

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, January 11, 2006
Wayzata City Hall

CALL TO ORDER

Skramstad called the meeting to order at 7:03 p.m.

ROLL CALL

Members present: Tom Skramstad, Shorewood; Katy Van Hercke, Minnetonka; Paul Knudsen, Minnetrista; John Berns, Wayzata; Steve Johnson, Mound; Michael Maloney, Excelsior; Andrew McDermott, Orono; Pete Nelson, Victoria; Tom Scanlon, Spring Park. Also present: Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; Emily Herman, Administrative Assistant.

Members absent: Doug Babcock, Tonka Bay; David Gross, Deephaven; Tom Seuntjens, Minnetonka Beach; Herb Suerth, Woodland; Cree Zischke, Greenwood. Also absent: Charles LeFevere, LMCD Counsel.

CHAIR ANNOUNCEMENTS, Chair Skramstad

Skramstad reminded the Board of the 39th Annual "Save the Lake" Recognition Banquet on 2/2/06 at the Bayview Event Center. He stated the invitations were sent out and he welcomed both the Board and the public to attend this event.

READING OF MINUTES- 12/14/05 LMCD Regular Board Meeting

Berns proposed amending the fifth sentence in the first paragraph on page 10. It currently reads "The prosecuting attorney has the choice of what is right and wrong." He proposed amending the sentence to read "The prosecuting attorney is responsible for always doing what is right."

MOTION: Van Hercke moved, McDermott seconded to approve the minutes from the 12/14/05 LMCD Regular Board Meeting as amended, to include the change proposed by Berns.

VOTE: Ayes (8), Abstained (1, Scanlon); motion carried.

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

- Ms. Lori Anderson, 4225 Forest Lake Drive, expressed concerns about issuing deicing permits to residential sites that have a seasonal dock. She stated that there was a residential site on Forest Lake that has a deicing permit that has had non-compliance with LMCD Code requirements in the past. When this has occurred, she has communicated her concerns to the Sheriff's Water Patrol. She stated that she had recently learned that the LMCD issues these deicing permits and that she would have expressed her concerns about this earlier if she had known this.

Skramstad stated that applications are received by the LMCD and processed by LMCD staff.

Additionally, inspections are conducted to verify compliance with LMCD Code requirements. Each licensee is required to provide a 24-hour telephone number to resolve public safety issues relating to these facilities.

Anderson stated that she would like to have the Board consider not granting deicing permits to residential sites on Lake Minnetonka.

- Mr. Gabriel Jabbour, 985 Tonkawa Road, updated the Board on two projects. First, a non-profit organization has purchased the Minnehaha from the Minnesota Transportation Museum and is contracted to maintain the charter operation on Lake Minnetonka for two more years. Second, the Big Island Veterans Camp pending litigation had been withdrawn and has been deeded to the City of Orono as of January 10th.

Skramstad thanked Jabbour and all involved for their efforts in keeping Big Island available to the public sector.

CONSENT AGENDA- Consent agenda items identified with a (*) will be approved in one motion unless a Board member requests discussion of any item, in which case the item will be removed from the consent agenda.

Nybeck requested that agenda item 3A be removed from the consent agenda because the minutes have not been finalized.

Mahoney moved, McDermott seconded to approve the consent agenda as amended, removing agenda item 3A. Motion carried unanimously. Items so approved include: **2A**, 2006 Multiple Dock Licenses; **4A**, Audit of Vouchers (12/16/05 – 12/31/05 and 01/01/06 – 01/15/06); and **4B**, November financial summary and balance sheet.

1. LAKE USE & RECREATION

A. Tim Kelly (MN DNR,) overview of Boating Trends on Lake Minnetonka, 1984 – 2004.

Skramstad stated that Tim Kelly from the MN DNR was in attendance to provide an overview of the "Boating Trends on Lake Minnetonka, 1984-2004" Report. He welcomed Kelly on behalf of the Board.

