

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, June 14, 2006
Wayzata City Hall

CALL TO ORDER

Knudsen called the meeting to order at 7:01 p.m. He stated that he would be chairing the meeting due to Chair Skramstad and Vice Chair Van Hercke not being able to attend this meeting.

ROLL CALL

Members present: Paul Knudsen, Minnetrista; Tom Seuntjens, Minnetonka Beach; John Berns, Wayzata; David Gross, Deephaven; Leigh Harrod, Excelsior; Steve Johnson, Mound; 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: Gene Altstatt, Greenwood; Doug Babcock, Tonka Bay; Pete Nelson, Victoria; Tom Skramstad, Shorewood; Katy Van Hercke, Minnetonka.

CHAIR ANNOUNCEMENTS

Knudsen stated that a joint LMCD/MCWD Planning/Workshop meeting had been scheduled for Thursday, July 20th, at 7:00 p.m. at the MCWD office. He asked Nybeck for further details of this meeting.

Nybeck stated that he had scheduled this meeting as directed by the Board at the May 24th meeting. Topics to be discussed are in the planning stages and further information would be provided at the June 28th Board Meeting.

READING OF MINUTES- 05/10/06 LMCD Regular Board Meeting
05/24/06 LMCD Regular Board Meeting

Nybeck stated that Chair Skramstad had requested that additional comments should be inserted in the draft May 10th Board minutes under the Minnetonka Beach discussion for Dock Site 10. Nybeck recommended that these additional comments, if approved by the Board, should be inserted in between the last two paragraphs on page 7. The additional comments recommended by Skramstad were as follows:
"Skramstad stated that the lot lines from the fire lane run at an angle in front of Ms. Smith's property. The LMCD dock use regulations are based on extension of these lot lines. So no matter if the number of boats are reduced to four or three or even two, the docks and boats would be directly in the site line between Ms. Smith's home and the Lake. Ms. Smith acknowledged Skramstad's comments".

MOTION: Seuntjens moved, Gross seconded to approve the minutes from the 5/10/06 LMCD Regular Board Meeting as amended, to include the comments recommended by Skramstad.

VOTE: Motion carried unanimously.

MOTION: Seuntjens moved, Gross seconded to approve the minutes from the 5/24/06 LMCD Regular Board Meeting.

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

PUBLIC COMMENTS - Persons in attendance, subjects not on agenda (5 min.)

Mr. Dan Crear stated that he was President of the Lake Minnetonka Sailing School (LMSS). He updated the Board of a recent request by LMCD staff to obtain a Watercraft for Hire license for a LMSS boat that would be utilized in 2006 by the LMSS to transport children to Big Island out of a good faith and a joint venture for a day camp sponsored by Orono Community Education and the City of Orono. He stated that the need for the license creates a financial hardship for the LMSS and he requested that the LMCD reconsider the requirement based on the following reasons: 1) the personal flotation device requirement was overly restrictive and was already essentially being complied with by the LMSS, 2) the need for licensed pilot from the Minnesota Department of Labor and Industry was overly restrictive, 3) the capacity restrictions are for adults rather than children, 4) the LMCC boat was on the water for approximately one-half hour per day, which was significantly less than most charter boats on Lake Minnetonka, and 5) that 100 children a day are being transported to Big Island for the purpose of safety education. He requested that the Board reconsider the required Watercraft for Hire license and suggested the evaluation of another category of licensing. He entertained questions and comments from the Board.

Gross asked what distance the children are transported and how much of that is in "Quiet Waters" areas.

Crear stated that the children are transported approximately one mile to Big Island from outside of Carsons Bay and approximately 300 to 400 feet to Lighthouse Island. Most of the transporting is done within established "Quiet Waters" areas and 100 to 120 children are transported daily to Lighthouse Island, with approximately 20 children transported daily to Big Island.

Nybeck stated the concerns raised by Crear were similar to some concerns raised by the proposed Wake Tonka Waterski/Wakeboard School. Some of these concerns include the definition of what constitutes a Watercraft for Hire, how the LMCD rules are being interpreted and applied, and how the LMCD rules compare to the Minnesota Department of Labor and Industry rules. At the current time, he believed that both activities qualify as a Watercraft for Hire under existing rules. He believed that LMCD staff could work with the Sheriff's Water Patrol and Minnesota Department of Labor and Industry staff to research all existing regulations and report back to the Board with possible recommended changes to LMCD Code sometime this summer or fall.

