

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

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

CALL TO ORDER

Skramstad called the meeting to order at 7:05 p.m.

ROLL CALL

Members present: Tom Skramstad, Shorewood; Paul Knudsen, Minnetrista; Jose Valdesuso, Excelsior; Doug Babcock, Tonka Bay; John Berns, Wayzata (arrived late); Steve Johnson, Mound; Pete Nelson, Victoria; Tom Scanlon, Spring Park; Tom Seuntjens, Minnetonka Beach; Herb Suerth, Woodland; Cree Zischke, Greenwood; . Also present: Charles LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician.

Members absent: David Gross, Deephaven; Katy Van Hercke, Minnetonka; the City of Orono has no appointed member.

CHAIR ANNOUNCEMENTS, Chair Skramstad

There were no Chair announcements.

READING OF MINUTES- 2/23/05 LMCD Regular Board Meeting

MOTION: Knudsen moved, Nelson seconded to approve the minutes from the 2/23/05 LMCD Regular Board Meeting as submitted.

VOTE: Ayes (7), Abstained (3, Babcock, Scanlon, Skramstad); motion carried.

PUBLIC COMMENTS - Persons in attendance, subjects not on agenda.

There were no comments from the public on subjects not on the agenda.

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.

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

- **Abdo, Eick, & Meyers**, review of draft 2004 LMCD Audit.

Skramstad stated that the draft 2004 audit had recently been conducted by Abdo, Eick and Meyers.

Mr. Steve McDonald was in attendance to provide a brief overview of the audit and Skramstad welcomed him on behalf of the Board.

McDonald made the following comments:

- GASB 34 has been discussed with the Board in recent years and the 2004 LMCD Audit was the second year that it has been implemented. He pointed out that GASB 34 is an accounting standard that changes how financial statements are set up.
- The responsibility of an auditor is to give an opinion on the financial statements. The 2004 LMCD Audit resulted in an Unqualified or clean opinion on the financials.
- There was one reportable condition in internal control, which was segregation of duties. The Board has more responsibility over finance when this exists.
- Required State Statutes we tested included: Deposits and investments, Conflicts of interest, Contracting and bidding, Public Indebtedness, Claims and disbursements and Other miscellaneous provisions.
- Legal Compliance Results- there were two findings – both minor given the circumstances
- The General Fund balance as of 12/31/04 was \$168,299, a decrease of \$22,254 from 2003. This fund balance represents 50 percent of the 2005 Administration Budget. However, \$22,000 of these funds has been designated for management plan projects, which would reduce the undesignated fund balance to 43 percent of the 2005 Administration Budget. The target reserve level of the LMCD for the General Fund balance is 50 percent.
- The Special Revenues Fund balance as of 12/31/04 was \$559,424. These funds consist of “Save the Lake”, New Equipment Acquisition, Eurasian Milfoil, and Equipment Replacement.
- The Eurasian Milfoil Fund balance as of 12/31/04 was \$106,825, which represents a 94 percent of the 2005 Eurasian Milfoil Budget. The target level of the LMCD for the Eurasian Milfoil Fund balance is 100 percent.
- Financially, he stated that the LMCD was in good shape to meet its financial obligations and had sufficient working capital. He pointed out that the audit revealed nothing that was out of the ordinary.
- He entertained questions or comments from the Board.

MOTION: Babcock moved, Nelson seconded to accept the 2004 LMCD Audit as submitted.

VOTE: Motion carried unanimously.

Skramstad thanked McDonald on behalf of the Board.

PUBLIC HEARINGS

- **North Shore Marina East (Site 1)**, reconfiguration of a non-conforming, multiple dock license application utilizing LMCD Code Section 2.015.

Skramstad opened the public hearing at 7:18 p.m. and asked for background from Harper.

