

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS
AGENDA**

7:00 PM, Wednesday, April 13, 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; Katy Van Hercke, Minnetonka; Paul Knudsen, Minnetrista; Jose Valdesuso, Excelsior; Doug Babcock, Tonka Bay; John Berns, Wayzata; David Gross, Deephaven; Steve Johnson, Mound; Tom Scanlon, Spring Park; Tom Seuntjens, Minnetonka Beach; Cree Zischke, Greenwood. Also present: Charles LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; Emily Herman, Administrative Secretary.

Members absent: Pete Nelson, Victoria; Herb Suerth, Woodland; the City of Orono has no appointed member.

CHAIR ANNOUNCEMENTS, Chair Skramstad

There were no Chair announcements.

READING OF MINUTES- 3/23/05 LMCD Regular Board Meeting

MOTION: Van Hercke moved, Babcock seconded to approve the minutes from the 3/23/05 LMCD Regular Board Meeting as submitted.

VOTE: Ayes (8), Abstained (3; Knudsen, Skramstad, and Valdesuso); motion carried.

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

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.

Nybeck requested that agenda item 4A be removed from the consent agenda because the minutes from the 4/8/05 EWM/Exotics Task Force Meeting had not been finalized.

Van Hercke moved, Knudsen seconded to approve the consent agenda as amended, removing agenda item 4A. Motion carried unanimously. Items so approved include: **1C, 2005 Multiple Dock Licenses**, staff recommends approval of 2005 renewal, without change, multiple dock license application for Upper Lake Minnetonka Yacht Club; **2B, 2005 Liquor Licenses**, staff recommends Board approval of renewal Intoxicating Liquor, Wine, and Non-Intoxicating Malt Liquor License applications as outlined in 4/8/05 staff memo, and **3A, Audit of vouchers (4/1/05-4/15/05)**.

PUBLIC HEARINGS

- **Lady of the Lake**, new on-sale intoxicating liquor license application for the charter boat, Lady of the Lake.

Skramstad opened the public hearing at 7:06 p.m. and asked Harper for background.

Harper reviewed the staff memo, dated 4/7/05, which summarized Lady of the Lake, Inc.'s request for new intoxicating liquor license, with Sunday option. He recommended the Board approve: 1) the new intoxicating liquor license application, with the Sunday option, for the 2005 charter boat season, and 2) a full refund of the \$3,000 for the preliminary investigation deposit. He entertained questions or comments from the Board.

Skramstad invited the applicant or the general public to provide additional background or comments on the application. There being no comments, Skramstad closed the public hearing at 7:10 p.m. He invited Board discussion or a motion on the application.

Zischke expressed constituent concerns about the increase in noise on Lake Minnetonka. There is a belief that commercial entities with liquor licenses contribute to the increase and questioned what LMCD is doing to address and monitor the issue.

Nybeck outlined the current ordinances pertaining to noise and noted that LMCD staff meets annually with licensees to review the regulations.

Berns asked the following questions for staff:

1. Can the Board assume that both Lady of the Lake and Wayzata Bay Charters qualify as a restaurant?

Nybeck confirmed that these charter boats qualify as a restaurant.

2. Does staff know how many total liquor licenses are expected in 2005?

Harper stated that in addition to the 14 charter boats that have applied for renewal intoxicating liquor licenses in 2005, there are seven additional charter boats, which were previously operating with beer and wine licenses, that have applied for an intoxicating liquor license.

3. Can staff explain differences in licenses?

Harper provided a definition of various licenses and explained the Charter Boat Association's interest in decreasing liability concerns by replacing consumption and display permits for full liquor licenses.

4. Have there been any enforcement issues with this applicant?

Harper stated that there have only been a few minor enforcement issues in recent years for all charter boats on Lake Minnetonka.

MOTION: Berns moved, Gross seconded to: 1) approve the new on-sale intoxicating liquor license application for Lady of the Lake, Inc., with Sunday option, for the 2005 charter boat season, and 2) approve a full refund of the \$3,000 deposit for the preliminary investigation.

