

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, October 12, 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; Tom Seuntjens, Minnetonka Beach; Paul Knudsen, Minnetrista; John Berns, Wayzata; David Gross, Deephaven; Steve Johnson, Mound; Michael Maloney, Excelsior; Andrew McDermott, Orono; Pete Nelson, Victoria; Tom Scanlon, Spring Park. Also present: Charles LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; Emily Herman, Administrative Assistant.

Members absent: Doug Babcock, Tonka Bay; Herb Suerth, Woodland; Cree Zischke, Greenwood

CHAIR ANNOUNCEMENTS, Chair Skramstad

- Skramstad asked Nybeck to review potential meeting dates for the annual Sheriff's Water Patrol meeting.

Nybeck stated that the previous dates communicated did not work for some key Hennepin County representatives, including Sheriff Pat McGowan. However, November 15th will work.

The Board discussed this and scheduled the annual Sheriff's Water Patrol meeting for Tuesday, November 15th, starting at 7:30 a.m. at the Water Patrol Headquarters in Spring Park.

- Skramstad asked Nybeck to review the October LMCD Regular Board Meeting schedule.

Nybeck stated that there are two Regular LMCD Board Meetings scheduled for the month of October, 10/12/05 and 10/26/05. He did not believe that there was a need for both meetings and he recommended that the Board cancel the 10/26/05 Regular LMCD Board Meeting.

The consensus of the Board was to cancel the 10/26/05 Regular LMCD Board Meeting as recommended by Nybeck.

READING OF MINUTES- 9/14/05 LMCD Regular Board Meeting

MOTION: Knudsen moved, Nelson seconded to approve the minutes from the 9/14/05 LMCD Regular Board Meeting as submitted.

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

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

Mr. Scott Sorensen, 2815 McKenzie Point Road, stated docking and boat storage of one of his abutting neighbors does not comply with LMCD Code. This has been expressed to the LMCD through a verbal complaint and a letter has been sent to this neighbor. He stated that he had been informed that the LMCD was not pursuing this complaint against his neighbor because the LMCD did not have adequate funding to proceed. Recently, the LMCD has filed a criminal complaint against him and he questioned why the LMCD would file a criminal complaint against him but not his neighbor.

LeFevere stated that there was no need for the Board to respond to Mr. Sorenson's request because the Board is not obligated to be cross-examined. The facts are not well known to the Board and he expressed concern about discussing this because of the pending Sorenson criminal complaint. He suggested that it might be more appropriate to discuss this after his pending criminal complaint has been resolved by the court system.

Sorenson questioned why the LMCD decided to selectively enforce its rules against him but not his neighbor. He stated that he did not believe this was fair.

LeFevere stated that the facts presented are not evidence that selective enforcement has taken place and he did not believe it was appropriate for the Board to discuss this at this time because of the pending criminal complaint.

Nybeck stated that there have been violations for the number of restricted watercraft stored at both sites for a few years, and possible dock use area violations for the same period of time at the Sorenson and adjacent property. A number of letters have been sent to both properties owners encouraging voluntary compliance. These letter did not result in voluntary compliance. Last fall, a letter was sent out to both property owners stating that docking and boat storage needed to be in compliance with LMCD Code beginning in the 2005 boating season and from that point forward. Failure to comply by either property owner would result in a criminal complaint against them. For the abutting site to Mr. Sorenson, there were two restricted watercraft stored for the 2005 boating season. If the Board would like to verify compliance for setback requirements, this would require authorization of a certified survey. If the Board decides to authorize a certified survey for the neighbors site, he requested that this be expanded to include the Sorenson property to ensure that both properties comply with LMCD side setback requirements.

Sorenson stated that he would like to find a way to resolve this, although he believed that he was currently in compliance with LMCD Code because boats being stored were owned by residents of the site. He provided his analysis on what he believed needed to be done to qualify as residents of the site.

Nybeck recommended that the Board allow this be resolved by LMCD Prosecuting Attorney, Steve Tallen.

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.

Van Hercke moved, Scanlon seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved include: **1C**, Hennepin County Sheriff's Office Water Patrol Significant Activity Report and **3A**, Audit of vouchers (9/16/05 - /30/05) and (10/1/05 - 10/15/05).

