

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 PM, Wednesday, June 22, 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; Doug Babcock, Tonka Bay; John Berns, Wayzata; David Gross, Deephaven; Steve Johnson, Mound; Michael Maloney, Excelsior; Andrew McDermott, Orono; Pete Nelson, Victoria; Tom Scanlon, Spring Park; Herb Suerth, Woodland; Cree Zischke, Greenwood Also present: Charles LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; Emily Herman, Administrative Assistant.

**Members absent:** Tom Seuntjens, Minnetonka Beach.

**CHAIR ANNOUNCEMENTS**, Chair Skramstad

- Skramstad stated that the City of Excelsior has appointed Michael Maloney to the LMCD Board of Directors. He welcomed Maloney on behalf of the Board and asked LeFevere to administer the oath of office.

LeFevere administered the oath of office to Michael Maloney. He was seated as representative for the City of Excelsior on the LMCD Board of Directors.

- Skramstad asked Nybeck to discuss the July Board meeting schedule.

Nybeck stated that there are two Regular LMCD Board Meetings scheduled for the month of July, 7/13/05 and 7/27/05. He did not believe that there was a need for both meetings and he recommended that the Board cancel the 7/13/05 Regular LMCD Board Meeting.

The Board discussed the recommendation of Nybeck and the consensus of the Board was to cancel the 7/13/05 Regular LMCD Board Meeting.

**READING OF MINUTES**- 5/25/05 LMCD Regular Board Meeting

**MOTION:** Van Hercke moved, Nelson seconded to approve the minutes from the 5/25/05 LMCD Regular Board Meeting as submitted.

**VOTE:** Ayes (9), Abstained (4; Knudsen, Maloney, McDermott, and Zischke); 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.

Berns moved, Nelson seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved include: **2A**, Audit of Vouchers (6/16/05-6/30/05); and **2B**, May financial summary and balance sheet.

## 1. WATER STRUCTURES

Skramstad recommended that the Board move agenda item 1B in front of 1A. If the Board did not object, he stated that he would do so accordingly. There were no objections.

### B. **Tim Burke**, consideration of draft Findings of Fact and Order for denial of a dock length variance application at 19820 Cottagewood Road.

Skramstad stated that draft Findings of Fact and Order were prepared in accordance with the discussion at the 6/8/05 Regular LMCD Board Meeting. He reminded the Board that draft Findings were originally prepared for approval of the Burke variance application and were discussed at the 6/8/05 Board meeting. Mr. Burke was not in attendance at the 6/8/05 Board meeting and would like to make a request prior to the Board taking action on the draft Findings to deny the variance application.

Mr. Tim Burke, 19820 Cottagewood Road, Deephaven, requested that the Board table consideration of the draft Findings of Fact and Order to deny his variance application until the next Board meeting.

Nybeck stated that if the Board would like to honor the request made by Mr. Burke, there was enough time to do so in compliance with the 60-day rule. He was aware of the request and suggested that the Board consider tabling the item until the Regular Board Meeting of July 27, 2005.

**MOTION:** Babcock moved, Knudsen seconded to table action on the draft Findings of Fact and Order to deny the Tim Burke variance application until the 7/25/05 Regular LMCD Board Meeting.

**VOTE:** Motion carried unanimously.

### A. **LMCD Code Section 2.09**, Public Comments on potential LMCD Code changes being considered for deicing installations on Lake Minnetonka.

Skramstad asked Nybeck to provide background on this agenda item before opening it to the public for comments.

Nybeck reviewed three proposed changes to LMCD Code that were outlined in a staff memo, dated June 2005. These changes included: 1) Area to be Deiced/Fencing, 2) the March 15th No Permit Date, and 3) Permanent vs. Seasonal Docks. In his background comments, Nybeck

reviewed current LMCD Code and proposed considerations for LMCD Code changes. He entertained questions or comments from the Board prior to taking public comments on the proposed changes.