VOTE: Motion carried unanimously

- **Wayzata Bay Charters, Inc.**, new on-sale intoxicating liquor license application for the charter boat, Voyager of the Lake.

Skramstad opened the public hearing at 7:16 p.m. and asked Harper for background.

Harper reviewed the staff memo, dated 4/8/05, which summarized Voyager of the Lake, Inc.'s request for new intoxicating liquor license, with Sunday option. He recommended the Board approve: 1) the new intoxicating liquor license application, with Sunday option, for the 2005 charter boat season, and 2) a full refund of \$3,000 for the preliminary investigation deposit. He entertained questions or comments from the Board.

Skramstad invited the applicant or the general public to provide additional background or comments on the application. There being no comments, Skramstad closed the public hearing at 7:19 p.m. He invited Board discussion or a motion on the application.

Berns questioned whether there had been any enforcement issues with applicant?

Harper stated that there had not been any enforcement issue with the applicant.

MOTION: Berns moved, Gross seconded to approve: 1) the new on-sale intoxicating liquor license application for Voyager of the Lake, Inc., with Sunday option, for the 2005 charter boat season, and 2) approve a full refund of the \$3,000 deposit for preliminary investigation.

VOTE: Motion carried unanimously

- **Al & Alma's Supper Club (Site 2)**, new multiple dock license and special density license applications to reconfigure the storage of six charter boats at the multiple dock facility.

Skramstad opened the public hearing at 7:31 p.m. and asked Nybeck for background.

Nybeck made the following comments:

- A public hearing was conducted at the 3/23/05 Regular LMCD Board Meeting. This public hearing was advertised for a new multiple dock license application rather than a new multiple dock and special density license applications. At the 3/23/05 Board meeting, a motion was approved to continue the public hearing to this meeting and re-advertise for both applications, which has been done.
- At the same Board meeting, LeFevere was directed to prepare draft Findings of Fact to approve the special density license application at Site 2 and to reaffirm the special density license at Site 1. Nybeck stated that the public amenity section of the draft Findings was left blank intentionally to allow staff to work with the applicant to further refine proposed public amenities. Staff has met with the applicant to further refine proposed public amenities and he provided an

overview of them, which were outlined in a staff memo, dated 4/13/05. Nybeck stated that the proposed public amenities meet LMCD Code requirements or were previously approved by the Board in 1984. He recommended including the proposed public amenities if the Board was inclined to approve the draft Findings of Fact.

- Nybeck further suggested that the Board review BSU #6 on the east-end of the facility. He explained that the dock is 100' long; however, the boat itself needs to be contained within the first 50' of the length of the dock finger. He reminded the Board that a condition was included in the draft Findings that required the applicant to come up with a fencing mechanism to discourage boat storage on the east side of the last 50' of BSU #6. He informed the Board that Mr. Soule had previously expressed concern about this condition; however, he believed that Mr. Soule had an alternative for the Board to consider.
- He entertained questions or comments from the Board.

Babcock asked Nybeck to clarify which public amenities were proposed to be changed.

Nybeck made the following comments:

- At Site 1, "20 transient slips for restaurant service" would be maintained from the 1984 Order, "Shoreline protection, riprap" would be a new public amenity, "Public toilet facilities" would be maintained from the 1984 Order, "Public Telephones" would be maintained from the 1984 Order, and "Food service in a seated facility" would be a new public amenity.
- At Site 2, "Annual charter boat trip for the handicap or underprivileged- 100 minimum per season" would be a new public amenity, "Shoreline protection, riprap" would be a new public amenity, "Dock attendants on duty during restaurant hours" would be maintained from the 1984 Order, and "Slip use for emergency situations" would be a new public amenity.
- Sites 1 and 2 would both need to maintain and document a minimum of 20 public amenity points annually. At Site 1, the applicant has proposed 24 points. At Site 2, the applicant has proposed 21 points.
- He pointed out that there were some public amenities included in the 1984 Order relating to no-parking signs and fencing abutting the swimming beach and the property to the west of Site 1. Although these requirements are not proposed to continue as public amenities, they will continue as conditions for the side setback variance granted in 1984 at Site 1.