PUBLIC HEARING

- **Thomas Kurak**, new multiple dock license and variance applications for 10 Boat Storage Units (BSU's) on 535' of continuous 929.4' lakeshore frontage at 4320 Enchanted Drive.

Skramstad opened the public hearing at 7:22 p.m. and asked Harper for the background.

Harper reviewed the staff memo, dated 10/7/05, which summarized a request from Thomas Kurak for a new multiple dock license and variance from LMCD Code for 10 Boat Storage Units (BSU's) at a permanent dock on 535' of continuous 929.4' lakeshore frontage. The proposed variance application was submitted to define overlapping dock use areas in a lagoon off of Phelps Bay. He stated that he believed the Board needed to review five fundamental questions, which were outlined in the 10/7/05 staff memo, prior to taking action on the applications. He entertained questions or comments from the Board.

Skramstad asked if the applicant was a new property owner and what was the historical use of dockage and boat storage at the subject site.

Harper stated that the applicant was a new property owner and that docking in 2004 was displayed on the proposed site plan.

Skramstad stated that he believed there were a number of issues that the City of Shorewood would have interest in. He questioned whether it was the policy of the LMCD to get these issues resolved prior to acting on the applications.

Nybeck stated that it was not totally necessary for the LMCD to allow the member city to resolve issues that they might have prior to the LMCD acting on an application(s). This has been done by the LMCD in the recent past, citing the jib crane at Wayzata Yacht Club as an example. If the member city approves a permit or license, the applicant would need to comply with the most restrictive conditions of both governmental jurisdictions.

Seuntjens asked if there was a restriction on boat length on Lake Minnetonka for non-commercial boats.

Harper stated that the maximum length allowed for all boats on Lake Minnetonka, both commercial and non-commercial, is 70'.

Mr. Tom Kurak, 4320 Enchanted Drive, stated that he has admired Lake Minnetonka for a number of years and he had recently purchased a property that meets his needs and desires. He communicated that he would like to store boats in the lagoon area at a permanent dock, similar to one of his neighbors. He stated that he had made application utilizing the 1:50' General Rule, with a number of site plans discussed at the staff level. Whether the LMCD approves the proposed site plan is a decision for the Board to make.

Skramstad asked Kurak what would be stored in the proposed 70' long BSU.

Kurak stated a watercraft over 50' would be stored in this BSU, but he was not sure at this time. The primary reason for the additional slip length is to protect this watercraft from the sunlight.

Van Hercke asked Kurak if he requested the ordinary high water mark of 929.4' to be on the survey.

Kurak stated that at the time the property was purchased, a survey was prepared at the elevation of 928.6'. If needed, he stated that would amend the survey to identify elevation 929.4'.

Skramstad asked Kurak if he had spoken with the City of Shorewood. If so, he asked him to share comments he received from Shorewood.

Kurak stated that the City of Shorewood requires private use of the boats and their storage, along with the placement of only a single dock. He confirmed that the boats would be for private use only and proposed a walkway between the two dock structures. He stated he was aware that he could not receive a permit to deice this dock from the LMCD.

Gross stated that staff has requested the Board to consider whether the proposed use is reasonable. He asked Kurak to clarify whether he believed the proposed use of 10 boats was reasonable.

Kurak stated the boats would be for his personal use, which would include his two children, four grandchildren, and his wife.

Berns asked Kurak if he would consider a reduced number of BSU's at the site because he believed that this was an important issue. Additionally, he asked for clarification if he would accept a seasonal dock rather than a permanent dock, and whether he had spoken with his neighbors to discuss how the proposed dock would fit in with other docks in the lagoon.

Kurak stated that he believed changing the dock to a seasonal dock would affect the aesthetics of the property. He did not believe that he was asking for too much based on LMCD rules and regulations. He stated that he would prefer a permanent dock; however, he would agree to a seasonal dock if that was the desire of the Board. At this time, he stated that he had minimal discussions with the neighbors regarding the proposed dock layout, adding that he believed the Board would receive feedback from these neighbors.

