

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, January 10, 2007
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; Mary Bader, Wayzata; 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: Doug Babcock, Tonka Bay; David Gross, Deephaven.

CHAIR ANNOUNCEMENTS, Chair Skramstad

Skramstad made two Chair announcements. First, he reminded the Board of the 40th Annual "Save the Lake" Recognition Banquet, on 2/8/07, at the Bayview Event Center. He stated the invitations would be sent out shortly and welcomed both the Board and the public to attend this event. Second, the City of Wayzata had recently appointed a new Board member to the LMCD. He welcomed Mary Bader on behalf of the Board and asked LeFevere to administer the oath of office.

LeFevere administered the oath of office to Mary Bader. She was seated as representative for the City of Wayzata.

Altstatt requested that the Board consider going into an executive session to discuss the pending litigation with the Canning's. This request was made after recently consulting with Nybeck on this.

Nybeck stated that two matters had come to his attention that the Board might want to consider discussing in an executive session. First, Altstatt had requested discussing the pending Canning litigation in an executive session. After consulting with LeFevere, he stated that the request from Altstatt could qualify as an exception to the Open Meeting Law and the Board could discuss this in an executive session. Second, LMCD Prosecuting Attorney Steve Tallen requested discussing a recent District Court ruling that the Board might want to appeal. This could also qualify as an exception to the Open Meeting Law and the Board could discuss this in an executive session.

The Board discussed these two matters and it was the consensus to go into an executive session at the end of the meeting.

READING OF MINUTES- 12/13/06 LMCD Regular Board Meeting

MOTION: Seuntjens moved, Van Hercke seconded to approve the minutes from the 12/13/06 LMCD Regular Board Meeting as submitted.

VOTE: Motion carried unanimously.

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

Mr. Dick Osgood, Executive Director of the Lake Minnetonka Association (LMA), stated that the LMA would like the LMCD to consider imposing a moratorium on new multiple docks, pending clarification of the meandered measurement policy, a re-consideration of its 1974 boat density policy, clarification of its subjective criteria, and any revisions to its ordinances that may be necessary to address these concerns. Further details of this request were outlined in a letter from Osgood, dated 1/10/07.

Van Hercke asked Osgood if the LMA Board considered these matter priors to the Locust Hill's public hearing conducted by the LMCD this past August.

Osgood stated that prior to the Locust Hill's public hearing, he had been given direction by the LMA Board to monitor the proposed multiple dock license applications being considered by the LMCD Board. The request was expedited in response to the LMCD's decision on those applications.

Nelson recommended that this request made by the LMA should be taken up later in the meeting under "New Business".

Suerth clarified that he did not want the public to be given the perception that the LMCD was not aware of potential environmental impacts at the Locust Hills sites because an Environmental Assessment Worksheet was prepared for review and comments.

The consensus of the Board was to schedule the LMA moratorium request for a future LMCD Board meeting.

Osgood stated that a large mouth bass virus had recently been discovered by the MN DNR in Lake Minnetonka. He expressed concern about the transporting of the virus out of Lake Minnetonka and the implications it carries with the various bass fishing events.

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, Seuntjens seconded to approve the consent agenda as submitted. Ayes (11), Abstained (1, Bader); motion carried. Items so approved included: **3A, 2007 Multiple Dock Licenses**, staff recommends Board approval of 2007 renewal without change multiple dock license applications as outlined in 1/4/07 staff memo; **4A**, Audit of vouchers (12/16/06-12/31/06) and (1/1/07-1/15/07); **4B**, November financial summary and balance sheet.

PUBLIC HEARING

- **Shorewood Yacht Club (Site 2)**, new multiple dock license application to add one Boat Storage Unit (BSU) for the storage of an Excelsior Fire Department fire/rescue boat utilizing LMCD Code 2.02, subd. 6.

Skramstad asked for background from Harper on this agenda item.

Harper reviewed the staff memo, dated 2/2/07, which summarized the Shorewood Yacht Club (Site 2) new multiple dock license application. He stated the applicant proposed to amend their approved site plan by adding one 80' long dock, originating from the shoreline dedicated to this site, for a BSU to be used by the Excelsior Area Fire Department for a fire/rescue boat. He recommended that the Board approve the new multiple dock license application for the 2007 boating season, carrying over all previous license requirements.

Altstatt asked what the length of the fire boat was.

Harper referred that question to the applicant.