Harper reviewed the staff memo, dated 3/3/05, which summarized the North Shore Marina East (Site 1) reconfiguration of a non-conforming multiple dock license. This staff memo provided background, an evaluation of the application compared to LMCD Code, and a recommendation. He recommended approval of the application for the 2005 season with the following conditions: 1) watercraft stored in BSU's 1-14 must

be fully contained within the dock structure, 2) BSU's 15-61 must comply with the 4' overhang restriction for watercraft stored within them, and 3) All watercraft must be stored within authorized BSU's. He entertained questions or comments from the Board.

Berns arrived at 7:25 p.m.

Babcock questioned the length of the proposed dock and the existing dock on the south side of the site. He stated that the south proposed dock appeared to extend into the lake further than the previously approved dock.

Harper explained that he had interpreted the floating breakwater as structure and considered that part of the "envelope" area to be able to reconfigure within.

Skramstad asked for comments from the applicant.

Rich Anderson, 3205 Crystal Bay Road, Orono stated that he configured the proposed dock up to the 200' line measured from the 929.4' shoreline.

Babcock explained that LMCD Code does not allow this, it only allows applicants to reconfigure within the existing dock outline and asked Anderson if he could bring the dock closer to shore.

Anderson stated by moving the dock towards shore it would possibly alleviate the use of BSU's 57-61. He stated he was already concerned with reducing the number of BSU's from 78 to 61 and wanted to retain as many BSU's as possible.

Knudsen asked staff if the proposed dock configuration on the south portion of the dock was within the established envelope.

Harper explained that staff had interpreted the floating breakwater as structure to be counted for the established envelope.

There being no further comments, Skramstad closed the public hearing at 8:33 p.m.

Skramstad asked for discussion from the Board.

Seuntjens stated that he was concerned with the increase in the BSU sizes. He stated that members of the Boat Density Subcommittee have discussed concerns with the increase of large boats on the lake.

Babcock explained that the envelope concept ordinance specifically allows increased sizes of BSU's with the exchange of reducing the number of BSU's. If the Board was concerned with the increased storage of large boats, the board could look at subjective criteria to determine if it was a good change. He stated he was mainly concerned with the extension outside of the existing envelope. He stated staff could work with the applicant to reconfigure the site plan to stay within the envelope established by the previously approved dock and if this was done he would be in support of the application. He stated the proposed site plan would then conform to the current LMCD Code.

Knudsen asked if the question before the board was if the breakwater qualifies as a structure.

Zischke pointed out that there is a measurement of 216 on the proposed site plan for the main walkway from shore. She questioned how this measurement could be accurate if it is depicted within the 200' setback line.

Anderson stated that he had the surveyor put the 200' line and the docks in to scale.

Babcock clarified that the 200' line is not the boundary that the applicant can reconfigure within; it is the dimensions of the previously approved dock. He stated the intent of this ordinance was to not allow marinas to encroach further beyond 100' than the previously approved dock.

LeFevere stated that throughout LMCD Code the term structure is used for docks and other accessories within the water. In this particular case the ordinance says, "the application may not result in a lakeward extension of the dock any further beyond the 100' from the 929.4' shoreline than the existing dock." The board may or may not interpret the breakwater as part of the dock. He stated the breakwater was previously approved by being on the approved site plan. It would be helpful if the Board determined if the breakwater is interpreted as part of the existing dock tonight so the applicant would know the boundary of the area that he is able to reconfigure within.

Skramstad and Nelson stated that they believed that breakwater was part of the existing dock and should be included as the boundary of the envelope.

Knudsen stated that the breakwater was an impediment to navigation and should be counted for the boundary of the envelope. Valdesuso agreed with this statement.

Zischke suggested making a decision on whether to give credit for the breakwater as the boundary for the envelope.

MOTION: Zischke moved, Knudsen seconded to consider the breakwater as part of the dock structure to establish the envelope boundary for purposes of reconfiguration of the non-conforming site.

VOTE: Motion carried unanimously.

Babcock suggested the applicant have the previously approved dock outline superimposed on the proposed site plan to verify if the proposed dock is outside of the footprint of the old structure.

