

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, February 9, 2005
Wayzata City Hall

CALL TO ORDER

Skramstad called the meeting to order at 7:04 p.m.

ROLL CALL

Members present: Tom Skramstad, Shorewood; Katy Van Hercke, Minnetonka; Paul Knudsen, Minnetrista; Jose Valdesuso, Excelsior; Doug Babcock, Tonka Bay; John Berns, Wayzata; David Gross, Deephaven; Steve Johnson, Mound; Pete Nelson, Victoria; Tom Seuntjens, Minnetonka Beach; Herb Suerth, Woodland. Also present: Greg Nybeck, Executive Director; Judd Harper, Administrative Technician.

Members absent: Tom Scanlon, Spring Park; Cree Zischke, Greenwood; the City of Orono has no appointed member.

CHAIR ANNOUNCEMENTS, Chair Skramstad

Skramstad stated that the new Board members for Deephaven, Mound, and Wayzata had already been sworn in. He welcomed new Board members Gross, Johnson, and Berns on behalf of the Board.

PUBLIC COMMENTS - Persons in attendance, subjects not on agenda (5 min.)

Mr. Gabriel Jabbour, owner of Tonka Bay Marina, stated that a number of marina owners were in attendance to discuss the activities of the Lake Minnetonka Boat Density Sub-Committee. He stated that he had made a request to the Executive Director to have the ability for the marina owners to have a dialogue with this sub-committee prior to the public hearing. He believed that this dialogue would add substantial input prior to bringing proposals forward to the public through a hearing. Jabbour believed the LMCD would be misserved by not requesting the input from the commercial marina owners early in the process, especially the discussion relating to multiple docks and size of boats.

Mr. Irwin Jacobs encouraged the Board to have the sub-committee solicit input from the public prior to making recommended policy changes.

Mr. Dave Briggs, representing Minnetonka Marine and Wayzata Marine, stated that he would like to assist the sub-committee because some of the discussion that has taken place at the sub-committee level is important to his business.

Ms. Roxanne Rockvam, representing Rockvam Boat Yards, echoed previous comments and encouraged the sub-committee to allow input from the commercial marinas.

Mr. Rich Anderson, owner of North Shore Marina, reiterated comments regarding participation of the marina owners.

Mr. Randy Boyd, 19960 Minnetonka Blvd., stated that he had attended numerous sub-committee meetings. He provided his opinion on why he believed the sub-committee was established and the discussion that has taken place. He encouraged the LMCD to hold a public hearing on any possible policy changes relating to boat density on Lake Minnetonka.

Skramstad stated that he believed the motivations of the sub-committee are to help preserve and continue to protect the lake. The sub-committee is at the brainstorming stage where ideas are being discussed and decisions are not being made. He believed that the best interest of the community is at heart with the sub-committee and the input from the stakeholders will be valued at a later date.

Jabbour stated that the commercial marinas had valuable information that they would make available to the sub-committee to assist in its decision making process. He encouraged the Board to take advantage of this offer.

Babcock stated that there was discussion at the last sub-committee meeting to identify the stakeholders. He stated that he supported the input from the commercial marinas and he encouraged them to attend future sub-committee meetings.

CONSENT AGENDA- Consent agenda items identified with a (*) will be approved in one motion unless a Board member requests discussion of any item, in which case the item will be removed from the consent agenda.

Nelson moved, Van Hercke seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved include: **1C, 2005 Multiple Dock Licenses**, staff recommends Board approval of 2005 renewal without change multiple dock license applications as outlined in 2/3/05 staff memo, and **3A**, Audit of vouchers (2/1/05 – 2/15/05).

PUBLIC HEARING

- **City of Tonka Bay**, new multiple dock license application to add one Boat Storage Unit (BSU) for the storage of an Excelsior Fire Department fire/rescue boat utilizing LMCD Code 2.02, subd. 6.

Skramstad opened the public hearing at 7:20 p.m. and asked for background from Harper.

Harper reviewed the staff memo, dated 2/2/05, which summarized the City of Tonka Bay new multiple dock license application. He stated the applicant had amended their site plan that would install two pilings, rather than dock structure, on the south side of BSU #29. He recommended the Board approve the application for the 2005 boating season, provided the Board was comfortable with the proposed amended site plan.

Berns asked staff if they were aware of the number of fire/rescue boats on Lake Minnetonka.

Nybeck stated that he believed there were four fire/rescue boats on Lake Minnetonka. These boats include the Cities of Excelsior, Long Lake/Orono, Mound, and Wayzata.

Skramstad asked if there were comments on the application from either the applicant or the public. There being no further comments, Skramstad opened the public hearing at 7:25 p.m.

