

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, May 11, 2005
Wayzata City Hall

CALL TO ORDER

Skramstad called the meeting to order at 7:02 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 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; Emily Herman, Administrative Secretary.

Member absent: The City of Orono does not have an appointed member.

WELCOME AND INTRODUCTIONS

Skramstad welcomed attendees for their participation. He educated the attendees, via a PowerPoint presentation, on the following information:

- The historical background of the LMCD.
- The governmental agencies the LMCD works with.
- Topics that the LMCD regularly addresses.
- An overview of the LMCD budget, with an emphasis on the three budgets, a breakdown of the levy contributions of the 14 LMCD member cities, and other funding sources for the LMCD.

BOAT DENSITY COMMITTEE OVERVIEW

Van Hercke educated the attendees, via a PowerPoint presentation, on the background of the Boat Density Committee. She provided the following information:

- The charges given to the original Boat Density Committee.
- The charges given to the second Boat Density Committee.
- The Boat Density Committee member's names.
- A summary and conclusion of where the committee is and what steps will be taken next.
- An overview of the 1974 Boat Density Policy. This included: 1) the procedures utilized in the 1974 Boat Density Policy, 2) the reasoning for establishing the 1974 Boat Density Policy index definitions, 3) 1974 Boat Density Policy index definitions, 4) 1974 Boat Density Policy index conditions for determining the designated levels of "critical", "potentially critical", and "not crowded", and 5) 1974 Boat Density Policy Board Action Alternatives
- An overview of the "Lake Use and Recreation" chapter in the 1991 Lake Minnetonka Management Plan.
- She introduced Tom LaForce as the meeting planning and facilitator for the committee and this public meeting.

PUBLIC COMMENT PROCESS OVERVIEW

LaForce addressed the attendees and provided information on the meeting guidelines, the resources available to the attendee in having the LMCD receive their input, and the topics of discussion. He posed the following questions for the audience:

- 1) Why does one care if the lake is dense?
- 2) How does density impact one's level of satisfaction?
- 3) What is the negative impact of the lake becoming more dense and does one think those conditions exist at this time?

He further stated that the quality of experience is an individual choice. Ten topics were presented with individual comments from the audience as follows:

Topic #1: Assessment of current situation and expectations about safety and overall experience when using the Lake.

Dick Osgood, representing the Lake Minnetonka Association (LMA), stated that based on the lake use surveys, there has not been a change in boat density in the last 30 years. However, the study is showing an increase in trends and he questioned if the tool used is out of date and needs to be modified.

Dean Atkins, 27720 Island View Road, stated he was glad to see density has not increased. However, he questioned if density is that big of concern because half the boaters on a Sunday afternoon are around Big Island and Lord Fletchers. He considered the increase in boating is for social purposes and not a negative impact.

Randy Boyd, 19960 Minnetonka Boulevard, compared a 1986 article that had density at one boat per 6.5 acres compared to the current density of 1:8. He questioned the way LMCD has counted the boats, boats in no wake zones, because he felt it was critical to remain consistent in what data is used and how it is obtained.

Kathe Flynn, 19155 Lake Avenue, stated she wanted to follow-up on Randy Boyd's comments. She expressed concern for the lack of data for enforcement issues and questioned if studies exist on the affects of water quality for environmental issues, i.e., gas that is utilized for the boats.

Keith Stuessi, 5000 Meadville St., informed the Board on his historical use of the lake. He further noted that the boats are bigger now than previously used and he expressed a concern about 30' plus boats going by his dock at 40 mph at 7 a.m. for fishing contests out of Excelsior Bay.

Gabriel Jabbour, 985 Tonkawa Road, expressed an interest in reestablishing courtesy and respect on the lake. He stated that in the early 1970's, one could approach a boater differently than now.

Deephaven City Council member Kim Crockett, representing the City of Deephaven, made the following comments:

- Density can be defined in many ways. Whatever the Board decides, Deephaven feels it is important that lakeshore property owners and cities not be restricted any further with boat storage.
- Deephaven expressed an interest in stepping up enforcement of current rules.

- Deephaven believes that commercial charter boats pose few problems and are a great way to get access to the lake.
- Deephaven has requested focus be placed on speed, wake, noise, loud music, distance to drop an anchor, partying, fishing, etc., so that homeowners have some sense of privacy.
- Deephaven has recognized density as an unattractive destination for homeowners.
- Deephaven has requested a generous review, rather than more restrictive review, on dock applications for people living around the lake because this is not a large issue.