Babcock stated that there was a time since he had been on the Board since the late 1980's when the Board did not allow new deicing licenses. This stance was relaxed in the early 1990's and the LMCD is back at this time discussing possible changes to LMCD Code.

Skramstad asked the public for comments on potential LMCD Code Changes.

Mr. Steve Bren stated that he has been managed the deicing activities at Wayzata Yacht Club (WYC) for the past 10 years. He expressed concern about the condition in the draft "Authorized Deicing Use Area" ordinance that would limit the fence to 30' out beyond the dock structure into the lake. At WYC, he estimated that around 13 bubblers are used around the perimeter at Sites 1 and 2 that creates a river approximately 10' to 15' wide. A number of other factors contribute to expanding open water and weakened ice out beyond the dock structure. The deicing facility at WYC is monitored daily and timers are used depending on air and water temperature. In an ideal world, he believed that the LMCD should allow for a space of 75' between the edge of the dock structure and the fencing. This would be more problematic if the deicing site had abutting properties that would be impacted by the deicing activity.

Zischke asked Bren how much open water should be allowed outside of the docks?

Bren stated that WYC has bubblers mounted at the end of the docks rather than bubblers that push water straight up. By having the bubblers at the end of the docks, this creates a river effect that is approximately 15' to 20' out beyond the end of the dock structure.

Scanlon asked Bren if WYC utilizes deicing curtains?

Bren stated that WYC used to utilize deicing curtains when the public access between Sites 1 and 2 was used for access during the winter months. He expressed reservations about deicing curtains because they are not fool proof and they involve a tremendous amount of work. He proposed as an alternative to fencing allowing the use of a three level, reflectorized rope with flags weaved in, because it would not blow down like fencing currently does.

Babcock asked Bren whether he has secured approval from the City of Wayzata annually to close down the public access between Sites 1 and 2.

Bren stated that he has secured approval from the City of Wayzata in the past.

Scanlon asked Bren if he had any comments on allowing deicing activities at residential sites on Lake Minnetonka.

Bren stated that he has managed deicing sites at residential facilities around the lake in the past, with mixed success. If a site wants to deice and the abutting sites consent to it and recognize it might affect the ice in front of their properties, he believed that the LMCD should consider allowing this. He suggested that there should be approximately 50' to 70' between the abutting sites.

Mr. Gary Briggs, stated that he was in attendance representing Minnetonka and Wayzata Marines. He echoed most of the comments made by Bren and recommended that there should be distinction in the draft ordinance between the location of the deicing area and the fencing required. For management of the fencing at times when the facility is not monitored, especially during the evening hours on the larger bodies of water, he believed that fencing should be allowed at least 100' out beyond the dock structure.

Mr. Bob Holtz, representing Excelsior Bay Harbor, stated that fencing at this multiple dock facility is approximately 75' beyond the end of the dock. Tire tracks and cross-country skiers go right up the fence at this distance and he would like to go no less than this distance into the lake. He reviewed the unique features in this area of the lake, which include the channel leading to St. Albans Bay and another multiple dock facility that deices on the other side of the channel on Excelsior Bay. He believe that 100' into the lake would allow for greater public safety.

Nelson asked Holz if he would prefer other options to fencing as earlier described by Bren.

Holz stated that he would be open to discussing alternatives to fencing.

Harper asked Holz if he used deicing curtains.

Holz stated that he used deicing curtains on the end of the facility adjacent to the channel.