Mr. Franz Davis, representing Mr. Kurak, expressed concern about the reduction of usable shoreline utilizing the straight-line measurement outlined in LMCD Code Section 2.02, subd. 7. He did not believe that the Kurak site met any of the criteria listed in this Code Section under which the Board could reduce the amount of usable shoreline. Mr. Kurak was seeking a decision from the Board on: 1) what the usable dock use area was for his property for dock construction, and 2) the discretionary criteria that could apply to the applications.

Van Hercke stated that she believed one of the primary purposes for LMCD Code Section 2.02, subd. 7 was to preserve boat density situations at meandering shoreline situations, such as this. Thus, she proposed that there was a need to clarify the straight-line measurement on the survey at this site.

Nelson commented on the design of the dock structures and expressed concern about future deterioration from winter elements at a permanent dock. He questioned whether the applicant had established a hardship for the variance request. He expressed concern about the possibility of the neighboring properties giving up some of their rights should the depth of the lagoon water not allow

other boats to exit and the possibility of overlapping dock use areas. He believed that there were a number of issues that needed to be addressed by the applicant. These include: 1) to establish the ordinary high water mark on the survey, 2) to establish the location of the channel of the lagoon, 3) to have the City of Shorewood weigh in on this issue, and 4) to better establish whether there will be a need for dredging in the future.

Scanlon asked the applicant if he knew the depth of the lagoon area, especially at the entrance point, and the angle of the dock at the channel entering the lagoon.

Kurak stated that he did not know the depth of the lagoon. Additionally, the placement of the dock structure is consistent with the buoys installed this past summer at this location in conjunction with the LMCD's harvesting program.

LeFevere clarified that the need for a variance application at this site was unusual. The vast majority of variance requests are made for something not allowed by LMCD Code. That is not the case in this request because the dock structure and boat storage would be within the authorized dock use area for this site. It was the recommendation of staff that a variance proceeding should take place because of overlapping dock use areas, possible impediment to navigation concerns, and possible impediment to adjoining dock use area concerns. This is a variance request that might result in the reduction of the applicant's and abutting neighbors' dock use areas to ensure that all parties have reasonable docking rights.

Seuntjens stated that he agreed there was a need to protect the rights of all parties in this particular instance. He requested staff to review how the straight-line measurement ordinance might apply to this request.

Nybeck provided an overview of the straight-line measurement for this site, pointing out that the straight-line measurement was approximately 195' and the meandering measurement was approximately 535'. Thus, a fundamental question for the Board is to determine whether the usable shoreline at this site is 535', 195', or some other number in between. He stated that this ordinance was established to take into consideration peninsula or cove type situations, similar to this request.

LeFevere stated that ultimately the usable shoreline is a subjective question for the Board to address. He pointed out that the straight-line measurement ordinance was adopted to take into consideration that the 1:50' General Rule does not work for all sites on Lake Minnetonka. One example he provided was sinuous shoreline associated with wetland areas.

Skramstad thanked the applicant for his comments and invited the general public to comment on the applications.

Mr. Mike Catain, 4550 Enchanted Drive, stated that he owned Outlot 1 and Lot 1. The lagoon is quite narrow and he questioned whether the applicant had the ability to remove trees near the shoreline for the installation of the proposed walkway between the two docks based on his past experiences with the City of Shorewood. He expressed concern about congestion and parking on the land.

Mr. James Salter, 4420 Enchanted Drive, welcomed Mr. Kurak to Lake Minnetonka and expressed his desire to work with him. The lagoon is currently four feet deep with two feet of mud on top of clay. He

stated that the lagoon area hires a private contractor each summer for approximately \$3,000 to \$4,000 because the LMCD's harvesters cannot get into this area. He spoke of the uniqueness of the lagoon and that nine neighbors share it, with the lagoon being the only access for six residents. He expressed concern about how the site plan would impact the tranquility of the lagoon area and the abutting properties. Although this applicant might not rent out slips at this site, there are no assurances of this in the future. He believed that the applicant's request directly affects neighboring properties and he requested that the Board deny the applications because the request for 10 BSU's is not reasonable and infringes on the abutting neighbors docks.