Babcock recommended that the applicant reconsider amending the site plan in which pilings have been substituted for the dock structure as originally proposed. By doing this, the City of Tonka Bay could install the pilings at this time, without the decking, and install the decking at a later time and avoid the need to have a subsequent approval.

MOTION: Babcock moved, Nelson seconded to approve the Tonka Bay new multiple dock license application to add one BSU for the 2005 season for the storage of a fire/rescue boat as proposed in the original site plan.

VOTE: Motion carried unanimously.

1. WATER STRUCTURES

A. LMCD Code Section 2.09, discussion of Code relating to deicing installations on Lake Minnetonka.

Skramstad asked for background from Nybeck.

Nybeck stated that there was significant discussion at the 1/26/05 Board meeting relating to Code Section 2.09. Based on this discussion, staff was directed to prepare three items for further discussion. First, a draft ordinance amendment has been prepared relating to establishing authorized deicing use areas. The focus of the Board discussion should be on any changes to the draft ordinance, rather than approving a reading, because this concept will be discussed with the public sometime in the near future. Second, staff was directed to prepare a spreadsheet that summarizes the number of permits issued for the 2004 season, including the type of facility and type of dock construction. This has been included in the packet for Board discussion. Third, staff was directed to get feedback from facilities that take advantage of the March 15th no permit date. This has not yet been done and staff will need to report back on this at a later time. He stated that staff had included a sheet that summarizes Lake Minnetonka Ice-Out dates from 1855 through 2004 for informational purposes. He recommended that the Board discuss these items and decide when it would like to schedule a date for public input on changes being considered.

The Board discussed the draft ordinance amendment and the consensus was for the Board to review it and discuss it at a future meeting. Babcock stated that he had some minor changes he would like included in the ordinance amendment and he was directed by the Board to work with LeFevere on this.

Mr. Rich Anderson, owner of North Shore Marina, stated that he has deiced at his current facility and that he had previously deiced at Sailors World and Wayzata Yacht Club. He believed that the March 15th date for fencing requirements was the right date and that it should be maintained.

B. Discussion of LMCD Code that regulates dock installations on Lake Minnetonka.

Skramstad asked for background from Nybeck.

Nybeck stated that there was significant discussion at the 1/26/05 Board meeting to change deck width construction standards of the LMCD to eight feet for platforms, while maintaining the existing six foot standard for walkways. Staff was directed to prepare a letter for preliminary review to be

sent out to local dock installers and realtors. This has not been completed and he believed that this could be done at a future Board meeting. In the meantime, the Board could direct LeFevere to prepare a draft ordinance amendment that would allow deck construction for platforms to be increased from six feet to eight feet.

The Board discussed this and the consensus was that there was no need to prepare a Code amendment at this time. The consensus of the Board was that this would be discussed at a future Board meeting.

D. Additional Business.

There was no additional business.

2. LAKE USE & RECREATION

A. Chair update of 2/3/05 Lake Minnetonka Boat Density Sub-Committee Meeting;

Skramstad asked Van Hercke for background on this agenda item.

Van Hercke provided an overview of the 2/3/05 Lake Minnetonka Boat Density Sub-Committee meeting. This discussion is outlined in the Meeting Report for this sub-committee meeting. She restated that the sub-committee had brainstormed ideas and that no decisions had been made. In fact, there will be discussion at the next sub-committee relating to stakeholders and how to get them involved in the process. The next sub-committee meeting is scheduled for 3/17/05 at 7:30 a.m. in the LMCD office.

Babcock stated that the sub-committee meetings are open and available to the public. For those interested in attending the next sub-committee meeting, he encouraged them to contact the LMCD office because of the limited meeting space.

Seuntjens stated that he would like the minutes to reflect which new Board members had an interest in participating on this sub-committee. Gross and Berns stated that they had an interest.

B. LMCD Code Section 3.021, discussion of Code relating to "High Water" Emergencies on Lake Minnetonka.

Skramstad stated that staff has prepared a spreadsheet that summarizes existing Code relating to "High Water" emergencies. He asked Nybeck to provide an overview of it.

Nybeck provided an overview of the spreadsheet through a PowerPoint presentation. Code provisions he reviewed in this PowerPoint presentation included: 1) the trigger point for a "High Water" emergency, 2) wake restrictions during "High Water" emergencies, 3) the termination point for a "High Water" emergency, and 4) communication efforts. He entertained questions or comments from the Board.

