

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, November 13, 2013
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; Gary Hughes, Spring Park; Kent Carlson, Deephaven; Jay Green, Mound; Ann Hoelscher, Victoria; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; Jeff Morris, Excelsior; Rob Roy, Greenwood; and Sue Shuff, Minnetonka. Also present: Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

Members absent: Anne Hunt, Minnetrista and Mark Sylvester, Shorewood. Also absent: Charlie LeFevere, LMCD Counsel.

3. APPROVAL OF AGENDA

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

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Babcock

Babcock stated that the City of Deephaven has appointed Kent Carlson to serve as their representative. His Oath of Office was administered independently in LeFevere's absence. Therefore, he welcomed Carlson on behalf of the Board and recommended he provide a little background of himself.

Carlson stated that he is the Chair of the Deephaven Planning Commission, as well as a long-time resident and active stakeholder in the Lake Minnetonka area.

Roy announced that the residents of St. Albans Bay are moving forward in establishing a Lake Improvement District, in which the first of a series of meetings would be held next Thursday.

5. APPROVAL OF MINUTES – 10/23/13 LMCD Regular Board Meeting

McDermott requested the following amendments relative to the North Shore Marina (Smiths Bay) public hearing (further documenting his reasoning for voting "Naye" to the motion):

- Add, "including McDermott" to the third paragraph on page 3. The sentence would read, "Some of the Board members, including McDermott, expressed concern for setting..."
- Add the following sentence to page 4, just prior to the vote: "McDermott stated that he strongly opposed singling out this applicant by requiring him to submit weekly photographs of the de-icing

operation when other de-icing permit holders are not required to do so.”

MOTION: McDermott moved, Shuff seconded to approve the minutes from the 10/23/13 Regular Board Meeting as amended, making the changes noted above.

VOTE: Ayes (9), Abstained (3; Baasen, Carlson, and Hoelscher); motion carried.

6. APPROVAL OF CONSENT AGENDA

McDermott moved, Shuff seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved included: **6A**, Audit of vouchers (10/25/13 – 11/15/13) and **6B, North Shore Marina (Smiths Bay)**, draft Findings of Fact and Order amending a previously approved adjusted authorized de-icing area variance.

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. Minnesota Wakesurf Championship, consideration of 2014 special event application for wake surfing event on Cooks Bay.

Babcock asked Nybeck for an overview of this agenda item.

Nybeck stated that Andy Weigman and Chris Bank have submitted a 2014 special event application for a wake surfing event on Cooks Bay (July 18th and 19th). He expressed his appreciation for their timely submittal of the application (providing for the ability to efficiently process the request). He highlighted the event via a PowerPoint presentation, in which he made the following comments:

- He directed the Board to the special event application, which included the following attachments:
 - A introductory letter, dated 10/31/13, that provided an overview of the proposed event;
 - Colored mapping of the proposed course;
 - A letter of support from Spirit of the Lakes Festival Chair John Beise, dated 10/31/13; and
 - Competitive Wake Surf Association, Inc., competition guidelines.
- He further directed the Board to a copy of LMCD Code Section 3.09, “Special Events,” as well as amended Resolution #124, which outlines the authorization of a special event permit by the Hennepin County Sheriff’s Water Patrol (which he provided an overview of).
- He reviewed a series of subjective questions (outlined in Code Section 3.09, Subd. 1) for the Board’s use in considering the granting or denying of a special event permit, as well as his respective summary comments to such.

- He stated that staff did not have a recommendation on the application. If the Board was inclined to approve the application, they should consider any necessary restrictions or conditions (if any); taking into consideration the subjective questions and staff comments provided within his memo.
- He entertained questions and comments from the Board, in which there were none.

Babcock invited Weigman to address the Board.

Mr. Andy Weigman, event co-organizer, thanked the Board for their time. He provided further overview of the event via his PowerPoint presentation, in which he made the following comments:

- A brief background on himself; acknowledging that he is from this area and has been wake surfing for many years.
- An overview of what wake surfing is (as compared to wake boarding).
- He played a short video highlighting a similar event on Long Lake.
- The sport is a family, all-inclusive event.
- The wake size is similar to a small cruiser.
- A detailed overview of the course layout, as well as respective safety factors.
- An overview of the aquatic invasive species (AIS) plan of action (the use of one boat and personal watercraft, the watercraft are from a local dealer, launch rules will be followed, and that ballasts will be drained before and after the event).
- He listed a series of commonly asked questions and their respective responses.
- He entertained questions and comments from the Board.

