

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, March 13, 2013  
Wayzata City Hall

**1. CALL TO ORDER**

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

**2. ROLL CALL**

**Members present:** Doug Babcock, Tonka Bay; Andrew McDermott, Orono; Gary Hughes, Spring Park; James Doak, Woodland; Jay Green, Mound; Ann Hoelscher, Victoria; Anne Hunt, Minnetrista; Dennis Klohs, Minnetonka Beach; Jeff Morris, Excelsior; 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:** Dan Baasen, Wayzata; Keith Kask, Deephaven.

**3. APPROVAL OF AGENDA**

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

**VOTE:** Motion carried unanimously.

**4. CHAIR ANNOUNCEMENTS, Chair Babcock**

There were no Chair announcements.

**5. APPROVAL OF MINUTES – 02/27/13 LMCD Regular Board Meeting**

**MOTION:** McDermott moved, Klohs seconded to approve the minutes from the 02/27/13 Regular Board Meeting as submitted.

**VOTE:** Motion carried unanimously.

**6. APPROVAL OF CONSENT AGENDA**

Babcock clarified that the approval of agenda item 6B is contingent upon receipt of the Port of Call approval forms from the respective cities, which was outlined within the staff memo but not noted on the agenda.

Nybeck clarified that the approval for agenda item 6A is for Audit of vouchers (3/1/13 – 3/15/13).

McDermott moved, Shuff seconded to approve the consent agenda as amended, taking into consideration the comments noted above. Items so approved included: **6A**, Audit of vouchers (3/1/13 – 3/15/13) and **6B, 2013 Liquor Licenses**, staff recommends approval of renewal (without change) applications as outlined in 3/5/13 staff memo.

Hunt arrived at 7:05 a.m.

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

There were no public comments.

**8. PUBLIC HEARING**

- **North Shore Marina (Browns Bay)**, new multiple dock and special density license applications to reconfigure the conforming facility on Browns Bay and Tanager Lake.

Babcock asked Harper for background on this agenda item.

Harper directed the Board to his staff memo, dated 3/7/13, in which he made the following comments:

- Travis Anderson had made application for a new multiple dock and special density license.
- The facility consists of 3,310' of continuous 929.4' shoreline on both Browns Bay and Tanager Lake. This site is considered a legal, conforming multiple dock facility (currently approved for 114 boat storage units [BSUs], with a BSU density of 1:29'). A special density license was granted for this site in 1990, which was amended in 1995.
- The applicant has proposed to reconfigure the docks by widening some of the existing BSUs to make them more usable. He provided a detailed overview of those changes as outlined within his staff memo.
- He outlined three relevant LMCD Code Sections pertaining to the above noted applications. These include: 1) Code Section 2.03, Subd. 7- requirements for a new multiple dock license, 2) Code Section 2.02, Subd. 1- the 1:50' General Rule, and 3) Section 2.05, Subd. 2- the process for a special density license. A thorough review of the approved and proposed public amenities, as outlined within the staff memo, was provided.
- Staff recommends that the Board direct LeFevere to prepare draft Findings of Fact and Order approving the special density license.
- He entertained questions and comments from the Board.

The Board asked a few questions, in which Harper confirmed the following:

1. Public amenity D.(1), "Travel lift to accommodate 25,000 lbs for hire," as noted on page two of the staff memo, does not require one to be a customer of North Shore Marina to use the travel lift (recommending the Board may want to clarify his response with the applicant directly).
2. The placement of BSU #57 (dedicated transient BSU) is located between the travel lift and the main dock (more towards the travel lift). He further clarified, in working with the applicant, that they do not anticipate more than one watercraft being stored at this location; providing for the accommodation of both uses.

Babcock invited the applicant to address the Board.

Mr. Travis Anderson, representative for North Shore Marina, stated that he worked with Harper to reallocate the slips and make them more user friendly (accommodating watercraft with wider beams and lessening the flow of traffic across Highway 15). His goal was to have all BSU's, documented within the

proposed site plan, in compliance with LMCD Code. He entertained questions and comments from the Board.

