

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 PM, Wednesday, July 27, 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; Tom Seuntjens, Minnetonka Beach; Paul Knudsen, Minnetrista; John Berns, Wayzata; David Gross, Deephaven; Steve Johnson, Mound; Michael Maloney, Excelsior; Andrew McDermott, Orono; Tom Scanlon, Spring Park; Herb Suerth, Woodland. Also present: Charles LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; Emily Herman, Administrative Assistant.

**Members absent:** Doug Babcock, Tonka Bay; Pete Nelson, Victoria; Cree Zischke, Greenwood.

**CHAIR ANNOUNCEMENTS**, Chair Skramstad

Skramstad asked Nybeck to provide an overview of the August Board meeting schedule.

Nybeck stated that there are two Regular LMCD Board Meetings scheduled for the month of August, 8/10/05 and 8/24/05. He did not believe that there was a need for both meetings and he recommended that the Board cancel the 8/24/05 Regular LMCD Board Meeting.

The Board discussed the recommendation of Nybeck and the consensus was to cancel the 8/24/05 Regular LMCD Board Meeting.

**READING OF MINUTES-** 6/8/05 LMCD Regular Board Meeting  
6/22/05 LMCD Regular Board Meeting  
6/22/05 LMCD Board Planning/Workshop Session Report  
7/13/05 LMCD Regular Board Meeting

**MOTION:** Seuntjens moved, Scanlon seconded to approve the minutes from the 6/8/05 LMCD Regular Board Meeting as submitted.

**VOTE:** Ayes (9), Abstained (2, Suerth and Van Hercke); motion carried.

**MOTION:** Van Hercke moved, Knudsen seconded to approve the minutes from the 6/22/05 LMCD Regular Board Meeting as submitted.

**VOTE:** Ayes (10), Abstained (1, Seuntjens); motion carried.

**MOTION:** Maloney moved, Gross seconded to accept the meeting report from the 6/22/05 LMCD Board Planning/Workshop Session Report as submitted.

**VOTE:** Ayes (9), Abstained (2, Seuntjens and Suerth); motion carried.

**MOTION:** Seuntjens moved, Scanlon seconded to approve the minutes from the 7/13/05 LMCD Regular Board Meeting as submitted.

**VOTE:** Ayes (8), Abstained (3; Gross, McDermott, and Van Hercke); 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.

Seuntjens moved, Gross seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved include: **2B**, Hennepin County Sheriff's Office Water Patrol Significant Activity Report; **3A**, Audit of Vouchers (7/1/05 - 7/15/05) & (7/16/05 - 7/31/05); **3B**, June financial summary and balance sheet; and **4A**, Minutes from the 7/8/05 EWM/Exotics Task Force Meeting.

- **Hennepin County Sheriff's Water Patrol**, mid-season update from Lt. Jeff Storms on 2005 Lake Minnetonka related activities.

Skramstad welcomed Lt. Storms on behalf of the Board and asked him to provide an overview.

Lt. Jeff Storms introduced himself as unit commander of the Hennepin County Sheriff's Water Patrol. He reported the following:

- The Water Patrol currently has 10 full-time staff members. Of the 10 staff members, three extra deputies are utilized in the summer months, primarily for Lake Minnetonka. Hennepin County funds two of these deputies and the third deputy is funded through a grant from the MN DNR. These three deputies are working 10 hour shifts on Thursdays through Sundays.
- Criminal activity on Lake Minnetonka has decreased. The Water Patrol has been utilizing undercover watercraft and has increased operations on the lake, primarily along the shoreline. This is a direct result of the deputies, in conjunction with the detective, becoming more experienced at their positions.
- Although the statistics has remained consistent with past boating seasons, those that have occurred have been higher profile accidents and have received greater media attention. The Water Patrol is maintaining its presence on the lake and investigations are ongoing for the July 9th accident and the recent drowning on the Lower Lake.
- From May 21st through July 17th, there have been 19 BWI's on Lake Minnetonka, which is down from previous boating seasons. He attributed this to the weather in June and the increase in search efforts during this boating season. On August 1st, the legal alcohol limit for BWI's will decrease from .10 to .08.
- He entertained questions or comments from the Board.

Knudsen asked if there was a common violation associated with BWIs.

Storms stated that all stops on Lake Minnetonka require a probable cause. Common violations include improper lights, equipment violations, wakes, and other inappropriate behavior. He stated that a recent legal challenge relating to safety equipment inspections has made it difficult for the Water Patrol to do its job appropriately. He requested that the Board consider adopting an ordinance that would allow the Water Patrol to issue a citation or utilize an enforcement measure for boaters that are unable to produce the proper safety equipment, including personal flotation devices.

Van Hercke asked how the activity on the lake was on July 4th.

Storms stated that boating traffic on July 4th was down from previous boating seasons. He attributed this to the fact that July 5th was a working day.

Skramstad questioned Lt. Storms how many watercraft does the Water Patrol maintain.