The Board discussed the dock on the west-end of the site, BSU 435, and the ownership of the watercraft stored at this BSU. There was discussion of the approved special density license and how it prohibits the tying of approved BSUs to specified riparian property. Other discussion by the Board included: 1) the reasoning for placing the fire boat on that site, 2) the confirmation that the Excelsior Area Fire Department would continue the formerly approved BSU location at the City of Tonka Bay; however, utilizing the Shorewood Yacht Club (Site 2) as the main storage site, and 3) whether or not the storage of the fire boat would require an amendment to the approved variance.

Skramstad asked for further comments and background from the applicant.

Mr. Michael Maloney, one of the owners of Shorewood, spoke on behalf of the applicant. He stated the dock on the west-end of the site has a lifetime lease and was being used by a neighbor. He believed that this was a unique opportunity for the Shorewood Yacht Club to help the fire department by allowing a fire boat to be stored at this site, while maintaining this site in its natural state as required by the approved variance. One of the advantages of the proposed dock to store the fire boat was its accessibility for emergency vehicles utilizing Timber Lane, with parking on the site itself. The dimensions of the fire boat were 8' wide by 25' long, with adequate water depth in the area to store the boat. The proposed dock was seasonal, although it could be removed annually. He entertained questions and comments from the Board.

Van Hercke stated that she believed the proposal was a great opportunity for the LMCD to support the fire department. However, the variance originally approved for this site was heavily negotiated and there was a need to ensure that the legalities were reviewed.

Knudsen asked if canopies would be installed at the proposed dock for the fire boat. Additionally, he believed that any approval by the Board should be subject to the dock being owned by the fire department and discontinued if the use changes.

Maloney stated that he was not aware of canopy being considered by the fire department.

Mr. Lee Berglund, representing the Excelsior Area Fire Department, stated that the proposed dock location was concluded that it would provide for ultimate response time for emergencies on Lake Minnetonka.

The Board discussed whether the proposed change should require amending the approved Variance Order. Condition number four in the approved Variance Order stated "Except for structures directly associated with slips having access from Site Two, all equipment, goods, debris and structures will be removed from Site Two before the end of 2001 and Site Two shall be left in an essentially natural, unimproved state". After discussing this condition with LeFevere, the Board concluded that there was not a need to amend the approved Variance Order.

Skramstad opened the public hearing at 7:42 p.m.

Mr. James Hancock, 23800 Lawtonka Drive, stated he represented the Gideon Cove HOA, which was directly to the west of the applicant's site. The HOA does not have any objections to the proposal, although there could be concern about noise and parking issues that would be associated with the use by the fire department.

There being no further comments, Skramstad closed the public hearing at 7:44 p.m.

MOTION: Van Hercke moved, McDermott seconded to approve the Shorewood Yacht Club (Site 2) new multiple dock license application as submitted for the 2007 season.

Knudsen recommended a friendly amendment that the use of the dock be tied to the Excelsior Area Fire Department. Van Hercke and McDermott accepted that friendly amendment.

VOTE: Motion carried unanimously.

1. **SAVE THE LAKE**

A. **Greyson Hensley**, consideration of voluntary boater-watersport safety program proposal.

Skramstad welcomed Hensley's return to the Board in follow-up to discussions held at the 12/13/06 Board meeting when he proposed a voluntary boater-watersport safety program. At that time, comments and questions raised by the Board included: 1) the need to stick with one color for the flag, 2) how much the flags were, 3) the educational material being distributed, and 4) the proposed schedule to initiate the program.

Hensley re-introduced himself as a member of Troop 424. He stated that he had spoken with the MN DNR on the color of the flag and they have recommended orange. He anticipated distributing an estimated 100 flags, with anticipated expenses of \$250 for the flags and \$50 for educational flyers.

The Board discussed: 1) whether or not the flags could be printed with messages on them, 2) established "Save the Lake" funding criteria for projects, and 3) what educational flyers would be distributed. It was concluded that literature proposed to be distributed was "Welcome to Lake Minnetonka" pamphlets, which are annually updated and printed by the LMCD.

MOTION: Nelson moved, Johnson seconded to authorize \$250 for the purchase of flags and an additional \$50 for contingency purposes, both from "Save the Lake", with an additional \$50 to be absorbed by the LMCD in its 2007 General Fund Budget for distribution of "Welcome to Lake Minnetonka" pamphlets.

Knudsen recommended that Hensley educate boat dealers of this project prior to the 2007 boating season.

