

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, February 14, 2007
Wayzata City Hall

CALL TO ORDER

Skramstad called the meeting to order at 7:04 p.m.

ROLL CALL

Members present: Tom Skramstad, Shorewood; Paul Knudsen, Minnetrista; Tom Seuntjens, Minnetonka Beach; Gene Altstatt, Greenwood; Doug Babcock, Tonka Bay; Mary Bader, Wayzata; Steve Johnson, Mound; Pete Nelson, Victoria; Herb Suerth, Woodland. Also present: Charles LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; Emily Herman, Administrative Assistant.

Members absent: David Gross, Deephaven; Leigh Harrod, Excelsior; Drew McDermott, Orono; Tom Scanlon, Spring Park; Katy Van Hercke, Minnetonka

CHAIR ANNOUNCEMENTS, Chair Skramstad

There were no Chair announcements.

READING OF MINUTES – 1/10/07 LMCD Regular Board Meeting
1/24/07 LMCD Regular Board Meeting

Nelson stated that at the January 10th Board Meeting, a number of comments were provided from Lake Minnetonka Association (LMA) Executive Director Dick Osgood that were summarized within the draft minutes, specifically the fifth paragraph on page six. He asked Osgood to clarify if the draft minutes properly summarized his comments.

Osgood expressed concern about the last sentence in the fifth paragraph on page six. He requested that language be added to this sentence that states that the Demonstration Project does not necessarily need to wait until 2008 to continue or expand the project because he believed it could occur at any time.

Nelson stated that was his recollection of Osgood's comments.

Nybeck recommended the Board take no action at this meeting to allow LMCD staff to review the tape. The Board concurred with Nybeck's recommendation and staff was directed to bring draft January 10th Board minutes back for review at the February 28th meeting.

MOTION: Altstatt moved, Knudsen seconded to approve the minutes from the 1/24/07 LMCD Regular Board Meeting as submitted.

VOTE: Ayes (6), Abstained (3; Babcock, Seuntjens and Skramstad); motion carried.

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

There were no Chair announcements.

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.

Nelson requested that agenda item 3A, Audit of Vouchers (2/1/07 - 2/15/07), be removed from the consent agenda.

Nelson moved, Babcock seconded to approve the consent agenda as amended, removing agenda item 3A. Motion carried unanimously. Item so approved included: **1A, 2007 Multiple Dock Licenses**, staff recommends Board approval of 2007 renewal, without change, multiple dock license applications as outlined in the 2/8/07 staff memo.

PUBLIC HEARING

- **Trillium Bay HOA**, new multiple dock license application to reconfigure a conforming facility on Halsteads Bay.

Skramstad asked for background from Harper on this agenda item.

Harper reviewed the staff memo, dated 2/6/07, which summarized the Trillium Bay HOA's new multiple dock license application. He stated that the applicant proposed to increase the sizes of 11, 12' X 32' slips to 16' X 40'; however, maintaining the existing 17 Boat Storage Units (BSUs) on 850' of continuous shoreline. A mandatory Environmental Assessment Worksheet (EAW) document was coordinated by staff in accordance with Environmental Quality Board rules and the LMCD made a negative declaration on the need for an Environmental Impact Statement at its January 10th Board meeting. He recommended approval of the new multiple dock license application for the 2007 season, with the condition that all watercraft located at the dock must be stored within 100' from the 929.4' shoreline. He entertained questions and comments.

Skramstad asked for further comments and background from the applicant.

Mr. Pete Stuckey, 4355 Trillium Lane West, stated that he was a resident and the representative for Trillium Bay HOA. The application was being presented in an effort to provide uniformity in the size of the boat slips. As there are only a few residents that need the 40' long slips, he did not believe that all slips would be converted at one time and that the residents are aware that no boats may go beyond the 100' contour line. He entertained questions and comments from the Board.

Skramstad asked staff to comment on the proposal to gradually convert the slips to the site plan dimensions, if approved by the Board.

Nybeck stated that LMCD had not historically required new multiple dock license applicants to construct the docks to the approved dimensions if the added structure was not needed.

Babcock concurred with Nybeck's assessment.

