

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, December 13, 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; Tom Seuntjens, Minnetonka Beach; Paul Knudsen, Minnetrista; Gene Altstatt, Greenwood; Doug Babcock, Tonka Bay; John Berns, Wayzata; David Gross, Deephaven; Leigh Harrod, Excelsior; Steve Johnson, Mound; Andrew McDermott, Orono; Pete Nelson, Victoria; 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: None

CHAIR ANNOUNCEMENTS, Chair Skramstad

Skramstad made two Chair announcements. First, the second Board meeting in December scheduled for 12/27/06 had been cancelled. Second, he asked Nybeck for possible dates on the LMCD's 40th anniversary "Save the Lake" Banquet Dinner.

Nybeck stated that the annual Banquet Dinner has taken place in recent years on either the first or second Thursday in February. If the Board continues with this trend, possible dates for 2007 include February 1st and 8th, with the recommendation of continuing with Bayview Event Center as the venue.

The Board discussed this and the consensus was to hold the LMCD's 40th anniversary "Save the Lake" Recognition Banquet on Thursday, February 8th at the Bayview Event Center.

READING OF MINUTES- 11/8/06 LMCD Regular Board Meeting

MOTION: Nelson moved, McDermott seconded to approve the minutes from the 11/8/06 LMCD Regular Board Meeting as submitted.

VOTE: Ayes (9), Abstained (5; Babcock, Gross, Harrod, Seuntjens, 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.

Altstatt requested that agenda items 3A and 3B be removed from the consent agenda.

Gross moved, Seuntjens seconded to approve the consent agenda as amended, removing items 3A and 3B. Motion carried unanimously. Item so approved included: **4A**, Staff recommends Board approval to refund the balance of the \$250 deposit submitted with a recently approved Curly's Minnetonka Marina variance application, as outlined in 12/7/06 staff memo.

Greyson Hensley, discussion of voluntary boater-watersport safety program proposal.

Skramstad welcomed Mr. Hensley on behalf of the Board and asked him to provide an overview of his proposal.

Hensley introduced himself as a member of Troop 424, which regularly participates in activities around Lake Minnetonka by passing out educational material regarding milfoil during special events. He was currently working on his Eagle Scout project and proposed a voluntary educational/boater-watersport safety program. The program's components include: 1) educating Lake Minnetonka users on existing LMCD regulations and state laws, and 2) the promotion of a new flag display voluntary safety program. The program consists of a person in the boat raising an orange flag (known as a "skier-down flag") while the person being towed is in the water. He provided the Board with a list of western states that currently require the skier-down flag, which included a definition of Colorado's law and the State Coordinator's opinion. No costs to the LMCD were associated with his proposed program as funds would be raised via donations. All manpower will be supplied by himself, with the assistance of other Troops and volunteers. He estimated that distribution would include approximately 100 flags and 600 flyers at various public accesses around Lake Minnetonka. The flag itself would be 12"x12" with a 24" handle and would be available online at: 1) West Marine, 2) Dick's Sporting Goods, and 3) Boater's World. He entertained questions and comments from the Board.

Comments and questions raised by the Board included: 1) The suggestion to stick with one color for the flag, 2) A question as to how much the flags were, 3) That the material being distributed clarify that an observer is required on Lake Minnetonka when towing someone, 4) What the proposed schedule was to initiate the program, and 5) Compliments from some Board members on the proposed program, with recommendations to discuss it further in the near future.

Skramstad suggested further discussion at one of the January Board meetings.

Nybeck suggested that further discussion could take place at the January 10th LMCD Board meeting. In the meantime, he believed that a contact could be made to the MN DNR regarding the appropriate color of the flag and that further research could be done to determine whether "Save the Lake" funding was appropriate for this project.

PUBLIC HEARING

Boulder Bridge HOA, reconfiguration of a non-conforming, multiple dock license application utilizing LMCD Code Section 2.015.

Skramstad asked Harper for background on this agenda item.