Seuntjens asked Hensley to work with the LMCD office staff on the distribution of the flags.

VOTE: Motion carried unanimously.

Mr. Tom Wartman, 28120 Boulder Bridge Drive, stated that he was a resident of Boulder Bridge HOA. On behalf of the HOA, he offered to match the LMCD donation of \$250 to purchase additional flags.

B. Additional Business

There was no additional business.

2. EWM/EXOTICS TASK FORCE

A. Review of 2006 Milfoil Demonstration Project Report.

Skramstad asked Nybeck for an update on this agenda item.

Nybeck stated that the MN DNR and the Army Corp of Engineers had prepared a draft Report that summarized the 2006 Milfoil Demonstration Project. Because of time constraints, neither a representative from the MN DNR or the Army Corps of Engineers were available to attend this meeting. This draft Report was to be reviewed in detail at the January 12th EWM/Exotics Task Force Meeting, and he believed a MN DNR or Army Corps of Engineers would be available for the January 24th Board meeting. In general, Nybeck believed that the Board could interpret the herbicide results positive. However, he cautioned interpretation of these results as described in the second paragraph on page one and the last paragraph on page three. He recommended that the Board might want to briefly review the Report at this meeting and hold off on questions and comments until a MN DNR or Army Corps of Engineer representative could attend a Board meeting.

Nelson stated that if the LMCD wanted to conduct a similar herbicide project in 2007, he believed that time was of the essence and that efforts should be initiated as soon as possible.

Nybeck stated that one of the reasons why the Report was marked draft was because additional fieldwork was planned for 2007. For this reason, he suggested that the Board allow the experts to complete their review and if warranted, plan for a project for 2008.

Nelson asked Nybeck whether he believed that the Board should consider a similar project in 2007.

Nybeck expressed concern about conducting a similar project two consecutive years when a pre-inventory of the vegetation in the areas to be treated had not been conducted. He reminded the Board that this was a recommendation of the experts prior to the 2006 project.

Nelson disagreed with Nybeck's assessment, stating that he believed the general consensus was

that if enough data presented itself, a consecutive project might be warranted. He spoke of the following two issues: 1) what was the effectiveness of the first year, and 2) what was the impact on native vegetation in the second year.

The consensus of the Board was to allow the EWM/Exotics Task Force the opportunity to review the draft Report in detail. Additionally, the consensus was to extend an invitation to the MN DNR and Army Corps of Engineers to attend a future Board meeting to discuss the draft Report.

Osgood made the following comments:

- He looked at this a little bit differently because he had done some consulting in this area. He believed that it was prudent and wise to listen to the experts in the Report. However, he pointed out some things that he asked the Board to think about.
- He concurred that milfoil was down in 2006 based on LMCD harvesting statistics. However, sampling was done in the test plots so that we would not have to confuse that. He believed that the Report clearly shows that there was substantially less milfoil in the treatment plots compared to the control plots. Compared to the early season, there was a 99 percent reduction in some cases and he believed that this set that comparison aside.
- He reminded the Board that this was a demonstration project and not a research project, which was agreed to by the partners and the EWM/Exotics Task Force. When this was first discussed, he believed that a decision was made not to collect pre-treatment data at that time. Waiting until 2007 to see what milfoil might grow back was worth paying attention to because there could be some re-growth of milfoil in these areas where it would be difficult to conclude whether it was an ineffective treatment or because the test plots were relatively small compared to the whole bay.
- Of the three bays that were treated, he believed that two bays, Grays and Phelps, were effective in controlling milfoil and not damaging native plants. However, there were problems on Carmans Bay because the treatment was changed just prior to the date that it occurred.
- Because of these results, he recommended that the demonstration project be continued and expanded, ideally to whole bays. Two areas that he recommended included Grays and St. Albans Bays. He believed that two of the herbicides used worked well and there was the need to re-evaluate the use of fluridone on Lake Minnetonka. This herbicide has been used in over 300 lakes in Michigan and he believed that use of this herbicide should be considered. Expansion and continuation of the milfoil demonstration makes sense long-term within the context of a Lake Vegetation Management Plan.

B. Update of Lake Minnetonka Aquatic Invasive Species (AIS) Prevention Programs.

Skramstad asked Nybeck for an update on the LMCD's Public Access Inspection Program that was contracted with the MN DNR.

