

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, August 28, 2013
Wayzata City Hall

1. CALL TO ORDER

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

2. ROLL CALL

Members present: Doug Babcock, Tonka Bay; Dan Baasen, Wayzata; Andrew McDermott, Orono; Jay Green, Mound; David Gross, Deephaven; Ann Hoelscher, Victoria; Dennis Klohs, Minnetonka Beach; Jeff Morris, Excelsior; Rob Roy, Greenwood; and Sue Shuff, Minnetonka. Also present: Charlie LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; and Judd Harper, Administrative Technician.

Members absent: Gary Hughes, Spring Park; Anne Hunt, Minnetrista; Fred Meyer, Woodland; and Mark Sylvester, Shorewood.

3. APPROVAL OF AGENDA

Green proposed adding an agenda item after 9A to provide for discussion of recently cut unmarked telephone lines (including additional unmarked utility lines) that exist on Lake Minnetonka. The Board approved the agenda, as amended.

4. CHAIR ANNOUNCEMENTS, Chair Babcock

Nybeck stated there are two Board meetings scheduled for the month of September (11th and 25th). He proposed cancelling the meeting of September 25th to accommodate for the office relocation and to schedule a meeting with the commercial marinas in its place. The meeting would take place at the Tonka Bay Marina clubhouse at 6:00 p.m. (further details to be determined).

Babcock questioned if the marina representatives had proposed an agenda for such meeting.

Nybeck stated there is not an established agenda. However, historically such meetings provided for open discussion to identify various topics for consideration, in which he believed that process worked well.

The Board had a brief discussion on this matter, in which it was recommended that staff convey their interest in establishing a list of discussion topics (for both parties) so that all could be better prepared to address them. In follow-up to the Board's topics, the following was offered: 1) their interest in strengthening the LMCD's working relationship with the marina owners (providing for candid discussion of pros and cons to accomplish such), 2) proposed amenities relative to amending the special density license, and 3) their feedback relative to current Lake activities.

5. APPROVAL OF MINUTES – 7/10/13 LMCD Regular Board Meeting
7/10/13 LMCD Board Workshop/Planning Session
7/24/13 LMCD Regular Board Meeting

MOTION: Gross moved, Baasen seconded to approve the minutes from the 7/10/13 Regular Board Meeting as submitted.

VOTE: Ayes (8), Abstained (2; McDermott and Roy); motion carried.

MOTION: Baasen moved, McDermott seconded to approve the minutes from the 7/10/13 Workshop/Planning Session as submitted.

VOTE: Ayes (8), Abstained (2; Hoelscher and Roy); motion carried.

MOTION: Baasen moved, McDermott seconded to approve the minutes from the 7/24/13 Regular Board Meeting as submitted.

VOTE: Ayes (7), Abstained (3; Green, Hoelscher, and Roy); motion carried.

6. APPROVAL OF CONSENT AGENDA

Roy moved, McDermott seconded to approve the consent agenda as submitted. Items so approved included: **6A**, Audit of vouchers (7/29/13 – 8/15/13) and (8/16/13 – 8/31/13); **6B**, June financial summary and balance Sheet; **6C**, **Michael and Holli Johander**, draft Findings of Fact and Order approving a dock length variance at 245 West Point Road in Echo Bay; and **6D**, **2013 Watercraft Inspection Program**, approval of the hiring of a seasonal employee as outlined in 8/21/13 staff memo.

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

There were no public comments.

8. PUBLIC HEARING

- **Beans Greenwood Marina**, 2014 reconfiguration of non-conforming multiple dock license and variance application for the commercial marina on St. Albans Bay.

Babcock asked Harper to provide background on this agenda item.

Harper reviewed his staff memo, dated 8/23/13, in which he made the following comments:

- Applications have been submitted by Beans Greenwood Marina to: 1) reconfigure a legal, non-conforming multiple dock license (1:7' density); 2) amend a previously approved dock use area variance; and 3) to obtain a new dock length variance.
- The site has approximately 870 feet of continuous shoreline on St. Albans Bay and is currently approved for 120 boat storage units (BSU); 110 overnight and 10 transient.
- He provided a detailed overview of the following six proposed changes, which would reduce the number of overnight BSUs by one (109) and change the BSU sizes but would retain the total BSU square footage:
 - Increase the size of BSUs 1-6 and transient BSUs 118 and 101 from 24.5 feet to 28 feet long;