Skramstad asked Stuckey to clarify how the HOA allocates the docks to residents within the development.

Stuckey stated the original developer had a priority list associated to the sale of the lot. In turn, each of the homeowners paid the developer for the rights to a particular slip, pending LMCD approval. The HOA's current covenants allow the slip owner to sell the rights of the slip to another HOA member only. This situation has not surfaced and he did not anticipate this.

Suerth asked what the developer charged for the slips and how the distribution of slips were prioritized.

Stuckey stated the developer had a standard price for the boat slips and gave everybody the impression that they could have whatever slip they wanted, provided the total dock structure did not exceed the 20,000 square feet threshold for mandatory EAW's. When the developer sold the slips, he turned the management over to the HOA. As discussions proceeded, Nybeck informed the HOA that what the developer left was not in compliance. In the spring of 2000, the Board approved a site plan the HOA could live with. Due to current concerns amongst the residents, it was necessary to request a uniform site plan at this time.

Seuntjens asked what the anticipated time frame would be to construct all slips to 40'.

Stuckey stated the current residents have varying size boats and he did not anticipate all the residents to acquire 40' boats. Should they do so, the residents have to pay the additional expense estimated at several thousand dollars.

Babcock asked Stuckey if the HOA could add wording in their covenants to keep boats within the 100' contour line.

Stuckey agreed with Babcock's suggestion and stated that the HOA would change the policies or bylaws rather than the covenants. He stated that the residents could not increase the size of the boat slip without the ownership of a boat that warranted it.

Babcock stated that as a conforming structure, the applicant had the right to request more 40' long slips, although this may not be in their best interest. He believed that it would be difficult to see the Board vote against a conforming structure's request and in turn, approve a variance for a non-conforming application. Originally, he believed that the slips were smaller to avoid reaching the 20,000 square foot threshold for the mandatory EAW requirement. Because a mandatory EAW has been prepared for the proposed application, another one would not need to be done until there was a cumulative expansion of an additional 20,000 square feet of dock structure and maneuvering space.

Skramstad opened the public hearing at 7:26 p.m. There being no comments, he closed the public hearing at 7:27 p.m.

MOTION: Babcock moved, Nelson seconded to approve the Trillium Bay HOA new multiple dock license application for the 2007 season, subject to all watercraft being stored within 100' from the 929.4' shoreline.

VOTE: Ayes (8), Nays (1, Suerth); motion carried.

1. WATER STRUCTURES

- B. City of Deephaven**, request to extend the time period to process pending new multiple dock license and special density license applications (per LMCD Code Section 1.06, subd. 13).

Skramstad asked for background from Nybeck on this agenda item.

Nybeck reminded the Board that the City of Deephaven had pending new multiple dock and special density license applications with the LMCD since July of 2003. These applications have been listed on past Board agendas as pending and the LMCD has received a signed, indefinite extension to the 60-day rule from Deephaven. With the adoption of LMCD Ordinance 194 last spring, these applications would be deemed denied by LMCD Code on April 1st, unless the applicant requested an extension of this deadline by the Board 45 days prior to the deadline. The City of Deephaven has requested an extension and Deephaven Mayor Paul Skrede was in attendance.

Mayor Skrede, 18875 Azure Road, stated that he was comfortable with Nybeck's background. It was Deephaven's intent to provide the first presentation of the proposed application to the citizens of Deephaven in March. An extension of the April 1st deadline date was requested to provide Deephaven the opportunity to hold multiple public meetings. He welcomed any questions by the Board.

Skramstad stated that he appreciated Deephaven's interest in soliciting public input on their applications. Additionally, he did not foresee the construction of the docks this year as both governmental processes would take time.

Babcock stated he was in favor of a one-time extension of these pending applications to July 1, 2007 as requested by Deephaven.

Nelson stated that the pending applications would be subject to the draft moratorium being discussed later in this meeting. He requested clarification from LeFevere as to whether the applications would be exempt from the proposed ordinance amendment.

LeFevere stated that the applications would be subject to the draft moratorium as written.

Skrede reviewed his understanding of the draft and stated that it was not Deephaven's intent to circumvent the moratorium.