Nybeck stated that Ms. Heidi Wolf, MN DNR Watercraft Safety Inspection Program Coordinator, has forwarded a memo, dated 11/28/06, which summarized the 2006 public access inspection program. He reviewed the proposed 2007 MN DNR Watercraft Inspection Program, as outlined in his 1/3/07 memorandum, and solicited the Board's approval for him and Suerth to meet with the MN DNR for contract preparations and future consideration by the Board.

The consensus of the Board was for Nybeck and Suerth to meet with the MN DNR for contract preparations and future consideration by the Board.

Skramstad asked Osgood for an update on the 2007 LMA Volunteer Inspection Program.

Osgood reviewed what he believed the components of a volunteer inspection program should include. He estimated that the costs of such a program would be \$40,000 and the LMA was not in a position to fund this program.

Suerth suggested that the LMA should work with the MN DNR to utilize their experience in running a voluntary program.

Harrod suggested cutting the expenses of such a program by utilizing the Hennepin County Sentence to Serve Program to provide volunteer inspectors.

Skramstad asked Nybeck for background on the 2007 I-LIDS proposal.

Nybeck reviewed discussion of 2007 I-LIDS Proposal conducted at the December 13th Board Meeting. At this meeting, the Board was informed that the LCCMR grant application would not provide funding. The Board then directed staff to work with Environmental Sentry Protection, LLC (ESP) to refine a proposal for 2007 for Board consideration. This work has been completed and a revised proposal for 2007 was included in the packet from ESP.

Mr. Eric Lindberg, CEO of ESP, reviewed the 2006 I-LIDS Program that was conducted on Lake Minnetonka, and the 2007 proposal. He stated that he would be conducting a separate I-LIDS Program in 2007 in Burnet County with local lake associations and the WI DNR. The WI DNR was responding positively to the concept and the lake associations are being trained by the WI DNR for volunteer research.

MOTION: Suerth moved, Knudsen seconded to direct Nybeck and LeFevere to prepare a draft 2007 I-LIDS Agreement for consideration by the Board at the January 24th LMCD Board Meeting.

VOTE: Motion carried unanimously.

The Board discussed possible funding sources for the proposed 2007 I-LIDS Project. Two potential funding sources included "Save the Lake" and NRICH Grant funds through Hennepin County Environmental Services, with a submittal deadline of February 15th. The Board directed staff to bring back a draft ENRICH Grant Application for consideration by the Board at the February 14th meeting.

C. Additional Business

There was no additional business.

3. WATER STRUCTURES

- B. Boulder Bridge HOA**, consideration of draft Findings of Fact and Order to approve the reconfiguration of non-conforming, multiple dock license application.

Skramstad stated that LeFevere had prepared draft Findings in accordance with the Board discussion at the December 13th meeting.

MOTION: Knudsen moved, Nelson seconded to approve the draft Findings of Fact and Order as submitted, approving the Boulder Bridge HOA new multiple dock license application for the 2007 season.

VOTE: Motion carried unanimously.

- C. Ordinance Amendment**, first reading of an ordinance relating to deicing licenses, new and renewal, amending LMCD Code Section 2.09, subd. 7.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated LeFevere was directed to prepare a draft ordinance amendment in response to Board action on two applications at the November 8th meeting. At this meeting, the Board approved permanent dock license (residential) and deicing license applications that are traditionally processed at staff level. However, LMCD staff had questions about approving a permanent dock at a combined site and how the grandfathering of deicing rights at one site would apply to the second site. This draft ordinance amendment was prepared to clarify these questions for future applications that are similar.

MOTION: Seuntjens moved, Nelson seconded to approve first reading of the draft ordinance amendment as submitted, to waive second and third readings, and to adopt the ordinance amendment.

VOTE: Motion carried unanimously.

- D. Trillium Bay HOA**, discussion of comments received for recently prepared mandatory EAW document.

Skramstad asked Harper for background on this agenda item.

Harper stated that Trillium Bay HOA had submitted a new multiple dock license application to maintain the existing 17 Boat Storage Units (BSUs) on 850' of continuous shoreline. However, the applicant proposed to reconfigure the dock structure and size of the slips. The proposal would result in the cumulative square footage for dock structure and maneuvering space of 25,996.75 square feet. The Environmental Quality Board (EQB) requires a mandatory Environmental Assessment Worksheet (EAW) when the cumulative expansion exceeds 20,000 square feet for structure and maneuvering space. LMCD staff prepared a mandatory EAW that was reviewed and approved by the Board at the November 8th meeting. The EAW was distributed to the required contact list, with the EAW abstract published in the 11/20/06 EQB Monitor. Comments were due in the LMCD office by December 20th, with comments received from two agencies (the Minnesota Pollution Control Agency and the Metropolitan Council). No requests were made for the LMCD to

prepare an Environmental Impact Statement (EIS). If the Board concluded that further environmental review was not necessary, Harper recommended that the Board approve a motion making a negative declaration on the need to prepare an EIS.