- Reconfigure the first two northwest docks to allow perpendicular slips to accommodate new canopies rather than the approved angled slips;
- Move the second northwest dock to the southeast;
- Remove BSUs 59 and 60 on the lakeward portion on the third dock;
- Remove BSUs 41 and 42 near shore on the third dock; and
- Reconfigure and add two new BSUs on the fourth southwest dock (resulting in three BSUs outside of the 100 foot contour from the shoreline).
- He provided a detailed overview, with respective comments, of the following relevant LMCD Code Sections: 1) Code Section 2.015- outlines the requirements in reconfiguring a legal, non-confirming site; 2) Code Section 2.01, subd. 1 - defining of authorized Dock Use Area (DUA) requirements; and 3) Code Section 1.07 - outlines the variance process.
- He recommended the Board address the following three fundamental issues:
 - Was the Board comfortable with the increase in size of BSUs (as outlined above) to amend the existing DUA variance.
 - Was the Board comfortable with the slight increase outside of the existing dock from the 929.4 foot shoreline for Dock 2 and BSU 30.
 - Staff recommended denial of the variance request to reconfigure the southwest Dock 4 and locating BSUs 41, 42 and 84 outside of the approved dock and 100 foot DUA. However, staff would support the applicant maintaining the existing approved configuration of this dock and relocating BSUs 41 and 42 to another location with the 100 foot DUA or another location within the existing dock "envelope." Additionally, staff supported the Board authorizing the applicant to temporarily remove BSUs 41 and 42 from the proposed site plan but maintain the BSUs and square footage to re-establish them in a future reconfiguration application.
- He recommended the Board provide the applicant feedback on the above listed issues and either refer the applicant to work with staff to bring back a proposal that addresses such, or, direct LeFevre to prepare Findings of Fact and Order for denial or approval of the applications for the 2014 season, with the following conditions:
 - Watercraft stored within BSUs must comply with the four foot length overall overhang restriction, except for BSUs up to or over the 100 foot dock use area contour where they must be fully contained within the dock structure;
 - All watercraft must be stored within authorized BSUs;
 - Construction of dock structures and location of moored watercraft must be in strict conformance with the approved site plan; and
 - No permanent or overnight storage be allowed within the transient BSUs.
- He entertained questions and comments from the Board.

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

- A point buoy exists an estimated 250 feet from BSUs 80 and 81.
- The adjacent site was previously a commercial marina. This site was also involved in the 1972 variance that establishes their DUA. In 2000, the site was redeveloped to St. Albans Bay Villas and their docks were significantly reduced. The variance continues to establish the DUA for this site; however, the site currently does not utilize their full DUA. In the future, they could make application to go out to 100 feet. Babcock stated that there are overlapping dock structures that required the need to establish a DUA for both properties.

- He could not confirm the City of Greenwood's boat density allowance for St. Albans Bay Villas; however, did confirm that they had reached the LMCD's maximum licensed density (20; 19 on the main land and one slip on the island). A brief discussion was held as to the historical use of the combined DUA, as well as current and possible future (with Board approval) configurations.

Babcock invited the applicant to address the Board.

Mr. Aaron Bean, 21945 Minnetonka Boulevard in Greenwood, introduced himself as part owner and operator of Bean's Greenwood Marina. He provided the Board with a handout entitled, "Bean's Greenwood Marina Dock Improvement Proposal." This proposal, in which he read in detail, is summarized as follows:

- The proposal quotes the last sentence in LMCD Code Section 2.015, Subd. 1, "Purpose" and the first sentence of Section 1.07, Subd. 1, "Variance," after which documenting how the proposed changes would be consistent with the respective Code excerpt.
- The proposal refers the Board to a "Proposed Dock Overlay," which was displayed (from which he documented their practical difficulties and hardships which, he believed, were unique to their facility).
- They have worked diligently and tirelessly towards a dock proposal that benefited all parties involved; providing for being transparent and responsive of such with their neighbors.
- Their belief that they have met and confirmed to the guidelines set forth by the LMCD; proposing a plan that will generate "safe docks with aesthetic allure, meet changing market demands, and provides access to the handicapped" and that they have done so while not adversely affecting the purpose of the ordinances, the public health, safety and welfare, and reasonable access to or use of the Lake by the public or riparian owners.
- It was their hope that the LMCD Board agreed that the proposal is the most reasonable and logical approach towards reaching their goals.
- He stated that boat traffic would not be interrupted in placing the BSUs further out into the shallow waters marked by a currently installed point buoy. The overlapping dock use areas (as defined by respective variances) had forced their docks to be installed further back within their DUA.
- He entertained questions and comments from the Board.