Harper reviewed the staff memo, dated 11/7/06, which summarized a request from Boulder Bridge Homeowners Association (HOA) for the reconfiguration of a non-conforming multiple dock license application. The site consists of a dock with 10 BSUs on the main part of South Upper Lake and a lagoon with 30 BSU's that consist of individual docks. The proposed change was to replace the custom wood seasonal docks located on South Upper Lake with a standard manufactured steel pole dock. With that new dock, the applicant was proposing to install individual three sided slips for each of the ten boats so that there are fingers between each boat. No changes were proposed for the docks located in the lagoon area. He recommended that the Board needed to resolve two matters. First, the Board should determine the appropriate square footage calculation of the approved site plan and then whether the applicant must decrease BSU square footage from the proposed dock. Second, the Board should determine if the four foot overhang restriction should apply to watercraft stored within all of the BSUs at the site or only for the dock being reconfigured on South Upper Lake. He entertained questions and comments from the Board.

Gross asked if Harper had an explanation for the difference in square footage calculation.

Harper reviewed his measurement calculations with the Board; providing for a final dock dimension of 12'x24'. He stated the applicant recognized the 6" dolphin poles in their calculation and would like to receive credit for the poles' dimensions.

Johnson asked if the proposed dock structure would include canopies.

Harper stated the proposed plan did not include canopies. However, the LMCD Code would not prohibit the use of canopies as long as the applicant provided for proper setbacks.

Mr. Bert Foster spoke on behalf of the applicant. He stated that his client was asking for the following two requests: 1) acceptance of the HOA's square footage calculation, which included square footage for the dolphin poles, and 2) allowance of more than a four foot overhang of boats in the lagoon area. Since the MN DNR did not believe that a mandatory Environmental Assessment Worksheet (EAW) should be required because there was a distinction between docking on the main part of the Lake and the lagoon, he believed that this could apply to the overhang requirement. He reminded the Board that the BSUs in the lagoon were secluded, in quiet waters, small in size, and were 30 plus years old. He believed that the envelope concept ordinance allowed the Board the flexibility to make this conclusion.

Gross asked if the increase in surface area was for the sole purpose of allowing for modern docks with no increase to the size of the BSUs.

Foster stated that the proposed change was strictly to allow for modern dock construction. Although custom docks are doable, his clients would prefer not to go that route.

Altstatt questioned if there would be any changes to lighting.

Foster stated all lighting would be directed straight down and fully shielded. His clients would not

object to making this as a license requirement.

Suerth asked if the new dock would be the same width dimension as the existing dock.

Foster stated the proposed dimensions were 42" wide, with the main walkway being 84" wide. The existing dock has dock widths of 36" and 48" and he believed that the proposed changes in dock dimensions have become standard and would provide for a nice, stable base.

Gross asked Foster to clarify why the HOA was requesting no overhang restrictions on the BSUs in the lagoon area.

Foster stated that the 30 BSUs in the lagoon were smaller docks and have operated without overhang restrictions.

Knudsen stated that if the width of the main walkway were reduced from 84" to 42", what hardships would this provide for his clients.

Foster stated that he believed the 84" wide walkway was safer and provided for the improvement of new materials.

Van Hercke stated that she was struggling with the idea of treating the license as two separate locations and the request to not apply the four-foot overhang to the BSUs in the lagoon area. She asked Foster to address this.

Foster stated that the LMCD permits other multiple dock facilities with one license for multiple locations. He believed that this site could be licensed as two separate docking systems or marinas. He reminded the Board that his clients were not seeking to reconfigure BSU's within the lagoon area. He directed the Board to the email in their packet from Dale Homuth of the MN DNR who suggested that this site was two separate marinas and therefore found it reasonable to not require a mandatory EAW due to lack of reconfiguration of the lagoon area. Foster stated that there was a provision in LMCD Code that allows the Board the ability to specify a different length limitation at the time of approval. The HOA was not making this request to store larger boats and was requesting to maintain what has existed the past 30 years.

Van Hercke asked Foster to comment on the clearance of the bridge at the mouth of the lagoon.

Foster stated there was a 15' to 20' bridge clearance at the entrance of the lagoon.

Mr. Tom Wartman, 28120 Boulder Bridge Drive, spoke to the height of the bridge. He stated the bridge was rebuilt in the 1990's and provides barely enough clearance for a 25' long boat. If the Board were to require a four foot overhang restriction for the BSUs in the lagoon area, he believed that there were between 8 and 10 boats that could not comply. The current figuration provides for fishing boats to maneuver around and the mouth of the lagoon does not restrict large boats from coming in.