Kelly stated that the MN DNR has been producing a series of boating studies on Lake Minnetonka, utilizing a consistent methodology, since the early 1980's. He has been involved with the studies since 1992, adding that a Boating Trends Report is prepared by the MN DNR every four years that summarizes boating activity on Lake Minnetonka. He circulated a sheet that provided a summary of the highlights in the most current Boating Trends Report. Some of the highlights included:

- This was the first Report that measured how much of the boating activity comes from the 14 surrounding Lake Minnetonka communities. Two thirds of the activity on Lake Minnetonka was documented from the 14 communities and this is a substantial portion. The primary source of use outside of the 14 Lake Minnetonka communities is through public accesses. Even this is still somewhat local because the medium travel distance is approximately 10 miles.
- Around Minnesota in other regions, boating use has been stable since the mid 1980's.

However, boating use on Lake Minnetonka had a slight decline in the quantity of boats in 2004 compared to 1984. One potential contributing factor was that 2004 was cooler than normal. However, studies have been done in other cooler years that had larger quantities of boats compared to 2004.

- Patterns of use have remained relatively constant since 1984 for weekdays and weekends. Although boating quantity declined in 2004, it provided for the highest counts on the weekends and weekdays during these studies.
- Through 2000, a fly-over study was performed every two years with user attitude surveys performed every four years. This was changed to every four years primarily for economics since there had essentially been no change since 1984. However, with the statistical change in 2004, the LMCD might want to conduct a flyover study in 2006 to verify whether the 2004 results were a quirk or the start of a new pattern. If the Board decides to proceed with this project in 2006, the MN DNR would be willing to fund 50 percent of the study, which he estimated at approximately \$20,000.
- He documented a decrease in fishing and an increase in social boating; confirming that boats are consistently getting larger, more expensive, and powerful.
- Boating satisfaction on Lake Minnetonka is high and continues to increase, with 2004 being an all-time high. However, crowding is a persistent problem on Lake Minnetonka primarily due to the land and water arrangements providing for many areas of constriction going from bay to bay. Despite this, crowding has remained relatively constant since 1984.
- Most boaters believe that enforcement of boating on Lake Minnetonka is perceived to be about right. Just a few people feel the enforcement is a negative aspect and boaters are well educated on the rules and regulations, including exotic species.
- The quality rating in 2004 was at an all-time high for the quality of public access facilities on Lake Minnetonka, primarily due to the opening of the new public access on Grays Bay that allows for the launching of larger watercraft.
- He thanked the Board and entertained questions or comments from the Board.

Knudsen asked Kelly what is considered a large boat.

Kelly stated that the MN DNR generally considers a 20' long boat to be a large boat.

McDermott asked if the Report covered personal watercraft.

Kelly stated personal watercraft are covered in the Report and are perceived as a problem, although this has been declining over the years.

Scanlon asked what benefits would be gained by conducting a fly-over study in 2006.

Kelly stated conducting a fly-over study in 2006 might establish a new pattern of boating, which could affect how the Board thinks in the future on the managing of Lake Minnetonka.

The Board discussed whether a fly-over study should be conducted in 2006. The consensus of the Board was that a fly-over study was not necessary in 2006 and that both fly-over and user attitude surveys would be conducted in 2008, as already planned for.

Skramstad thanked Kelly, on behalf of the Board, for his overview of the 1984-2004 Report.

B. Additional Business

There was no additional business.

2. WATER STRUCTURES

B. Gideons Point HOA, consideration of 2006 new multiple dock license, with minor change, application.

Skramstad asked Harper for background on this agenda item.

Harper reviewed the staff memo, dated 1/5/06, which summarized the Gideons Point Homeowners Association (HOA) new multiple dock license, with minor change, application. He stated that the Board could approve the application for the 2006 season if the Board concludes that the proposed change is minor and should not require a public hearing. He entertained questions and comments from the Board.

The Board discussed whether the proposed change was substantial enough to merit a public hearing and should not qualify as a minor change. The consensus of the Board was that the change was minor and should not require a public hearing.