Green stated that he did not have any concerns with the first or second proposed dock in the northwest corner. He questioned the ability (based on current water depths) if any of BSUs 41, 42, and 84 could not switch places with BSUs 99 and 100 (lessening the DUA extension beyond 100 feet). He expressed concern about setting a precedent in allowing the dock extension.

Bean estimated the water depth near BSU 99 and 100 to be four feet. He believed (based on many hours of reconfiguring the proposed dock structures) is the best fit for their needs without lessening their density, in which he offered examples of. Additionally, the proposed dock extension beyond the 100 feet was proposed based on his interpretation of staff's direction. At this point, he stated that the proposed applications would be an "all or nothing" request (based on lack of Lake effect, historical usage, staff input, and the proposed site extending but not expanding in density; offering less square footage beyond 100 feet).

The Board briefly discussed the comment of less square footage beyond 100 feet, in which Nybeck confirmed that staff had not assed that measurement as it is a moot point based on the Code.

Baasen questioned moving BSUs 42 and 84 to inside the island by BSU 104, in which Bean confirmed that was not possible due to shallow water (estimated at one and one-half foot with rocks and hard sand).

Babcock stated that he was comfortable with the proposed changes to the first northwest dock. He expressed concern about the extension of the second northwest dock to an estimated 174 feet. He stated that the issue is not whether the proposed changes affect the usage of the Lake but whether the LMCD is approving an application that is within the State of Minnesota (state) boundaries of the LMCD's charter for a legal, non-conforming facility. He confirmed such goals do allow for facilities to reconfigure their dock structures to meet market demand within the constraints offered for the facility. With that said, he asked the applicant to consider the following changes: 1) bring BSUs 30 and 31 in five feet to stay within the 169 foot boundary extension and 2) reconfigure BSUs 41, 42, 84 within the 100 foot contour. He offered further clarification of the ordinance pertaining to a legal, non-conforming facility. Additionally, he documented historical actions (including concessions made from both the LMCD and Bean's Greenwood Marina, under prior ownership of Bean's father).

Bean referred to Code Section 1.07, "Variance," and requested clarification as to why the proposed changes beyond the envelope boundaries do not apply, in which Babcock provided a detailed overview of the code section itself (which also pertains to local municipalities and state standards); specific to this facility.

Hoelscher questioned if proposed BSUs 42 and 84 could be relocated to the currently approved placement of BSUs 59 and 60, which are proposed to be removed, in which Bean confirmed he could not provide for that option based on space needed to enter and exit the lagoon.

McDermott and Klohs asked LeFevere to provide an overview of Code Section 1.07 as it pertains to hardships, safety, handicap, etc.

LeFevere stated that compliance for handicap accessibility can be considered within a variance (i.e., wheelchair accessibility, etc.). He confirmed that Bean's Greenwood Marina is a grandfathered (legal, non-conforming) facility; providing rights in excess of what a new facility would qualify for. Conditions offered to continue maintaining the legal, non-conforming status would include: 1) any changes to the facility must be within the ordinance (LMCD Code Section 2.015), which documents the lack of expansion beyond 100 feet from the existing dock (he compared this ability to land law, which would not provide for such an option), 2) consideration of the hardship is a judgment of the Board; acknowledging it is not necessary that the applicant be deprived of all reasonable use before one finds a hardship (which has not been a standard applied in the past). He stated that when an applicant applies for a dock length variance based on shallow water, it is generally based on the applicant not finding reasonable dock use space within their DUA. In this case, the facility has about seven times more density than what is permitted for a new facility. He believed there was plenty of space within the defined DUA to expand within the ordinance's regulations; providing for not having a compelling case to apply for a variance. To this end, he believed a precedent would be set should the Board find there is adequate reasoning to grant the proposed dock length variance.

Bean requested clarification as to why LMCD Code Section 2.015, Subd. 1, "Reconfiguration of Non-Conforming Structures," references "...to meet market demands" if the Board does not find not meeting such a hardship.

Babcock stated that not meeting market demands is not a physical hardship that runs with the property. The LMCD utilized that wording at the request of the marinas when they are in a position that they cannot meet market demand within their defined DUA (requiring the flexibility to reconfigure their dock structures to some degree without expanding into side setbacks or increasing their square footage [beyond 100 feet] or density; providing for such business decisions are made by the applicant within the confines of the Code.