Seuntjens recommended that the Board should consider the LMSS transporting of children to Big Island as a higher priority.

Nybeck stated the LMSS has secured a Watercraft for Hire license from the LMCD, which includes passing inspection by the Sheriff's Water Patrol. The LMSS has a second boat that had not secured a Watercraft for Hire license from the LMCD and it had not received a passing inspection by the Sheriff's Water Patrol.

Crear expressed concern about how the LMSS would deal with the situation if the boat that has a Watercraft for Hire license breaks down.

Nybeck stated he had talked briefly with Lt. Storms relating to this. Based on this discussion, Lt. Storms believes that the LMSS boats qualify as a Watercraft for Hire. The primary concerns that Lt. Storms passed on included: 1) ensuring that boats that qualify as a Watercraft for Hire are properly licensed, 2) ensuring that these boats are safe and adequately inspected, and 3) ensuring that the driver(s) of these boats are qualified to operate them.

MOTION: Gross proposed a motion for the Minnetonka Yacht Club and LMSS that would place an enforcement moratorium for the 2006 season on Watercraft for Hire requirements in the Carsons and St. Louis Bays area.

LeFevere stated that if the Board would like to move forward with the motion, there was not a way for the Board to suspend enforcement. If it is a violation of LMCD Code, it is a violation and is subject to being enforced by the Sheriff's Water Patrol and the LMCD Prosecuting Attorney. One alternative for the Board to consider was a temporary or permanent ordinance that excludes certain charter boats from the licensing portion of LMCD Code, which could be brought back for consideration by the Board at the next meeting.

Gross expressed concern about the ordinance amendment option because the school was currently operating and should continue to operate.

LeFevere questioned whether the moratorium of enforcing an existing ordinance was legal. An ordinance amendment could essentially achieve the same outcome and the Board could consider an ordinance amendment in two weeks.

Gross withdrew his motion.

MOTION: Gross moved, Seuntjens seconded to direct LMCD legal counsel to prepare an ordinance amendment that would provide an exemption for the Minnetonka Yacht Club and LMSS boats in Carsons and St. Louis Bays.

Scanlon stated that he would like a time frame to be established in the ordinance amendment.

Seuntjens proposed a friendly amendment that the draft ordinance amendment be included only for the 2006 boating season. Gross agreed to this.

McDermott asked LeFevere if the Board was assuming any liability?

LeFevere stated no liability was being assumed by the LMCD. However, the Board would only provide exemptions for LMCD Code and the Sheriff's Water Patrol would continue to enforce the State rules.

Knudsen requested staff be in contact with the Sheriff's Water Patrol on the proposed ordinance amendment to be drafted by LeFevere.

VOTE: Motion carried unanimously.

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, McDermott seconded to approve the consent agenda as submitted. Motion carried unanimously. Item so approved included: **3A**, Audit of vouchers (6/01/06-6/15/06).

- **Three Rivers Park District**, presentation of "2005 Water Quality of Lake Minnetonka" Report by John Barten.

Knudsen stated that John Barten from the Three Rivers Park District was in attendance to review the "2005 Water Quality of Lake Minnetonka" Report. He welcomed Barten on behalf of the Board.

Barten thanked the Board for their continued funding support of the water quality sampling program on Lake Minnetonka. He provided an overview of the key charts provided in the 2005 Water Quality of Lake Minnetonka Report. During his overview of these charts, the Board asked a number of questions that Barten responded to. Barten stated that this would be the last Report prepared by Three Rivers Park District because the MCWD had assumed the water quality sampling program on Lake Minnetonka beginning in 2006.

Knudsen thanked Barten for the fine work conducted by Three Rivers Park District on this project over the years.

PUBLIC HEARING

- **Foxhill HOA**, new multiple dock license application to reconfigure the non-conforming multiple dock facility on Smith Bay utilizing LMCD Code Section 2.015.