Mr. Rich Anderson, made the following comments:

- He owns North Shore Marina and recently purchased a second facility in Orono, which he hoped he could secure a permit to deice in the future. He indicated that he had additional deicing experience at Sailors World and Wayzata Yacht Club.
- At North Shore Marina on Maxwell Bay, he historically does not deice until February 1st because of the limited ice movement in that bay.
- He believed that the length restriction of 30' out beyond the dock structure was too restrictive and should be changed. He stated that he used deicing curtains on both sides of the dock structure, similar to what Rockvam Boatyards does. Although he did not deem it necessary to put deicing curtains on the outside of the dock towards the lake, he believed that it would be necessary if the LMCD would like to restrict deicing activity and fencing to 30' out beyond the end of the dock structure. He stated that deicing curtains on the sides of the dock is much less labor intensive than on the outside of the dock.
- He suggested that deicing curtains are effective on the sides and the LMCD should consider requiring this at residential properties.
- He reviewed the types of bubblers used on the lake. The bubblers mounted around the edge of the dock structure are much cheaper than those that push water straight up from the bottom. However, he expressed concern about bubblers that are mounted around the edge of the dock because they create an unnecessary water flow, they are more abusive, and it takes more bubblers to deice a certain area of ice.
- He expressed concern about the LMCD requiring facilities to keep the fencing up after the March 15th date. He believed that this was a better date rather than April 1st. He suggested that the Board might want to consider requiring a permit for those facilities that deice after March 15th.

- He supported looking into an alternative for fencing, such as the rope concept.

Berns asked Anderson for his feedback on what was a reasonable distance to allow for open water out beyond the end of the dock for deicing purposes.

Anderson believed that the primary purpose to deice is to free up the posts from frozen ice a minimal distance to ensure that damage is not caused to the docks. He believed that five feet was a minimal distance and that there is not a need to abuse this. He believed that public safety should be a primary concern and that he did not have a recommendation on how far out fencing should be allowed outside of the dock.

LeFevere stated that the 30' fencing requirement was a figure that he created and it was not set in stone, especially in light of the public comments. However, he recommended that the Board should not consider separate boundaries for deicing activity and fencing requirements because this would likely cause enforcement problems for staff.

Scanlon asked Anderson how many bubblers he used at North Shore Marina.

Anderson stated that he used seven or eight bubblers at North Shore Marina.

Scanlon asked Anderson if he believed that the LMCD should place a restriction on the number of bubblers that can be used at a facility.

Anderson stated that he did not believe it would be practical for the LMCD to restrict the number of bubblers at a facility. However, he suggested that the LMCD could require that thermostats be placed on all deicing equipment.

Mr. Walt Wittmer, 2780 Shadywood Road, stated that he has had a deicing permit for the past 12 years to deice at his residence. He stated that he uses deicing curtains and he uses one pump that bubbles from the bottom up. He concurred with the comments made by Anderson that a thermostat on the bubbling equipment would make sense. One problem that he has at his site is that his deicing site is not entirely with the extended side site line on one side because of circumstances in the area. He believed that daily monitoring of the deicing installation is essential.

Babcock stated that he heard a number of common themes from the public. These included: 1) managing deicing within extended side site lines is manageable, occasionally through the use of deicing curtains, 2) the 30' limitation on deicing and fencing outside of the dock is too restrictive and that 75' to 100' might be more appropriate, 3) language could be added to limit deicing to 15' to 20' outside of the dock, although this might not be enforceable, and 4) he suggested that the Board might want to consider an alternative to fencing. He stated that re-working of ordinance was achievable; however, he believed that seasonable docks should be removed on an annual basis or should expect to get a deicing permit. Relating to the March 15th "No Permit Date", he suggested an alternative that would be the third Monday in March.

Other comments made by Board members included:

- Whether thermostats should be required on deicing equipment.
- Whether alternatives to fencing should be considered by the LMCD.

- Whether a permit should be required to deice after the March 15th "No Permit" date.
- Whether LMCD staff should be more proactive on enforcement efforts when a deicing site does not comply with LMCD Code.
- Whether there is a need to review the fee structure for deicing permits after the Board makes changes to the existing deicing ordinances, if any.
- Whether deicing should be allowed at seasonal docks.

The consensus of the Board was for Babcock to work with LeFevere and Nybeck on possible ordinance changes to LMCD Code Section 2.09 based on the proposed changes and the public input on these changes. This draft ordinance amendment(s) will be brought back to the Board for consideration at the 7/27/05 Regular LMCD Board Meeting.