LeFevere clarified that it is not the square footage expansion beyond 100 feet but the lakeward expansion beyond such. Additionally, he had stated that it is typical for an applicant to work with the Board; coming back with a new configuration that meets the ordinance requirements. However, all applicants are entitled to a decision, as well. Should the applicant prefer a decision this date and the Board denies the application, future applications would have to be considered under a new request (application) with applicable fees.

Bean stated that he would request a decision on the proposed applications be made at this meeting.

Gross asked why proposed BSU 42 and 84 could not be located to the west of BSU 100, in which Bean confirmed that the space is needed for usage around the gas dock and possible needed repairs.

Green asked what type of dock structure is offered for the transient docks behind proposed BSU 61, 62, 63, etc., in which Bean confirmed they were permanent dock structures.

Klohs believed that the proposed changes offered for handicap accessibility on the northwest dock structures are a significant improvement. He urged all Board members to take an on-site tour of. He believed the proposed changes were beneficial to the Lake's usage and was disappointed the applicant was restricted based on the requirements of the ordinance.

Gross concurred with Kloh's comments; acknowledging a significant investment for the proposed improvements.

Babcock recognized the improvements as an example of positive market demand referenced this evening.

Klohs did not recognize the proposed changes as market demand but safety and handicap accessibility improvements.

Babcock asked if Bean could provide for the handicap accessibility improvements without expanding past the 100 foot contour, in which Bean confirmed that he could not as it would be a financial hardship based on the removal of some proposed BSUs.

Klohs asked LeFevere if there was not a vehicle within the Code to provide for the approval of this application as proposed.

LeFevere stated that the condition of not being able to reconfiguration a facility beyond the 100 foot contour was clear. If the Board wanted to allow such a condition, it was his opinion it could only be done so under the grounds of a variance, in which he believed the required hardship did not exist for such (reiterating his

concern for setting precedence). He further explained that, within his tenure with other local government agencies, there have been many applications that have proposed significant improvements to legal, non-conforming facilities that were confined to the requirements of the ordinance. As positive as the proposed improvements have been, he did not believe any of which offered a basis to amend the ordinance for that special entitlement.

McDermott questioned the passing of the American's Disability Act (ADA) after the laws pertaining to legal, non-conforming facilities were created; confirming there are now laws in affect pertaining to ADA compliant dock structures.

Babcock confirmed such a requirement can be met without expanding beyond the 100 foot contour, which should be considered separately from the above.

Gross referred to LeFevere's comment that one cannot be granted permission for something nobody else can do, in which he questioned that would be the purpose of the variance process.

LeFevere stated that any variance is an exception to the rule, in which such approval is based on an approved hardship. If existing marinas are allowed to expand beyond what a new marina can do and what is grandfathered in, that is creating a whole new class of entitlement that he was unsure how to classify.

Gross stated then should not a new marina also go beyond the 100 foot contour.

Babcock stated that a new marina could obtain an approved variance to do such with an appropriate hardship. Citing a point buoy as documentation of expanding within the shallow area of such should not be considered as the shallow water should provide for the boats to be docked away from such area.

Gross questioned if the applicant could not locate proposed BSU 41, 42, and 84 adjacent to BSU 79 and 80, except in the shallow water, in which Babcock stated some of that area is already accounted for within the current site plan.

LeFevere stated that it is difficult to deny a proposed application that some Board members believe makes sense. However, instead of setting precedent for such an action, one should consider amending the ordinance to allow an extension beyond a certain point from the 100 foot contour.

Babcock pointed out that the Board is not taking away anything from the applicant as the facility can continue to operate as it historically has. He confirmed that the applicant has the ability to expand his structures (providing for ADA accessibility and wider BSUs) as long as the structures do not extend further beyond the 100 foot contour. He reviewed the time frame offered in allowing the applicant to continue their application for Board consideration at a later date to provide the applicant time to reconfiguring the dock structure within the ordinance; acknowledging the applicant's business time frame may have other constraints.

Bean requested the Board continue his application for consideration at the September 11th Regular Board Meeting.

Babcock stated we will not only continue the consideration of the application but also the public hearing (providing for not opening such at this meeting). He reiterated the goal in reconfiguring the dock structures would be to meet the requirements of the ordinance as discussed this evening, in which the applicant and the Board had a brief discussion of various questions offered.

Morris encouraged all Board members that are not familiar with the facility to tour such; acknowledging the improvements that are offered. He expressed concern about setting precedent in the approval of the application as presented but hoped there was a way to work with the applicant in doing so based on the improvements offered to the Lake users.