MOTION: Van Hercke moved, McDermott seconded to approve the Gideons Point HOA new multiple dock, with minor change, application for the 2006 season.

VOTE: Motion carried unanimously.

C. Additional Business

There was no additional business.

3. EWM/EXOTICS TASK FORCE

B. Update from project Manager on 2006 Milfoil Demonstration Project.

Skramstad asked Nelson for an update on this agenda item.

Nelson stated that the LMCD has submitted the MN DNR permit application for herbicide treatment in the three proposed "Public Treatment Areas" and is pending. The joint press release announcing the project has been prepared and was currently being reviewed by the MN DNR and the Army Corps of Engineers. He hoped that this would be sent out in the near future. The LMCD and the LMA will be working with the LMCC on the taping of a program on the 2006 Milfoil Demonstration Project on January 13th. He stated that there was a draft copy of specifications in the handout folders for herbicide treatment of the three "Public Treatment Areas", and optional information for the "Private Treatment Areas" to be coordinated by the LMA. A few areas of this draft document might need to be refined to assist the LMA on their aspect of this project and he stated that he would work with Nybeck and Dick Osgood on this.

MOTION: Scanlon moved, Knudsen seconded to authorize Nybeck to solicit sealed bids for

herbicide treatments, through a Request for Proposal (RFP), for the 2006 Milfoil Demonstration Project, subject to review of the draft specification by LMCD legal counsel Charles LeFevere.

VOTE: Motion carried unanimously.

C. Additional Business

There was no additional business.

4. **FINANCIAL**

C. Additional Business

There was no additional business.

5. **ADMINISTRATION**

A. **2006 LMCD Board Officers**, consideration of recommendations from the nominating committee.

Skramstad asked Scanlon for background on this agenda item.

Scanlon stated that he personally contacted all the Board members and solicited their input on the Board's leadership, along with obtaining their level of interest on becoming an officer of the Board. The consensus was that the leadership of the Board was performing a fantastic job, providing good direction, and providing a high level of energy. The recommendations from the nominating committee for 2006 LMCD Board Officers were: Chair- Tom Skramstad, Vice Chair- Katy Van Hercke, Treasurer- Paul Knudsen, and Secretary- Tom Seuntjens.

MOTION: Berns moved, Nelson seconded to accept the slate of 2006 LMCD Board Officers as recommended by the nominating committee.

VOTE: Motion carried unanimously.

Scanlon opened the floor for other LMCD Board members that would like to be considered for a 2006 LMCD Officer position. He noted that there were no other nominations from LMCD Board members in attendance at this meeting.

MOTION: Berns moved, McDermott seconded, to approve the slate of 2006 LMCD Board Officers as recommended by the nominating committee.

VOTE: Motion carried unanimously.

B. Chair update on 12/14/05 Executive Session to discuss the performance of Executive Director Greg Nybeck.

Skramstad stated that he previously collected input from the Board about Nybeck's performance. He summarized the responses provided during the evaluation process and Nybeck expressed appreciation for the input. As approved at the 12/14/05 LMCD Regular Board Meeting, a

compensation adjustment was approved, retroactive to 11/1/05, in the amount of \$63,841, with 20 days of annual vacation.

C. Discussion of draft list that summarizes 2006 LMCD special and on-going projects.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that he had prepared a draft list that summarized 2006 LMCD special and on-going projects, with a recommended priority ranking, for discussion by the Board. This draft list was prepared to solicit feedback from the Board to allow staff to prioritize its time and to allow the Board to evaluate the LMCD as a whole at the end of the calendar year. He suggested that the Board focus its discussion on the special projects for 2006 outlined on this list, which included: the 2006 Milfoil Demonstration Project, the Shoreline Inventory Project, whether to coordinate a second annual "Future of the Lake" Day special event, whether to create a LMCD Newsletter, and implementation of the tasks associated with the Boat Density Committee Action Plan.