Berns left the meeting for a period of time due to a fire call for the City of Wayzata and arrived back later in the meeting.

Skramstad asked if the applicant was present and wished to make further comments.

Mr. Jay Soule, Manager of Al & Alma's Supper Club, addressed the Board on the fencing requirement in the draft Findings. He provided a background on the seasonal dock's construction at Site 1 and the barrier fencing used at this site, noting that it is not a picket fence. At Site 2, a fencing requirement was included in the draft Findings. He expressed concern about a westerly wind pushing the boat away from the dock so that staff has to jump to the dock before the boat reaches its final mooring place. He reviewed an alternative to picket fencing where a full barrier would cover the first 24' from the end of the dock, with a number of "No Parking" signs posted. The remaining 24' from the end of the dock would maintain a single, lower barrier that staff could jump over for docking purposes. He stated that "No Parking" signs would be posted in this area and would remain at eye level for most boats.

Gross questioned if a single gate to control ingress and egress to the dock at Site 2, with a keycard providing for only staff members access to the dock, had been considered.

Soule noted there is only a single entrance with signage to the dock utilized by customers. Al and Alma's staff patrols the use of the dock at Site 2 during all hours of operation of the charter boats.

Babcock re-stated his concern from the previous Board meeting about the need of fencing on the last 50' of the east-side of the dock finger between BSU 5 and 6. Although the gated idea might make some sense, he did want to prohibit the use of the docks while the charter boat is in operation. He believed that the proposed alternative to comply with the fencing requirement would address setback concerns that he had.

Knudsen questioned staff whether they have received any complaints with the dockage of boats. If no complaints have been received, he believed that it was premature to require a gated system.

Nybeck stated that he was not aware of any docking complaints.

LeFevere questioned the height of the lower barrier on the second 24' increment from the end of the dock. The draft Findings specify that the area of dock in question be fenced and does not specify a design in the condition. For liability reasons, LeFevere recommended that formal approval be given with a condition requiring fencing but not approving a specific design.

There being no further comments, Skramstad closed the public hearing at 7:37 p.m.

MOTION: Babcock moved, Johnson seconded to approve the: 1) the 2005 new multiple dock license application for Site 2, and 2) the Findings of Fact and Order, with the public amenities outlined in the letter dated 4/13/05, for Sites 1 and 2.

Nybeck commented on two points in the draft Findings. First, a condition under 2d requires the applicant to maintain a picket fence on the west side of the dock at Site 1. He did not believe that the applicant had been maintaining this style of fencing and the Board might want to consider amending this. Second, Section 3b requires the applicant to submit a certified as-built survey within 60 days of completion of the construction of the docks. He questioned whether this was necessary because the docks are seasonal in nature and removed after each boating season.

Babcock proposed a friendly amendment to strike the word "picket" from the draft Findings. Johnson agreed to this.

Babcock stated that he believed an as-built survey should continue to be required on a one-time basis to verify that the seasonal dock is installed consistent with the approved site plan. The Board agreed with this.

Seuntjens requested clarification of the motion as to whether a type of fencing was required in the motion.

Babcock stated that he believed that some kind of fencing would be required for the last 50' of the dock between BSUs 5 and 6. However, this should be left up discretion of the applicant.

VOTE: Motion carried unanimously.

1. WATER STRUCTURES

A. Howards Point Marina, consideration of 2005 renewal, without change, multiple dock license application.

Skramstad asked Nybeck for background on this agenda item.