Nelson asked Skrede why the applications were taking so long to process.

Skrede stated during the first year, the applications were met with significant resistance and a break was taken. The second year provided for an attempt to provide a comprehensive, overall plan which was more challenging than going bay by bay. Therefore, the Deephaven Boat Committee was charged with coming back with a plan for St. Louis Bay. The Boat Committee came back to the city council with three proposals, in which public hearings were conducted, and in turn the result was to do nothing. In summary, the Boat Committee was considering the idea of restructuring the slide spaces to accommodate the desired watercraft.

Skramstad stated that an e-mail was included in the handout folders from Deephaven LMCD Board member David Gross. He was unable to attend this meeting; however, he supported the extension request from Deephaven.

MOTION: Babcock moved, Nelson seconded to grant a single extension of time to 7/1/07 to process pending new multiple dock license and special density license applications for the City of Deephaven.

VOTE: Motion carried unanimously.

- C. Ordinance Amendment,** first reading of an interim ordinance for the purpose of protecting Lake Minnetonka, the planning process, and the health, safety and welfare of the public and restricting the licensing of certain commercial and multiple docks;

Skramstad asked LeFevere for background on this agenda item.

LeFevere stated that he prepared the draft moratorium ordinance amendment into three primary sections. The first primary section, Background, outlines a number of potential environmental reasons why the Board might adopt it. The second primary section, Prohibition, states that no new multiple or commercial dock shall be established or constructed if such dock meets any of the four criteria listed. These criteria included: 1) any part of the slip in the facility would have less than three feet of water depth from the 929.4' elevation; 2) the facility would require any dredging; 3) the facility would require one or more variances to avoid dredging, wetland impact, or shallow water; and 4) the measured shoreline at the site exceeds 125 percent of the straight line measurement and the number of watercraft proposed would exceed one for each 50' of the straight line measurement. The moratorium would also apply to reconstruction of existing facilities if a new license were required because of an increase in the total square footage of slips, an increase in Boat Storage Units, or a change in use from one of the classifications of use specified in LMCD Code Section 2.11, subd. 2. The third primary section, Exceptions, outlined three situations where the moratorium would not apply. These include: 1) facilities that are licensed prior to the effective date of the ordinance, 2) legal, non-conforming facilities that reconfigure under Code Section 2.015, and 3) applications for temporary low water variances. The moratorium as prepared would expire on 2/29/08, although this date was the Board's discretion. He entertained questions and comments from the Board.

Seuntjens stated that Section 1.06 in the draft ordinance amendment stated that "The Board is undertaking a study to determine what steps can be taken to enhance protection of the environmentally sensitive areas of the Lake and regulatory controls of the District can be amended to better protect such area". He asked who would conduct this study and when would it start.

Nelson stated that he hoped the study could be conducted through the EWM/Exotics Task Force. This committee already deals with environmental issues pertaining to aquatic invasive species and there are a number of qualified participants that attend these meetings. Because this draft ordinance amendment deals primarily with environmental issues, he believed that this was the proper committee to address the issues.

Babcock stated that there were two changes he would like considered for the draft ordinance amendment. First, he would like to remove Section 3.02 because he questioned whether all "envelope applications" should be exempted from the proposed moratorium. Second, he believed that 3.01 should be clarified that the ordinance does not apply to facilities that are licensed or re-licensed prior to the effective date of the ordinance.

Knudsen stated that there were a number of multiple dock facilities that are renewed annually by the LMCD. If ordinance changes were to be made, he questioned whether these facilities would be exempted to the new rules or whether it would apply only to new facilities. He recognized that there were a number of ecological sensitive areas around Lake Minnetonka. However, these areas are all unique and he questioned whether rules could be adopted that fairly apply around Lake Minnetonka.

Babcock stated that the LMCD had the legislative authority to decide whether to grandfather facilities if ordinance changes were to be made. He believed that this decision should be made separate from the moratorium decision. He believed that the end goal was not to let things get worse in the meantime.

Nelson stated that the Board recently committed to update LMCD Code, where deemed necessary, in place of the updating the 1974 Boat Density Policy Statement. This policy statement was done years before a number of the existing ordinances were adopted and he believed that environmental ordinance changes to supplement the 1974 Boat Density Policy Statement would be reasonable.