**C. Additional Business**

There was no additional business.

**2. LAKE USE AND RECREATION**

**A. Chair update of 6/9/05 Boat Density Committee Meeting.**

Skramstad asked Van Hercke for background on this agenda item.

Van Hercke stated that since the 5/11/05 Public Meeting was conducted by the LMCD Board on this topic, the committee has met three times to interpret the public input received, to update the committee's goals and recommendations, and to form action groups. She provided an overview of the Boat Density Committee draft Goals and Recommendations, dated June 2005, with the intent of forming action groups. She asked Board members to consider what interests them and how they could participate in implementing the recommendations.

**MOTION:** Babcock moved, Gross seconded to accept the draft Boat Density Committee Goals and Recommendations and to form action groups to address the outlined recommendations.

Babcock recommended a friendly amendment to refer this back to the Boat Density Committee to form the action groups. Gross agreed to this.

**VOTE:** Motion carried unanimously.

**B. Additional Business**

There was no additional business.

**3. FINANCIAL**

**C. Final review of draft 2006 LMCD Budget.**

Skramstad asked Nybeck for background on this item.

Nybeck stated that this was the third and final review of the 2006 LMCD Budget. The LMCD's

state enabling legislation requires that a copy of the adopted 2006 LMCD be forwarded to all 14 member cities by 7/1/05. He stated that there were written comments from Board member Seuntjens and the City of Minnetonka Beach in the packet, and that Board member Gross made verbal recommendations on behalf of the City of Deephaven at the 6/8/05 meeting.

Skramstad stated that he believed that it was fair to represent that the majority of the member cities would like to have the LMCD reduce the 2006 levy from a six percent to three percent increase compared to 2005, although the LMCD has been asked by the public to provide additional services, including added enforcement and zebra mussel efforts.

Nybeck stated that he would like the Board to consider including the hourly adjustment for Herman that was recently approved and the salary adjustment for Harper that will be considered by the Board later in this meeting for the 2006 adopted LMCD Budget. Without including these adjustments in the 2006 LMCD Budget, the salaries and hourly rates reflected in the draft 2006 LMCD Budget would not be accurate.

Gross stated that he had a procedural question on the draft 2006 LMCD Budget. He questioned why changes discussed at previous Board meetings, including comments received from member cities, were not included in the draft budget being considered by the Board at this meeting?

Nybeck stated that he did not include any changes to the draft 2006 LMCD Budget because there was no direction by the Board at the two previous meetings directing staff to make changes. If the Board would like to make changes to the draft 2006 LMCD Budget being reviewed this evening, the Board would need to take a vote on any change(s).

Berns asked Nybeck for his advice on areas to reduce the levy being forwarded to the member cities from a six percent to a three percent increase.

Nybeck proposed four possible changes to decrease the 2006 levy to the 14 member cities. These included: 1) reducing temporary service by \$1,000 under "Professional Services", 2) eliminating the \$4,000 budgeted for the purchase of a new copier under "Furniture and Equipment", 3) reducing the "Zebra Mussel" Budget by \$5,000 from \$15,000 to \$10,000, with the Board replacing these funds from "Save the Lake", and 4) adding \$3,080 to "Salaries" to properly reflect current year salaries for Harper and Herman. If the Board were to inclined to approve these four changes, it would reduce the 2006 levy to be forwarded to the 14 member cities from \$277,063 to \$270,143. This levy increase would be a 3.4 percent increase compared to the 2005 levy, and a further reduction could come from "Professional Services" for temporary services if necessary to reduce the levy increase to three percent.

Skramstad asked Nybeck to comments on funding used for zebra mussel efforts in recent years.