Babcock stated it was important for the Board to consider the license as one rather than two because

all of the shoreline has been dedicated to one multiple dock license.

Foster agreed with Babcock's comments and reiterated the Board has the ability to specify a different length limitation at the time of approval of a multiple dock license if the Board concludes that the lengths specified were not appropriate.

LeFevere stated that he believe there was a need to question whether there was one or two docks at the site rather than questioning whether there was one or two marinas. LMCD Code Section 1.02, subd. 15, defines a dock as "any wharf, pier, or other structure or combination of structures". Therefore, if there is more than one dock structure, it is considered one by LMCD Code definition. He reviewed some of the shortfalls on considering multiple dock structures at a multiple dock facility as separate. However, he confirmed there was a provision in this ordinance that would allow the Board to deem it "inappropriate" to have the four foot overhang restriction for the BSUs in the lagoon area.

Van Hercke requested clarification from LeFevere as to whether the Board should view the multiple dock license as one dock structure and only require the four foot overhang restriction to part of the dock.

LeFevere stated the applicant was licensed for only one multiple dock license and the Board has not previously set a precedent of splitting up one dock structure into two to apply the four foot overhang restriction.

Babcock provided historical background as to why the exception of the 4' overhang was in this ordinance. If an applicant had to go out 100' to reach the adequate water depths for a specific configuration, the Board could then say there was a zero foot overhang because both the dock and boat storage would need to be contained within the authorized dock use area. He stated the provision was designed to work both ways so that the structure being proposed fits the other parts of the ordinances.

Skramstad opened the public hearing at 7:54 p.m. and invited the public to comment on the application.

Mr. Pat Alexander, 16540 Grays Bay Boulevard, stated that he believed the Board should take into consideration whether any of the new dock structures were going to have canopies.

Mr. Jeff Fox, 5270 Howards Point Road, stated he was in support of the new dock and layout. It was consistent with the dock configurations that are sold throughout the lake area and provided a higher level of safety. He expressed concern about how the LMCD includes posts when determining square footage calculations. He spoke to the color of the dock and believed that white was more user-friendly than tan because of its visibility and provides for a cooler effect on hot summer days.

Skramstad read other public comments, provided via email to the LMCD office, that were accepted into record.

Mr. Robert Hensley, 28110 Woodside Road, stated he was not in opposition to the reconfiguration of

the dock. However, he believed that the licensee should address the color of the dock, whether canopies would be allowed, and control of lighting and guest boats.

There being no further comments, Skramstad closed the public hearing at 8:03 p.m.

The Board discussed a number of issues. Some of these issues included:

A recent ordinance adopted by the City of Shorewood that pertains to docking.

Whether there was a need to reduce the slip dimensions of some docks on the main part of the lake to ensure that there was not an increase in square footage from the approved site plan.

Whether a restriction on canopies and tie-ons was appropriate.

How the HOA allocates the licensed number of BSUs because there are more homes in the development than available BSUs.

Whether there was a need to establish some control in the lagoon to address future requests by the HOA.

Whether there was a need to document each BSU size in the lagoon and their respective boat.

The concern that the proposed site plan did not survey the lagoon area or document the extra dock that is not on the approved site plan.

Foster stated that he understood the Board's concern for the need to reduce the square footage of the proposed site plan on the main part of the lake to ensure that it was equal to or less than the square footage of the approved site plan. To achieve this, Foster proposed the following: BSUs 1-4 (11.5' x 24'); BSU 5 (12.5' x 24'); BSUs 6-10 (12.5' x 32'); for a total of 3,404 square feet.

Babcock stated that requiring a four-foot overhang restriction in the lagoon area caused the HOA an undue hardship to reconfigure the BSUs on the main part of the lake. He was not opposed to providing an exception to the overhang restriction in the lagoon, as long as the application meets the remaining requirements of the envelope ordinance.

Harper pointed out that there was a small fishing pier not included on the approved site plan that was included on the proposed site plan that the Board should address.