Nybeck reviewed the staff memo, dated 3/31/05, which summarized the 2005 Howards Point Marina renewal, without change, multiple dock license and a number of discrepancies in the to-scale drawing submitted by the applicant for the off-lake storage and the certified survey for the commercial marina in the water. He stated that he did not believe that the Board could approve the 2005 renewal, without change, multiple dock license application unless Howards Point Marina agrees to adjust the dock so that it complies with the 11/2/94 site plan, as amended in 2004. If the applicant does not agree to this, Nybeck recommended that the Board direct LMCD legal counsel to prepare Findings of Fact and Order for denial of the 2005 Howards Point Marina renewal, without change, multiple dock license application because they have not submitted the proper applications. He clarified that the proper applications would include an application to reconfigure the non-conforming facility, LMCD Code Section 2.015, and a side setback variance application, LMCD Code Section 1.07, with hardships or difficulties caused by application of LMCD Code. He stated that Jack Strothman and Richard Baker were in attendance representing Howards Point Marina. He entertained questions or comments from the Board.

Mr. Jack Strothman, legal counsel for Howards Point Marina, made the following comments:

- He represented Howards Point Marina last year to resolve issues at the facility. A letter, dated 4/13/05, has been prepared representing the position of Howards Point Marina in response to the staff memo. He stated that it was difficult to prepare this letter because of late receipt of the packet.
- The issues are the same that have been discussed the past couple of years relating to the commercial marina in the water and the off-lake storage in the parking lot. He believed that these issues were resolved; however, the submittal of the as-built survey for the commercial marina in the water has caused Nybeck some concerns. He did not believe that the purpose of the as-built survey requirement was to document whether the structure was contained within the dock use area for this site. Instead, he believed that the purpose was to simply locate the dock structure and boat storage on the as-built survey.
- Last August, Howards Point Marina submitted to-scale drawings for the off-lake storage and the commercial marina that was prepared by a landscape architect to comply with the 2004 Board direction. Because a number of details were missing on these drawings, revisions were submitted last October. The 2005 renewal, without change, multiple dock license application was sent out in late December and a request was made for a certified as-built survey for the commercial marina in the water.
- To comply with this request, Howards Point Marina has submitted an as-built survey. He recognized that there were some minor differences between the as-built drawing and the as-built survey. In fact, he recognized that there were some encroachments into side setback areas, although he believed that they were minor.
- He stated that the marina was acquired in 1977 and no changes to the docks have been made since the purchase. He believed that the marina predated a number of the

ordinances that were being discussed and he questioned whether setbacks were applicable to the north because Howards Point Marina owns the adjacent property.

- He questioned whether survey lines at this site for the purpose of determining compliance with side setback areas are precise. On the as-built survey, there is +- 9' to get to the water on the south side and a +- 11' to get to the water on the north side. He believed that this could have contributed to the side setback encroachments.
- He believed that Howards Point Marina has met the requirement of the Board for an as-built survey. He did not believe that there was a need for new applications, with a public hearing, and he requested a prompt issuance of permits applied for by Howards Point Marina.
- He entertained questions or comments from the Board.

The Board briefly discussed side setbacks on the as-built survey and whether they could be impacted by the margin of error referenced by Strothman. The consensus of the Board was that it would have little to no impact on the setback areas for Howards Point Marina.

Babcock stated that he did not agree with the comment made that there have been no changes to the docks since 1977. He recalled that the Board approved a change to the dock installation in the early 1990's that rounded dock sections to four-foot increments in order to facilitate a different dock installation. He stated that he was greatly concerned with the setback encroachment on the north side of the site because there is an approximated 15' encroachment into the setback area across the extended side site line from the previously approved hand drawn site plan. He suggested that taking the abutting site to the north owned by Howards Point Marina and combining it with the commercial marina site would alleviate the setback encroachments being discussed.

Nybeck stated that one possible concern about combining the two sites is that calculations indicate an increase in cumulative square footage from a 1988 Slip Size Report to the dimensions on the as-built survey.

Babcock stated that he proposed combining the two sites assuming the slip sizes on the as-built survey are relatively consistent with the approved hand drawn site plan. He believed that there was a need to focus on resolving the setback concerns areas on the north side and he did not advocate enlarging slip sizes up and above what was approved in the early 1990's.