There was Board discussion on the accuracy of some of the numbers on the survey. Consensus of the board was for the applicant to have these measurements clarified by the surveyor.

Nybeck stated that the Board had given sufficient direction to staff and suggested the Board table the agenda item to allow staff to work with the applicant to clarify the possible measurement discrepancies and put together a configuration that would conform to the envelope established by the previously approved dock. He stated if this is done, the Board could review this agenda item in two weeks.

Nelson stated that the applicant has made a good faith attempt to comply with the reconfiguration rules.

MOTION: Nelson moved, Valdesuso seconded to approve the North Shore Marina East (Site 1) Reconfiguration of a Non-Conforming Multiple Dock License application for 2005.

LeFevere clarified that he speculates that the surveyor had measured the 200' line by measuring any point along the 929.4' shoreline out 200' using a 'scribe arc' method. He stated that on the previously approved drawing dated 2/23/81, the 200' contour line was measured by exactly paralleling the 929.4' shoreline out 200'. He explained that the proposed dock appears to be within a 200' contour which is not the same as saying it is within the previously approved dock outline which used a different method to measure the 200' contour.

Zischke proposed a friendly amendment that requiring the applicant providing staff a site plan documenting that the proposed dock is within the 200' contour as a condition of the approval. Nelson and Valdesuso agreed to this friendly amendment.

Skramstad asked Zischke for clarification of the friendly amendment.

Zischke clarified the friendly amendment by stating that the application is approved pending the applicant provides staff a site plan documenting that the proposed dock is within the 200' contour that exactly parallels the shoreline as measured on the 2/23/81 site plan.

MOTION: Babcock moved, Scanlon seconded to table the agenda item back to staff until the appropriate dimensions are shown on the proposed site plan that the Board can review.

Berns asked Zischke clarification of her friendly amendment between the two methods of measuring 200' from shore.

She stated she was looking for the measurement method used in the original 2/23/81 approved site plan. She stated that the total dock lengths documented on the docks could not be over 200'.

VOTE (MOTION TO TABLE): Ayes (5), Nays (6, Knudsen, Nelson, Seuntjens, Skramstad, Valdesuso, Zischke); motion failed.

VOTE (ORIGINAL MOTION): Ayes (9), Nays (2, Scanlon and Valdesuso); motion carried.

Babcock stated it is up to staff to ensure that the dock on the new site plan is in conformance with the old outline as depicted on the 2/23/81 site plan according to the friendly amendment.

1. WATER STRUCTURES

A. North Shore Marina East (Site 2), consideration of a new multiple dock license, with minor change, application for the 2005 boating season.

Skramstad asked Harper for background on this agenda item.

Harper reviewed the staff memo, dated 3/2/05, that summarized the 2005 North Shore Marina East (Site 2) new multiple dock license with minor change application. He recommended the Board approve the application for the 2005 boating season.

MOTION: Babcock moved, Knudsen seconded to approve the North Shore Marina East (Site 2) new multiple dock license with minor change application for the 2005 boating season, subject to carrying over previous license conditions.

Seuntjens questioned a dock depicted on the survey for North Shore Marina East (Site 1) on Parcel 1 on Tanager Bay. He asked staff if it was approved and if the shoreline was independent of the multiple dock license.

Harper stated that he believed the shoreline from the four lots on Tanager Lake was entirely dedicated to the multiple dock license.

Nybeck stated that staff was not entirely prepared to reply to the questions concerning the adjacent lots. He suggested that the board could approve the new multiple dock with minor change application with the condition that if the shoreline is dedicated towards the multiple dock license, all docks must be removed.

Babcock stated that his motion to approve the new multiple dock license with minor change application would not allow any change in shoreline or addition of docks or boat storage. He stated that this application is just to document the change in ownership. He had interpreted the shoreline on the approved site plan dated 11/18/81 as the only shoreline dedicated to this multiple dock license and the other two lots on Tanager Lake having regular riparian rights.

