the Board.

The Board provided the following questions or comments, in which a summary of the discussion is

outlined below:

- Harper stated that he would follow-up with the three sites that have not yet responded to their failed inspection correspondence (providing for a general overview of the sites' individual situation).
- Harper was comfortable with the issues that were resolved with the WYC and WCSC, in which he anticipated the licensees to submit a new multiple dock license application(s) in the future. Baasen stated that the City of Wayzata recently passed a Planned Unit Development (PUD) Resolution for the WYC and WCSC (granting specific land conditions based on maintaining no more than 186 buoys and slips/slides). He believed the City would be soliciting the LMCD's support in maintaining compliance to those conditions should a new application come forward. He further stated that conditions have been set in place as to how many power boats (37) and sailboats can be stored; providing for the ability to claim duress during "Low Water" conditions.
- Harper expounded on the three observations (noted above); providing for more specific reasons why the Board may want to consider future discussion on those matters. Baasen recommended that those observations be resolved or clarified prior to the next boating season.
- Harper stated that the multiple dock storage count is based on actual storage and not the approved licensed storage.
- Harper stated that those that failed inspection were not new licensees. Furthermore, he provided an overview of how he determines non-compliance of a dock installation. In this regard, a brief conversation was held regarding notification to both dock installers and residents on the removal and non-reinstallation of the extended docks that were installed during "Low Water" earlier this year. Staff confirmed communication setting expectations on this matter (in the form of direct email, press releases, and the newsletter) would be provided.
- Harper stated that neighboring complaints were not a factor in the sites that failed their inspection.

C. 2012 Lake Minnetonka Shoreline Inventory Report

Baasen asked Herman to provide an overview of the Report

Herman directed the Board to an amended, draft Report within their handout folder. She provided an overview of the Report by making the following comments:

- The boat storage count has been performed by LMCD staff since 1971 at riparian, multiple dock, and district mooring areas (performing the inventory on even years only since 2000). The current inventory marks the 30th time this project has been coordinated.
- The three primary objectives of the project include: 1) establish the total number of watercraft stored, 2) outline historical data collected, and 3) identify observable trends.
- She reviewed the methodology utilized for this and past projects.
- She provided a summary of the findings. There were 10,691 watercraft stored on Lake Minnetonka in 2012. Of those, 6,918 were riparian storage and 3,773 were multiple dock/district mooring area storage. Sites storing three and four plus restricted watercraft were 407 (compared to 360 in 2010) and 218 (compared to 207 in 2010), respectively. Additionally, there were 891 sites with defined empty slips (compared to 773 in 2010).

- She provided an overview of how the City of Mound's Commons Docking Program watercraft count was assessed within the Report findings.
- Conclusion and Trends were highlighted as follows:
 - Although there was a significant increase (16%) in the total watercraft storage count from 2010 to 2012 (9,230 to 10,691, respectively), staff believed the findings (including individual watercraft classification) was more consistent with 2006 and 2008.
 - The current methodology has been consistently utilized since 1998 (past nine projects). Taking that into consideration, the following findings were offered: 1) 10,691 is 10% higher than the nine year storage count average of 9,733; providing for non-significant change in the runabout, cruiser, and sailboat classifications, 2) an increase in the pontoon storage count (16% higher than the nine year average of 536 and a 36% increase from the 1998 count of 461), and 3) an increase in the personal watercraft storage count (30% higher than the nine year average of 987 and a 100% increase from the 1998 count of 644).
 - The Report documents a 121% increase in miscellaneous watercraft from 2010 to 2012 (740 to 1,636, respectively). Acknowledgement that the large increase was due to how the smaller sailboat (under 16' and unmotorized) was classified as a miscellaneous vs. sailboat in 2012. This did not change the total boat storage count and provided for an insignificant change in the sailboat count from 2010 (674 to 627, respectively). She believed there was an increase in miscellaneous watercraft without taking into consideration the smaller sailboats. Staff recommended that the smaller sailboats be counted as a sailboat in the future. This process will also provide consistency with how they are counted during the multiple dock inspections.
- She stated that staff further defined the storage of personal watercraft (PWC); sites storing a PWC and sites storing a PWC with one, two, or three watercraft. With that said, staff believed the assessment of those storage counts (for informational purposes only) best falls within the comparison of the Proactive Code Enforcement findings. Therefore, the findings were not included in the 2012 Shoreline Boat Storage Count Report.
- She recommended continuation of the Shoreline Boat Storage Count in 2014 and entertained questions and comments from the Board.