Strothman stated that applications have been approved by the LMCD for a number of years. If there was concern in the past by staff, he hoped that this would have been brought to the attention of Howards Point Marina.

Nybeck stated that he had brought to Howards Point Marina attention in the past couple years a 10' dock section added between BSUs 42 and 43 that was unauthorized. This was resolved by Howards Point Marina that year; however, the piling that is 10' out beyond the double wide slip for BSUs 41 and 42 is not consistent with the hand drawn survey proposed by the applicant in 2004 and approved by the Board.

Seuntjens stated that the drawing submitted by Howards Point Marina in 2004, which was approved by the Board, was inaccurate and all that the Board had to work with. He questioned whether combining the shoreline with the abutting site to the north was an option because there are boats already being

stored at that site. He did not believe that the Board could ignore the setback on the north side of the commercial marina site.

Strothman questioned whether the setback discussion was appropriate because he believed that this site was grandfathered.

Babcock agreed that the site was grandfathered, subject to the docks complying with the setback areas for this facility. He pointed out that this drawing was not prepared by the LMCD.

Zischke questioned why Howards Point Marina could not comply with the discrepancies outlined in the staff memo.

Strothman stated that he believed addressing these discrepancies would require the removal and relocation of some of the slips. One of the issues addressed by the Board and approved in 2004 was a number of unauthorized pilings throughout the facility.

Babcock stated that he recalled the approval of pilings were to be fully contained within the double-wide slips.

Nybeck stated that he believed it would be very easy to remove the piling that is 10' out beyond the double-wide slip for BSUs 41 and 42.

Strothman stated that this piling could be removed, if needed.

LeFevere stated that the information on the Code violations came up as a result of the as-built survey. The applicant did not present this information to the Board in 2004 and the Board has not approved any of these violations. The laws of grandfathering that apply on land do not apply on public water. Even if the docks were in existence before the LMCD was created, the LMCD can adopt ordinances and commercial marinas are subject to these ordinances. Grandfathering does not come into play unless the Board decides to grandfather. In the case of side setbacks, the LMCD Board did not adopt grandfathering. In some cases there had been recognition of grandfathered status so as to not create an undue hardship. For the setback violations on the north side, he did not believe that common ownership cures them. There is provision in the Code for some adjustment of side setbacks and dock use areas by adjacent owners under mutual consent in some cases. However, this provision does not apply to commercial docks. It might be possible to resolve setbacks on the north side of the commercial marina by adding the shoreline of the abutting site, provided no boats are stored at the second site.

The Board discussed options to resolve the setback issues at Howards Point Marina. Some of them included: 1) relocating docks to comply with setback areas, 2) replatting the abutting site to meet setbacks on the north side, and 3) the granting of an easement from the abutting site to meet setbacks on the north side.

Nybeck reviewed the timing of the renewal, without change application, and the need to take action on this application in April because of the 60-day rule.

Babcock agreed with Nybeck's recommendation that the changes documented on the as-built survey cannot be considered by the Board through a renewal, without change, multiple dock license application.

Gross questioned whether requiring Howard Point Marina to move the dock a few feet is not serving the public well.

Babcock stated that he believed the public would be served well because the Board would be applying the ordinances consistently for all applicants.

Zischke stated that she was concerned because BSU 45 was almost entirely contained within the setback area or over the lot line extension.

Babcock stated that he would like to allow the applicant to attempt to resolve BSU 45 and the other discrepancies at a future Board meeting.

The Board discussed that there was a need to act either on the 2005 Howards Point Marina renewal, without change, multiple dock license application or to have the applicant agree to sign a form waiving the 60 day rule.

Strothman agreed to a 60 day extension of the 60 day rule.