Nybeck stated that the board could table this agenda item to the next meeting to allow staff to clarify the shoreline question or the board could make a conditional approval.

Seuntjens requested that staff clarify this issue

VOTE: Ayes (10), Nays (1, Zischke); motion carried.

B. City of Excelsior, consideration of 2005 renewal without change multiple dock license application.

Skramstad asked Harper for background on this agenda item.

Harper reviewed the staff memo, dated 3/3/05 that summarized the 2005 City of Excelsior renewal without change multiple license application. This included explaining the must construct deadline. He explained that board member Valdesuso had spoken with the City council and may have an update on their request.

Valdesuso stated that he had met with the Excelsior City Council on 3/7/05 and they had requested a two-year extension for the construction of the remaining dock.

Nybeck added that there were four dock docks that were approved in 2003. Three were approved for overnight boat storage and one was approved for transient use. He stated the transient dock is the one that has not yet been constructed. He stated that since the dock is for transient use only, it might affect the Board's vote since the Board has historically supported transient facilities. He also stated that the two year must construct clause was not in the findings or on the license so he questioned if there was adequate notification.

Babcock stated that the Board had long discussions with the city concerning the two year must construct clause when the application was originally approved in 2003.

Skramstad stated that he supported a two-year extension because transient docks are needed around the lake.

Zischke clarified that if an extension was not granted, the city could reapply for the dock at a later date.

There was board discussion that the original special density license was granted on 1/8/03 and the two year must construct clause had expired.

Harper stated that his interpretation of the code was for the season, not the exact date.

MOTION: Babcock moved, Nelson seconded to approve the City of Excelsior renewal without change multiple license application for the 2005 season noting that the special density license no longer permits the construction of the transient dock that had not been constructed.

Valdesuso expressed his disappointment that the city was not notified in a more timely manner that a portion of their license was about to expire. He stated the new city staff and city council may not have know the conditions of the license that was granted a couple years ago.

LeFevere stated that the special density code section states that "licenses issued under this code section for facilities which are not fully constructed for any two year period shall be deemed abandoned and revoked except to the extent such facilities are actually constructed within such period; provided however, that facilities may be partially constructed if the licensee receives approval from the Board for such partial construction at the time of the granting of the applicant's annual multiple or commercial dock license under Section 2.03, and all amenities required for the facility are provided during that year." He stated that two years had not elapsed when the 2005 license application was received and time is typically needed to process the application. He stated that the LMCD code allows the Board discretion in granting an extension as long as the applicant provides the amenities and comes to the board to ask for approval to not fully construct the dock. He clarified that the extension is requested at the time of the review of the annual multiple dock license which was tonight and not at the time of the review of the original special density license.

Nelson stated in view of that interpretation, he withdrew his second of the motion.

Babcock withdrew his motion. He stated the he was comfortable granting a one year extension and is in favor of a transient dock in this location and others around the lake.

Seuntjens stated even if the city does not construct the dock within a year and it is abandoned, it is not in jeopardy of not getting approval in a future new license application.

MOTION: Nelson moved, Scanlon seconded to approve the City of Excelsior renewal without change multiple license application for the 2005 season, subject to carrying over prior license conditions.

Babcock proposed a friendly amendment that the extension would be for a period of one year and would only apply if the dock remains for transient use. Nelson and Scanlon agreed to this friendly amendment.

Consensus of the Board was that this transient dock is desperately needed in Excelsior.

Valdesuso asked for clarification on the deadline.

Babcock stated that the Board would like to see some progress made on this by 3/9/06. This was included as a friendly amendment. Nelson and Scanlon agreed to this friendly amendment.

VOTE: Motion carried unanimously.

- C. Ordinance Amendment**, first reading of an ordinance relating to boat storage density on Lake Minnetonka; amending LMCD Code Sections 2.02, subd. 5.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated there was a public hearing held at the 2/23/05 Board meeting for Eagle Bluff HOA. They had submitted a new multiple dock license application and a request for the Board to amend LMCD Code Section 2.02, subd. 5 because of an issue they had with continuous shoreline. The Board directed LMCD counsel to prepare a Code amendment as requested by Eagle Bluff HOA. He entertained questions or comments from the Board.