MOTION: Seuntjens moved, McDermott seconded to approve a negative declaration for the need to prepare an EIS for the pending Trillium Bay HOA new multiple dock license application.

VOTE: Motion carried unanimously.

Harper stated that the public hearing for the pending Trillium Bay HOA new multiple dock license application would be scheduled for the February 14th Board meeting.

E. Additional Business.

Nelson stated that he believed the LMA's request for the Board to establish a moratorium on new multiple dock license applications should be placed on the agenda for the January 24th Board meeting. He expressed an interest in establishing a working relationship with the MCWD to review potential environmentally sensitive areas of LMCD Code, in consultation with the LMA.

The consensus of the Board was to schedule the LMA's moratorium request on the agenda for the January 24th Board meeting.

4. FINANCIAL

C. Additional Business

There was no additional business.

5. ADMINISTRATION

A. 2007 LMCD Board Officers, consideration of recommendations from the nominating committee.

Skramstad asked Scanlon for background on this agenda item.

Scanlon stated that he had previously spoke with each Board member to assess their interest in being a 2007 Board Officer. He provided a description of what he felt each Board Officer position entailed. Based on his discussions with each Board member, one Board member had expressed an interest in the Chair, Vice Chair, and Secretary positions. They included Skramstad for Chair, Van Hercke for Vice Chair, and Knudsen for Secretary. Two members have expressed an interest in the Treasurer position, Altstatt and Seuntjens. He asked each Board member to clarify why they were interested in serving as a 2007 LMCD Board Officer and circulated a ballot for voting purposes.

Skramstad expressed an interest in serving as Chair in 2007 to follow-up on projects that have commenced during his tenure and to continue to build on partnerships.

Van Hercke stated that she would be honored and privileged to continue to serve as Vice Chair in 2007. She has served the Board for six years and that she was pleased with the direction and

collaboration of the Board.

Knudsen stated that it had been an honor to represent the LMCD with current and former Board members. He had enjoyed his tenure as Board Treasurer and he expressed an interest in serving in another Board Officer position in 2007.

Seuntjens stated he had volunteered for public service for the past 25 to 30 years. This included the past six years on the LMCD Board, a variety of positions since the 1980's with the City of Minnetonka Beach (including currently serving on the city council), and chairing a 100 member national tax advocacy committee that he was appointed to by the U.S. Treasury. He stated that he worked with Honeywell for 33 years in the capacity of executive management and finance, including managing various departments. He believed that this experience would make him qualified to serve as the 2007 LMCD Treasurer.

Altstatt stated he also has extensive public service, similar to Seuntjens. This included serving in the military for 20 years and budgeting experience with the City of Greenwood and the chamber of commerce. He was interested in serving as the 2007 LMCD Treasurer because he wanted to become more familiar with the financial transactions of the LMCD. He believed that change in the Board Officers was good for the LMCD because it provided cross training. He expressed interest in working closer with the representative cities during the budget process and it would be an honor to serve in this position.

Skramstad stated that he believed the Board should conduct three items of business in order to be procedurally correct. First, there should be an opportunity to open up nominations from the floor for a 2007 LMCD Board Officer position. Second, there should be Board action on the three uncontested 2007 LMCD Board Officer positions. Third, there should be Board action on the on contested 2007 LMCD Board Officer position, Treasurer.

Scanlon asked if there were nominations from the floor for the Chair, Vice Chair, Secretary, and Treasurer positions. He stated that there were no nominations from the floor for any of these 2007 LMCD Board Officer positions. He asked all Board members to vote on these 2007 LMCD Board Officer positions on the ballots circulated and to forward them to Harper and Herman to be tallied. He stated that the results would be announced later in the meeting.

- B.** Chair update on 12/13/06 Executive Session to discuss the performance of Executive Director Greg Nybeck.