Harper reviewed the staff memo, dated June 9, 2006, which summarized a request from Foxhill HOA for consideration of a new multiple dock license. The proposed change was to reconfigure the non-conforming facility by adjusting the sizes of the approved 16 Boat Storage Units (BSU's), yet maintaining the cumulative square footage for these BSU's. He stated that a previously approved dock length variance was granted for this site in 1978, and amended in 2002. An oversight was made for this proposal and a variance application was not received or advertised for. He recommended that the Board should determine whether a new variance application was needed to amend the previously approved dock length variance. If the Board determines that a new variance application was needed, staff will work with the applicant on this and republish for a future Board meeting. If the Board determines it was not needed, the Board could approve the reconfiguration of a non-conforming multiple dock license application with the following conditions: 1) all watercraft be stored within authorized BSU's, 2) watercraft stored in BSU's 1-9 be fully contained within the dock structure, 3) BSU's 10-16 comply with the 4' overhang restriction for watercraft stored within them, and 5) previously approved variance order conditions be carried over. He entertained questions and comments from the Board.

McDermott asked if the Board originally approved this facility for 16 BSU's in 1978?

Harper stated that 16 BSUs were originally approved in 1978. However, due to some communication problems, Foxhill HOA reapplied for only the number of BSU's that they proposed to install for that boating season. Because this facility is a legal, non-conforming facility, there was a question on whether Foxhill HOA could reacquire the BSU's that they were not re-applying for on an annual basis for a number of years. The Board resolved this issue back in 2002.

Mr. Leo Bullock, 1160 Heritage Lane, stated that he was the dock master for Fox Hill HOA. He believed that the Association has been a good steward of the lake and has never stored more than nine boats at the approved 16 BSU's. The purpose of the reconfiguration was due to the difficulty of docking with the southwesterly winds.

Seuntjens requested clarification of what BSU's have been historically used, including the number of homes within the development.

Bullock stated that the front docks were the only BSU's historically used. In the development, there are currently 16 lots, with 13 homes currently constructed.

Gross asked if the Association prohibited the rental or leasing of BSU's at this dock.

Bullock stated that the Association requires that the ownership of the boat to be a resident of the development. Thus, one could not rent the slip or have joint ownership of the boat.

Knudsen opened the public hearing at 8:16 p.m. There being no comments, he closed the public hearing at 8:17 p.m.

Seuntjens stated that he believed a variance application should have been submitted to amend the previously approved dock length variance.

LeFevere stated that he concurred the previously approved variance needs to be amended. The question for the Board to address was whether a new public hearing should be required. Technically a new public hearing should be required. However, due to the fact that the public was put on notice of the public hearing to reconfigure the dock and that the applicant's request is not controversial, the Board could conclude that the public hearing conducted this evening was sufficient and proceed accordingly.

MOTION: Seuntjens moved, McDermott seconded to approve the new multiple dock license application for the 2006 season, subject to: 1) the submittal of a variance application from Foxhill HOA to amend the approved dock length variance, and 2) to direct LMCD legal counsel to prepare Findings of Fact and Order for approval of the Fox Hill HOA dock length variance application that needs to be submitted.

VOTE: Motion carried unanimously.

- **Walden Tract X Property Owners Association (POA)**, new multiple dock license application to reconfigure the non-conforming multiple dock facility on St. Louis Bay utilizing LMCD Code Section 2.015.

Harper reviewed the staff memo, dated 6/9/06, which summarized a request from Walden Tract X POA for consideration of a new multiple dock license to reconfigure the non-conforming dock structure. The applicant has proposed to relocate the south dock up to the five foot side setback within the dock use area and the location of some of the BSU's are proposed to be changed. The size was proposed to slightly change but the total square footage would decrease. He recommended approval of the

multiple dock license application for the 2006 season, subject to a 4' length overall overhang restriction for watercraft stored within all six BSU's and no watercraft to extend beyond the end of the docks if they are installed at 60' from the 929.4 shoreline. He entertained questions and comments from the Board.

Seuntjens asked for clarification on three items. These included: 1) What lots were tied in with the outlot, 2) Whether the outlot was owned by the Association or the City of Deephaven, and 3) Are there other licensees on the Lake that encroach within the required five foot side setback area and do not have an approved variance?

Harper stated that lots that are associated with this outlot are within the development. The outlot is owned by the Association and he was not sure how the approved site plan was approved because he could not locate an approved side setback variance. One possibility was that the abutting property owner to the north, Walden Tract Y, might have consented to this site plan a number of years ago.