The Board briefly asked questions or made comments, in which Herman responded to. Those questions and comments include the following:

- Classifying fishing boats was subjective (based on the classification definition outlined in Appendix A).
- Olson believed there was an increase in the storage of paddleboats being stored on top of docks and asked Herman what her observation was in that regard, as well as what classification the counting of the paddleboats are being placed. Herman stated that she had not personally noted paddleboats being stored on top of docks; however, acknowledged the mounting of many storage boxes that is not allowed by LMCD Code. She classified paddleboats as a miscellaneous watercraft (as defined in Appendix A). Additionally, she confirmed that the current storage count of 10,691 included both riparian and multiple dock storage counts.
- The Board had a brief discussion on how staff is classifying runabouts and cruisers (based on the definition provided in Appendix A). Herman provided various examples of how the watercraft

characteristics fell within the defined classification. Staff recognized with subjective nature in classifying the watercraft, in which Nybeck provided an overview of the historical counts of both classifications (runabout and cruiser) together.

- It was the consensus of the Board to accept the Report as written and to conduct the count again in 2014; providing for further consideration of the definitions outlined in Appendix A at a committee level prior to that date.

10. Update from standing LMCD Committees:

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

Olson stated that a Save the Lake Committee meeting will be scheduled for the end of this month to kick off the educational efforts presented at the August 22nd Board meeting. Additionally, he believed that the fall solicitation letter will be mailed by mid-November.

Johnson stated that a Public Safety Committee meeting was held August 21st, in which an update to that meeting was provided at the August 22nd meeting. He asked Nybeck to update the Board on the direction to prepare a draft lakewide bow fishing ordinance.

Nybeck stated that the Board directed staff to draft a bow fishing ordinance for Lake Minnetonka at their August 22nd meeting. LeFevre is drafting that ordinance for consideration at the Board's September 26th meeting, at which time Mr. Brian Petschl from the MN Outdoor Alliance, and possibly members of the Public Safety Committee, will be in attendance.

Page stated that the AIS Sub-Committee met on September 5th, in which the next meeting is scheduled for September 24th. He believed the subcommittee is making good progress in the drafting of a Comprehensive Vegetation Management Plan (CVMP); providing for a brief overview of that project. His goal is to present the CVMP to the AIS Task Force at their October 12th meeting and to the Board at their October 24th meeting. One substantial pending matter prior to the finalization of the CVMP is to resolve who will be the management party for future herbicide treatment programs. He solicited the Board's input on this; offering discussions held to date with Dick Osgood of the Lake Minnetonka Association (LMA).

Baasen stated that further AIS Sub-Committee and AIS Task Force discussions need to be held in considering the management of future herbicide treatment programs. After those discussions are held, he believed that the Board could consider, or provide input, relative to that matter.

Page stated that the Minnesota Department of Natural Resources has approved the use of 2,4-D for whole bay herbicide treatments for the management of Eurasian Watermilfoil (EWM). The use of 2,4-D could substantially impact the treatment costs (less costly than triclopyr) currently being considered within the CVMP. He confirmed that the CVMP will document that harvesting is the backbone in the management of EWM with all bays placed in a management controlled ranking system. Financial needs to enact the CVMP are yet to be determined.

Baasen asked if the subcommittee is taking into consideration herbicide treatment costs for the use of both triclopyr and 2,4-D. Additionally, he asked when U.S. Army Corps of Engineers (Corps) would provide the final report of the five year herbicide treatment program.

Page stated that cost estimates are being considered at the next subcommittee meeting; providing for cost estimates of annual and rotating treatments for bays ranked as a prime candidate for such. The receipt of the Corps final report of the five year herbicide treatment program is anticipated; however, the delivery date is unknown. He stated that he feels comfortable going forward with a proposed CVMP without the receipt of that report.

McDermott recommended the Board consider public meetings in consideration of the CVMP when warranted.

Gross expressed concern about moving forward with a CVMP without the Corps final report; based on changing the herbicide treatment formula. He asked what the MN DNR's input was in that regard, in which Page stated he would solicit their input at the next meeting.