Nybeck stated that \$5,000 was budgeted in 2004 and \$10,000 was budgeted in 2005 from the Exotics Budget for zebra mussel efforts. These efforts in 2004 and 2005 primarily have focused on added inspections working with the MN DNR. Although approximately \$12,000 was spent in 2004 for this program, it was entirely funded from "Save the Lake" because the MN DNR was unable to meet contracted hours. The funds that were allocated in 2004 from the Exotics Budget have been identified as a pre-paid expense for the 2005 inspection program and will be spent

accordingly. This will likely be supplemental by "Save the Lake" funding in 2005 for these inspection efforts.

Zischke asked if the LMCD could look at addressing fee structures as an alternative to passing on increased levies to the 14 member cities?

Nybeck stated that fee structures had not been evaluated for a number of years. If the Board were to increase fees for activities regulated by the LMCD, these increases would have to be justified by costs of managing the activity and cannot be a source of revenue beyond the fees necessary to manage the program. He reviewed with the Board an unsuccessful attempt in the early 1990's to increase Watercraft Storage Unit (WSU) calculations from \$7.50 to \$10.00 because the increased fee could not be justified.

Babcock stated that the LMCD has the rights to set service fees that can be used to support the cost of running a program. The LMCD cannot set fees above a reasonable level because this would be viewed as a tax and the LMCD does not have taxing authority. He provided further explanation of the effort by the LMCD in the early 1990's to increase WSU calculations for multiple dock facilities.

LeFevere stated that this is currently a hot topic because some cities are being challenged on fees and the legislature is becoming more specific on what fees can be charged. In fact, he stated that some cities are being challenged on collecting building permit fees directly off the state schedule if these cities cannot justify them. To address this, cities are now utilizing sophisticated programs to analyze the costs to justify the fee structure.

Zischke stated that she would support setting a priority to have staff conduct a cost analysis of activities regulated by the LMCD. She also questioned whether there was a need to spend \$2,000 to conduct the LMCD Board meetings at the City of Wayzata.

Suerth stated that if the Board were inclined to reduce the levy increase from six percent to three percent, he would prefer to cut the budget in other places other than reducing the Zebra Mussel Budget from \$15,000 to \$10,000.

Skramstad stated that he believed that one mistake the Board made was not to make changes collectively at previous Board meetings when the draft 2006 LMCD Budget was reviewed. This Board guidance would have given Nybeck the direction that he needed and the budget process would have gone more smoothly.

Babcock stated that he was generally in favor of approving the six percent levy increase to the member cities, with one exception. He expressed concern about paying \$2,000 for meeting expenses and proposed relocating to Tonka Bay or another city hall, which would not prohibit televising Board meetings on cable television.

Nelson stated that he supported maintaining the 2006 Zebra Mussel Budget at \$15,000. In fact, he supported utilizing "Save the Lake" funding to investigate grant opportunities to supplement this budget. He supported maintaining the \$2,000 for meeting expenses to continue holding Board meetings at Wayzata City Hall because he believed that it has improved public relations.

Berns provided the Board an overview of an e-mail received from the City of Wayzata that reviewed the \$2,000 of expenses for rental of the community room for LMCD Board meetings. He stated that the City of Wayzata has established a special rate for two organizations, the LMCD and the Wayzata School District. Without this special rate, he estimated that the annual rate for the LMCD to conduct its Board meeting at Wayzata would be \$4,200. The fees received from the LMCD would hold Wayzata pay for its city staff to coordinate for meetings, wear and tear on the carpet, electricity and other utilities, and a prorated expense to replace audio and video equipment. The City of Wayzata is not looking for an excessive fee and he did not believe it should be surprise that a fee has been requested for 2006. He supported reducing the 2006 levy to the member cities from six percent to three percent compared to the 2005 levy.

McDermott stated Orono was in favor of paying the \$2,000 to continue to utilize the City of Wayzata for LMCD Board Meetings because he believed it was an improvement to educate the public on the LMCD.

Scanlon stated that the City of Spring Park was generally okay with the budget as proposed. However, he recommended that the \$4,000 budgeted for the copy machine be deleted, that the \$15,000 budgeted for the zebra mussel program should remain as proposed, and the \$2,000 proposed for meeting expenses should remain to continue LMCD Board meetings at the City of Wayzata.