Bill Baker, 4948 Wilshire Boulevard, stated he was on the Minnetonka Power Squadron but was representing himself. He believed that enforcement is a major concern and concerns on the lake are not so much density as is misuse. He expressed concern that anybody can get a boat and drive without a license or boat safety class. If safety was mandatory and enforced, he believed it would eliminate 55 to 60 percent of the problems.

Mike Ronald, 4853 Bartlett, stated the number of the boats have increase a little bit contributing to some problems. However, he was not concerned about the size of the boat. He expressed concern about the lack of education and courtesy of the boat owners. He believed that licensing of boaters was needed.

Skipp LaJoy, 1872 Shorewood Lane, stated he has witnessed changes over the years and believes density is not an issue. His concerns were more towards weekend activity that is transient or trailer boating because he believed that accidents mostly happen on the weekend. He stated that if it is not broken, don't fix it. He believed that speed limits for specific sizes of boats is a greater concern than just the size of all boats.

Topic #2: Enforcement of storage ordinances.

LeFevere provided a summary of the most restrictive density standard adopted in 1978, the 1:50' General Rule. He provided an overview of the two-boat and four-boat rule exception, and what needs to be present to qualify for these exceptions. He stated that any site that legally stores five or more restricted need to make application and have Board approval for a multiple dock facility. He provided a general overview of the 1:10' standard for special density licenses and how the public might qualify for a non-conforming, non-multiple permit.

LaForce posed the following two questions for the attendees:

1. Should the LMCD move towards more vigorous enforcement of storage ordinances and if so, what effect, if any, will it have?
2. What ideas do you have to make the above approach most effective?

Bill Baker expressed concerns about the complexity of how the density code is written.

LaForce directed the attendees to the portion of the survey that outlines the density code and urged individuals to mark their comments in that section.

Dave Cole, 80 Gideons Point Road, reinforced that enforcing storage concerns on the lake is not as big of concern as enforcing the actions of the boaters.

Don Wilbur, 3185 Lake Shore Boulevard, stated that if the LMCD has rules, there is a need to enforce them.

Rich Anderson, 3205 Crystal Bay Road, recommended a penalty fee for lack of compliance with code. He further recommended that a fee be placed in a fund for enforcement staff because the LMCD is currently understaffed to maintain the enforcement issues on the lake.

Paul Pedersen, 17204 Grays Bay Boulevard, Wayzata, stated that he agreed with the prior two speakers regarding storage and enforcement of rules.

Topic #3 Reporting violations.

LaForce asked the attendees if they would like an opportunity to report violations should an easier process be developed?

Scott Bissen, 16025 36th Place, stated that he was a resident of Plymouth but was in the process of moving to Lake Minnetonka. He recommended that the public needs to be personally responsible for their actions and he questioned whether the Sheriff's Water Patrol would want to deal with additional complaints from the public for speeding and other violations.

Allen Haag, 4305 Chimo East, stated that one positive aspect of utilizing the reporting system is that a data base could be created to track repeat violators.

Mike Ronald stated that individuals need a way to call in on violations of boat storage to avoid the possibility of repercussions from their neighbors.

Rich Anderson strongly supported the ability to report a violation to avoid repercussions and the hiring of another staff member to regularly check and follow through on violations.

Gabriel Jabbour stated it is illegal to disclose who reported a violation and urged citizens to complain.

Bill Baker reiterated the need for educating the public on simplified density rules.

Dean Atkins expressed an interest in prohibiting dock installers from knowingly installing docks that do not comply with Code.

Topic #4: Separation restriction for personal watercraft (PWC).

LaForce outlined the current Code requirements and posed the following two questions for the attendees:

1. Is there a need to further increase the 150' separation restriction?
2. Should the LMCD work with the Sheriff's Water Patrol to ask them to more vigorously enforce the existing regulations?

Council Member Kim Crockett, stated that she believed there was very little likelihood that an officer was going to be available to respond to a citizen's call that would hold up in the Court of Law. She questioned the ability of citizens being deputized to accomplish the task and what the LMCD would do with the information called in. She welcomed the idea of the database being collected; however, she was unsure if money for enforcement was available.

Topic #5: Impact of large boats.

LaForce posed the following two questions for the attendees:

1. What impact, if any, are large boats having on the lake?
2. Does one think there should be a restriction to the number of large boats or size one should be able to have on the lake?

Tom Reese raised a concern about wake boating and tow toys, both of which destroy a bay and should be looked into.