Mr. Greg Smith, 4345 Enchanted Drive, expressed concern that the applicant had not discussed this plan with the neighbors prior to submittal of the applications. He stated that the canopies would obstruct views of the neighbors and that the channel to the lagoon is not accurately portrayed.

Ms. Mary Ann Abicht, 4380 Enchanted Drive, spoke on the policy of notifying the abutting properties affected by the proposed applications. The proposal, if approved, would impact her ability to see the lake from her deck should the canopies be allowed. She believed that this would result in a decrease of her property value.

Harper stated that a full copy of the packet was submitted to all properties within the lagoon area. Originally, all properties within a 350' radius of the site were provided a copy of the public hearing notice.

Mr. Tom Countryman, 4725 Lagoon Drive, stated that he owned a property on the opposite end of Enchanted Island. He and two other property owners own in excess of 2,000' of lakeshore frontage in a lagoon area at this end of Enchanted Island. He questioned where the line would be drawn if they were permitted to store watercraft at the 1:50' General Rule in this lagoon area.

Mr. Bill Sjoquist, 4335 Enchanted Drive stated that he would have liked to have known about the application in advance of this meeting. He expressed concern about traffic, the obstruction of lake views, and that the docks of the neighboring properties were not accurately reflected on the survey presented by the applicant.

Mr. Dave Wenell, 4360 Enchanted Drive, stated that he chose his property for the scenic views and access to the lake. Should the application be approved, he believed that these scenic views would be greatly impacted because of the installation of the canopies, which would result in the devaluation of his property. Additionally, it would be difficult to get in and out of his dock because of the plan proposed by the applicant.

Nelson asked Wennell how far out his dock extended into the lagoon.

Wennell estimated that his dock extended approximately 40' into the lagoon.

Skramstad asked Mr. Wenell if his dock was permanent and what the water depths were at the end of the dock.

Wennell stated he had a permanent dock and the water depth was no greater than three and one-half feet at the end of the dock.

Skramstad stated that for the record, there was correspondence received from four parties that had expressed concern about the proposed applications. These parties include James Bliss and Lynne LaPitz, Michael Staples, Mark Abicht, and Michael Catain. There being no further comments, Skramstad closed the public hearing at 8:24 p.m.

The Board discussed the applications submitted by Mr. Kurak and concluded that the applicant needed to conduct additional work prior to the Board considering them. This additional work included:

- Contacting the City of Shorewood to get their feedback on: 1) the number and ownership of boats at the proposed docks, 2) the connecting of the two docks with a boardwalk, and 3) the possible need to remove trees along the shoreline.
- The need to document the 929.4' shoreline at the site on the survey.
- The need to document water depths in the lagoon area to identify the channel at the entrance of the lagoon area and at the docks of the abutting properties.
- The need to document meandering shoreline on the survey to determine whether adjustments should be made to reflect usable shoreline.
- The need to discuss the proposed plan with the abutting neighbors and come back with an amended plan, if necessary, that can be supported by all parties.
- The need for the survey to document the maximum authorized dock use area for all properties in the immediate area.
- The need for the survey to more accurately reflect the dimensions of the neighbors docks in the immediate area.

LeFevere stated that he believed there were two ways for the Board to continue discussion of these applications to a future meeting. First, the Board could continue discussion of the applications to a specific meeting, which he believed the affected properties would not need to be notified of. Second, the Board could continue discussion to an unspecified Board meeting. In this scenario, the Board should contact the affected property owners in advance of the meeting. He stated that the Board would need to comply with the 60-day rule, although this could decrease the likelihood of approval by the Board unless the information documented by the Board is provided by the applicant.

Kurak stated that he was seeking feedback from the Board on the exact location of his authorized dock use area in the lagoon area. This would allow him a better idea of where he could construct his docks. He stated that he would prefer the Board to continue discussion of these applications to an unspecified Board meeting.

1. LAKE USE & RECREATION

A. Update from Team Leaders on Lake Minnetonka Boat Density Committee Action Plan.

Van Hercke asked Team Leaders to provide an update on their tasks in the Lake Minnetonka Boat Density Action Plan.