Babcock and Morris asked a few questions, in which Anderson clarified as follows: 1) that he would not charge the law enforcement agencies for utilization of the travel lift and that wording could be reflected as such within the Order (acknowledging that he regularly works with Lt. Saunders of the Hennepin County Sheriff's Water Patrol in accommodating for efficient lake access at this location and other family-owned sites), 2) that he would work with staff to come up with connection points to the break-water docks on Browns Bay (allowing for efficient off loading of passengers during a watercraft emergency), and 3) that the sanitary pump-out facility is available to the public for a small fee.

Babcock opened the public hearing at 8:21 p.m.

Mr. Doug Schmitt, 1475 Shoreline Drive, stated that he is an abutting neighbor and likes what is being proposed. However, he was just curious how one would access the docks to the break-water.

Anderson stated that a walkway will be built at the end of the current dock (along the inside of the break-water).

There being no further comments, Babcock closed the public hearing at 8:22 p.m.

**MOTION:** McDermott moved, Green seconded to direct LeFevere to prepare draft Findings of Fact and Order for the approval of the special density license application, subject to the applicant: 1) working with staff to create connection points for the break-water docks and 2) adding the words "at no cost" to the draft Findings for law enforcement agencies to utilize the travel lift.

**VOTE:** Motion carried unanimously.

## 9. OTHER BUSINESS

### A. Draft Eurasian Watermilfoil and Curly-Leaf Pondweed Plan for Lake Minnetonka

Babcock directed the Board to the draft Plan, providing for additional revisions offered since the December 12th public hearing (as outlined in a red-lined version in their handout folders). He solicited Board discussion.

Morris stated that he has been in communication with Babcock and various Aquatic Invasive Species (AIS) Task Force members relative to the revisions offered since the Plan was presented to the public in December. He liked the structure of the draft Plan and believed that there was a way that the LMCD could work with the Lake Minnetonka Association (LMA) as a managing partner in the herbicide treatments. However, he expressed concern about the proposed municipal funding of \$75,000 for the herbicide treatments and recommended that reference be removed based on member city feedback (considering future revisions that are more equitable to all member cities) and then approve.

Babcock stated that he had recently spoke with Orono Mayor Lili McMillan and she had expressed an interest in having the last sentence on page 8 (referencing the sub-committee's recommendation that \$75,000 be included in the annual LMCD Budget for herbicide treatments) of the draft Plan be removed, as well, prior to consideration of approval. He believed that the proposed funding was a statement of fact from the sub-committee and not a binding requirement of the Board. He recommended that the Board approve the draft Plan and send such to the member cities for consideration; acknowledging that the funding mechanism would be considered during the upcoming budget process.

Morris stated that he recognized the red-lined version removed verbiage from the previous draft Plan that stipulated "direct LMCD funding."

Babcock reiterated his interest in moving forward with the sub-committee's recommendation and solicit the member cities' level of interest in funding such. If no funding was approved during the budget process, he believed that the draft Plan would continue to put the LMCD in a position to coordinate such treatments.

The Board had a lengthy discussion relative to funding references within the draft Plan. These comments are summarized as follows:

- Klohs questioned if Morris suggested removing all funding references within the draft Plan, in which Morris confirmed those referencing \$75,000 (acknowledging it was a slippery slope). Klohs then stated that he supported taking the reference out and dealing with the funding as a separate issue.
- Roy supported removing the reference to \$75,000; acknowledging there is confusion amongst some of the member cities that the bay captains, in requesting funding, did not need it as the LMCD was going to take care of this for them. Additionally, he believed the funding aspect should be considered after the management plan is adopted.
- Green, who served on the Task Force as a representative for Anglers for Habitat, acknowledged that he now serves the LMCD Board, as well. With that said, he does not want to see the draft Plan get lost in the shuffle due to the consideration of funding.
- Hughes stated the City of Spring Park recently considered the draft Plan, in which he could support the approval of such if all references to funding were removed (including the reference of budgeting \$35,000 annually for replacement of depreciated harvesting equipment).
- McDermott concurred that the funding references should be removed as other programs do not maintain the funding mechanism up front. He acknowledged it is dealt with during the budget process.
- Shuff believed the City of Minnetonka would concur with Hughes' comment above. She reminded the Board that their city administrator addressed the Board at the December 12th public hearing, in which she expressed concern about increasing the member city levy to fund the draft Plan.