Dick Osgood questioned the objective basis for restricting boat sizes. He compared the number of wakes to a mathematical analysis in which a congested area of wakes will produce an angry water affect; placing the concern on congestion, or clustering of boating activity, and not the size of the boat. He stated that the proposal to restrict the number of large boats makes sense only if there is some objective way to tie the proposal to the problem and then spread it evenly to the source of the problem.

Randy Boyd reiterated the prior comment that when the boat gets into angry water, it is only natural to increase the throttle to smooth the water out, which further contributes to the problem of all boats traveling at a high speed.

Topic #6: Minimum wake zones.

LaForce posed the following two questions for the attendees:

1. How affective of a tool do you see minimum wake zones to be?
2. What suggestions do you have for future use?

Gabriel Jabbour stated that LMCD already has a way of determining where minimum wake zones should occur. He believes the policy is exceptional and LMCD handles it well. However, he urged caution of taking a problem and moving it someone else creating a major logjam.

Dave Lentz, 720 Widsten Circle, Wayzata, MN 55391, stated he has been on Tanager Bay for 37 years. Over the last five years, he has witnessed abuse on the bay and he believed that it is virtually dead due to water skiing and toy towing on a constant basis.

Topic #7: Education of lake users.

LaForce stated that previous comments have been reiterating that boaters are violating ordinances that they do not realize they are violating. He posed the two following questions to the attendees:

1. To what degree do you think lack of education can explain the violation?
2. What impact, if any, do you think putting more efforts into education of the ordinances would have on behavior on the lake?

Mike Ronald suggested that all boaters on Lake Minnetonka should take an education program, citing the example of obtaining a permit to snowmobile in other parts of the country.

Skipp LaJoy agreed that education is a very important topic. He stated that he was a licensed charter boat captain and has dealt with boaters not knowing the right-of-way or following the 150' separation law.

Kim Crockett, representing herself, stated that if LMCD were to adopt a licensing procedure, it needs to lend heavily towards courtesy issues and that it not be made as just another governmental step to check off. She recommended a goal be achieved so that boaters crave the respect of other boaters.

Topic #8: Density indices.

LaForce reiterated Van Hercke's outline of the five indices in the 1974 policy and posed the following two questions to the attendees:

1. Should density be measured and if so, do you have an opinion as to how?
2. Once you find out what density is, what do you think ought to be done with the information?

Mayor Tom Anderson, 20225 Cottagewood Road, stated density is perceived to be a negative. However, how does one measure this negative impact without being subjective. He provided the following ideas: 1) If too dense, one has an increase in public safety; providing for a measurable impact, and 2) The increase in the number of boats provides for a decrease in water quality. He stated that density is negative because it creates more hazards, safety issues, and/or poor water quality, which is what density should be measured by instead of a subjective opinion. Historical ways of suggesting density does not perceive to be a measurable way of obtaining the results. With regard to the measurements written in the 1974 policy, it is suggested that one of the resolutions to the measurable density is attributed to the use of watercraft and that it should have so many acres of water to function in a safe manner. One cure to a density issue is "Quiet Waters" and if the LMCD decides to retain the measurements in the 1974 policy and update them to current use, the measurement should be used against non "Quiet Waters" areas. In summary, he suggested that: 1) the LMCD find a way to define the impact of density, a measurable impact on public safety, and 2) get a handle on water quality and the impact of boating and the turning of water

Gabriel Jabbour generally concurred with the comments raised by Anderson. He questioned the relationship between boats stored on land and between boats being used in the middle of the lake. He believed that density should not be measured by density based on the relationship of boats stored to a mile of lakeshore. Instead, he believed that density should focus on how many boats are physically out in the middle of lake.

Jule Hannaford, 1220 Brackett's Point Road, focused on the speed of boats on the lake, pointing out that boats are now faster compared to manufactured boats of 1974.

Keith Stuessi stated the major problems consist of speed, noise, and carelessness (particularly due to large wakes). He believed these concerns are an enforcement issue and need to be dealt with via existing laws.

Mike Ronald commented that people may own more than one boat, but they still only take out one boat at a time. Because of this, he questioned how the number of boats owned is weighed against density. He believed that public usage on the lake has increased and he was interested to note how many citations are given to people living on the lake compared to transient users.

Skipp LaJoy, stated that density relates to who is out on the lake. He believed that the studies conducted by the LMCD are done during the weekday hours compared to when the lake is most dense, the weekends. He suggested a study utilizing a fly-over looking at launch ramps, because he believed that people who live on the lake take better care of the lake as they see it as their back yard compared to transient users.

Topic #9 Zoning.

LaForce questioned whether ordinances should be applied evenly across the lake or is there reason to apply certain ordinances to certain parts of the lake differently?