MOTION: Babcock moved, Altstatt, seconded to approve Boulder Bridge HOA reconfiguration of a non-conforming multiple dock license application for the 2007 boating season, with the following four conditions: 1) the applicant to submit a revised site plan to reflect the proposed changes in BSU dimensions for BSUs 1-10 as outlined by Foster, 2) the lighting at the dock be indirect with the light producing element not be visible outside the authorized dock use area, 3) that the staff slip size report for both the lake side and lagoon docks be made apart of the record and the approval, and 4) that there be no changes to the lagoon configuration with docks installed in accordance with the site plan.

LeFevere asked Babcock to clarify whether the four-foot overhang restriction would apply to the entire site and whether there would be a restriction on canopies.

Babcock clarified that the four-foot overhang would apply only to the 10 BSUs on the main part of the lake. Additionally, he did not believe that there was a need to prohibit canopies because the dock greatly exceeds the doubled side setback requirement at this site.

Nelson recommended a friendly amendment to allow for the inclusion of the unauthorized 12' long fishing pier in the lagoon area. Babcock and Altstatt agreed to this, provided that it was documented on the approved site plan and it was marked that no boat storage was allowed at this pier.

McDermott recommended a friendly amendment to require the docks to be tan in color. Babcock did not agree to this friendly amendment.

VOTE: Motion carried unanimously.

1. EWM/EXOTICS TASK FORCE

A. Discussion of proposed 2007 Lake Minnetonka Aquatic Invasive Species (AIS) Prevention Program.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that plans for the 2007 Lake Minnetonka AIS Prevention Program have commenced, with a meeting conducted on November 21st. At this meeting, the consensus was that this program should consist of three components. These include: 1) continuation of the MN DNR watercraft inspection program, 2) creation of a volunteer inspection program to be supervised and funded by the LMA, and 3) expanding the use of I-LIDS. He went over each component in detail, as outlined in the 12/7/06 staff memo. A Legislative-Citizen Commission on Minnesota Resources (LCCMR) grant application was recently submitted by the LMA and Environmental Sentry Protection for the second and third components and a decision on granting a hearing has recently been made regarding those projects and that either Dick Osgood or Eric Lindberg would provide an update on this.

Babcock expressed an interest in ensuring that inspections are conducted on boats both arriving and leaving Lake Minnetonka rather than just leaving. He recalled some testimony that indicated that this might not have been occurring.

Nybeck stated that this issue is discussed on an annual basis and that he has witnessed the inspectors inspecting boats upon arrival to the Lake. He could not confirm that those inspections were being done 100% and would prioritize the issue for 2007 preparations. He cautioned the Board not to jump to any conclusions on the I-LIDS powerpoint at the November 8th Board meeting because a number of the inspectors documented were not present during contracted hours between the LMCD and the MN DNR. He entertained questions and comments.

Harrod asked for an update on the LCCMR Grant.

Mr. Eric Lindberg, CEO of ESP, stated that a LCCMR grant application was submitted by the November deadline. Over 80 proposals were submitted, with 30 of them invited back for a

presentation. He stated that the grant application submitted was not included in the 30 proposals invited back.

Harrod questioned whether research had been conducted to ENRICH grant funding with Hennepin County.

Nybeck stated he had checked into this with Hennepin County staff and they had questions relating to how an invasive species project would be evaluated in the review criteria. However, this would not prevent the submittal of a grant application to Hennepin County for ENRICH grant funds.

Harrod suggest that each LMCD member city might want to write a letter in support of the program.

B. Update of 12/12/06 Local Legislator Meeting to discuss AIS Comprehensive Protection Plan.

Skramstad invited LMA Executive Director Dick Osgood to provide an update on this agenda item.

Osgood stated that a meeting was held with the local legislators and stakeholders to discuss the AIS Comprehensive Protection Plan, with the intention to motivate the program's goals. He expressed his disappointment as only two legislators were in attendance. He believed that the tone of the meeting was what could not be done, outside discussion of the I-LIDS. Funding and implementation of the program's goals were expressed by a number of participants. There was support by a number of participants on some of the program's goals, which were supported by subsequent e-mails. There was discussion of the possible need to quarantine bodies of water that have AIS to prevent the spread of them. He believed that he needed some time to rethink the issue and change his mind set.