Storms stated the Water Patrol maintains four watercraft on Lake Minnetonka, with access to others if necessary.

Scanlon stated that he had received some comments from some constituents wanting to increase the speed limit during the winter months through channels because of thin ice concerns. He asked Lt. Storms if he had comments relating to this.

Storms recommended maintaining current speed limits in channel areas during winter months because of safety concerns.

Skramstad stated that the LMCD was considering changes to LMCD Code relating to deicing installations. He recommended that Lt. Storms be allowed to review and comment on the draft ordinance amendment prior to any Board action.

Suerth asked Lt. Storms what he thought was the single most problem on Lake Minnetonka.

Storms stated that he believed the single most problem on Lake Minnetonka was speed, especially during the transition from daylight to nighttime. He believed that it was fortunate that there was a speed limit on Lake Minnetonka.

The Board discussed the proposed ordinance amendment relating to the safety checks as requested by Lt. Storms. The consensus was to schedule this as an agenda item at the 8/10/05 Board Meeting.

Skramstad thanked Lt. Storms on behalf of the Board for his presentation.

## 1. WATER STRUCTURES

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

Skramstad asked the applicant if he would like to make any comments prior to the Board considering the draft Findings of Fact and Order.

Mr. Tim Burke, 19820 Cottagewood Road, stated that he had submitted a consent form for an

indefinite extension to 60 day rule to allow to explore other possible opportunities with the neighborhood. He requested that the Board table his pending variance application to a future Board meeting.

**MOTION:** Seuntjens moved, Gross seconded to table the draft Findings of Fact and Order to deny the Tim Burke dock length variance application to a future Board meeting.

**VOTE:** Motion carried unanimously.

**B. Additional Business**

There was no additional business.

**2. LAKE USE AND RECREATION**

**A. Chair update on Lake Minnetonka Boat Density Committee.**

Skramstad asked Van Hercke to provide an overview on this agenda item.

Van Hercke stated that an action plan has been created based on the approved Boat Density Committee Goals and Recommendations. The action plan outlines the task; estimated date of completion; LMCD Team Member(s), including a Team Leader; and the opportunity for non LMCD Team Member(s) to participate. She requested that each LMCD Board member volunteer their time and efforts for at least one of these Tasks.

Upon completion of Board discussion, the following members volunteered or were assigned to the following five Tasks:

**Task A: Develop/refine communication strategy, plan, and timeline. Oversee team members performing the following tasks.** (Team Leader – Tom Scanlon)

- **Develop/improve new materials that clarify LMCD rules.** (Pete Nelson/Assigned)
- **Review/update signage at public accesses & marinas.** (Andrew McDermott)
- **Review/update LMCD publications and web site, MN DNR Boating Guide, and regular mailings.** (Open)
- **Develop advertising campaigns utilizing key messages by partnering with the State of MN, the MN DNR, and the Water Patrol.** (Herb Suerth)
- **Continue to form strong partnerships with local realtors, local dock installers, marinas, lake organizations, etc.** (Tom Skramstad)
- **Expand safe boater classes for adults.** (David Gross)

John Berns stated that he would assist this Team where necessary for Task A.

**Task B Proactively advocate for a Boat Operator's License. This will most likely require the forming of a coalition that will determine the strategy including key tasks, timelines, and contacts needed to work with the state legislature.** (David Gross, Steve Johnson- Co Team Leader, and Paul Knudsen- Co Team Leader)

Berns expressed concerns about advocating for a statewide boat operator's license at this time.

**Task C Water Patrol liaison. Keep in contact to continue to support the Water Patrol, particularly in their efforts to identify, track, and notify discourteous boaters about their lake use behaviors.** (Tom Seuntjens)

**Task D Enforcement.**

- **Develop and implement a process for enforcing storage ordinances.** (Cree Zischke/Assigned)
- **Work with 14 LMCD member cities to actively involve them in common enforcement related issues.** (Mike Maloney)

**Task E Work with the LMCD Executive Director on a redraft of the 1974 Boat Density Policy Statement and the Lake Use and Recreation Chapter of the 1991 Management Plan for Lake Minnetonka.** (Doug Babcock/Assigned and David Gross)

Van Hercke requested an update on the plan and timelines from each of the Teams at the 8/10/05 LMCD Regular Board Meeting.

**C. Update on 8/13/05 "Future of the Lake Day" Special Event.**

Skramstad asked for an update on this from Berns.

Berns stated that plans for the "Future of the Lake Day" special event were on-going. At the minimum, he requested that Board members serve as a liaison to the city hall that they represent. In addition to this task, there are a number of other tasks that he believed needed to be addressed by Board members. These tasks, with Board members volunteering to assist, include:

- Liaison to the Minnetonka Power Squadron- Steve Johnson.
- Liaison to yacht clubs/sailing schools- David Gross and Mike Maloney.
- Liaison to local access cable channel- Tom Scanlon.
- Arrange to have milfoil harvesters present- Greg Nybeck.
- Liaison to Sheriff's Water Patrol- Greg Nybeck.
- Contact local businesses about donating to the event- Mike Maloney.