Babcock stated that his concerns with density shifting ordinances are that they cluster boats in residential areas. He asked staff if the transferee site was meeting the double setbacks, which are required when a multiple dock abuts a non-multiple dock site.

Harper stated that they would be meeting the double setbacks with 31' on the west side and 30' on the east side.

Babcock clarified that the transferor site will remain in a natural state without docks on it.

MOTION: Knudsen moved, Nelson seconded to approve first reading of the ordinance amendment, waive second and third readings, and adopt it.

VOTE: Motion carried unanimously.

- D. City of Mound**, consideration of draft Findings of Fact and Order for approval of a dock length variance application on the Northeast end of Lost Lake Channel.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that a public hearing and discussion of a new multiple dock license and dock length variance applications took place at the 2/23/05 Board Meeting. In accordance with Board direction, LeFevere has prepared draft Findings for consideration by the Board. Nybeck clarified that there was one correction on the draft findings under number three. He stated it should read "The remaining 20 slips may be constructed to a length of no more than 26 feet, as shown on Attachment One".

Babcock stated that he was not present at the 2/23/05 Board meeting. He stated that it appeared from reading the minutes of that meeting that the Board made a motion to restrict all of the boats to 26' in length. Then after the City discussed financial goals and corresponding boat sizes, the Board amended their original motion to allow some 30' boats. He stated it sounded like the hardship for the larger BSU's was financial and this is not a hardship the Board can consider for a variance.

LeFevere clarified that he was not sure that anyone on the board based their decision on a financial hardship and if there was ever a linkage between the hardship and 30' BSU's. He stated it was not included in the findings. He stated that the hardship in this case is shallow water and emergent vegetation and once a hardship is established, it is up to the Board's discretion on the sizes of BSU's or boats. He clarified that there does not have to be a specific hardship for a given boat length. He agreed that economic consideration or increased profitability is not a sufficient hardship within the meaning of the code.

Nelson stated that there was discussion of economics by the city but the Board decision was not linked to this.

Zischke stated that there was a lot of discussion concerning this project and the minutes are just a segment of the overall discussion. She stated the Board should focus on what the Findings and Order state and vote on them.

MOTION: Nelson moved, Valdesuso seconded approval of the Findings of Fact and Order, as submitted, for the City of Mound (Sites 1 and 2).

VOTE: Ayes (9), Nays (2, Babcock, Knudsen); motion carried.

- E. **Bayview Homeowners Association**, new multiple dock license application submitted on 9/22/76 to back license 10 Boat Storage Units (BSU's) on a 100' wide outlot on Smithtown Bay (The applicant has amended their request to seven BSU's).

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that a request to have this agenda item continued to the 3/23/05 was received in the LMCD Office on 3/8/05. This request was from Tom Radio, Bayview HOA legal council. He stated prior to presenting the staff memo, the Board may want to address the request made by Mr. Radio.

Skramstad asked Tom Radio for comments on his request.

Tom Radio, attorney with Hinshaw and Culbertson, stated he had only recently been retained by the Bayview Homeowners Association because of a conflict of interest issue with their former council. He stated when he was retained; he was informed that this agenda item would be on the LMCD Meeting agenda for the first or second meeting in March. He stated that he was notified by his client on 3/8/05 that that this agenda item was going to be held at the 3/9/05 meeting. He stated that he was not prepared to address all of the issues relating to this matter. He stated from looking at the file that the homeowners association had been granted several continuances concerning this matter. He assured the Board that this would be the last request for a continuance by Bayview Homeowners Association or by himself. He stated they are prepared to move to a decision in some form at the 3/23/05 Board meeting. He stated that the continuance would allow him to put some of his legal arguments in written form so the Board would be able to review them prior to the 3/23/05 Board Meeting. He apologized for the inconvenience to the neighbors that have attended the meetings.