LeFevere stated that the encroachment closest to the shore appears to be about half way into the setback zone. He pointed out that this encroachment does not include the finger on the outside of BSU 1 that was approved by the Board in 2004 and would encroach almost up to the extended side site line. The submittal of the renewal, without change, multiple dock license application are not the proper applications to resolve these discrepancies. A new application(s) will need to be submitted by the applicant, with a required public hearing.

MOTION: Gross moved, Babcock seconded to table the 2005 Howards Point Marina renewal, without change, multiple dock license application to a future Board meeting.

Babcock proposed a friendly amendment that would direct LeFevere to prepare Findings of Fact and Order to deny the 2005 renewal, without change, multiple dock license application if a signed consent form to comply with the 60-day rule was not received within five business days. Gross agreed to this.

VOTE: Motion carried unanimously.

B. Bayview HOA, consideration of draft Findings of Fact and Order to deny the multiple dock license applications.

Skramstad asked LeFevere for background on this agenda item.

LeFevere stated that draft Findings of Fact and Order were prepared based on the previous Board discussion that there is no evidence that docks were in existence on May 3, 1978. A draft Memorandum was also prepared in response to arguments and legal principles raised by Bayview HOA. He reminded the Board that these draft Findings and Memorandum are a document of the Board and changes should be made where necessary.

Babcock requested two minor changes on page 2 of the draft Memorandum. First, in the fifth paragraph, he recommended adding the words "full physical" in between the words "in" and

"existence". Second, in the last sentence of page 2, he recommended removing the word "stored" and inserting the words "docked or moored" in its place.

MOTION: Zischke moved, Babcock seconded to approve the Findings of Fact and Order, with Memorandum, to deny the Bayview HOA new multiple dock license applications with the two changes recommended by Babcock.

Mr. Chris Mach, 6510 Bayview Drive, spoke on behalf of the applicant and apologized for the situation. He stated that he had talked to Board member Pete Nelson recently regarding this situation. He pointed out that the Bayview HOA has submitted the documentation recommended by Board member Nelson, including a survey of the proposed dock, documentation that there is a formal organization, and a compromised dock plan with the consent of the abutting neighbors. This documentation has been provided. He questioned whether it was fair to expect the Bayview HOA to cut down boat storage at the outlot to two boats.

Berns arrived back at 8:48 p.m.

The Board discussed this and the consensus of the Board was that the LMCD was not the proper body to resolve possible misrepresentation made by others to the landowners over the years. The Board confirmed that this was a tough situation; however, the Boards needs to apply the ordinances consistently for all applicants.

VOTE: Motion carried unanimously.

D. Additional Business.

There was no additional business

2. LAKE USE & RECREATION

A. Chair update of the 4/7/05 Lake Minnetonka Boat Density Committee Meeting.

Skramstad asked Van Hercke for an update on this agenda item.

Van Hercke stated the committee had finalized four related documents for the Public Meeting scheduled for 5/11/05. These documents include a Public Meeting Notice, Boat Density Committee Considerations, a Stakeholders' List, and a Media Sources List. She encouraged Board comments and requested Board endorsement of these documents to proceed with the planning for the 5/11/05 Public Meeting.

The Board reviewed these four documents and endorsed them with the following changes:

Meeting Notice

Including an identified end time on the Meeting Notice, 7 p.m. – 10 p.m.

Boat Density Committee Considerations

- Under storage considerations for enforcing existing ordinances, amending the third bullet point so that it reads "Conduct a follow-up inspection".

- Under storage consideration for enforcing existing ordinances, amending the fifth bullet point so that it reads "Make personal contact with these properties".
- Under increase education efforts, amend the first bullet point so that it reads "Add the local rules for Lake Minnetonka to the MN DNR Boating Guide".

Stakeholders List

Change the title of the second column to "Number of Licensed Slips".

Media Sources List

- Remove multiple dock licensees from this list since they are already on the stakeholders' list.
- Adding other television and radio stations to this list.

C. Additional Business

There was no additional business.

3. FINANCIAL

B. Additional Business

There was no additional business.