The Board maintained a lengthy discussion with Weigman, in which the following was offered:

- A recommendation to place a buffer zone between the wakes and the shoreline.
- Their volunteers (including those operating a watercraft) will maintain specific identification.
- Event hours will be coordinated with the Spirit of the Lake representatives (just prior to the fireworks display). A recommendation was made to coordinate efforts with the volunteers used for the fireworks display.
- A recommendation to further consider the course layout, i.e., major traffic patterns and buoy placement (including charter boat operations); that the Hennepin County Sheriff's Water Patrol Office (Water Patrol) approve such layout and safety standards; and consideration of shore staging (leaving the beach open for public use). Weigman concurred in leaving the beach open as much as possible to the public; offering examples of what is needed for embarking and disembarking of their watercraft. Additionally, there was a recommendation to check with the City of Mound on any needed permits for the use of the dock, etc.
- Weigman provided a brief overview of the Long Lake event and why there is interest in switching venues (i.e., more exposure on Lake Minnetonka).
- The recommendation to utilize this event as an opportunity to further educate the public on the prevention and management of AIS for watercraft with ballasts. Babcock stated that the Minnesota Department of Natural Resources has information pertaining to such on their website, in which Green acknowledged that not all equipment fits all ballasts. Hughes suggested the possible airing of a Lake Minnetonka Cable Commission educational video production. Weigman was open to advertising matters of importance, i.e., AIS, boating while driving, etc. (including

news stories).

- The competition has only been in existence the last three years (including the operation of a sanctioned World Series event). Previous events have estimated 75 participants; however, the Lake Minnetonka event will be advertised as a more local event (estimating the maximum 50 to 60 participants with anticipated limits set).
- Confirmation that the course would need, at a minimum, 1,500 feet (confirming buoy placement every 400 to 500 feet). A brief discussion was held on the current layout compared to the above information; reiterating the need to receive the Water Patrol's approval on such. Weigman confirmed that the water depths will allow for accommodating other course layouts, as well.

Babcock summarized the discussion by recommending Weigman follow through on the following matters: 1) course approval from both the City of Mound and the Water Patrol, 2) volunteer and watercraft event identification, 3) accommodate for charter boat operations within the course area, 4) move anchoring towards the west shore vs. the middle of the bay (if possible), 5) create an AIS action plan (acknowledging the LMCD's interest in fostering the educational aspect of such), and 6) limiting the number of participants to an estimated 60 competitors.

Baasen asked Nybeck if the James Jay Hill skiing event (located in Wayzata) received the LMCD's approval.

Nybeck stated that the event was not approved by the LMCD as aspects to such were not unique to Lake Minnetonka. He confirmed that Weigman approached the LMCD and Water Patrol directly, which assisted in the LMCD's processing of this event.

Babcock solicited the Board's approval to direct staff to work with the applicant to draft a permit consistent to the comments provided within, in which the Board concurred.

Weigman asked if there was a document that could be signed this date acknowledging approval contingent upon the Water Patrol.

Babcock stated the Board could only provide conceptual approval at this point (acknowledging the Board's positive response to their request), with consideration of final approval once a draft permit (taking into consideration the comments herein) is presented.

Nybeck stated he will work with the applicant and all respective agencies; providing for the Board's consideration of a draft permit at their December 11th meeting.

Baasen requested that the applicant meet with the Water Patrol to address what is the proper level of supervision (spotter boats) based on the density of the event offered.