Babcock stated the following two funding components are referenced in the draft: 1) a specific amount that the LMCD pursue and 2) revised, red-lined paragraphs that outline how funding is recognized and viewed without requiring the LMCD to commit to the funding. He asked for the Board's input as to whether they would want all references to funding removed or just those that require the LMCD to obtain a specific amount.

Hunt stated that the City of Minnetrista has expressed an interest in not only removing the funding references but also any reference acknowledging the LMCD maintaining a viable harvesting program. Minnetrista would like the LMCD to re-evaluate whether it is more cost effective to contract out for such.

Babcock directed the Board to page 9 of the red-lined version of the draft Plan. He offered the following comments: 1) the first paragraph was a combination of wording from both the AIS sub-committee (in black) and himself (in red), 2) the second and third paragraphs were largely added by himself; describing how he believed that funding would be coordinated or how funding would occur within the draft Plan (not providing any binding commitments from any party). In adding the latter two paragraphs, his goal was to outline how he believed that the current funding tends to flow/work.

Sylvester asked the Board what would be gained by approving the draft Plan that would not have a funding mechanism in place.

Morris stated approval of the draft Plan, without a funding mechanism, would provide the framework for the solicitation of funds, as well as structure to coordinate the herbicide treatments and harvesting program. The Board serves at the pleasure of the member cities, in which the comments offered above were evident as to what they would like to see approved. He stated that he lives in an area of the Lake that would benefit from the whole bay treatments that would be funded by the proposed \$75,000. However, he does not expect other area Lake stakeholders to fund that benefit. He reiterated the LMCD's role to be a coordinating agency, in which the funding mechanism should be considered during the budget process.

Sylvester stated that funding is the critical aspect of the draft Plan and it seemed premature to adopt a policy that is currently not funded.

Green offered a different perspective, in which one can go to the MN DNR to put a herbicide treatment in place. The draft Plan, without funding, provides for the oversight of the treatment to make sure something does not go wrong.

Babcock stated that prior city feedback documented that the LMCD should not raise the member city levy without a plan (offering an overview of what the sub-committee was trying to accomplish vs. what has been accomplished on the Lake to date). He questioned when whole bay treatments become whole lake treatments. The draft Plan places the LMCD in a coordinating role that oversees the treatments and respective reports. He believed it is up to the member cities to decide what additional role they would like the LMCD to participate in; expressing an interest that the LMCD, alongside with the MN DNR, at least have some local participation in this matter (as outlined in the LMCD's roles and responsibilities as number five on page 10). Lastly, he provided an overview of historical discussions held in the creation of the 1991 Management Plan (car/trailer count) and the consideration of usable acres once the Lake was infested with EWM. To this end, he looked to answer the question of how one makes the Lake more useable on a lake-wide basis vs. on an individual bay basis (comparing the use of herbicides and harvesting) to accomplish such.

Sylvester acknowledged Green's comment, above, made more sense to him. He asked the Board if there was a way to consider the draft Plan on an oversight basis and set aside the portion of the draft plan that

requires future consideration of funding.

Babcock directed the Board back to the two red-lined paragraphs added on page 9 of the draft Plan in an effort to consider recognizing how funds are currently spent; to provide for a process flow. With that said, he hoped that the Board would consider leaving these paragraphs within the draft Plan.