The Board briefly discussed this agenda item. Some of the Board discussion included: 1) the need to research other funding sources, such as Hennepin County, 2) communication with local municipalities to rotate the closure of public accesses, 3) the use of signs for educational purposes, and 4) the Governor's restructuring of staff and the possibility of a fresh view on the topic.

C. Review of LMCD comments submitted on MCWD's 509 Plan.

Skramstad asked Nelson for an update on this agenda item.

Nelson stated that he had recently met with MCWD staff in an effort to create language relating to zebra mussels and other invasive species to be included in the MCWD's 509 Plan. A copy of this language is included in the Board packet. Progress continues on this project with the MCWD and he stated that he would keep the Board up to date.

D. Additional Business

There was no additional business.

2. ADMINISTRATION

A. Update from Steve Tallen on 2006 LMCD prosecution matters.

Tallen thanked the Board for inviting him to the meeting and introduced himself as the LMCD's prosecuting attorney for the past 21 years. He stated he was in attendance to discuss prosecution matters that he addressed in the past year and to request re-appointment as outlined in his letter, dated 10/10/06. He reviewed the Vikings player's matter this past year involving an Al and Alma's charter boat. One player was found not guilty, one player was found guilty, and two players plead their cases out. He estimated that costs to the LMCD for this issue was approximately \$8,500, with \$4,300 of court fines paid to the LMCD. Overall through October, prosecution expenses to the LMCD were \$33,326, with \$30,798 of court fines paid to the LMCD. He entertained questions and comments from the Board.

Altstatt asked if Tallen knew how many tickets were issued in 2006.

Tallen stated that was a difficult question to answer because the majority of citations that are issued do not go to his office because the individual pays the fine. Most years, the majority of his time is focused on BUI cases, with 41 of these cases in 2006.

Berns thanked Tallen for attending this meeting and updating the Board on the Vikings player's matter.

MOTION: Seuntjens moved, Nelson seconded to approve the appointment of Tallen and Baertschi as the LMCD's prosecuting attorney for 2007.

Gross recommended a friendly amendment that the hourly rate would be \$110.75, which is a 3.9% increase from 2006. Seuntjens and Nelson agreed to this.

VOTE: Motion carried unanimously.

B. Review of proposed 2007 LMCD special and on-going projects list.

Skramstad asked Nybeck for an update on this agenda item.

Nybeck recommended tabling discussion of this agenda item to the January 10th Board meeting. The Board discussed Nybeck's recommendation and the consensus was to table discussion of this agenda to the January 10th Board meeting.

C. Update on 11/15/06 Annual LMCD/Hennepin County Sheriff's Water Patrol Meeting.

Skramstad asked Nybeck for an update on this agenda item.

Nybeck stated the annual meeting with the Sheriff's Water Patrol took place at the Water Patrol Headquarters on November 15th. He believed that the meeting was productive and well attended and the Meeting Report summarized the highlights of the meeting. He commented on two of the

topics discussed. First, outgoing Sheriff McGowan expressed concern about the continuing of the two extra deputies for the 2007 boating season because of personnel issues rather than funding issues. Second, there will be a second meeting coordinated after January 1st to meet incoming Sheriff Rich Stanek and discuss issues on Lake Minnetonka.

Van Hercke expressed concern about the possibility of not having the presence of the two additional deputies in 2007. She asked if there was anything that the LMCD could do to ensure that this does not happen.

Nybeck stated that Chair Skramstad asked the same question at the November meeting with the Sheriff's Water Patrol and Sheriff McGowan responded that there was not much that the LMCD could do at this time. He stated that he would contact Lt. Storms for an update on this and report back to the Board.

D. Consideration of draft letter recognizing the services of Hennepin County Sheriff Pat McGowan.

Skramstad stated that Sheriff McGowan would be retiring from public service at the end of December. A letter has been prepared thanking him for his service and Skramstad stated that he would send it out unless the Board objected. There were no objections from the Board.

E. Additional Business

There was no additional business.

3. FINANCIAL

A. Audit of vouchers (11/16/06-11/30/06) and (12/1/06-12/15/06).

Skramstad asked Altstatt to clarify why he wanted this agenda item removed from the consent agenda.