Mr. John Beise, Chair of the Board for Spirit of the Lake's Festival 2014 (past Mound councilmember and acting mayor) addressed the Board. He appreciated the Board's time in considering the permitting of this event. He stated that Spirit of the Lakes sponsored a water show in 2007 and 2008, in which they have been trying to bring a water event back to the festival for some time. He confirmed that the issues raised

within are consistent to those addressed by the Spirit of the Lake's Board (i.e., LMCD and Water Patrol approval, etc.). Although the application documents the event until dusk, he noted the event will be shut down as early as possible to accommodate preparations for the fireworks display (implementing the Lake Minnetonka Power Squadron [Power Squadron] parameter control, as well as the arrival of the fireworks barge). Additionally, they are personally addressing: 1) parameter control for this event with the Power Squadron, 2) shoreline impact (which he has confirmed is relatively minimal), 3) traffic needs for Al & Alma's to use the City of Mound beach dock as a Port of Call for multiple 45 minute cruises throughout the day, and 4) event watercraft mooring on the west side of the dock. He looked forward to the draft permit being considered by the Board and thanked them for their long standing relationship.

B. 2013 Lake Minnetonka Watercraft Inspection Program Report

Babcock asked Nybeck for an overview of this agenda item.

Nybeck directed the Board to a draft report, dated 11/12/13, provided within their handout folders. He provided an overview of the report by making the following comments:

- The program was coordinated by the LMCD with a primary goal to inspect incoming and outgoing watercraft and trailers for the purpose of preventing the introduction and spread, respectively, of aquatic invasive species, as well as educating the watercraft operators on such.
- Partners included the Minnehaha Creek Watershed District (MCWD), Minnesota Department of Natural Resources (MN DNR), and Three Rivers Park District (TRPD).
- He reviewed the methodology established for the program, which included: 1) nine of the 11 public accesses that were covered (outlined within the report), 2) two public accesses not covered and the reasons why (Phelps and Echo Bays), and 3) background on the following watercraft inspection components of the three partnering agencies:

MN DNR:

- Provided Level 1 and 2 inspections (at no cost to the Lake Minnetonka community). He provided an overview of their duties, including the added authorities for Level 2 inspectors.
- Accesses covered included Grays, Maxwell, North Arm, and Spring Park Bays during peak times (Fridays from 11:00 a.m. to 7:00 p.m. and Saturdays, Sundays, and holidays from 6:00 a.m. to 6:00 p.m.) from Memorial Day weekend through Labor Day. A great deal of time was also covered by Level 1 and 2 inspectors during non-peak times at other public accesses.
- Level 1 and 2 inspectors provided 3,831.25 and 4,258.75 hours of inspections, respectively. Additionally, there was a total of 1,212.50 hours of travel time for both levels of inspectors.
- A MN DNR 2013 summary report of watercraft inspection results at Lake Minnetonka is anticipated in the near future.

LMCD:

- Contracted with Volt Workforce Solutions (Volt) for the same days and hours noted above.
- Public accesses covered included Carsons, Halstead, Cooks, and Wayzata Bays.
- The contract provided for 2,420 inspection hours (including inspections, supervision, and training, which he reviewed).

- An approved Delegation Agreement between the LMCD and the MN DNR provided for the authorization of Volt watercraft inspectors, in which the MN DNR trained and approved the inspectors at Level 1.
- An additional \$798.06 was incurred by the LMCD to enter MN DNR survey data collected by Volt inspectors in 2013.
- He documented two charts within his report (Summary of Incoming and Exiting 2013 Watercraft Inspections) that summarized various responses to LMCD's watercraft inspections for each individual bay.

A brief discussion was held on the interpretation of whether the drain plug was in prior to arrival to the public access or placed in upon arrival prior to the inspection (in which Nybeck reviewed the wording to such from the survey itself). Babcock recommended the MN DNR further clarify that question next year and beyond. Morris, for the record, asked Babcock to review the drain plug law for the viewing audience, in which he did.