Seuntjens expressed concern about the maneuvering of boats at this dock, especially those at BSU's 1-4. He asked what initiated the application and commented that a survey had not been submitted.

Harper stated historical non-compliance of dock installation and boat storage had initiated the proposal from Walden Tract X POA. The first plan originally approved by the Board was documented on a certified survey. The proposed site plan utilizes this certified survey and documents the proposed changes on a computer generated drawing. A question for the Board to address was whether this drawing was adequate or whether there was a need to document the proposed changes on an updated certified survey.

McDermott asked how the four foot overhang restriction would apply for the BSU's at this dock.

Harper stated that the four-foot overhang restriction would apply to the proposed slip size dimensions at all six BSUs.

Mr. Dan Gilbert, 19250 Walden Trail, spoke on behalf of the applicant. He concurred with the comment made by Harper that the proposal was made due to non-compliance with the approved site plan, which was documented in a letter from LMCD staff. The Association has not installed the licensed dock configuration since the early 1980s. He confirmed that it was difficult to maneuver the boats at the dock and he reviewed the proposed site plan, which included the configuration and size of boats.

Ms. Patricia Florence, 3920 Walden Shores, stated that she was the abutting property owner to the south. She has lived at this residence for 16 years and there have been a lot of problems with Walden Tract X POA's liberal use of their dock space. She expressed concern about the dock placement, stating that the footings were usually installed correctly. However, the dock has been adjusted to avoid rocks in the area, which extends over the common extended side site line once the dock is installed 60' into the lake. In recent years, a new property owner has purchased a property in the development with the idea that they had docking rights through the outlot. Once they found out that they did not have docking rights to the six approved BSU's on this dock, they installed a boat illegally at this dock for two years. She expressed concern that the applicant does not adequately maintain the property and that there would be maneuvering problems associated with the proposed site plan.

Knudsen asked Florence if the intrusion she was referring to happened last year and if the dock was currently installed.

Florence stated the intrusion had resulted for the last 16 years and that the docks are partially installed; going out 10' legally and then angling.

Gilbert stated that identifying stakes have been placed to confirm the property line. He believed that the docks had been installed correctly over the years and this was a difference in opinion. With regards to the new property owner, new rules have been established by the Association and signed to satisfy the new property owner referred to by Florence.

Seuntjens stated the proposed site plan does not allow a boat to be tied on the south side of the dock. He believed that this should clarify where boats can be stored and make it easier for LMCD staff to inspect. He asked what will happen if there was a greater demand for docking space than the approved six BSU's at this dock.

Gilbert stated that the Association had agreed to find dock spaces at other locations around the lake and split the costs up amongst the owners.

McDermott asked how staff would certify that the dock was installed to comply with the five-foot side setback requirement.

LeFevere stated that he did not have a very good answer to that question, adding that an as built survey would not be the answer because the dock was seasonal. One alternative he recommended was a witness marker above ground for LMCD staff to measure from. Otherwise, it becomes an enforcement issue for the LMCD.

There being no further comments, Knudsen closed the public hearing at 8:51 p.m.

MOTION: Gross moved, Johnson seconded to approve the Walden Tract X POA new multiple dock license application for the 2006 season.

McDermott proposed a friendly amendment requiring a certified survey to document the computerized proposed site plan and to provide witness markers on the south side of the site that documents the five foot setback line from the extended side site line. Gross and Johnson agreed to this.

Suerth questioned whether Gilbert could clarify these witness markers because of his engineering background.

Nybeck recommended that these witness markers should be established by an independent party to avoid a perceived conflict of interest. He updated the Board that concerns about the dock placement have been an on-going issue for a number of years.

LeFevere stated there was an issue of the common extended side site line between Walden Tract X and Y that needed to be addressed by the Board. He confirmed Harper's comments that LMCD staff cannot confirm when the zero foot side setback for the Walden Tract X dock was approved by the Board because there is not an approved side setback variance or written mutual consent on record.

He suggested that the Board reflect for the minutes that apparent setback encroachment on the north side of Walden Tract X POA dock use area exists by virtue of an assumed mutual consent arrangement by Walden Tract Y due to the lack of an objection in the past. He recommended that the Board might want to consider requiring Walden Tract X to submit written mutual consent from Walden Tract Y as part of their annual multiple dock license process with the LMCD. Gross and Johnson agreed to this.