Altstatt requested clarification of checks 16340 and 16373.

Nybeck stated that check number 16340 was for the payment of federal payroll taxes and check number 16373 was a fund transfer from the checking account in the 4M fund to yield interest.

MOTION: Babcock moved, Seuntjens seconded to approve the audit of vouchers (11/16/06-11/30/06) and (12/1/06-12/15/06) as submitted.

VOTE: Motion carried unanimously.

B. October financial summary and balance sheet.

MOTION: Nelson moved, McDermott seconded to accept the October financial summary and balance sheet as submitted.

VOTE: Motion carried unanimously.

C. Additional Business

There was no additional business.

4. EWM/EXOTICS TASK FORCE

B. Additional Business.

There was no additional business.

5. SAVE THE LAKE

A. Consideration of 2006 Hennepin County Sheriff's Office Water Patrol Special Deputy Candidates.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that recommendations on two candidates have been received from the Sheriff's Water Patrol for the upcoming "Save the Lake" Banquet Dinner, Tom Dale and Rose Young. Both candidates are well qualified; however, the Sheriff's Water has recommended Tom Dale.

Van Hercke stated she had dealt with Special Deputy Rose Young and was impressed with her professionalism and dedication to the Sheriff's Water Patrol.

MOTION: Van Hercke moved, Harrod seconded to recognize Rose Young as the LMCD's 2006 special deputy honoree to be recognized at the 2/8/07 "Save the Lake" Recognition Banquet Dinner.

VOTE: Ayes (12), Nays (1; Scanlon); Abstained (1: Altstatt); motion carried.

B. Update of fall solicitation letter.

Skramstad stated that the fall "Save the Lake" solicitation letter had recently been sent out. He believed that there were some annual contributors on this list that had not donated in 2006 that might merit a follow-up telephone call.

The Board discussed this and it was the consensus to have staff review the "Save the Lake" contributor list and highlight the individuals in categories of giving. There was Board discussion, without consensus, of expanding this list by having each Board member come up with a certain number of individuals and businesses that they would personally follow-up with.

C. Additional Business

Nybeck stated that at the November 8th Board meeting, there was discussion of re-airing the LMCD/Freshwater Society zebra mussel video produced with Twin Cities Public Television. Board member Scanlon stated that he would check on this with the Lake Minnetonka Communications Commission (LMCC) and Nybeck stated that this was possible based on recent discussions with LMCC staff. Additionally, there were discussions of a brief promotion before and/or after the

playing of this video on LMCC, with the possibility of fundraising efforts. This was also possible and he recommended that Suerth and Nelson be a part of this because they chair the EWM/Exotics Task Force and "Save the Lake" Advisory Committee, respectively. He recommended that an attempt should be made to coordinate this effort to ensure that "Save the Lake" fundraising efforts do not get confused with the LMA's fundraising efforts.

6. LAKE USE & RECREATION

There was no discussion.

7. EXECUTIVE DIRECTOR REPORT

Nybeck updated the Board on three items. First, in observance of the upcoming holidays, the LMCD office will be closed on 12/25, 12/26, and 1/1. Second, the LMCD's Winter 2006 newsletter had recently been sent out and he asked each Board member to take 25 copies to the city that they represent. Third, a verbal request has recently been made from the Shorewood municipal liquor store regarding the possibility of issuing a temporary liquor license for wine tasting in a tent on the ice on Lake Minnetonka on January 20th. If the Board would like to issue such a permit, it would require amending LMCD Code because the LMCD currently only issues licenses to charter boats that qualify as restaurants. He questioned whether the Board would like to have LeFevere prepare a draft ordinance amendment for the January 10th Board meeting.

LeFevere stated that there was authority, under State law, to grant temporary licenses up to four days for non-profit organization, including municipalities. However, an ordinance amendment would be needed. He questioned whether the Board would like to get into the business of authorizing short-term use of alcohol on Lake Minnetonka, and if so, what conditions would the Board like to address.

MOTION: Gross moved, Altstatt seconded to direct LMCD counsel to prepare a draft ordinance amendment that would allow the LMCD to grant temporary liquor licenses for consideration at the 1/10/07 Regular LMCD Board Meeting.