Skramstad stated that the Board discussed Nybeck's performance for the past year in an executive session. He provided a general summary of the feedback from the Board to Nybeck of his performance during this evaluation period. During this executive session, the Board discussed a 5% adjustment of his annual salary, retroactive to November 1st, from \$63,841 to \$67,033. Additionally, the Board discussed allowing for 20 days of vacation for Nybeck on an annual basis.

MOTION: Seuntjens moved, Van Hercke seconded to: 1) adjust the annual salary of Nybeck from \$63,841 to \$67,033 (retroactive to 11/1/06), and 2) to approve 20 days of annual vacation to Nybeck.

VOTE: Motion carried unanimously.

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

Skramstad asked Nybeck for an update on this agenda item.

Nybeck stated that he had prepared a draft list of 2007 LMCD special projects, with a priority ranking. This list of six projects is a summary of Board projects and the Board might want to consider changing his ranking of a project(s). First, continuation of LMCD Code Enforcement Program, with prioritization of enforcement efforts to be determined in the near future by the LMCD Board (high priority). Second, review and updates, where determined necessary, to existing LMCD Code. This was recommended as a high priority and that this project take the place of updating the 1974 Boat Density Policy Statement. Third, implementation of a Lake Minnetonka Aquatic Invasive Species Program. This was recommended as a high priority and could include continuation of the MN DNR Watercraft Inspection Program, creating a local volunteer inspection program, and possible continuation of the I-LIDS Program. Fourth, review and recommitment to projects outlined in the Lake Minnetonka Boat Density Committee Action Plan (medium to high priority). Fifth, continuation of the "Future of the Lake Day" Event (medium priority). Sixth, planning for other LMCD projects, primarily invasive species, for possible grant requests (low priority). He entertained questions and comments from the Board.

Skramstad asked Nybeck for feedback on whether accomplishing all six special projects could be accomplished in 2007.

Nybeck stated that revisiting the projects outlined in the Boat Density Committee Action Plan would need to be done by the Board. With regards to continuing the "Future of the Lake Day" Event, this could be accomplished as long as the Board understood it would take quite a bit more LMCD staff time to pull the event off properly. One drawback of this is that it could take away time from working on the other high priority special projects.

Suerth recommended the Board consider discontinuing the "Future of the Lake Day" Event in 2007. He made this recommendation because it was time consuming for LMCD staff and might be more appropriate with another organization, such as the LMA.

Altstatt stated that he was involved in the 2006 "Future of the Lake Day" Event as the liaison to the Board. He expressed concern about the money spent in 2006, \$4,000, and the need to spend more money in the future to make it better. The LMCD's funding came from "Save the Lake" in 2006 and he believed it was more appropriate to spend these funds on invasive species projects, such as I-LIDS.

The Board discussed this and the consensus was for Nybeck to check further into this with Michael Deering and report back to the Board. Additionally, the Board committed to special projects one, two, three, and six. The fourth special project needs to be scheduled for an upcoming LMCD Board meeting.

D. Additional Business.

There was no additional business.

6. LAKE USE & RECREATION

There was no discussion.

7. EXECUTIVE DIRECTOR REPORT

Nybeck stated that he attended a MN DNR Roundtable Meeting in St. Cloud on January 5th and 6th. He believed that this annual meeting was educational and informative and that the LMCD should continue to be represented at future MN DNR Roundtable Meetings.

8. OLD BUSINESS

Seuntjens stated that Minnetonka Beach was granted a one-year temporary variance last spring for Dock Site 10. With a new mayor in 2007 and a new resident planning to move in this spring at one of the abutting neighbors to Dock Site 10, he believed that it might be necessary to extend this temporary variance one additional year. Most likely, Minnetonka Beach would make this request for an extension in March and is working with the neighbors to continue towards a long-term solution.

9. NEW BUSINESS

MN DNR Commissioner Letter

Skramstad stated he had recently sent a letter to new MN DNR Commissioner Mark Holsten on behalf of the LMCD.

2007 LMCD Board Officers

Scanlon stated that the results of the ballots had been tallied by Harper and Herman. Based on these results, the following Board Officers have been elected for 2007: Skramstad- Chair; Van Hercke- Vice Chair; Knudsen- Secretary, and Seuntjens- Treasurer.

10. ADJOURNMENT

LeFevere stated that the purpose 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) attorney/client privilege discussion for pending litigation strategies of LMCD vs Peterson, and 3) to adjourn the meeting following completion of the executive session.

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

VOTE: Motion carried unanimously.

Tom Skramstad, Chair

Tom Seuntjens, Secretary