- Locating a bull-horn- David Gross.

Nybeck encouraged Board members that were in town on 8/13/05 to stop by the event and to assist in crowd control and any other activities.

**D. Additional Business**

There was no additional business.

**3. FINANCIAL**

**C. Mid-year update on LMCD finances from Treasurer Paul Knudsen.**

Skramstad asked Knudsen for an update on this agenda item.

Knudsen made the following comments:

- For the Administration Budget, revenues received through June are \$204,502, compared to planned revenues of \$214,070. This is a deficit of \$9,568 and he provided an overview of how levy payments from the 14 member cities, license revenue, court fines, and a planned reserve fund allocation contributed to this.
- For the Administration Budget, expenditures incurred through June are \$184,558, compared to planned expenditures of \$166,242. This is an overage of \$18,316 and he provided an overview of how unanticipated legal fees, unanticipated professional services, and carry over expenses from the 2004 Lake Minnetonka Boat Use Study contributed to this.
- For the Exotics Budget, revenues received though June are \$46,336, compared to planned revenues of \$47,000. He stated that revenues received through June are right on schedule.
- For the Exotics Budget, expenses incurred through June are \$23,655, compared to planned expenditures of \$40,240. This is a deficit of \$16,575 and he believed it was too early to provide a meaningful analysis of expenses incurred to date with the 2005 EWM Harvesting and Zebra Mussel Programs.
- He entertained questions or comments from the Board.

Skramstad thanked Knudsen for the mid-year update on LMCD finances.

**D. Additional Business**

There was no additional business.

**4. EWM/EXOTICS TASK FORCE**

**B. Report from the 7/8/05 EWM/Exotics Task Force Meeting.**

Suerth stated that the primary discussion at this meeting focused on milfoil and whether its growth is getting worse on Lake Minnetonka. Other discussion included possible MN DNR funding relating to chemical treatments and an update on zebra mussel inspections being conducted by the MN DNR. Overall, he stated that he was quite pleased with these inspections.

C. 2005 EWM Harvesting Program Mid-Season Report.

Skramstad asked Nybeck for an updated on this agenda item.

Nybeck provided an update through July 15th and made the following comments:

- Three harvesters were launched at the Spring Park public access on June 8th. These three harvesters were to be supplemented with the used high speed transport barge; however, it was not launched until July 12th and available to the crew until July 14th. Harvesting began on June 10th in Carmans/Old Channel Bays and there have been 23 working days to date.
- Acres harvested are being tabulated through a handheld GPS and will be documented in the 2005 EWM Final Harvesting Report.
- Harvester loads to date are 175.50 or an average of 7.63 per day. This compares to 159.50 harvester loads or a daily average of 6.93 for the first 23 working days in 2004.
- Truck loads to date are 89.00 or an average of 3.87 per day. This compares to 76.00 truck loads or a daily average of 3.30 for the first 23 working days in 2004.
- The South Upper Lake Option was implemented by the LMCD in 2005. The Upper Lake has been harvested once and he estimated that harvesting on the Lower Lake would be completed by July 29th. This would allow the remaining two weeks for second harvests, where necessary.
- He entertained questions or comments from the Board.

D. Additional Business

Van Hercke stated that she had received a letter from Congressman Jim Ramstad offering to facilitate a meeting with the MN DNR Commissioner Gene Merriam to discuss milfoil problems. She indicated that she had run the idea of this meeting with Suerth and Nybeck to get their comments on this.

Suerth questioned whether a meeting was appropriate at this time because he believed that the MN DNR has been very cooperative in recent years. Additionally, he believed that there needed to be homework done prior to discussing the milfoil situation on Lake Minnetonka with the MN DNR Commissioner.

Seuntjens stated that it might make sense to better communicate with the public that the primary focus of the LMCD's harvesting program is to address impediment to public boat navigation rather than addressing aesthetics. the focus of the

Nybeck stated that if a meeting is coordinated, he recommended that Chip Welling and Jay Rendall be invited since they are the experts on milfoil and deal with it on a daily basis.

**5. ADMINISTRATION**

There was no discussion.

**6. SAVE THE LAKE**

There was no discussion

**7. EXECUTIVE DIRECTOR REPORT**

Nybeck stated that a copy of the most recent Executive Director Newsletter was included in the handout folders for informational purposes. Additionally, the lake level was 929.16' on 7/26/05, with the dam discharging at 75 cfs.

**8. OLD BUSINESS**

There was no discussion.

**9. NEW BUSINESS**

Nybeck stated that MCWD will be holding a Planning/Workshop Session on Thursday, 8/18/05, at 7:30 p.m. to discuss exotic species, including milfoil harvesting and zebra mussels. He indicated that he would forward additional information when it becomes available.

**10. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:50 p.m.

Tom Skramstad, Chair

Katy Van Hercke, Vice Chair