4. EWM/EXOTICS TASK FORCE

B. Report from the 4/8/05 EWM/Exotics Task Force Meeting

Discussion of this meeting was tabled to the 4/27/05 Board meeting to allow the minutes to be finalized.

C. Additional Business.

Skramstad stated that the distribution of the TPT zebra mussel videotape had recently been accomplished. He questioned what the next step relating to the zebra mussel might be.

Nybeck reviewed future airing dates and times with the LMCC of the TPT zebra mussel videotape. He also provided an update of the zebra mussel inspections to be coordinated with the MN DNR this upcoming summer.

The Board discussed the public access channel signage project that is in the planning process. There was discussion that an RFP would likely be presented at the 4/27/05 Board meeting. The Board directed Nybeck to review an effective exotics sign located at Minnewashta Regional Park so that a zebra mussel sign could possibly be installed yet this summer.

5. ADMINISTRATION

There was no discussion

6. SAVE THE LAKE

There was no discussion.

7. EXECUTIVE DIRECTOR REPORT

Nybeck updated the Board on the following:

- The official ice out on Lake Minnetonka was at 4:00 a.m. on 4/9/05.
- An e-mail has been received relating to volunteering for taking secchi disc readings on Lake Minnetonka. If a Board member was interested, he encouraged them to contact the office so that a contact can be made with the appropriate agency.
- A letter was included in the handout folders that provided an update on the Canning civil lawsuit.
- A request has been made by Gabriel Jabbour and other commercial marina owners to meet with the Board at an upcoming Planning/Workshop Session.

The consensus of the Board was that they would be interested in meeting with the commercial marina owners. The Board directed Nybeck to check further with Mr. Jabbour on possible topics to be discussed prior to scheduling this meeting.

8. OLD BUSINESS

Update on tabled Planning Agenda Items

Skramstad stated that there were a few tabled planning agenda topics that might need Board discussion sometime in the near future. These topics included dock construction standards, new LMCD Code to address bridges on Lake Minnetonka, and possible LMCD Code changes for deicing installations.

The consensus of the Board was to list these tabled planning agenda topics on the agenda for the 4/27/05 Board meeting.

Six Mile Creek Update

Knudsen provided the Board with an update on action approved by the City of Minnetrista relating to the Six Mile Creek. The point of delineation to determine whether motorized watercraft was allowed on Six Mile Creek was the fish traps upstream from the four property owners that have illustrated historical use. The ordinance is currently being reviewed by the MN DNR and he stated that he would keep the Board up to date.

Lost Lake Project Update

Babcock stated that the project proposed by the City of Mound to dredge has been approved by the MN DNR after it was reviewed by the Commissioner. The request was originally denied by the Aquatic Plant Management division of the MN DNR and the City of Mound petitioned review of this decision to the MN DNR Commissioner. One important aspect relating to this decision is the Mound need to mitigate at a 2:1 ratio somewhere else to offset the dredged area.

9. NEW BUSINESS

Number of Charter Boats

Babcock questioned Nybeck if the office tracked the number of charter boats.

Nybeck stated that the number of charter boats on Lake Minnetonka could be tracked through the existing database.

Fishing Tournaments

Zischke questioned if fishing tournaments on Lake Minnetonka are regulated.

Nybeck stated that all fishing tournaments on Lake Minnetonka are permitted through a special event application. Most of these tournaments also require a permit from the Sheriff's Water Patrol and possibly from a LMCD member city.

The Board discussed fishing tournaments on Lake Minnetonka and potential violations of speed limits, especially at ease-off. There was discussion on whether staff could work with the Sheriff's Water Patrol to observe the speed of participating boats, especially at ease-off.

LMCD/MCWD Meeting

Skramstad updated the Board that he had requested that he and Nybeck would be meeting with District Administrator Eric Evenson and President Lance Fisher of MCWD to discuss how the two organizations can broaden their working relationship.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:40 p.m.

Tom Skramstad, Chair

Jose Valdesuso, Secretary