The Board initiated the discussion of specifically addressing what verbiage would be removed from the draft Plan for consideration of approval. The following comments were offered:

- Hughes recommended removing the funding references relative to the \$75,000 for herbicide treatments and \$35,000 for depreciated harvesting equipment on page 8.
- Roy recommended taking all reference to funding out and handling it through the budget process (providing for an example of offering a funding formula/process for the distribution and use of the needed funds).
- Babcock stated that the revisions being offered cannot remove the fact that the draft Plan is comprehensive, incorporating both the herbicide treatments and harvesting for the control of EWM and CLP.
- Morris stated that to prioritize the city's interest/needs, he offered a "pay as you go" program.
- Hunt re-stated the city's position in harvesting by saying, "that we (City of Minnetrista) don't think that you should assume the LMCD should run their own harvesting machines. We think that looking into outsourcing that – we don't understand why the LMCD feels they need to be the public works department of the Lake. We think that is outside of their scope and don't support the harvesting program in the way it is today." She further clarified that the LMCD is not city government and should not be operating the programs but outsourcing them while setting policy and overseeing the project at a project management level. Lastly, she confirmed that the city is not expressing concern relative to funding the harvesting program as they believe harvesting has its place. The city is expressing concern in approving a Plan that assumes the LMCD will be operating the harvesting program itself vs. coordinating/managing it.
- Morris stated that he believed the cities should pay for their independent needs (harvesting and/or herbicide treatments) utilizing the LMCD as the coordinator of the project. He expressed an interest in delving into this during the upcoming budget process.

Babcock provided an overview of various funding options in consideration of herbicide treatments and harvesting (both of which have proven to be a worthy investment through recent pilot studies on Lake Minnetonka) in the control of EWM and CLP. He believed the purpose of the draft Plan is to control EWM and CLP in the public areas of the Lake. He believed that the Board is in agreement to place the LMCD in a coordinating role for herbicide treatments (independent of how it is done); acknowledging this is already being done for harvesting. He expressed concern about taking the funding mechanism out completely as that would take away from the comprehensive plan for the LMCD to manage both programs (via the distribution of funds where needed; a fund management standpoint).

Sylvester stated he would be interested in the analysis of outsourcing the harvesting program as noted by Hunt above, which would be what is known as a sale/lease back in real estate terms.

Babcock reminded the Board that there was a unanimous vote last November to purchase the new

harvester and continue with the harvesting program as historically provided for.

Nybeck stated that the LMCD has not recently gone through an analysis consistent to what the City of Minnetrista is recommending. He believed there may have been records of such in the early 1990's and he welcomed the process, possibly for 2014, as the question had been previously posed. He acknowledged that most outsourced contractors would not have the level of equipment needed, which would pose the question as to whether the Board would like someone else running the LMCD's equipment. He believed that a Request for Proposal process would have to be initiated, in which he would be happy to work with Hunt, and others that have interest, in completing such. In returning back to the draft Plan and consideration of removing references to funding, he asked the Board to keep in mind that the \$75,000 was not going to be the only funding source for whole bay or large scale herbicide treatments. The continuation of needed funds were going to be leveraged via multiple sources (i.e., private and public). He recommended leaving the first two sentences of Paragraph B (Funding) for mechanical harvesting. The paragraph would read, "There are currently two.... These sources include: .... Grant from the MN DNR."

Klohs believed the draft Plan should address each member cities' AIS prevention needs and the funding of, as their needs will vary and should not be funded across the Board for those that do not obtain a benefit from such.

Hoelscher stated that there is a balance in considering: 1) a minimum public area that should always be maintained and 2) other bays/areas that are more subjective (offering the option for residents to opt in).

Nybeck requested clarification as to the use of the words "opt in." He stated that the sub-committee conducted a lengthy exercise in which they identified areas that are suitable for herbicide treatments based on water movement, how enclosed it is, acreage size, and consideration of what part of the bay was defined as public area. This exercise concluded that the eight management areas (outlined on page 8 of the draft Plan) met the defined conditions for consideration of whole bay or large scale treatments. At that time, the MN DNR raised concern for efficacy and permitting issues. He believed that if the Board lends towards the direction of having residents opt in, continued concern would be raised by not only the MN DNR but also other governing agencies.

LeFevere received a sense that if someone were to guarantee \$75,000 in funding, the draft Plan would be considered a good one. However, that funding commitment does not currently exist. He stated that funds do not need to come from one source and offered a number of other possible sources to consider. Opting in or out does not mean doing so on an annual basis (offering the idea of a joint powers agreement, etc.). He further stated that the Board could simply approve the draft Plan before them; based on adequate funding being achieved through some combination of public and private sources. He questioned whether it was productive for the Board to speculate what might or might not happen at this meeting until further consideration is made to the various funding sources.