Paul Pedersen stated that he believed the LMCD had already accomplished this by creating "Quiet Waters" areas.

Kathe Flynn commented that there has been discussion of a harborage concept, where certain bays would be designated for increased density for boat storage. What was recently allowed in Excelsior Bay is an example of a high use commercial bay that reasonably makes sense to allow for more docks to be installed. If that concept is applied throughout the lake, it could create a concern by deleting areas for kayaking, canoeing, sailing, swimming, etc. She stated that there seems to be a hierarchy where big boats are given precedent and all activities should be looked at equally. She also questioned whether LMCD should be the proper bodies for determining which bay should have increased density as the representatives are not elected officials.

Mike Ronald stated there is talk of zoning for boats, but you can also talk about zoning for kids – having special areas of the lake that are safe for swimming and tubing. He expressed an interest in more swimming areas for kids and establishing more lake usage that does not consist of heavy boating.

Topic #10 General comments.

LaForce stated this topic was for discussion that is not so structured.

Dean Atkins expressed concern about the ability to erect colorful canopies and boat houses. He suggested that a moratorium be established requiring dark green usage to enhance the shoreline view.

Dave Cole urged that the control of exotic species be enhanced for transient use.

Gabriel Jabbour thanked the Board for allowing this meeting to occur. Public safety should be a top priority and the use of volunteers in that area has diminished. He commented on the positive aspect of increasing the two extra Water Patrol officers. The 1991 Management Plan dictates what steps to take when density reached a certain level and he urged the Board to think 2010 today. He stated it is unacceptable for one Sheriff's Water Patrol deputy officer to take care of the whole body of water. He urged seriously to partner with other agencies and develop mandatory licensing. He stated that many people, including himself, would be happy to work at the legislative effort to make sure that happen.

F.G. Jewett, 3605 Parkway, stated that he has never owned property on the lake; however, his family has. He sails with the Minnetonka Yacht Club and commented that the enjoyment has diminished due to: 1) wave chop on the main lake of the lower lake on race days when it is a nice day with wind below 12-15 miles per hours, 2) speed, and 3) and smog which is developed on weekend, high use days via two-cycle engine and inboard/outboard exhaust underneath the water. The consideration of commercial charters being a concern is unwarranted as they are one of the finest ways to show the lake to individuals. He urged the metering of ramp usage and limiting the use of them, except on holidays.

Allen Haag stated that the bulk of the concerns raised, ramp usage and courtesy, could be tracked via proper technology. He understands staff and technology would need to be adjusted; however, it would be a good resource.

Tom Warner, 21710 Fairview Street, introduced himself as one of the first LMCD Board members. He made the following comments:

- Eliminating pollution is a State law and this was one of his original focus and responsibility as a Board member and citizen.
- He wanted the attendees to know that the Board Members before them were volunteers.
- He suggested the rules be "dummy proof" as in computer language.
- He agreed with the discussion on increased education.
- The marinas have a definite reason to be on the lake and could help out in educating the boaters via disseminating brochures.
- He agreed with licensing; possibly starting with voluntary displaying a sticker on the windshield and a separate long-range plan.
- He suggested that boat rage has increased due to boaters not having an identity as they are in enclosed boats.
- Speed is a factor but tonnage has become a larger factor, which includes how wide the boats have become.
- He suggested that the LMCD look at other lakes and obtain some research as to where the other lakes are at in an evolutionary curve.
- He expressed how proud he was of the Board and that he has been on the lake since 1936.
- He recommended utilizing volunteers to disseminate educational materials, such as scout troops.

Jim Hancock, 23800 Lawtonka Drive, stated that his interest was in competitive sailing on the lake and not with big power boats. He expressed an interest in requiring licensing as to the type of boat that is operated, along with an inspection of the boats and their operators before entering the water.

Greg Shultz, a resident of Wayzata Bay, stated that he has been on the lake for over 25 years and owns both a bass and larger 40' boat. He spoke of the speed discussion for use of different size boats and

stated that speed limits are appropriate and work well for his bass boat. However, relative to the large boat on weekends, he finds it difficult to feel safe for his family when the 35', 40', and 55' boats create wakes. He suggested that the Board look at enforcing speed control based on the tonnage of the boat.

MEETING WRAP-UP AND CLOSING COMMENTS

Skramstad thanked the public for attending. He believed it was a very productive meeting because the attendees have provided LMCD with a half a dozen themes to look. He further thanked Van Hercke for chairing the Boat Density Committee.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:00 p.m.

Tom Skramstad, Chair

Jose Valdesuso, Secretary