Babcock stated that he believed the Board should consider wording changes to the existing ordinance. These included rewording the "consecutive day requirement" and changing the termination language from "shall" to "may" under termination. He recommended that the LMCD

should consider investing in four to six floating signs to be placed in high traffic areas 600' from shore to educate the public on minimum wake restrictions within this shorezone.

The Board discussed a number of aspects relating to a "High Water" emergency. Some of these included:

- The idea of declaring the entire lake minimum wake during a "High Water" emergency. There was no consensus of the Board on this.
- Other means of communicating a "High Water" emergency to the public. This included patterning what the U.S. Coast Guard utilizes, including a flag system.
- Whether the 930.0' lake level was the proper benchmark, especially if the Board is inclined to declare the whole lake minimum wake during a "High Water" emergency.
- Whether there was a need for consecutive days in the ordinance.
- Whether there should be a two-tier approach for "High Water" emergencies.
- The impact that wind has on shoreline erosion compared to wakes generated by boats.
- The problems the Water Patrol has enforcing wakes restrictions during a "High Water" emergency.

Skramstad stated that he believed there are three thoughts for the Board to consider during a "High Water" emergency. The first thought is to declare the entire lake minimum wake, which is the most controversial. The second thought is to improve communication means, including floating signs and flags. The third thought is to make some language changes to make the ordinance more manageable.

The Board discussed this and the consensus of the Board was for Babcock to work with LeFevere on language that he discussed during this agenda item. Once these language changes have been made, this will be brought back to the Board for discussion in the near future.

C. Discussion of City of Minnetrista draft ordinance relating to Six Mile Creek.

Skramstad asked Knudsen for background on this agenda item.

Knudsen stated that the City of Minnetrista was considering an ordinance amendment relating to Six Mile Creek. This ordinance would address a number of environmental and density concerns that the LMCD had on Six Mile Creek and were addressed in the electric trolling motor ordinance, which was declared not within the jurisdiction of the LMCD by the legislature at the last legislative session. This draft ordinance was considered at the last Minnetrista Planning Commission and was tabled. The primary concerns for the City of Minnetrista include environmental and wetland concerns. The MCWD and the LMA have already expressed support for this draft ordinance, as well as a number of Halsteads Bay residents. He asked the Board to provide its support of this draft ordinance amendment.

The Board discussed this and the consensus of the Board was for the LMCD to support the draft Minnetrista ordinance amendment.

MOTION: Babcock moved, Gross seconded to direct Nybeck to work with Chair Skramstad on the preparation of a letter expressing the support of the LMCD for the City of Minnetrista draft ordinance.

VOTE: Motion carried unanimously.

D. Additional Business.

There was no additional business.

3. FINANCIAL

B. Additional Business.

Nybeck stated that the work for the 2004 LMCD audit had recently commenced in the LMCD office. Because of the additional grant funds received from the MN DNR for the 2004 EWM Harvesting Program, revenue will exceed expenses by approximately \$13,000. Prior to the 2005 EWM Harvesting Program, new motors will need to be purchased for the work pontoon and transport barge. Nybeck stated that he believed that the \$13,000 should be transferred to the Equipment Replacement fund, which has been set up for capital equipment expenditures for the harvesting program. The auditor has stated that the Board should authorize this transfer of funds and draft LMCD Resolution 112 has been prepared so accordingly.

MOTION: Babcock moved, Suerth seconded to approve LMCD Resolution 112 as proposed.

VOTE: Motion carried unanimously.

Nybeck stated that he would include on a future agenda, proposed outboard motor purchases for consideration by the Board.

4. ADMINISTRATION

There was no discussion.

5. EWM/EXOTICS TASK FORCE

Skramstad asked for an effort on zebra mussel educational efforts.

Nelson believed that Senator Olson was preparing legislation relating to the "Red Lake – Green Lake" concept. He stated that he would need to check with Senator Olson on the status of this. The TPT zebra mussel videotapes are in the LMCD office and that there should be discussion on the timing and means to disperse them.

Skramstad stated that this would be scheduled for the 2/23/05 Regular LMCD Board Meeting.

6. SAVE THE LAKE

There was no discussion.

7. EXECUTIVE DIRECTOR

Nybeck stated that there was an updated version of the public copy of the Board member roster for Board members in the handout folders for informational purposes.

8. OLD BUSINESS

There was no old business.

9. NEW BUSINESS

Gross stated that he would like the Board to consider establishing minimum wake restrictions on Lower Lake South on the 4th of July during the evening hours because of the congestion caused by the fireworks.

The Board discussed this and the consensus was to discuss this at a future Board meeting. Staff was directed to get feedback on accident history from the Water Patrol when this is discussed.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:54 p.m.

Tom Skramstad, Chair

Jose Valdesuso, Secretary