Task A: Develop/refine communication strategy, plan, and timeline. Oversee team members performing the following tasks.

Scanlon announced that the communication committee would hold another meeting on 11/9/05 at 6:00 p.m. at Wayzata City Hall prior to the Regular Board Meeting. He, or the respective Team

Leader, updated the Board on the following Team Leader's action plan and progress:

- **Develop/improve new materials that clarify LMCD rules.**

Scanlon stated that Nelson was developing a flow chart and matrix for public use to simplify the rules and regulations.

- **Review/update signage at public accesses and marinas.**

Scanlon stated that McDermott was scheduled to present on the topic that evening for the Board's approval to submit a Request for Quote (RFQ) for printing of winter access signage.

- **Review/update LMCD publications and web site, MN DNR Boating Guide, and regular mailings.**

Scanlon stated that Berns has an interest in focusing on a coherent message of three key points of advertisement through all areas of media.

- **Develop advertising campaigns utilizing key messages by partnering with the State of MN, the MN DNR and the Water Patrol.**

Scanlon stated Suerth is working on keeping the message focused through a variety of contacts.

- **Continue to form strong partnerships with local realtors, local dock installers, marinas, lake organizations, etc.**

Scanlon asked Team Leader Skramstad for background on this.

Skramstad made the following comments:

1. A dock installer/manufacture boat tour meeting took place on the lake on September 28th, including the presence of Van Hercke, Nybeck, and Harper. The tour included a review of constructed docks and discussion of the possibility of working with the MN DNR to maintain consistent rules and regulations.
2. He has spoke with several marina owners and suggested another meeting in the near future to continue establishing collaboration.

- **Expand safe boater classes for adults.**

Scanlon asked Team Leader Gross for background on this.

Gross stated that he researched boat and safety courses on the internet that were rather inexpensive, ranging from free to \$15, with a certificate to those individuals who complete the course. One of these courses was backed by the MN DNR. He discussed the idea of offering a discount on leases to the Deephaven city docks for individuals who have completed the

safety course. The Deephaven City Council was somewhat interested in the concept; however, it was not supported by the Deephaven Boat Committee when he was unable to attend the meeting. He stated that he would make an attempt to revive it with the Deephaven Boat Committee. He indicated that he had discussed this with two commercial marina owners and he did not believe it was fiscally possible at this time.

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.

Knudsen stated that: 1) he had continued to try to establish communication with a representative from the MN DNR, 2) he requested that each Board representative receive feedback from their member city at the time of their regularly scheduled meeting, 3) insurance discounts are an option for clients who complete a safety course, and 4) on-line boating safety classes are an option to explore should the State of Minnesota classes not develop.

Discussion was held about establishing a web site course that outlines LMCD's official rules and regulations.

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.

Seuntjens stated that he had not met with the Water Patrol for a couple months; however, he would be attending the Hennepin County Sheriff's Water Patrol Annual Appreciation Banquet on October 15th. He asked the Board to consider what they think is lake-wide abuse of ordinances or discipline issues as he will be obtaining those ideas in the near future to place in a priority format.

Task D: Enforcement.

- **Develop and implement a process for enforcing storage ordinances.**

Van Hercke stated that Board member Mike Maloney is the Team Leader for this task. She reported that the two of them had met with Nybeck and other staff members and that progress was being made on this.

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

Nybeck stated that he had made limited progress on this by creating a spreadsheet that summarizes these two documents. He hoped to continue working on this with Board members Babcock and Gross.

- B.** Discussion of draft Request for Quotes (RFQ) for winter public access signage on Lake Minnetonka.

Skramstad asked for background on this agenda item.

Nybeck stated that he had worked with McDermott on a draft RFQ for new winter signage for the upcoming winter. This RFQ included three areas to be included on the new winter sign. These included: 1) current LMCD winter speed limits, 2) defining the Shorezone, and 3) identifying other LMCD ordinances enforced in section called "WE ENFORCE". He stated that he would like the Board to consider adopting the draft RFQ, with any changes necessary, to ensure that new winter signs are prepared and installed in a timely manner. He entertained questions or comments from the Board.