Nybeck stated that the new multiple dock license application approved earlier in the meeting for Trillium Bay HOA would not be exempted by the draft ordinance amendment. One of the more challenging tasks that staff faces annually was bringing multiple dock facilities into compliance with their approved site plan. He questioned whether the Board might want to consider further exemptions from the proposed moratorium for these types of facilities. He proposed allowing staff to work with LeFevere on the preparation of a decision matrix to address this, similar to what LeFevere put together for the tributary ordinance amendment adopted some years ago. He believed that this could be prepared for the February 28th Board meeting.

Knudsen asked for an estimated number of multiple dock license applications that were coming forward that would be impacted by the proposed moratorium.

Nybeck stated that he believed the moratorium ordinance would apply to most multiple dock facilities on Lake Minnetonka because they most likely would meet one of the criteria outlined by LeFevere.

Seuntjens stated that he believed the moratorium was a reaction by the Board without fully understanding whom it would impact. Although he understood the thought process of the Board members that supported a moratorium, he was not in favor of it until the Board had a better understanding of whom it would impact. He recommended that the concerns of the Board could be addressed, without a moratorium, by getting the committee established and getting the work started.

Babcock stated that the purpose of the moratorium would be to limit changes that the Board would not like to see. He believed that it would be difficult to determine who might apply for a new multiple dock license application because that was a hypothetical question. He believed that the moratorium would have little impact on the public because there were no pending applications and we are not aware of any other pending applications. He believed that additional protections were needed on Lake Minnetonka and he believed that this draft ordinance accomplished this. He was comfortable with the EWM/Exotics Task Force conducting this study, although he wanted this to be the work of the LMCD in consultation with other agencies and organizations.

Skramstad stated that he believed there was more internal analysis and discussion that should take place before considering the draft moratorium ordinance amendment. He believed that it would be beneficial to have staff look into this further and discuss it at a future Board meeting.

Altstatt agreed with the committee proposal to review the environmental issues. However, he believed that there were too many unanswered issues to take action on the moratorium ordinance amendment at this meeting. He believed that the Board might want to consider a separate committee from the EWM/Exotics Task Force to study whether a moratorium was necessary and report back to the Board in the next couple of months.

Skramstad stated that there was a letter in the handout folders from Dock and Lift, Inc. that expressed concern about the Board adopting the draft moratorium ordinance.

LeFevere addressed whether further exemptions should be included in the draft moratorium ordinance. If something comes along that was not controversial and should not be included in the moratorium, the Board could always re-write the ordinance to exempt those types of applications. With regards to the decision matrix referred to by Nybeck, this ordinance amendment would not exempt a number of multiple dock license applications such as Trillium Bay HOA. For the ordinance to be effective, the Board needs to draw a line. The question for the Board to address was where to draw the line.

Babcock questioned whether the proposed moratorium would create an undue hardship on any of the existing multiple dock facilities.

Harper stated that he had been working with a number of multiple dock facilities, which had been out of compliance in past years, to bring them into compliance with LMCD Code and licensing requirements.

Seuntjens stated that he had concerns about moratoriums in general and whether the LMCD could enact a well thought out ordinance within 12 months. He believed that it would be more beneficial to get the committee work started ASAP.

Nelson stated that he recalled there were discussions with other agencies and organizations in recent years relating to LMCD and environmental concerns. No committees were formed and no ordinances were changed based on these past discussions. Because of this, he believed that a moratorium ordinance would force the LMCD to act on environmental issues within the next 12 months. Without the moratorium, he did not believe that any ordinances in LMCD would be amended.

MOTION: Altstatt moved, Knudsen seconded to: 1) form a committee of no less than three Board members and staff to review the potential of a moratorium, and 2) come back to the Board within two months with recommendations.

Babcock questioned whether the Board would be misdirected to taking two months to decide whether a moratorium should be established and not starting the committee work.

Altstatt stated that the intent of his motion was to decide whether a moratorium would create more problems rather than solving them.

Nelson expressed concern about the motion to delay a decision on the draft moratorium ordinance two months.