Gilbert stated that in 1957 when the Walden Tract X POA 's registered survey was complete, it was his understanding that Walden Tract Y was documented as an easement and he did not know when it became platted land. He expressed concern about the need for Walden Tract X to secure annual mutual consent from Walden Tract Y.

LeFevere reiterated the need for Walden Tract X to secure annual mutual consent from Waldern Tract Y. The only other viable alternatives to address the non-complying side setback to the north include a side setback variance or an amendment to LMCD Code.

VOTE: Motion carried unanimously.

1. WATER STRUCTURES

- A. **Tom Niccum**, consideration of draft Findings of Fact and Order amending a previously approved variance for a permanent dock at 5351 Three Points Boulevard.

Knudsen asked Nybeck for background on this agenda item.

Nybeck stated that LeFevere had prepared draft Findings of Fact and Order consistent with the discussion at the May 24th Board meeting. Mr. Niccum has expressed concern about condition number 4 in the draft Findings that states "The facility may not extend its dock in times of low water as provided in LMCD Code Section 2.01, Subd. 2d)". He entertained questions and comments from the Board.

Knudsen asked Niccum if he would like to address the Board about his concerns.

Mr. Tom Niccum, 5526 Tonkawood Road, reviewed his concerns outlined in an e-mail received by the LMCD, dated 6/7/06.

Nybeck stated that if the Board were to declare a "Low Water Emergency" as detailed in LMCD Code, he would most likely not grant any temporary dock extensions in this lagoon area at staff level, which LMCD Code allows for. Because of the congestive nature of the lagoon area, he believed that temporary dock extensions in this area were more appropriate for the Board.

MOTION: Seuntjens moved, McDermott seconded to approve the Tom Niccum Findings of Fact and Order to amend a previously approved variance at 5351 Three Points Blvd. as amended, removing condition number four relating to low water situations.

VOTE: Motion carried unanimously.

- B. Tim Burke and Mark Klesk**, consideration of draft Findings of Fact and Order approving a dock length, side setback, and adjusted dock use area variance at 19820, 19860, and 19900 Cottagewood Road.

Knudsen asked Nybeck for background on this agenda item.

Nybeck stated that LeFevere had prepared draft Findings of Fact and Order consistent with the discussion at the May 24th Board meeting. He entertained questions and comments from the Board.

Knudsen asked the applicants if they would like to address the Board.

Mr. Mark Klesk, 19860 and 19900 Cottagewood Road, commented on the draft Findings. He expressed concern that the Findings could be interpreted that the dock was new. In fact, the majority of the proposed dock already exists. He expressed concern about condition number 3 in the draft Findings that states, "No more than four restricted watercraft may be stored at the subject facility and no parts of the watercraft stored at the facility may extend beyond the end of the slip structure in which it is stored". He stated that he could not comply with this condition because he had a 27' long boat and the approved slip lengths are 24'. He asked the Board to amend the draft Findings to allow him to continue to store his boat at the dock.

Mr. Tim Burke, 19820 Cottagewood Road, stated that he instructed the surveyor to draw the four boat slips to the dimension of 10' x 24'. This did not take into consideration that Mr. Klesk's docking was pre-existing and made to fit his 27' boat.

Klesk proposed amending the proposed site plan to reflect that the slips to store Boats 1 and 2 are already 10.5' X 30' and 11.5' x 30'.

LeFevere stated that if it were the Board's desire to make the changes recommended by Klesk, he recommend that the Board require the applicant to update the proposed site plan and that the Board should consider the draft Findings at a future meeting. He made this recommendation because the Board might have to amend the proposed dock length variance to reflect the furthest point from the 929.4' shoreline.

Klesk expressed concern about LeFevere's recommendation because the proposal was to add two docks to an existing dock for Mr. Burke, who has been waiting for a decision by the LMCD for nearly two years. He requested that the Board take action on the draft Findings, as amended, at this meeting.

Harper addressed the comment raised by Klesk that his dock was already existing. For the two residences owned by Klesk, it was correct to state that there was already an approved dock length variance. However, the current docks are not consistent with the approved site plan and are illegal because they were arbitrarily changed and did not have the approved variance amended.