Skramstad stated that he had reviewed the existing LMCD rules and believed that some of them are a bit confusing. Additionally, he suggested that they should apply to all motorized vehicles rather than just snowmobiles. He recommended that the Board should discuss existing winter rules and make changes, if necessary, prior to purchasing new winter signs to ensure that they do not become obsolete sometime in the near future.

The Board discussed this and the consensus was to hold off on sending out the draft RFQ at this time. The Board directed staff to schedule an agenda item at the 11/09/05 Regular LMCD Board Meeting to determine whether changes should be made to existing LMCD winter rules. Staff was also directed to work with McDermott and LeFevere on the preparation of a draft ordinance amendment for Board discussion at the 11/9/05 meeting, making any necessary changes to the draft RFQ. Changes to existing LMCD winter rules proposed by the Board included: 1) reducing the number of speed zones from three to two during the day, 2) to make any speed limit changes applicable to all motorized vehicles, not just snowmobiles, and 3) to eliminate the "WE ENFORCE" section from the draft RFQ.

D. Additional Business

Skramstad provided the following statistical information from the MN DNR:

- From 1984 to 2004 (20 years) the number of registered boats in Minnesota is up 36%.
- The number of boats less than 16' went down 27%.
- The number of boats between 16' and 26' went up 118%.
- The number of boats over 26' went up 67%.
- Personal Watercraft between 1990 and 2004 went up 667%
- Kayak registration went up remarkably.
- A northern regional study stated the average boat size is up 11% and average horsepower is up 62%.

2. ADMINISTRATION

A. Appointment of nominating committee for 2006 LMCD Board Officers

Skramstad stated that it was that time of the year for the Board to appoint a nominating committee for 2006 LMCD Board Officers. He asked former nominating committee chair Seuntjens for input on this agenda item.

Seuntjens stated that he would like to see the newer Board members move into this position. After discussion by the Board, it was agreed that Nelson would chair the nominating committee, with Knudsen and Seuntjens assisting.

- B. Review of draft letter to be forwarded to LMCD member cities regarding Board appointments for 2006

Skramstad stated that there was a draft letter for 2006 LMCD Board appointments and a Board attendance sheet for the past year to be forwarded to the 14 member cities. Without objection, he stated that he would direct staff to forward the letter as prepared. There were no objections.

- C. Additional Business.

There was no additional business

3. FINANCIAL

- B. Additional Business

There was no additional business.

4. EWM/EXOTICS TASK FORCE

- A. Update from Board Member Pete Nelson on 9/29/05 Milfoil Demonstration Project Meeting.

Skramstad asked Nelson for background on this agenda item.

Nelson made the following comments:

- The primary objective of the project has changed from a scientific experiment to a demonstration of chemicals that could be utilized as an adjunct to mechanical harvesting. He reiterated that the focus remains on all exotic species, not just milfoil.
- Interest has been established with a number of constituents. It has been determined that the LMCD can fully participate and lead this demonstration project. The committee is in the process of putting together a plan for LMCD Board approval in the near future. Upon Board approval, a number of other activities will need to take place. Some of these include: initiating the MN DNR application process (including a reduced version of a Lake Vegetation Management Plan), exploring the funding process to determine whether fundraising efforts are needed, letting a contract for services to be rendered, and establishing an evaluation process for the demonstration project.
- Two key decisions that remain include: 1) whether to chemically treat within the 150' buffer from the shoreline, and 2) what chemical(s) should be utilized for this project. Possible funding sources for the LMCD include the "Save the Lake" fund and reduction of funds already allocated for the 2006 EWM Harvesting Program. It was agreed amongst the various constituents that one organization, the LMCD, would be the source of communicating information to various media entities and the general public.
- Further development of this demonstration plan is on the agenda at the 10/14/04 EWM/Exotics Task Force Meeting. After these details have been worked out, this draft demonstration plan will be brought back to the Board for review, comments, and hopefully approval. After Board approval, a joint press release will be prepared that summarizes the details of the project. An application will be submitted to the MN DNR, with the possible need to contract with an outside source to complete this application. Other details that will need to take place include review of the application by the MN DNR, possible fundraising