Altstatt questioned whether delaying a decision on the draft moratorium ordinance amendment would cause a large problem. He stated that he was concerned about the LMCD over regulating Lake Minnetonka.

Seuntjens stated that he would prefer to have the Board establish a committee to address environmental concerns rather than establishing a moratorium. This committee should get direction from the Board by establishing milestones and deadline.

Nybeck recommended that a separate committee should be appointed to study environmental issues rather than working through the EWM/Exotics Task Force. This committee meets only every two months and a number of the members might not be qualified or interested in these issues. For those members that were interested, they could participate on this separate committee.

Babcock stated that he believed the LMCD could get the environmental work done within 12 months. He believed that the intent of the moratorium would be to provide Lake Minnetonka some form of protection while the Board makes a decision on what to protect on a permanent basis. He stated that he would be willing to Chair this committee.

VOTE: Ayes (5), Nays (4; Babcock, Johnson, Nelson, and Suerth); motion carried.

MOTION: Altstatt moved, Knudsen seconded to select the moratorium ordinance committee, with at least three Board members to serve on it.

Altstatt stated that he would serve on this committee and solicited other Board members to serve on the committee.

Knudsen questioned whether Babcock would be willing to Chair this committee.

Babcock stated that he was willing to chair a committee that examines how to further protect Lake Minnetonka and its environmental issues. He was not interested in either Chairing or participating on the moratorium ordinance committee.

Due to the lack of interest from Board members to participate on the moratorium ordinance committee, Altstatt and Knudsen withdrew their motion.

Bader questioned whether it would be appropriate to establish a second committee to evaluate concerns that some Board members were recommending. She stated that she believed there was consensus of the Board to move forward, although there were questions relating to the process.

Babcock stated that if this committee were to be established, the Board needs to define the goals so that the proper members were recruited. At this point, he believed that there was no direction from the Board on what ordinances need to possibly be changed. He re-stated that he was willing to chair this committee.

Skramstad stated that one of the concepts discussed at this meeting was for staff to put together a decision matrix for review by the Board at the February 28th Board meeting. He questioned whether this would be helpful.

LeFevere questioned what would be included into a decision matrix. The decision matrix recommended by Nybeck was to evaluate whether more flexibility should be included in the draft moratorium ordinance amendment for existing multiple dock facilities. An alternative approach for the Board to consider was to determine what the primary issues were, the scope of the work to be done by the committee, and where to go to from this point forward. Once the Board has a better understanding of this information, the Board could decide: 1) whether it was behind this exercise, and 2) whether a moratorium was necessary.

Babcock restated that he would chair the committee, provided he had better feedback from the Board on what environmental issues were of concern. He stated that he would prefer not to go through the exercise without some form of support from the Board.

LeFevere stated that he believed it would be beneficial for the Board to provide this committee with a list of environmental issue and ordinances that need further protection to start with.

Skramstad questioned whether Nybeck could assist the Board by creating a list of five or 10 environmental issues as a starting point based on Board member feedback.

Nybeck stated that this could possibly be done, working in coordination with Babcock, for review by the Board at the February 28th meeting.

Babcock stated that he would like some broad base support from the Board behind these ideas.

MOTION: Suerth moved, Bader seconded to give Babcock a vote of confidence from the Board in his work towards this procedure.

Babcock stated that although he appreciated the motion, he questioned what it would accomplish.

Suerth and Bader withdrew their motion.

The Board discussed this further. The consensus of the Board was to get a list started, based on feedback from the Board, of environmental issues that need further protection in LMCD Code.

2. EWM/EXOTICS TASK FORCE

A. Chair update of the 2/9/07 EWM/Exotics Task Force Meeting.

Skramstad asked Suerth for an update on this agenda item.

Suerth updated the Board on communications relating to a Lake Vegetation Management Plan (LVMP) on Lake Minnetonka, which the Board provided concept approval in January. He hoped that this could be accomplished as much as possible while minimizing expenses.

Nybeck stated discussions had been held at separate times with representatives from the MN DNR, Three Rivers Park District, and the MCWD. All parties seem to support the concept of a LVMP, although

the MCWD supports it within the larger scope of an overall Lake Minnetonka Management Plan.