**MOTION:** Zischke moved to approve the 2006 LMCD Budget with a three percent increase in levy to the member cities, and to direct staff to make the proper adjustments to the line items accordingly to decrease the levy to a three percent increase to the line items. The motion failed due to the lack of a second.

Babcock encouraged Board members in the future to get involved in the budget process earlier if they have concerns rather than making changes to the budget at the last minute.

**MOTION:** Babcock moved, Suerth seconded to approve the 2005 LMCD Budget with the following changes: 1) to reduce the "Furniture, Equipment" line-item by \$4,000 for the proposed new copy machine, and 2) to reduce the "Meeting Expenses" line-item by \$2,000 because he believed that the LMCD should not be paying for meeting space for LMCD Board meetings.

Gross stated that the Board has heard a number of ways to reduce the levy increase to three percent. He indicated that he would oppose the motion because he would like to have the opportunity to vote on each of these ways separately.

Babcock stated that if the Board would like to amend the motion, he would prefer that the motion be amended through a formal amendment rather than a friendly amendment.

**VOTE:** Ayes (2; Babcock and Suerth), Nays (10), Abstained (1, Maloney); motion failed.

**MOTION:** Gross moved, Nelson seconded to remove \$4,000 from the draft 2006 LMCD Budget for the copy machine.

**VOTE:** Ayes (12), Abstained (1, Maloney); motion carried.

**MOTION:** Zischke moved, Berns seconded to make the following changes to the draft 2006 LMCD Budget: 1) to reduce the "Professional Services" line-item from \$22,800 to \$18,000, 2) to reduce the "Office, General Supplies" line-item from \$5,500 to \$5,000, and 3) to reduce the "Boat Count and User Attitude Surveys" line-item from \$7,000 to \$5,000.

**VOTE:** Ayes (3, Berns, Scanlon, and Zischke), Nays (9), Abstained (1, Maloney); motion failed.

**MOTION:** Gross moved, Babcock seconded to reduce the "Mileage, Meeting Expenses, and Employee Training" line-item in the draft 2006 LMCD Budget from \$4,500 to \$2,500 to eliminate the meeting expenses for LMCD Board meetings.

**VOTE:** Ayes (4; Babcock, Gross, Johnson, and Suerth), Nays (6), Abstained (3; Berns, Gross, Maloney); motion failed.

**MOTION:** Gross moved, Berns seconded to reduce the "Zebra Mussel" line-item in the draft 2006 LMCD Budget from \$15,000 to \$10,000.

Berns stated that he would prefer to supplement this budget with "Save the Lake" funding.

**VOTE:** Ayes (1, Berns), Nays (10), Abstained (2, Gross and Maloney); motion failed.

**MOTION:** Zischke moved, Berns seconded to make the following changes to the draft 2006 LMCD Budget: 1) to reduce the "Office, General Supplies" line-item from \$5,500 to \$5,000, 2) to reduce the "Public Information, Legal Notice" line-item from \$2,000 to \$1,250, and 3) to reduce the "Boat Count and User Attitude Surveys" line item from \$7,000 to \$5,000.

**VOTE:** Ayes (2, Berns and Zischke), Nays (10) Abstained (1, Maloney); motion failed.

**MOTION:** Berns moved, Zischke seconded to reduce the "Office, General Supplies" line item in the draft 2006 LMCD Budget from \$5,500 to \$5,000.

**VOTE:** Ayes (10), Nays (2; Babcock and Nelson); Abstained (1, Maloney); motion passed.

**MOTION:** Scanlon moved, Babcock seconded to approve the 2006 LMCD Budget with a \$4,500 reduction in expenses, which would result in a 4.3 increase in levies to the member cities compared to 2005.