Skramstad stated that there had been a number of continuances granted by the Board concerning this application. He was concerned that the homeowners association may come up with another reason to ask for a continuance at the next meeting. He stated he would like to get some closure on this matter.

Babcock stated that he is inclined to grant the request to table the matter to the next meeting because of the conflict of interest issue. He stated if the Homeowners Association is not prepared at the 3/23/05 meeting he would recommend the Board act upon the matter with the information that available.

Zischke stated that she was opposed to the extension because the Board had extensive discussion of the date to review the application with a representative from the homeowners association at the 2/23/05 Board meeting. This was after the homeowners association requested an extension from the 2/23/05 meeting. She stated the homeowners association representative stated that they would be prepared for the 3/9/05 meeting.

Babcock asked Mr. Radio if he foresaw any conflict of interest that would prohibit him from representing the Bayview HOA at the 3/23/05 LMCD Board Meeting.

Radio stated he had no conflict of interest.

MOTION: Suerth moved, Babcock seconded to table consideration of the pending Bayview HOA new multiple dock license application to the 3/23/05 LMCD Regular Board Meeting.

VOTE: Ayes (8), Nays (3; Knudsen, Nelson and Zischke); motion carried.

Nybeck clarified that any material provided by Mr. Radio would have to be received in the LMCD office by 4:30 PM CST on Wednesday 3/16/05 to be included in the Board packet.

2. LAKE USE & RECREATION

A. Ordinance Amendment, first reading of an ordinance amending LMCD Code Section 3.021 relating to "High Water" situations.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that at the 2/9/05 Board Meeting, the Board discussed amending LMCD Code Section 3.021 relating to high water situations. At that meeting Board member Babcock volunteered to work with council LeFevere on making some minor code changes and this is what if before the Board tonight. Babcock stated that they had cleaned up some language in Subdivision 2c to clarify that all of the surface area of the regulated area. He stated that they clarified the minimum wake rule by putting a speed limit with it to make it easier for the Hennepin County Sheriffs Water Patrol to enforce with radar guns. There were also changes in Subdivision 4 concerning the number of readings needed to make a high water declaration. Babcock stated these changes will make the ordinance easier to enforce and administer. He stated there was board discussion on what actions the executive director would take when a high water emergency is declared such as posting floating signs. These were purposely left out of the ordinance and will be policy directives from the Board to staff.

MOTION: Nelson moved, Johnson seconded to approve first reading of the ordinance amendment as submitted, to waive second and third readings, and adopt it.

VOTE: Motion carried unanimously.

B. Additional Business.

There was no additional business

3. FINANCIAL

B. Additional Business.

There was no additional business

4. EWM/EXOTICS TASK FORCE

A. Update of "Red Lake - Green Lake" concept.

Nelson stated that in the handout packet there is a copy of legislation that was introduced by Senator Olson concerning aquatic invasive species funding. This requires the purchase of an annual decal for all watercraft used on Minnesota public waters. He stated this proposed legislation is not related to the Red Lake – Green Lake concept and he will be meeting with Senator Olson in the near future to discuss this concept and the proposed legislation.

Suerth stated he and Nybeck had set a meeting up with the MN DNR to discuss overhead rates associated with the zebra mussel inspection. He stated that he would keep the Board informed on this.

Skramstad asked Nelson for an update on the Zebra Mussel Prevention Program.

Nelson stated that he and Nybeck met with David Gillette and recently and he is currently working on updating the exotics portion of the website. He stated the distribution list has been finalized for the TPT educational video. He stated a letter to send out with these videos is currently being prepared and they should both be sent out in the near future.

Valdesuso requested to physically deliver the video and letter to his city hall.

Nelson stated that it was a great idea for the Board Members to deliver the information to their respective city halls.