- B. Consideration of draft State of Minnesota Income Contract for the use of MN DNR Watercraft Inspection Program inspectors for 2007.

Skramstad asked for background from Nybeck on this agenda item.

Nybeck stated that a contract had been prepared by the MN DNR for the 2007 Watercraft Inspection Program. He highlighted some of the contract details that had been discussed at recent Board meetings. He recommended Board approval of the contract for the 2007 season and entertained questions and comments from the Board.

Skramstad asked if the contract amount was within the budget.

Nybeck stated \$25,000 of the contracted amount would be taken from the Exotics Budget for zebra mussels, with the balance of \$6,680 taken from the 2007 "Save the Lake" Budget.

MOTION: Knudsen moved, Nelson seconded to approve the State of Minnesota Income Contract for the use of MN DNR Watercraft Inspection Program inspectors for the 2007 season as submitted.

VOTE: Motion carried unanimously.

- C. Review of draft NRICH grant application.

Skramstad as for background from Nybeck on this agenda item.

Nybeck stated the draft ENRICH grant application was due at Hennepin County on February 15th and that it was reviewed at the February 9th EWM/Exotics Task Force Meeting. He stated that a memo was included in the handout folders that summarized recommended changes to the draft grant application from Board member Harrod, who was unable to attend this meeting. He did not have concerns about Harrod's recommendations and requested a motion from the Board approve the grant application, as submitted or amended, and to direct staff to submit the application by the February 15th deadline.

MOTION: Nelson moved, Johnson seconded to approve the NRICH grant application, allowing Nybeck the ability to make changes where he deemed necessary and to submit it by the February 15th deadline.

Babcock proposed a friendly amendment to specify within the motion which of Harrod's recommended changes would be included. Nelson did not accept this in light of time restraints in submitting the application and his full confidence that Nybeck would make the appropriate changes.

VOTE: Motion carried unanimously.

- D. Additional Business.

Suerth expressed concern about the lack of support for the 2007 Volunteer Inspection Program. He

suggested drafting a letter to the homeowners associations on LMCD letterhead soliciting volunteers for 2007. He visualized utilizing the volunteers in areas where inspections were currently not being conducted.

Osgood updated the Board on some legislative matters. First, the governor has proposed a budget to include the MN DNR's element for extra funding towards aquatic invasive species. Second, there is a proposal to raise the current \$5 surcharge on all watercraft licenses every three years providing for an additional \$5 for watercraft less than 17' and an additional \$10 for watercraft greater than 17'. Third, there is a proposal for an additional \$2 surcharge on out of state fishing licenses for extra funds towards additional inspectors and stepping up their aquatic invasive species cost-share program for the control of milfoil and curlyleaf pondweed. Fourth, there is a proposal to increase enforcement activities. The LMA was proposing legislative changes to increase all boat license fees to \$15 and adding an additional protection element for zebra mussel programs and other activities. He stated it was early in the process and he anticipated controversy to the boat license fees.

Nelson stated that he had met with Senator Gen Olson to discuss the possibility of an increase in fines for boaters that transfer vegetation. He asked Osgood if he had heard the legislature discussing that option.

Osgood stated that the only legislative discussion that he was aware of at this time was the increase in enforcement that would in turn increase fines. As a practical matter, he did not believe that enforcement was occurring at this point.

Nelson stated that a 2007 Lake Minnetonka Forum was being planned for March 7th from 6:00 to 9:00 p.m. at the Freshwater Society. The purpose was to get all partners together to discuss invasive species.

Osgood stated he, Shorewood Mayor Christine Lizee', and Nelson formed this concept at a recent Mayors invitation gathering. The date had not been confirmed; however, he perceived all 14 mayors gathering to discuss the prevention of invasive species.

Nelson stated that he and Osgood were taping a show for the purpose of educating the public between the public and private responsibilities of the LMCD and the LMA as it pertains to invasive species.

3. FINANCIAL

A. Audit of vouchers (2/1/07-2/15/07)

Nelson stated that he did not have a question about a specific check. However, he requested that staff provide an in-house account of revenue and expenses for the "Save the Lake" Fund.