The Board discussed these special projects for 2006 and provided the following comments:

1. Milfoil Demonstration Project- The Board agreed with the high priority ranking for this project and believed that the project was in good hands.
2. Shoreline Inventory Project- The Board agreed with the high priority ranking for this project and believed that the project was in good hands.
3. "Future of the Lake" Day Special Event- The consensus of the Board was that the special event was successful in 2005 and should be coordinated in 2006 and to move the priority ranking from medium to high.
4. Creation of LMCD Newsletter- The consensus of the Board was that the LMCD needed to create a newsletter, whether it is achieved through electronically or through a paper copy, and to move the priority ranking from medium to high. There were discussions on how this could be achieved electronically from a distribution standpoint and the costs associated with achieving this through a paper copy. The consensus of the Board was for Nybeck to bring back a proposal for consideration by the Board in the near future.
5. Boat Density Committee Action Plan- Skramstad asked for an update on progress being made on these tasks.

- **Task A: Develop/refine communication strategy, plan, and timeline.**

Scanlon stated that a communications committee meeting was conducted in December. Based on the discussion at this committee meeting, a project list with tentative timelines should be established sometime in the near future.

McDermott stated that the LMCD office had recently received the updated winter public access signs, which should be installed at the necessary sites in the near future. The second phase of this project, updated summer access signs, will be initiated.

- **Task B: Proactively advocate for a Boat Operator's License.**

Knudsen stated that Board member Johnson, Nybeck, and he had recently met with the MN DNR officials to discuss this. Based on the meeting, he suggested that the Board might want to revisit proactively advocating for a boat operator's license because he questioned whether this was reasonable and practical on a statewide basis. He suggested that educational efforts might be more appropriate and could possibly be done at the local level rather than the state level.

Nybeck stated there are some local officials that he believed would proactively advocate for statewide boat operator's licensing or education. Some of these officials have a better understanding on how to address this task on a statewide basis and he recommended that a meeting be coordinated with these officials in the near future.

Knudsen stated that he agreed with the comments made by Nybeck and that he would facilitate a meeting with the local officials on this task.

- **Task C: Water Patrol liaison.**

Van Hercke stated that Board member Seuntjens is doing a great job on this on-going task and that the LMCD has a very good working relationship with the Sheriff's Water Patrol.

- **Task D: Enforcement.**

Van Hercke stated that Board member Maloney was heading this task; however, he was not seeking re-appointment to the LMCD Board. Nybeck has prepared a draft policy for enforcement and she stated that this would be finalized by spring for enforcement efforts this upcoming summer.

- **Task E: Redraft of the 1974 Boat Density Policy Statement and the Lake Use and Recreation chapter of the 1991 Management Plan for Lake Minnetonka**

Nybeck stated that minimal progress has been made on this and that he would be working with Board members Babcock and Gross on this project.

D. Additional Business.

There was no additional business.

6. SAVE THE LAKE

There was no discussion.

7. EXECUTIVE DIRECTOR REPORT

Nybeck stated that new terms for LMCD Board members take place in February. In conjunction with these new terms, a new Board member orientation session will be coordinated with Chair Skramstad sometime in the near future by LeFevere and LMCD staff.

Skramstad stated that he had been in contact with the City of Greenwood with respect to Board member Zischke's attendance. Communication is pending with Mayor Newman on this matter and that he would keep the Board apprised.

The Board thanked Maloney for his service to LMCD by serving on the LMCD Board of Directors for the City of Excelsior.

8. OLD BUSINESS

Skramstad stated that he recently sent a letter to the City of Victoria, the MN DNR, the MCWD, and the Metropolitan Council summarizing the LMCD's position on the Smithtown Road culvert proposal. A letter has been received from the City of Victoria thanking the LMCD for our comments.

9. NEW BUSINESS

Skramstad stated that a list of pending LMCD applications has been identified on the bottom of the Board meeting agendas for information purposes only.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 p.m.

Tom Skramstad, Chair

Tom Seuntjens, Secretary