Suerth stated that he would like to collect funds to expand inspections in the future in conjunction with the zebra mussel program. He stated the draft letter in the handout folder would be sent to residents in one Lake Minnetonka city, to see if they would be willing to send a donation to the "Save the Lake" fund based on the number of watercraft that they own. The purpose of this test letter would be to see how much financial support there is for this project and then possibly expand the mailing. He asked the board for any input on the letter.

Not hearing any changes, Suerth stated he would have staff mail this letter by the end of the week.

B. Additional Business.

There was no additional business.

5. ADMINISTRATION

There was no discussion.

6. SAVE THE LAKE

There was no discussion.

7. EXECUTIVE DIRECTOR

Nybeck updated the Board on three items. First, in the handout folder was a newspaper article concerning Big Island Veterans Camp and the potential purchase by the City of Orono and possible assistance by the State of Minnesota. Second, he and Chair Skramstad prepared a letter and sent it to Mayor Fischer of Minnetrista giving an overview of the work conducted by the LMCD concerning Six Mile Creek. He stated he and a few Board members had attended the Minnetrista City Council meeting on Monday 3/7/05 concerning a draft ordinance regulating Six Mile Creek.

Skramstad asked for clarification on the draft resolution contained in the handout folder.

Nybeck stated that his third item was that a few of the Board Members had recently attended a meeting with representative from the City of Orono concerning the future of the Big Island Veterans Camp. Nybeck stated he was forwarded a draft resolution from the City of Orono. He stated that the resolution is to forward to local legislators to show support of the effort to preserve Big Island Veterans Camp as a public park.

MOTION: Scanlon moved, Babcock seconded to approve the draft resolution in support of public ownership of the Big Island Veterans Camp property.

Seuntjens proposed a friendly amendment to add the word public in paragraphs two and three so the resolution reads 'public park'. Scanlon and Babcock agreed to this friendly amendment.

VOTE: Motion carried unanimously

8. OLD BUSINESS

Nybeck stated that LMCD Code Section 2.09- deicing regulations discussion would be brought back for review by the Board at the 3/23/05 meeting. He stated that a deicing questionnaire was sent out to existing multiple dock licensees with a due date of 3/14/05. Staff will tabulate the feedback and forward the preliminary ordinance amendment for Board to review at that meeting. Staff will then need to get Board direction so a meeting can be scheduled to get public comments.

Valdesuso asked for an update on the possibility of the Minnehaha Creek Watershed District (MCWD) funding the LMCD's harvesting program in the future.

Nybeck stated that he had received feedback from MCWD staff that stated funding for the 2005 season was not possible and potential funding for 2006 was unlikely. He stated that the MCWD is going through review of their comprehensive plan and the LMCD could petition the MCWD Board to consider partially or fully funding the LMCD harvesting program.

Valdesuso stated that there is no LMCD Board member currently discussing this option with the MCWD.

Nybeck stated that a prior Board Member, Bert Foster had met with the MCWD a while ago concerning this issue.

Skramstad stated that he had spoken with Lance Fisher, President of the MCWD Board of Managers that indicated that there is not much interest with the Board of Managers in funding the LMCD Harvesting Program.

9. NEW BUSINESS

Boat Club Discussion

Zischke stated that there seems to be an increase of boat clubs and rental boats around the lake and was wondering who regulates that type of business. She questioned if boat club members and boat renters are trained on Lake Minnetonka Rules and Regulations.

Harper stated that LMCD 'Summer Rules' pamphlets are distributed to marinas and boat clubs around the lake annually. He also stated that the Hennepin County Sheriffs Water Patrol inspects rental and boat club watercraft annually.

Board Minutes

Valdesuso asked about the possibility of hiring a person to take Board Meeting Minutes to alleviate work from Nybeck.

Skramstad stated that he had name of a person from the City of Minnetrista that may be willing to do them. He said this is something that the Board should consider.

Nybeck stated he agreed there is a need to explore this, possibly utilizing Administrative Secretary Emily Herman.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:00 p.m.

Tom Skramstad, Chair

Jose Valdesuso, Secretary