Nybeck stated that could be done on a monthly basis in conjunction with the monthly financial summary and balance sheets.

Nelson agreed to that suggestion.

MOTION: Nelson moved, Knudsen seconded to approve the Audit of Vouchers (2/1/07 - 2/15/07) as submitted.

VOTE: Motion carried unanimously.

B. Additional Business

Seuntjens stated that a meeting was scheduled to review the draft 2006 LMCD Audit in the LMCD office with the auditor on February 22nd. He believed that this audit would be on the February 28th Board agenda.

4. ADMINISTRATION

A. Staff update on 2007 "Future of the Lake Day" Event.

Skramstad stated that he and Nybeck met with representatives from Crystal Pierz Marina to discuss the continuation of the "Future of the Lake Day" event. All were in agreement that the event was very successful and required a great deal of work. For the event to continue, it was agreed that it would take an increase in time and money and he requested feedback from the Board on whether this event should continue in 2007.

The Board discussed this and believed that the events conducted in 2005 and 2006 were positive. However, due to funding issues and times constraints on staff, the consensus of the Board was to discontinue the event in 2007.

B. Additional Business.

There was no additional business.

5. SAVE THE LAKE

A. Chair update on 2007 fundraising efforts.

Skramstad stated that Nybeck, Nelson and himself met to discuss ways to enhance fundraising efforts. He asked Nelson as Chair of "Save the Lake" Advisory Committee to expound on those efforts.

Nelson reported that the following fundraising efforts were discussed:

- In reviewing the solicitation database, it was found that a number of individuals are listed that have not donated for a number of years. It was decided to not remove them from the list but to find additional residents and businesses to be added to the database for possible donations.
- A challenge will be initiated whereby each Board member will be asked to contribute to the fund themselves and then provide a list of possible names to the staff.
- The possibility of acknowledging donors at the next "Save the Lake" Recognition Banquet.
- The implementation of pay pal, in conjunction with an upgrade on the LMCD's website for "Save the Lake".

Skramstad spoke of his personal efforts in obtaining names to enhance the data base by going through his address book, local listings, etc. He suggested that other Board members do the same.

B. Additional Business

There was no additional business.

6. LAKE USE & RECREATION

A. Review of Lake Minnetonka Boat Density Committee Action Plan.

Skramstad asked Nybeck for background on this agenda item.

Nybeck recommended that this agenda item be postponed until the February 28th Board meeting because Vice Chair Van Hercke chaired this committee and she was unable to attend this Board meeting.

Skramstad agreed with Nybeck's recommendation. If there were no objections from the Board, he stated that he would postpone discussion of this agenda item until the February 28th Board meeting. There were no objections.

B. Additional Business

There was no additional business.

7. EXECUTIVE DIRECTOR REPORT

There was no Executive Director Report.

8. OLD BUSINESS

Minnetonka Beach (Dock Site 10)

Seuntjens stated that the City of Minnetonka Beach would be turning in their applications within the next couple days.

Tom Kurak Update

Nybeck stated that the LMCD had recently approved a permanent, non-multiple, dock permit for his residence. Because the pending new multiple license and variance applications were no longer necessary, he believed that Kurak would be formally withdrawing these applications. Otherwise, these applications will be deemed denied in accordance with LMCD Code Section 1.06, subd. 13.

Public Hearing Notification Requirements

Skramstad stated that LMCD Code currently requires staff to notify all parties within a 350' radius of a site for public hearings. He questioned whether this was sufficient and he suggested that this topic be added to a future Board agenda for discussion.

9. NEW BUSINESS

Babcock updated the Board on an article he read regarding legislation that was being proposed to make it a misdemeanor to carry a glass container on a watercraft. He believed that the LMCD should get in front of this by not supporting this proposed legislation.

10. PENDING LITIGATION- LMCD VS Canning.

LeFevere stated that a settlement proposal for Board consideration was tentatively scheduled for this meeting. The documents were not available at this time and this will be brought back at another Board

meeting.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:40 p.m.

Tom Skramstad, Chair

Paul Knudsen, Secretary