MOTION: Seuntjens moved, Harrod seconded to approve the Burke/Klesk Findings of Fact and Order for a dock length, side setback, and adjusted dock use area variance as amended, subject to: 1) amending the slip dimensions to 10.5' x 30', 11.5' x 30', and

two 10' x 24', and 2) the applicants submitting an updated certified survey reflecting these changes in slip sizes and to document that the dock does not exceed 424' in length.

Harper stated that because of the uniqueness of this variance request, he recommended that the Board might want to consider requiring the owners of these properties to register the approved Findings of Fact and Order on the titles of these three properties.

VOTE: Motion carried unanimously.

- C. Discussion on how to deal with a higher incidence of docks installed at LMCD licensed multiple dock facilities that are not consistent with the approved site plan(s).

This agenda item was moved to a later Board meeting.

- D. Additional Business.

There was no additional business.

2. EWM/EXOTICS TASK FORCE

- A. Update on LMCD Invasive Species Management Efforts.

Suerth updated the Board on LMCD invasive species management efforts in 2006, which included:

- 2006 Milfoil Demonstration Project- The herbicides have been applied to the three test sites on Carmans, Grays, and Phelps Bays. John Skogerboe from the Army Corps of Engineers will be leading the analysis of the effectiveness of this demonstration project, which will most likely take place sometime later this summer.
- 2006 EWM Harvesting Program- The harvesting equipment has recently been launched, noting that there were some slight changes to the schedule due to the lack of milfoil growth on bays that were early on the planned schedule. Further details of the program were outlined in a Weekly Report prepared by Nybeck for week 1 of this program.
- 2006 Public Access Inspection Program- The joint inspection program between the LMCD and the MN DNR has been initiated. Inspections are planned from mid May through mid September, with a final Report to be prepared at the end of the season. He urged Board members to visit MN DNR inspectors during the course of the summer.

- B. Additional Business.

There was no additional business.

3. FINANCIAL

- B. Review of draft 2007 LMCD Budget

Nybeck stated that a review of the draft 2007 LMCD Budget was coordinated in the LMCD office on

May 25th with the 14 LMCD member cities, which had low attendance. Since this meeting, written comments have been received from the City of Tonka Bay relating to the draft 2007 LMCD Budget, which were included in the packet for review by the Board. The final review of the draft 2007 LMCD Budget was scheduled for the June 28th Board Meeting. Because the approved 2007 LMCD Budget needs to be to the 14 member cities by July 1st, he recommended that the Board should consider approving the budget at this meeting and to direct LMCD staff to not send this budget out until June 29th. This would allow one final review by the Board at the June 28th meeting and would address the July 1st legislation requirements just in case there was not a quorum at the June 28th Board meeting.

MOTION: Seuntjens moved, Gross seconded to: 1) approve the draft 2007 LMCD Budget as submitted, and 2) to direct staff not to send the approved 2007 LMCD Budget out to the member cities until June 29th.

VOTE: Motion carried unanimously.

C. Additional Business

There was no additional business.

4. LAKE USE & RECREATION

A. Update on 2006 "Future of the Lake Day" Event.

Knudsen asked Nybeck for background on this agenda item.

Nybeck stated that Berns served as the Board liaison on this project in 2005. Berns had hoped to continue in this capacity in 2006 but has had to step back in 2006 because of personal and professional commitments. Nybeck stated that he had spoke with Chair Skramstad on his concern that it might be difficult to coordinate a successful event for the month of August, especially since there was not currently a Board liaison for this project. He recommended the months of September and October as viable alternatives, most likely September. He stated that he would be meeting with Michael Deering in the near future and that an update would be more appropriate for the June 28th Board meeting.

Berns reviewed the planning process to date and stated that a decision needed to be made if the Board would like to repeat the same event as 2005 or increase participation, which would provide for a good event either way. He stated that if the Board would like to be ambitious in the planning of the event, it might make sense to postpone it until September. He stated September might be a good time to coordinate the event with the schools as the children would be in school and the mission of the event is about educating the children. He recommended a Board Member accept the responsibility to be the liaison to work with LMCD staff.

Harrod stated Apple Day was held in Excelsior during the month of September and might be a good opportunity to piggyback on that event.

The Board discussed the 2006 event and the need for a Board liaison. The consensus was to discuss this further at the June 28th Board meeting.