- efforts, application of the chemical(s), and an analysis of the project.
- Three potential test sites have been targeted at this point. These include: 1) a 14.3 acre site in the northwest corner of Phelps Bay, 2) a 30.5 acre site on the north end of Carmans Bay, and 3) 17.5 acres site on the east side of Grays Bay. A secondary site, 13.4 acres on the south side of the Minnetonka Blvd. bridge in Carsons Bay has been targeted.
 - An overview of chemicals being considered was provided. These included 2,4-D (both liquid and granular), triclopyr, and fluridone.
 - He entertained questions or comments from the Board.

The Board discussed various logistics and challenges in the use of the herbicides on Lake Minnetonka. Some of these include: 1) whether there is an ability to establish an operating program to treat areas that the LMCD's EWM Harvesting Program cannot provide service to, 2) the possibility of utilizing more than one herbicide at a time, 3) fiscal responsibilities, and 4) a cost analysis of utilizing the harvesting program compared to chemical treatments.

Skramstad invited Dick Osgood from the Lake Minnetonka Association to comment on the proposed demonstration project.

Osgood thanked the Board for the opportunity to speak. In the matrix prepared by Nelson, he stated that comparing chemical treatments for length of effectiveness was like comparing apples to oranges. He believed that this should be reflected in the matrix. He provided the Board with a Report titled "Aquatic Plant Management: Best Management Practices in Support of Fish and Wildlife Habitat", prepared by the Aquatic Ecosystem Restoration Foundation. He believed that this Report would address possible concerns about the use of chemicals in the lake and whether milfoil infestations are good for fishing purposes.

B. Additional Business

There was no additional business.

5. WATER STRUCTURES

Nelson stated that there was an e-mail from Julie Ekman in the handout folders regarding a culvert replacement under Smithtown Road. Some of these options could possibly increase access between Smithtown Bay and Lake Virginia, which he believed would be a huge mistake for a number of reasons. He questioned whether the LMCD would like to take a position on this proposed project.

Skramstad asked Nybeck or LeFevere for background on this agenda item.

Nybeck stated that Ekman had recently contacted the LMCD office relating to this project and was asking if the Board would like to comment on this. He recommended that this should be placed on the agenda for the 11/9/05 LMCD Regular Meeting to allow the MN DNR and other governmental agencies to provide the Board background on this project to allow the Board to make informed comments on the proposed project.

The Board discussed the recommendation made by Nybeck and concurred with his recommendation.

6. SAVE THE LAKE

There was no discussion.

7. EXECUTIVE DIRECTOR REPORT

Nybeck updated the Board on two items. First, he stated that there was a copy of the most recent quarterly Executive Director Newsletter in the handout folders for informational purposes. Second, the lake level was 929.59' on 10/11/05, with the dam discharging at 200 c.f.s. This lake level is approximately one foot below at the same time in 2004.

8. OLD BUSINESS

There was no discussion.

9. NEW BUSINESS

RiverNight 05

Skramstad stated that he attended RiverNight 05 on September 22nd. Those in attendance included Governor Pawlenty, his water cabinet, and other dignitaries. The evening provided for presentations and speeches, along with a boat ride. Skramstad believed it was a good chance to be involved with other dignitaries who had similar goals for Minnesota waterways.

Executive Director Performance Review

Skramstad stated that the Executive Director's performance review would be on the agenda at the 11/9/05 Regular LMCD Board Meeting. He encouraged Board members to forward feedback on Nybeck's performance to allow for meaningful feedback and discussion. This will likely be discussed at an Executive Session at the November 9th Board meeting through a summary analysis of feedback received from individual Board members.

2006 Nominating Committee

Seuntjens suggested that there was a need to revisit the nominating committee since he and Knudsen were already LMCD Board Officers in 2005.

The Board discussed this and consensus was that Nelson, Maloney, and Scanlon would serve on this nominating committee for 2006 Board Officers, leaving the Chair of the nominating committee open.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:55 p.m.

Tom Skramstad, Chair

Tom Seuntjens, Secretary