Babcock expressed concern about the motion because he did not believe that the LMCD should be granting temporary liquor licenses in residential areas.

Seuntjens also expressed concern because there was not a formal request by the City of Shorewood at this meeting.

Nybeck stated that not having someone in attendance from the City of Shorewood was oversight on his part. If the Board would like to have a formal request from Shorewood, he stated that he would communicate this to them.

Altstatt withdrew his second to the motion because he was under the impression that there was a written request.

Skramstad entertained a second for the motion made by Gross. Due to the lack of a second, Skramstad stated that the motion failed.

8. OLD BUSINESS

Update on Appointment of Nominating Committee

Skramstad reminded the Board that Scanlon was the chair of the Nominating Committee for 2007 LMCD Board Officers. He believed that formal action on the recommendations of the nominating committee would take place at the January 10th Board meeting.

Scanlon stated that Board members that wanted to be appointed as a 2007 LMCD Board Officer should be prepared to provide a brief summary why they are interested.

Update on anchoring of boats at private residences during the winter months.

LeFevere stated that he and Nybeck had recently met to discuss this. Although this may be an annoyance, he did not believe that this was a violation of LMCD Code unless it was not parked within an authorized dock use area. In the case of the matter discussed at the November 8th Board meeting, it appeared to be a private matter that the two parties need to resolve themselves.

Thomas Kurak (Phelps Bay), staff update on pending new multiple dock license and variance applications.

Nybeck stated that Mr. Kurak had submitted these applications to store up to 10 watercraft at his residence on Enchanted Island. Further work was done since the Board meeting when the public hearing was conducted in October of 2005 due to concerns raised by the Board and neighbors. In response to this, Mr. Kurak has submitted an amended site plan for four Boat Storage Units that would be contained within his authorized dock use area and would not impede navigation or access to neighboring docks. Thus, new multiple dock license and variance applications are not required. The City of Shorewood has some concerns with the amended site plan because of ordinance changes they recently have adopted for residential docks. These comments have been forwarded to Mr. Kurak and the two parties will need to resolve their differences. If the two parties cannot resolve these differences and Mr. Kurak submits a permanent, non-multiple dock license application, LMCD staff will process the application utilizing the LMCD Code and most likely approve it.

Babcock asked if Kurak was aware that he would not be able to secure a deicing permit.

Nybeck stated that he was aware of this.

City of Minnetrista Moratorium

Knudsen stated the Minnetrista's moratorium on new development had recently been terminated, which will possibly lead to some higher density developments that the LMCD would have an interest in.

9. NEW BUSINESS

Babcock stated that he would like to amend the motion approved earlier in the meeting for Boulder Bridge HOA to have LeFevere prepare Findings of Fact and Order to approve the application, for

consideration at the January 10th Board meeting.

Skramstad stated that he would do so accordingly, unless a Board member objected. There were no objections. The Board directed LMCD staff to communicate this with the Boulder Bridge HOA representative.

10. PERFORMANCE EVALUATION- Performance evaluation the Executive Director (Note: the Board may vote to conduct the evaluation in an Executive Session).

11. PENDING LITIGATION-(The Board may vote to discuss pending litigation in an Executive Session).
LMCD vs. Miles & Pamela Canning
LMCD vs. Steve & Karen Sanger

12. ADJOURNMENT

LeFevere stated that the purposes for closing this meeting and going into executive session, as an exception to the Open Meeting Law, included: 1) attorney/client privilege discussion for pending litigation strategies of LMCD vs. Canning, 2) to discuss the annual performance evaluation of the Executive Director, and 3) to adjourn the meeting following completion of the executive session. He questioned whether the Board could discuss the LMCD vs. Sanger in closed session and he provided a brief update on the Sanger litigation.

Herrod left at 10:30 p.m.

MOTION: Seuntjens moved, Van Hercke seconded to go into executive session at 10:31 p.m. to: 1) to discuss the annual performance evaluation of the Executive Director, 2) to discuss LMCD vs. Canning litigation strategies, and 3) to adjourn the meeting following completion of the executive session.

VOTE: Motion carried unanimously.

Tom Skramstad, Chair

Tom Seuntjens, Secretary