B. Additional Business

There was no additional business.

5. ADMINISTRATION

There was no discussion.

6. SAVE THE LAKE

Nybeck stated he would be working with the Chair Nelson on a draft 2006 "Save the Lake" Budget, which would be presented at the June 28th Board Meeting.

7. EXECUTIVE DIRECTOR REPORT

Nybeck updated the Board on two items. First, the lake level was 929.49' on 6/12/06, with the dam discharging at 100 cfs. Second, he directed the Board to a series of articles that were in their handout folders for informational purposes.

8. OLD BUSINESS

Staff update on Wake Tonka Waterski/Wakeboard School Request.

Knudsen asked Nybeck for background on this agenda item.

Nybeck updated the Board on discussion that was conducted at the May 24th Board Meeting, in which the Board concluded that the request does not qualify for a special event and that the application and that fees should be returned to the applicant. With regards to whether a watercraft for hire license was needed, the consensus of the Board was to defer that decision to the LMCD legal counsel and staff. LMCD staff has concluded that a watercraft for hire license was needed and informed the applicant of such, along with a recommendation to the applicant to communicate with the Sheriff Water Patrol, the Minnesota Department of Labor and Industry, and all affected municipalities. Nybeck stated that Harper had met with a representative of the proposal to review the LMCD application process and requirements to secure a watercraft for hire license. One of the primary concerns expressed by Lt. Storms relating to this proposal was public safety.

Knudsen invited a representative to address the Board.

Mr. Patrick Davis, 17901 Maple Hill Road, thanked the Board for an opportunity to comment on his concerns relating to the watercraft for hire license requirement. He provided the Board with a letter that outlined why he believed that the boat to be used in conjunction with this proposal should not qualify as a watercraft for hire. For the reasons outlined in the letter, he believed that a special event requirement was more appropriate for his proposal. He entertained questions and comments from the Board.

Knudsen asked staff if there had been any communication with the Sheriff's Water Patrol.

Nybeck stated the Davis needed to contact the Sheriff's Water Patrol to determine what needed to be done to comply with their requirements. He believed that the boat would need to be inspected by the Sheriff's Water Patrol, similar to all fishing guide boats on Lake Minnetonka.

LeFevere stated the Board could make a quick fix exempting smaller transporting boats. However, it leaves the LMCD with some legal liability as to the safety of the boat. Therefore, he entertained the concept of creating a different category for smaller businesses operating on Lake Minnetonka to include safety regulations. He cautioned the Board from eliminating the need for safety regulations.

The Board discussed the request made by Davis. The consensus of the Board was to direct LMCD legal counsel to draft an ordinance amendment that would allow for exceptions of smaller watercraft from current LMCD watercraft for hire requirements, yet maintain safety of these watercraft as a high priority.

Environmental Sentry Protection (ESP)- I-LIDS Update

Knudsen stated that Eric Lindberg from Environmental Sentry Protection (ESP) was present to provide an update on new developments on launch sites for the I-LIDS proposal. He invited Mr. Lindberg to address the Board.

Mr. Eric Lindberg, CEO of ESP, updated the Board of the MN DNR process that was needed to obtain approval for the use of the Grays Bay Public Access by the MN DNR and the City of Minnetonka. The proposal has continued to be reviewed and a MN DNR department meeting was scheduled for June 26th. In the interim, Lindberg stated that he had spoke with Joel Settles of the Hennepin County Environmental Services who had expressed support in utilizing either the Spring Park or North Arm Public Accesses that are managed by Hennepin County. Lindberg stated that he believed the Spring Park Public Access would be a viable option and Settles has requested that the LMCD provide Hennepin County Department of Environmental Services with a letter asking support in the project, similar to the letter that was sent to the MN DNR for the use of the Grays Bay Public Access.

Knudsen expressed an interest in submitting this letter. However, did not want to jeopardize the LMCD's relationship with the MN DNR.

MOTION: Seuntjens moved, Johnson seconded that direct Chair Skramstad to send a letter to any other public agency, which includes Hennepin County Department of Environmental Services, for the possible use of the I-LIDS proposal.

VOTE: Motion carried unanimously.

9. NEW BUSINESS

There was no new business.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:22 p.m.

Paul Knudsen, Treasurer

Tom Seuntjens, Secretary