Babcock stated, that for discussion purposes at this meeting, he was trying to preserve the sub-committee's recommendation that the member city levy be raised to fund the proposed \$75,000. Based on the discussion, he believed the majority of the Board would like to remove such reference. In the proposed version of the draft Plan, he and Morris have documented that additional public and private funding sources

would be considered. In speaking for Morris, both he and Morris believed the only funding reference that would be binding is that reference to the proposed \$75,000 and recommended that be the only deletion of the plan.

LeFevre stated that when a committee report is presented to the Board for consideration, it can simply just be received. What the Board is discussing at this meeting is to adopt the draft Plan before them, in which the majority of the Board would then need to consider the verbiage within prior to its adoption.

Babcock concurred with LeFevre and re-stated that the proposed funding of \$75,000 is listed within the draft Plan as a recommendation from the sub-committee. He believed the statement needs to remain; with an option for the Board to add that it is not considering the recommendation at this time.

Morris stated that some of the AIS Task Force members have changed their position on the recommendation to raise \$75,000 via the member city levy. He believed if the reference to \$75,000 was removed from the draft Plan, it would continue to be a true representation of the Task Force.

Hughes stated that the \$75,000 and \$35,000 referenced in the draft Plan would essentially double the current City of Spring Park's AIS levy (without receiving any specific benefit).

Babcock provided a historical overview of how funds for depreciated harvesting equipment has been established, with the member cities request to maintain a regular depreciated amount annually so that their levy would not spike up and down to accommodate the equipment needs.

Nybeck stated that a portion of \$35,000 for depreciated harvesting equipment is allocated within the adopted 2013 budget (via a transfer of \$25,000 from the Administration Reserve Fund).

Roy confirmed that the \$35,000 should not be referenced as depreciation costs but as equipment replacement funds.

Nybeck confirmed that the reserve fund in question is named the Equipment Replacement Fund.

Babcock reminded the Board that the LMCD does not have bonding or taxing authority. Therefore, the funds need to be raised in advance of a purchase. He solicited the Board's direction on this matter.

**MOTION:** McDermott moved, Hughes seconded to approve the Comprehensive EWM and CLP Management Plan by: 1) striking all but the first two sentences under Implementation, I. B. "Funding" paragraph and 2) the entire first paragraph under Implementation, II. A. "Funding."

Roy questioned if the motion was to adopt the draft Plan itself, as the Board has not discussed the actually changes offered in the red-lined version.

Hunt recommended the words "Veterans Cove" be added at the end of the second paragraph of subparagraph IV. D. "Management" under the Comprehensive EWM and CLP Management Plan (Plan).

The sentence would read, "It should be pointed out... Christmas Lake and Veterans Cove."

Seeing no further Board comments, he invited Gabriel Jabbour to address the Board (per his request).

Jabbour addressed the Board's discussion, noted above, by making the following comments:

- The LMCD's Harvesting Program was initiated with seven citizens donating funds for the purchase of the harvesters, in which the cities did not fund a penny for. Initially, it was a voluntary contribution by the member cities to operate the harvesters. The member cities levy, at that time, was about \$128,000, in which the cities contributed approximately \$125,000 with the principle thought that there needs to be minimal public areas kept open for specific safety measures.

Babcock added that there was a time when the LMCD's harvesting budget exceeded \$215,000, at which time they asked the member cities to voluntarily fund the harvesting program that was above the LMCD's levy limits. At some point in the early 1990's, that was scaled back and adjusted to fit within the levy limits to avoid special funding.