TRPD:

- Continued assistance to the LMCD, on an in-kind basis, at the Lake Minnetonka Regional Park for gate attendance inspections from 9 a.m. to 5 p.m. on: 1) weekends in May prior to Memorial Day weekend and 2) seven days a week from Memorial Day through Labor Day.
 - He acknowledged very positive visual observance on this service throughout the season.
 - He estimated the in-kind service at 1,000 hours and acknowledged that the partnership has worked well.
- He reviewed the following funding sources for the 2013 program (acknowledging the LMCD's gratitude for the financial and in-kind contributions from all listed):
 - MCWD (\$21,600 or 50% of the project costs, whichever is less); anticipated receipt of \$16,735.79.
 - MN DNR (\$7,750 grant); anticipated receipt of \$7,750.
 - LMCD (budgeted \$30,000 of AIS Management Funds to pay the balance of the project costs); anticipated expenditure of \$8,985.80.
 - TRPD (in-kind services).
 - Summary points included:
 - Inspection of incoming and exiting watercraft has been coordinated on Lake Minnetonka since the early 2000's (providing for more comprehensive inspection hours based on the partnerships offered).
 - Challenges included: 1) Volt staffing levels (early and late season coverage, as well as a higher turnover rate) and 2) a large amount of time was expended in the entering of MN DNR survey information.
 - The recommendation for the Board to consider, at a future agenda item, the role of the LMCD and how the inspections are coordinated. Options offered included the following: 1) should the LMCD continue to take the lead on this project (a recommendation was made to hire the watercraft inspectors and supervisor as seasonal employees), 2) purchase the tablets to compile the MN DNR survey data electronically (providing an overview of the data entry hours, as well as his personal time in coordinating the surveys upon receipt), or 3)

allow another public sector agency to take the lead (acknowledging the LMCD's original, primary goal was to prevent the introduction of zebra mussels). He stated this would not prevent the LMCD from contributing grant funding to the public sector agency.

Babcock asked what the benefit would be to hire seasonal employees vs. contracting with Volt. Additionally, he asked if Volt was still against purchasing the tablets for project use and whether the MN DNR provided feedback on how the tablets worked for them. Lastly, he reiterated that the LMCD has maintained the leading role on this project since the early 2000's; acknowledging the MN DNR's added involvement once the legislature passed state funding. Prior to that date, the LMCD funded 100% of this project.

Nybeck stated that Volt had expressed risk management concerns prior to the start of the season. He would need to check with Volt and the MN DNR on the later two questions.

- He solicited the Board's approval (as submitted or amended) of the draft report. This would provide for staff's ability to submit the report to the MCWD and MN DNR and secure receipt of the grant funding. Additionally, he stated the AIS Task Force (in coordination with other regional agency representatives) will schedule discussion of 2014 AIS management and prevention (in particular prevention) projects at their December 13th meeting. This discussion could also include the LMCD's role in watercraft inspections for the 2014 season and beyond.
- He entertained questions and comments from the Board.

Babcock asked if the survey findings could provide for what species were found within any documented in-bound attached vegetation, in which Nybeck confirmed that data is available.

Green believed the report offered is sufficient for submittal to the MN DNR and MCWD to secure grant funding. However, he would also like to receive information relative to how many boats were denied access, if any, and their respective boat type. In regards to the LMCD's exiting inspection results, he expressed concern about why the MN DNR tracts watercraft that is leaving a public access with vegetation or their plug in (both of which is not allowed by law). He stated that Hubbard County had actually removed those questions from their survey report. In terms of Cooks Bay, he questioned how many watercraft operators were non-residents (expressing concern in what level of education is being provided).

Babcock asked how many times Level 2 inspectors were available upon finding vegetation for incoming watercraft.

Nybeck confirmed the answer would be zero, as the LMCD's inspection program is to cover accesses that are not covered by the MN DNR (providing for the prevention of overlap scheduling). Having a Level 2 inspector present with an LMCD Level 1 inspector does raise a good question for future reference.

Green confirmed that Wayzata and Halstead would not be large enough to have a decontamination unit and Mound specifically asked that they not have one present.

Hughes commented on the different types of watercraft and the logistics of where the plug is located for efficient removal and placement of.

Green stated that is a challenge but the law is all inclusive.

MOTION: Hughes moved, Green seconded to accept the report and forward it as needed.

McDermott stated he would like to make a few minor edits prior to its submittal, in which Babcock recommended he work with staff.

VOTE: Motion carried unanimously.

C. Appointment of nominating committee for 2014 LMCD Board Officers

Babcock asked for volunteers of the Board that are interested in serving on the nominating committee (providing a brief overview of the committee and the members' responsibilities).