Bean questioned the time constraints in completing a reconfigured dock structure that had been approved by the Board, in which Babcock provided an overview of such.

9. OTHER BUSINESS

A. Chair update of 8/9/13 AIS Task Force Meeting

Babcock asked Morris for background on this agenda item.

Morris stated one of the priorities the Task Force has been working on is to establish a list of possible AIS threats. In follow-up to that task, he proposed an expert on this matter present at one or two LMCD Board workshop sessions (with interactive dialog) to provide for consistent communication and direction amongst the Board and member cities.

Babcock asked if the Task Force had an expert in mind for this presentation, in which Green stated they are looking at Doug Jensen from the Minnesota Sea Grant. He expressed an interest in obtaining a better understanding of the spread patterns of the AIS, as well as not only local but regional and national programs that are being utilized. He asked that the session be scheduled outside of regular business hours to accommodate higher attendance.

Green stated that funding was lost for the United States Geological Survey Zequanox study that was being coordinated through the Minnehaha Creek Watershed District. For this reason, the structures placed in Robinsons Bay will remain in place through the winter months vs. removal in September as originally planned (providing for a general overview of the study's process). A brief discussion was held on the logistics of the structures remaining in place. He commented about some unused harvesting equipment remaining at the storage lot (providing for negative aesthetics and possible health hazards with leaking hydraulic fluid).

Harper provided an overview of the unused equipment and stated he is addressing the matter (working with LeFevere to establish a market or scrap value for such).

Green reported that the Minnesota AIS Advisory Committee held a Lake Tour on September 11th, in which the following comments were offered:

- Two out state conservation officers presented with their trained zebra mussel detection K-9's (obtained from a rescue agency). The effect of approaching a watercraft operator with the K-9 offers a positive/ice breaking approach in initiating the communication.
- A brief discussion was held relative to increasing and more efficiently scheduling the decontamination locations for watercraft operators (currently being addressed within the committee).
- The inspection/decontamination processes (offered within the session) documented concerns as to the numerous areas with different types of watercraft that can house water and zebra mussels (one size does not fit all). This matter is being addressed within the committee.
- They visited the North Arm public access, in which Tony Brough from the Hennepin County Environmental Services provided an overview of their AIS management program (initiated in 2012 as a pilot project).

Babcock acknowledged that the 21-day state law relative to drying watercraft lifts prior to transportation does not pertain to watercraft, in which Green provided an overview of what the state is doing, as well as documented inconsistencies on this matter throughout the region.

B1. Discussion of Utility Lines Located in Lake Minnetonka

Babcock asked Green to provide an overview on this agenda item.

Green stated that an estimated 40 year old unmarked, non-buried telephone cable was allegedly cut by a LMCD harvester near Big Island. In reviewing the situation, he noted this cable winds through the shoreline of Echo Bay that enters the island next to two seasonal docks. This brought to light the matter that other unmarked, non-buried utility lines (including electrical) exist throughout the Lake (acknowledging recent Board discussion requiring a buried, un-used gas line in Minnetonka Beach to be marked). He questioned how big of an exposed utility line problem existed throughout the Lake and who has knowledge of their existence. He solicited the Board's discussion as to whether the LMCD should proceed in researching this matter and to what extent.

LeFevere stated the LMCD has the ability to regulate the use of the Lake; acknowledging legal authority by other utility companies to place such lines. He stated, with Board direction, he could research this matter.

It was the consensus of the Board for staff to initiate utility contacts (with Green, Klohs, and McDermott offering to assist); establishing initial options in considering this matter.

B2. Staff update on relocation of LMCD office

Babcock asked Nybeck for an update on this agenda item.

Nybeck directed the Board to an updated staff memo, dated 8/27/13, and an invoice from Coldwell Banker Burnet for services rendered within their handout folder. He offered the following comments:

- The Board approved an office lease with the City of Mound on July 24th with the following two

conditions: 1) clarifying that the garage will be vacated by October 1, 2013 and 2) the LMCD receives approval from the City of Mound for proposed leasehold improvements. He stated both conditions were satisfied and the lease was executed and distributed.