- As a former elected official, some of the larger member cities are very much affected by the levy limit (especially at the time the legislature required the cities to pay sales tax, as well). He acknowledged that when cities express concern about paying a specific levy limit, it is not because they do not care about the Lake, but that they are at the mercy of the legislature's unfunded mandates (which some smaller cities do not fall within that limit).
- He provided an overview of other funding sources (i.e., a lake improvement district that the member cities could participate in and have the service directly assessed). He believed that the MN DNR is looking to remove funding options to meet their strained budget.
- He was concerned that the Board allowed discussion of the draft Plan to drift away from what the sub-committee visualized. As a Task Force member, he would not want to be affiliated with the draft Plan as it is currently being considered.
- He expressed concern about the verbiage added at the beginning of the second paragraph under "Implementation, II. A. Funding;" which read, "The LMCD Board recognizes that other sources of both private and public funding may be available to support large-scale (public) herbicide treatments on Lake Minnetonka." He believed that sentence was contradicting the draft Plan's reference to herbicides only being utilized in the documented eight bays, which is not on a "large-scale" basis (referencing future contractors bidding against established treatment plans). He believed the Board is short-changing the citizens without even knowing what funding sources are currently available.
- He, in some way, was in agreement to harvest only minimal areas that provide for safety factors and let the decisions relative to herbicide treatments be done via a lake improvement district.
- In closing, he asked the Board to not have citizens not located within a treated area, pay for the benefit of others that receive such.

Babcock stated that the wording noted by Jabbour was not his intent and offered to revise such; acknowledging that he treats any whole bay herbicide treatment as a large-scale treatment.

McDermott and Hughes concurred with Hunt's recommendation to add Veterans Cove as noted above.

Additionally, McDermott recommended the words "large-scale" be removed from the sentence noted by Jabbour above.

Shuff stated that if Veterans Cove has been approved for the use of biological weevils in 2013, does that mean Libbs Lake has been eliminated from such a program. It was confirmed that native weevils are required for such and that by the time the native weevils were collected in 2012, the EWM growth was too heavy. An assessment of such is scheduled for 2013. It was also recognized that Libbs Lake has a large amount of native vegetation, as well as EWM.

In reconsidering Hunt's previous request to add Veterans Cove to the draft Plan, it was clarified that the sentence in which it was to be added was referencing demonstration projects that were completed at the time of the drafting of the Plan (2012). Therefore, a friendly amendment was recommended to not add Veterans Cove but to revise the sentence as follows: "In 2012, the MCWD conducted demonstration projects to establish.... Christmas Lake." McDermott and Hughes agreed to this.

**VOTE:** Ayes (10), Nays, (2, Babcock and Sylvester); motion carried.

**B.** Discussion of LMCD Code relating to low-water conditions

Babcock directed the Board to the draft ordinance and accompanying Frequently Asked Questions (FAQ) document within their handout folder. He thanked LeFevere and Nybeck for their work relative to this matter and entertained questions and comments from the Board.

McDermott had the following questions/comments regarding Section 1. 2.d) bb), ff), and hh), respectively: 1) will there be a reference defining what an authorized dock use area (DUA) is, 2) he believed the use of the words "reasonable times" is very subjective, and 3) are all docks required to be lighted or reflectorized.

Babcock stated that staff will be providing a handout, with diagram, defining an authorized DUA (similar to what was provided in 2012). Additionally, he confirmed (relative to "hh" above) that the dock owner has the choice of choosing one of the five options offered to make their dock extension readily visible to boaters (designed, constructed, elevated, lighted, or reflectorized).

LeFevere confirmed that it is not uncommon to utilize that wording "reasonable times;" acknowledging that, professionally, staff will only be available during business hours. However, in the end, the LMCD would want their consent.

Klohs believed the draft ordinance was beneficial and user friendly.

**MOTION:** Babcock moved, Klohs seconded to approve the first reading as submitted, to waive second and third readings, and to adopt it.

**VOTE:** Motion carried unanimously.

C. Staff update on feedback from LMCD member cities on bow-fishing concept ordinance for Lake Minnetonka.

Babcock asked Nybeck for an update on this agenda item.