Green (serving as Chair), Shuff, and Roy volunteered their service. The consensus of the Board concurred with those appointments. An update for 2014 LMCD Board Officers is tentatively planned for the January 22nd Board meeting.

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).

Morris stated that the AIS Task Force is scheduled to meet at 8:30 a.m. on December 13th at the LMCD office (focusing on Lake Minnetonka's 2014 AIS prevention activities). At the November 8th meeting, the Task Force discussed the concept of consolidating with other west metro AIS Advisory Committees, in which the structuring of (including discussion of a possible paid administrator) was the top issue to be addressed. There was a consensus to revisit this issue in January.

Green provided the following update on the Minnesota AIS Advisory Committee (committee):

- The committee is currently discussing consistent MN DNR messaging, i.e., social engineering. One project they are working on is to initiate the "Think Zero" (zero violations) campaign. This campaign will also be displayed on the back of the MN DNR Fishing Regulations handbook.
- Gabriel Jabbour recently attended the Aquatic Nuisance Task Force in Washington, DC this past week, in which he was asked to sit in on their "Green Boat Design" discussion. Other represented agencies that were presented for this discussion included members of the National Marine Manufacturers Association (NMMA) and the American Boat and Yacht Council (ABYC). He understood that the discussion was very positive; including addressing more than AIS but also boat designs (based on winterization, pollution, etc.).
- He confirmed that the committee meets once a month (excluding the summer months).

- The MN DNR is pursuing boat licensing legislation.

Baasen provided the following update on the Save the Lake Committee:

- The fall 2013 Save the Lake solicitation letter will be going out in the near future. He stated this drive has done well; however, there is a need to increase the contributions.
- The annual Save the Lake Banquet is proposed to be held at the Lafayette Club the first part of February, in which that date will be confirmed in the near future.
- The 2013 Watercraft Safety Education Pilot Program will be held this weekend, Saturday, November 16th (details as follows):
 - Held at the Water Patrol office from 8:00 a.m. to 5:00 p.m.
 - There is room for more reservations and that the Board was welcome to attend.
 - He provided an overview of the course agenda (including the individual breakout sessions).
 - He extended his appreciation to committee members Jay Soule and Tom Skramstad, Gary Hughes and the LMCD staff, Lt. Saunders and Deputy Piper, the Mound Fire Department staff, Marine Max, and West Marine.
 - The committee plans on continuing the class in 2014.
 - Mentor participation is recommended, in which all that are registered are bringing such.
 - The Three Rivers Park District is providing extra tablets for those that do not bring their own.
 - He believed that the Lake is getting busier and that there are more unsafe boating experiences out there; therefore, the committee felt educating the youth was a good start.
 - The youth will receive their MN DNR Watercraft Youth Operator Certificate (subject to passing the on-line test).
- He entertained questions and comments from the Board.

Green stated that SeaGrant is sending over a variety of materials (i.e., key chains, hats, AIS videos, etc.) for the participants.

Roy stated that he published the pilot program on the City of Greenwood's website. He questioned what the committee's thoughts were in regards to what time of the year future classes should be held; acknowledging he had received a call on the positive aspect of the class but the timing was difficult due to school being in session.

Baasen stated a survey will be handed out to the participants at the end of the program; outlining the pros and cons, as well as how the timing of the class worked for them.

Nybeck stated that in addition to going over the unique Lake Minnetonka rules, he is working with Green on adding a section on AIS within the PowerPoint presentation; providing for a packet of information from the MN DNR and SeaGrant to take home.

Baasen stated the goal of this program is to make it educational, fun, and energetic (providing more details to the educational breakout sessions) for the youth. This will provide a more effective learning experience than

taking the MN DNR course on line for the purpose of obtaining their MN DNR Youth Operator Certificate.

There were no reports for the Finance, Ordinance Review, Personnel, and Public Safety Committees.

11. EXECUTIVE DIRECTOR REPORT

Nybeck stated staff will be working on preparations for the new Office Open House (scheduled for December 4th from 4:00 p.m. to 7:00 p.m.).

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:29 p.m.

Doug Babcock, Chair

Andrew McDermott, Secretary