- He provided a detailed overview of the leasehold improvements (documenting quotes received and historical experiences/references with the recommended contractors) that were outlined within the staff memo (estimated at \$19,308.53). Additionally, he provided an overview of an all inclusive budget (including the estimated leasehold improvements), which offered other anticipated miscellaneous expenses (stationery reprint, etc.), as well as unanticipated expenses.
- The LMCD will need to change telephone services to Frontier as Century Link does not provide service in that area. This service will remain as a bundled package; however, a three year contract will be required to remain within the budgeted line item. Additionally, it is unclear whether the current telephone number can remain in place.
- He stated that the City of Mound staff has been great to work with. They will be vacating the space as early as this next day, at which time the LMCD can proceed with the leasehold improvements (subject to Board approval).
- He solicited the Board's approval for not only the contract with Frontier (as described above) but also approval to obtain the contractors (as listed within the staff memo) to initiate the leasehold improvements.

McDermott questioned which budgetary year would accommodate for the moving/leasehold expenses, in which Babcock directed the Board to the bottom page of Nybeck's staff memo.

MOTION: Babcock moved, McDermott seconded to approve the expenditure of up to \$25,000 for the above noted expenses from the funding sources outlined by staff, 2013 Contingency Fund, or the 2013 Reserve Funds; subject to the spent funds being tracked and reimbursed from the 2014 office rent savings.

VOTE: Motion carried unanimously.

McDermott questioned whether a security system was offered, in which Nybeck was not aware of a security system for the building.

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).

Nybeck stated, in Hughes' absence, that the Public Safety Committee met in June, at which time discussion was held relative to the Quiet Water Area (QWA) request by Marcel and Jodi Schwendimann. Staff has completed the observations required to proceed with this consideration, in which he will report such at the next committee meeting for their consideration and future update to the LMCD Board.

Klohs stated that during a July Board meeting in considering the requested QWA, one idea discussed by some Board members was to possibly move the minimum wake buoys to another location; redirecting the flow

of traffic. This option was one of many that were discussed by the City of Minnetonka Beach, in which he believed that they will be recommending a course of action within a resolution that will be forwarded over to the LMCD. He assured the Board that Minnetonka Beach does not agree with the relocation of the navigational area (referencing the history offered in the placement of the currently marked area). He believed it was the city's opinion to not change what is currently offered.

Baasen stated the Save the Lake Committee met on August 26th. He made the following comments:

- The main focus of the meeting was to finalize the Boater Safety Education Program; specifically the pilot program for such. He stated some changes are pending prior to its finalization.
- Representatives from the Minnesota Department of Natural Resources (MN DNR) and the Hennepin County Sheriff's Water Patrol were in attendance and offered valuable input on the safety program itself.
- He anticipated the pilot program to be scheduled for Saturday, November 16th (with a pre-pilot option offered to the Board during a workshop session).
- He provided a brief detail of the program offered, which incorporates laws of the state and rules and regulations of the LMCD. Additionally, he recommended the pilot participants not be charged (offering each member city the ability to appoint a 12 to 15 year old that is currently not licensed by the MN DNR).
- He outlined various agencies offering to participate or possibly providing in-kind services and anticipated the actual program starting next February.
- Save the Lake did not solicit funding requests in 2013 (based on 2012 contributions). The committee will now be recommending the LMCD solicit funding requests for 2014.
- He anticipated a fall solicitation of funds letter will be mailed in October/early November. 2013 contributions are about even with last year's; providing for great participation in the solar light and watercraft safety education programs. Additionally, the general fund raised \$13,000; documenting the stakeholders had not lost confidence in Save the Lake's goals and objectives.
- He entertained questions and comments from the Board.

A few questions were provided, in which Baasen confirmed the safety program will be an eight hour class. In regards to grant funding, he could not confirm if a recommended project (outlined by Green) would fall within the Save the Lake charter for such but considered it within the scope of their set criteria and recommended they file a grant (when applicable) for the committee to review.

There were no Finance, Ordinance Review, and Personnel committee reports (other than Nybeck acknowledging a Personnel Committee meeting is in order to review the 2014 employee benefits package).

11. EXECUTIVE DIRECTOR REPORT

Nybeck made the following two comments: First, lake levels have remained below 930.00 since the end of July (providing for not declaring "High Water" to be the correct decision). Second, the City of Minnetonka has recently adopted a bow-fishing ordinance that recognized the LMCD's lake wide ordinance. He stated there were a number of member cities (including the City of Minnetonka) that had more restrictive ordinances in place (in which he named). He recommended the Board providing this information to their represented city for consideration by others that have not yet considered such. He entertained questions and comments from the

Board, in which staff was directed to send a copy of the City of Minnetonka ordinance to all the member cities with an update on such.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:24 p.m.

Doug Babcock, Chair

Andrew McDermott, Secretary