

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

6:00 P.M., Wednesday, June 4, 2014  
Mound City Hall

**CALL TO ORDER**

Baasen called the meeting to order at 6:00 p.m.

**ROLL CALL**

**Members present:** Dan Baasen, Wayzata; Jay Green, Mound; Andrew McDermott, Orono; Gary Hughes, Spring Park; Jeff Clapp, Tonka Bay; David Gross, Deephaven; Ann Hoelscher, Victoria; Anne Hunt, Minnetrista; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; Jeff Morris, Excelsior; Rob Roy, Greenwood; and Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Counsel; Greg Nybeck, Executive Director; and Judd Harper, Administrative Technician.

**Members absent:** Sue Shuff, Minnetonka

Baasen stated that this special LMCD Board of Directors meeting has been called and he thanked the Board for adjusting their calendars to attend. He further stated that the purpose of this meeting was to discuss Lake Minnetonka's high water levels, which was 930.64 feet this day (down from a recent historical reading of 930.66 feet). He reviewed a number of related issues that were occurring because of the high Lake levels. He questioned whether the Board was comfortable with the current "High Water" Declaration ordinance or whether the Board believed that further restrictions were needed. The format for this meeting provided for: 1) the Board to initiate discussion, 2) allow the public in attendance to provide input, and 3) turn back to Board for final discussion. He asked Gilchrist, who was in attendance as a substitute for LMCD legal counsel Charlie LeFevere, to provide an update on discussions he had with LeFevere.

Gilchrist stated that he believed that the question for the Board to answer was whether they would like to extend the current "High Water" minimum wake restrictions so that they were in effect for the entire Lake, which is a policy question of the Board. If so, an emergency ordinance allowing for such has been prepared for Board discussion.

Baasen stated that the proposed emergency ordinance would be uncodified and not a typical ordinance amendment. He asked for feedback from the Board on this matter.

A summary of the Board discussion was as follows:

- If a decision was made to adopt the emergency ordinance, should it be implemented immediately or on June 7<sup>th</sup> (as proposed).
- There was interest in getting feedback from Lt. Saunders from the Hennepin County Sheriff's Office Water Patrol (Water Patrol) and Jay Soule from Al and Alma's on the draft emergency ordinance.
- Whether this was a one-time emergency ordinance or whether it could occur again should the Lake levels go below 930.30 feet (for three consecutive days as proposed) and then rise up above 930.30 feet in the future. There was further discussion of how this differed from the three consecutive days below the 930.00 foot trigger point to remove the current "High Water" ordinance.
- How long it might take to reduce the high Lake levels.

- Whether the public was complying with the current 600 foot from shore minimum wake restriction, which initiated discussion on enforcement of the current ordinance.
- The need to improve communication efforts if the Board were to adopt the emergency ordinance.
- Possible economic ramifications to commercial businesses if the Board were to adopt the emergency ordinance, as well as possible environmental ramifications to the shoreline if the Board were not to adopt such.
- Whether an all Lake minimum wake restriction would be easier to enforce (including whether consideration of this has ever been discussed).
- That the Board would have the ability to terminate the emergency ordinance at any time.

Baasen asked for comments and input from the public in attendance.

Mr. Tom Skramstad, 4216 West Arm Drive, stated that he had served approximately 15 years with the LMCD (eight years on the Board and seven years on the Save the Lake Committee). He believed that this was unique and a tough decision for the Board to make. He supported the idea of implementing a minimum wake restriction for the entire Lake because he believed that would be easier for the Water Patrol to enforce. However, he believed that this decision would have economic impacts on the commercial businesses (i.e., marinas, charter boats, restaurants, etc.).

Lt. Saunders stated that a number of complaints have been received from both residential and commercial stakeholders on Lake Minnetonka. The Water Patrol is currently enforcing the 600 foot minimum wake restriction; however, he recognized that this is not being enforced at the pace that some parties would like (primarily attributed to budget cuts). He explained the difficulty of enforcing the 600 foot minimum wake restriction (in particular if a case were to go to court). He discussed the current signage at the public accesses, with a recommendation to make them stronger. He also commented on portable signage from Hennepin County used to convey the message (one each at the Grays Bay, Maxwell Bay, and Spring Park public accesses, with a fourth sign planned near Tonka Bay City Hall). Feedback from a number of the boaters that have recently been stopped indicated that they are not aware of the current ordinance, in which he elaborated on. He supported a minimum wake restriction for the entire Lake based on the current Lake levels; however, he recognized that there were possible economic impacts to the commercial businesses. The court fine for a Quiet Water Area violation is \$145; increasing to \$178 during a High Water Declaration.

Mr. Jay Soule, Al and Alma's Charter Boats, commented on the difficulty for some type of watercraft to conform to minimum wake requirements. In addition to charter boats, an entire Lake restriction would have an impact on certain stakeholders that use Lake Minnetonka (i.e., commercial barges, dock providers, marinas that retrieve boats in distress, and yacht clubs). He pointed out that Minnetonka Yacht Club was hosting a large national regatta June 19<sup>th</sup> through the 21<sup>st</sup>. He hoped that the Board could take into consideration such uses. He believed that the Lake's water level has recently received better media coverage (not all good). He hoped that future communication should identify that Lake Minnetonka continues to be open to the public. He encouraged the Board to empower the Water Patrol to assist the LMCD in improving signage on Lake Minnetonka, which he elaborated on.

Mr. Bill Anderson, 1408 Baldur Park Road, stated that he was in attendance speaking on behalf of a number of the residents from the neighborhood on North Arm Bay. This neighborhood is in a low area and there are currently some fish in the lawns. Anything that can be done to minimize the effects of high water in the area

would be greatly appreciated. He voiced his support for improved signage and believed that the current 600 foot minimum wake restriction could not be enforced.

**MOTION:** Roy moved, McDermott seconded to approve the concept of a minimum wake restriction emergency ordinance for the entire Lake.

**VOTE:** Motion carried unanimously.

Morris and Roy left at 6:50 p.m.

After a lengthy discussion, there was consensus from the Board to make the following changes to the draft emergency ordinance:

- In paragraph 2, to eliminate the words "of more than five miles per hour or at a speed..."
- In paragraph 3, to delete "d)" and insert "Watercraft while directly responding to a public safety emergency requiring an immediate response" in its place.
- In paragraph 3, to delete "e)."
- In paragraph 4, to change the date from "June 7, 2014" to "June 5, 2014."
- To add a new paragraph 6 that reads, "Any person violating this ordinance shall be guilty of a misdemeanor."
- To add a new paragraph 7 that reads, "This ordinance is a temporary measure adopted to address an emergency situation and it shall not be codified into the LMCD Code of ordinances."

**MOTION:** Gross moved, Hunt seconded to adopt the emergency ordinance as amended, making the changes noted above.

**VOTE:** Motion carried unanimously.

## ADJOURNMENT

There being no further business, the meeting was adjourned at 7:52 p.m.

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Dan Baasen, Chair

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Andrew McDermott, Secretary