Baasen stated that the Personnel Committee was scheduled to meet on September 17th in the LMCD office.

11. EXECUTIVE DIRECTOR REPORT

Nybeck stated that he and Harper evaluated the solar light program after the Board meeting of August 22nd (navigating after dark) to all lighted buoy locations on Lake Minnetonka. This evaluation confirmed to staff the positive aspects of the program. Additionally, it documented the importance of public safety and the need to maintain a maintenance program for lights that are not working.

McDermott asked if the solar lights were LED, in which Harper confirmed they were.

In follow-up to Baasen's suggestion that each Board member have an opportunity to provide a brief update on any municipal discussions or actions that may be of interest to the Board, the following comments were offered:

- Baasen stated that the City of Wayzata recently contracted with St. Paul Riverfront to assist in the strategic planning of the city's riverfront project. St. Paul Riverfront is apprised that both the LMCD and MCWD need to be involved in this process and he will keep the Board apprised as plans progress. Additionally, he recommended that the Board consider possible ordinance amendments relative to "Low Water" dock extensions (and the enforcement of), as well as matters that were raised by Harper above.
- Shuff stated that there seems to be some possible interest by the City of Minnetonka to consider a lakewide bow fishing ordinance after a recent meeting by City Attorney Desyl Peterson and the Chief of Police to further consider this matter.
- Morris stated that he provided an LMCD update to the City of Excelsior last week. Dick Osgood was also in attendance on behalf of the LMA, in which he requested city funds (via a grant) for the herbicide treatment of Gideons Bay. The city council unanimously approved Osgood's request. He believed that

the city was eager to assist in AIS management efforts (whether that is via harvesting or herbicide treatments).

- Hughes stated that he believed the City of Spring Park might also be opening up to the consideration of a lakewide bow fishing ordinance.
- Gross stated that he observed that 2012 was a particularly bad year for weed fragments in the Lake. He believed that the LMCD is blamed for any EWM fragments, whether the LMCD has been harvesting in the area or not. Therefore, he recommended a newsletter article that would educate the Lake users on how matted weed beds are gathered. Additionally, he recommended another article documenting the fact that the solar light program is entirely funded by Save the Lake, in which he believed many do not know that fact.

Baasen recommended that the newsletter article also solicit the Lake user's help in reporting solar lights that are out, damaged, or missing.

Nybeck recommended that a guest columnist from the MN DNR could best address EWM and other vegetation fragments in the newsletter.

- Page stated that the City of Greenwood was also eager to assist in AIS management funding. The city has budgeted \$5,000 to contribute to herbicide treatment programs, in which the St. Albans Bay residents are pushing for more herbicide treatment funding. He stated that he communicated to the city council that if they push for more herbicide treatments via the LMCD's involvement, they should not oppose any future increases in the levy to the member cities through the LMCD's budget process.
- Klohs stated that the working relationship between the City of Minnetonka Beach and the LMCD in resolving their citywide docking issues was an example of how successful working with the LMCD can be to resolve specific matters. The city was very happy with the outcome of that process.
- Baasen stated that the LMCD received a number of positive comments relative to the harvesting on Lower Lake (in particular Wayzata Bay).
- Olson stated that the City of Victoria was a hot spot for some large scale projects. He outlined those projects as follows:
 - A comprehensive water quality study for the purpose of offering the MCWD a system-wide solution to water quality in, and around, the Six Mile Creek area. The goal is to keep whatever runs into Halsted's Bay (from Six Mile Creek) cleaner than what it is now.
 - Dr. Sorenson from the University of Minnesota is performing a carp study; documenting spawning locations that could be stocked with predator fish that would eat the carp eggs prior to hatching.
 - The National Oceanic and Atmospheric Administration (NOAA) is utilizing National Science Foundation funds to study urban and rural environmental effects from a 500 year storm (15 inches of rain in 24 hours). He documented the different environmental effects for each region, including damage from storm runoff.

- A Highway 5 and Steiger Lake project that provides for the redirection of water through a settling area (eliminating pounds of phosphorous) prior to entering Six Mile Creek and Lake Minnetonka.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:21 p.m.

Dan Baasen, Vice Chair

Andrew McDermott, Secretary