**VOTE:** Ayes (9), Nays (3; Berns, Gross, and Zischke), Abstained (1, Maloney); motion passed.

**D. Additional Business.**

There was no additional business.

**4. ADMINISTRATION**

- A. Consideration of staff recommendation for compensation adjustment for Administrative Technician, Judd Harper.

Skramstad asked Nybeck for background on this item.

Nybeck stated that a performance appraisal was recently conducted for Judd Harper. An overall grade of "Exceeds Expectations", the top category, was communicated to Harper for the period of 5/8/04 through 5/31/05. His anniversary date with the LMCD is 5/1/2000 and he is currently compensated at an annual salary of \$43,000. He recommended that the Board approve a \$2,000 annual salary from \$43,000 to \$45,000, retroactive to 5/1/05.

**MOTION:** Zischke moved, Nelson seconded to approve an annual salary adjustment for Judd Harper from \$43,000 to \$45,000, retroactive to 5/1/05.

**VOTE:** Ayes (12), Abstained (1, Maloney); motion carried.

- B. Additional Business

There was no additional business.

## 5. EWM/EXOTICS TASK FORCE

Suerth asked Nybeck to provide the Board background on the 2005 EWM Harvesting Program.

Nybeck reported that the harvesting equipment was launched on June 9th and everything is generally going well, with one exception. The outboard motor recently purchased from Riverview Sports and Marine did not have the proper shaft length for the transport barge. He reviewed a quote received from Riverview Sports and Marine for a lower unit extension kit for \$1,016.25 and recommended that the Board authorize the purchase of this. He entertained questions or comments from the Board.

**MOTION:** Babcock moved, Johnson seconded to authorize the purchase of a lower unit extension kit from Riverview Sports and Marine not to exceed \$1,100.

**VOTE:** Motion carried unanimously.

## 6. SAVE THE LAKE

There was no discussion.

## 7. EXECUTIVE DIRECTOR REPORT

Nybeck reported that the lake level as of 6/21/05 was 929.79, with the dam discharging at 250 c.f.s. Second, he referred the Board to a hand out in the packet from the City of Excelsior appointing Michael Maloney to the LMCD Board stating that document provides for official notification of Seuntjens appointment as Secretary.

## 8. OLD BUSINESS

MCWD Update

Skramstad updated the Board on discussions that he has had regarding the LMCD and the MCWD working together on a variety of activities. He stated that these discussions would be on-going and that he would keep the Board up to date.

Update on Miles Canning Pending Litigation

Skramstad asked LeFevere to provide an update on this.

LeFevere stated that both parties have moved for a summary judgment. The argument has recently been held and a decision is expected within 60 to 90 days.

Financial Mid-Year Review

Skramstad stated he spoke with Nybeck and Treasurer Knudsen on providing a more formal financial mid-year review when the June books are closed. This will likely be done at an upcoming Board meeting.

**9. NEW BUSINESS**

Gross stated that the City of Deephaven has requested that a sub-committee be established to develop a comprehensive plan to prevent the introduction of zebra mussels into Lake Minnetonka. Deephaven believes that the efforts being done by the MN DNR for this are not adequate and that the LMCD should take a leadership role in this. He recommended that: 1) objectives should be identified, 2) a list of technologies should be identified, 3) an action plan should be established, with a budget, and 4) a funding plan should be established that could be presented to the proper taxing authorities.

Nelson provided the Board an update on efforts that have been made by the LMCD relating to zebra mussels. In a zebra mussel powerpoint presentation that has been forwarded to all of the 14 member cities, there was a cost analysis plan that addressed some of the comments raised by Gross. He suggested that this cost analysis plan as a starting point for a sub-committee to provide the overall plan that Deephaven has recommended.

Skramstad encouraged Board members to volunteer their time for efforts that they have an interest in.

Gross stated that the City of Deephaven has also requested that the LMCD put together a similar plan for the milfoil harvesting program.

**10. ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:44 p.m.

Tom Skramstad, Chair

Tom Seuntjens, Secretary