Nybeck expressed his appreciation to the Board for coordinating feedback from their respective city council members. He directed the Board to his staff memo, dated 3/7/13, and made the following comments:

- Background information as to why the Board is considering this subject matter (to improve public education and establish defined enforcement guidelines for the Hennepin County Water Patrol and Minnesota Department of Natural Resources enforcement personnel).
- An overview of an aerial map (provided by the Three Rivers Park District) that outlines the member cities jurisdictional boundaries extending in the Lake. He acknowledged that the boundary lines in the water are not accurate; however, it documents how confusing to the public this would be (if they were accurate).
- He provided background information on a January 25<sup>th</sup> letter sent to the member cities (per Board direction) that requested the member city councils (collectively) consider the following three options relative to this matter: 1) to continue to operate as we currently do (per state law and city ordinances), 2) prohibit bow fishing entirely on Lake Minnetonka, or 3) consider an ordinance more restrictive than state law, but less than a total prohibition (such as a nighttime prohibition).
- He provided an overview of some of the state law regulations relative to bow-fishing (the season, possession of bows and arrows, the prohibition of returning rough fish to waters, and nighttime restrictions).
- A detailed overview, including a tabulated spreadsheet, of the responses provided by the member cities (nine written and three verbal). He stated staff had concluded that there appears to be an interest in continuing to explore a lake-wide, bow-fishing ordinance and that it appears the general consensus is Option #3 (outlined within the third bullet point above).
- He offered the following comments/questions for the Board to consider: 1) does the Board want to continue to consider a lake-wide ordinance (recommending that it should be kept simple as possible and to avoid distance restrictions) and 2) the current Public Safety Committee recommendations (to prohibit bow-fishing at night, to allow bow-fishing during the day per state law, and to keep any ordinance as simple as possible).
- He entertained questions and comments from the Board.

Babcock stated that he met with the Tonka Bay City Council, in which he believed there were more areas to address than what was offered by staff ( i.e., limitations on the seasons such as the winter). He recommended a lake-wide ordinance should be drafted; sending this back to the Public Safety Committee (working with LeFevere) with a list of areas he would like considered within that draft ordinance.

Nybeck questioned if it would not be more appropriate to send this matter back to the Ordinance Review Committee, in which Hughes (Public Safety Committee Chair) approved.

Klohs questioned how many bow-fishing inquiries the LMCD receives on an annual basis (in which Nybeck stated five to 10). Based on that response, Klohs did not think that five or ten inquiries warranted an ordinance and recommended that the Board not over-involve themselves with this issue.

Morris concurred with Klohs but questioned if complaints were a concern.

Nybeck stated that the complaints would typically go directly to the Water Patrol Office, in which he could not speak for. He did review one complaint received that he was familiar with. He believed the question was whether the Board would like to be proactive relative to a sport that is becoming more active on the Lake.

Shuff had stated that the City of Minnetonka would be unsure as to how to respond to an inquiry relative to the enforcement of bow-fishing within their jurisdiction on the surface waters.

**MOTION:** Babcock moved, McDermott seconded to direct the Ordinance Review Committee (working with the Public Safety Committee) to draft a lake-wide ordinance taking into consideration a list of regulations that would be more restrictive than state law.

**VOTE:** Ayes (8), Nays, (4; Doak, Hunt, Klohs, Morris); motion carried.

#### **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).

Babcock stated the Ordinance Review Committee is scheduled to meet this Saturday, March 16th, for the purpose of re-formalizing the committee and setting the agenda (no action will be taken). Additionally, he stated that he directed staff to schedule Ordinance Review Committee meetings, when warranted, the Saturday after a Board meeting to provide for more efficient follow-up on needed action. He stated that the Finance Committee met this date to consider investing funds in a Certificate of Deposit.

Nybeck stated, in Baasen's absence, that a Save the Lake Committee meeting is scheduled for March 19<sup>th</sup> at 8:30 a.m. in the LMCD office.

There was no AIS Task Force or Personnel Committee reports.

#### **11. EXECUTIVE DIRECTOR REPORT**

Nybeck stated that he will be reporting on the status of grant applications submitted to the MN DNR and the Minnehaha Creek Watershed District (relative to the watercraft inspection program) at the March 27th Board meeting. As part of this agenda item, he recommended discussion of the request from the Lake Minnetonka Association, on behalf of the Bay Captains, regarding funding assistance for whole bay or large scale herbicide treatment projects in 2013.

**12. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:09 p.m.

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Doug Babcock, Chair

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Andrew McDermott, Secretary