

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, March 28, 2007
Wayzata City Hall

CALL TO ORDER

Skramstad called the meeting to order at 7:05 p.m.

ROLL CALL

Members present: Tom Skramstad; Shorewood; Tom Seuntjens, Minnetonka Beach; Doug Babcock, Tonka Bay; 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: Gene Altstatt; Greenwood; David Gross; Deephaven; Katy Van Hercke, Minnetonka. The City of Minnetrista has no appointed Board member.

CHAIR ANNOUNCEMENTS, Chair Skramstad

Skramstad announced that Board member Paul Knudsen had recently resigned from the LMCD Board because he was relocated to Oklahoma for an employment opportunity. The City of Minnetrista was seeking his replacement and he hoped his replacement would be appointed by the April 11th Board meeting.

READING OF MINUTES- 02/28/07 LMCD Regular Board Meeting

MOTION: Nelson moved, McDermott seconded to approve the minutes from the 2/28/07 LMCD Regular Board Meeting as submitted.

VOTE: Motion carried unanimously.

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

Greenwood Mayor Bob Newman, 5230 Meadville Street, stated he was present on a personal basis and not as a representative of the City of Greenwood. He expressed an interest in the LMCD finding an amicable and effective closure in the LMCD vs. Canning litigation matter as the time and costs associated with the litigation reflect back to the citizens of Greenwood. He spoke of the City's displeasure in the 2007 budget levy increase of 10.4% and the fear of this litigation causing the same.

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.

Bader moved, Nelson seconded to approve the consent agenda as submitted. Motion carried unanimously. Item so approved included: **2A, 2007 Liquor Licenses**, staff recommends Board approval of 2007 renewal, without change, applications as outlined in 3/23/07 staff memo; **3A**, Audit of vouchers (3/1/07 - 3/15/07) and (3/16/07 - 3/31/07); **3B**, February financial summary and balance sheet, **4A, 2007 Multiple Dock Licenses**, staff

recommends Board approval of 2007 renewal, without change, multiple dock license applications for Bayshore III HOA, Groveland HOA, Halsted Acres Improvement Association, Lafayette Ridge HOA, and Ridgewood Cove POA.

1. ADMINISTRATION

- A. Update from MCWD Administrator Eric Evenson of 2/28/07 Lake Minnetonka Management Plan Development Meeting.

Skramstad stated that Evenson was in attendance to provide an overview of the Lake Minnetonka Management Plan Development meeting that took place on February 28th. He welcomed Evenson on behalf of the Board.

Evenson stated that the MCWD was originally contacted by the LMCD soliciting interest in a cooperative Lake Vegetation Management Plan (LVMP) for Lake Minnetonka. Although there was an interest of the MCWD to conduct a LVMP for Lake Minnetonka, Evenson stated that the MCWD was more interested in conducting a LVMP within a holistic approach of lake management. Thus, a cooperative meeting was held on February 28th by the MCWD and the LMCD, with a number of other local officials, to discuss the possibility of a cooperative lake management plan. He highlighted the following key areas of the meeting discussion:

- Topics discussed included: 1) The Elements of a Lake Management Plan by Houston Engineering, 2) TMDLs and Lake Management Planning by the MPCA, 3) Lake Minnetonka Watershed Plans by the MCWD, 4) A Lake Minnetonka Phosphorous Study by Shane Missaghi from the City of Plymouth, and 5) Round Table discussion.
- He believed that the consensus of those in attendance included: 1) the use of a holistic approach for lake management made sense, 2) to start small and not reinvent the wheel as good lake management models are available, and 3) the holistic approach fits well with TMDLs and the watershed planning.
- Organizational comments included: 1) LMA—interested in expanding vegetation planning to meet ecological concerns, e.g. exotics, lake use conflicts; 2) Met Council—interested in working with cities on TMDLs and to make sure LMCD/MCWD’s interests are addressed in Local Comprehensive Plans, may have some grant funds available for implementation; 3) Hennepin Co.— may be able to provide staff or technical assistance and can be a liaison to the Water Patrol; 4) Three Rivers Park District—supportive of a holistic lake management plan and lake management planning as it relates to TMDLs and shoreland alterations; 5) LMCD—would like to see something happen this year, would like to have surveys done on some of the bays before doing chemical treatments, need to balance various interests, wetland preservation needs to be addressed in lake management plan, use of 1991 Management Plan must be used as a basis for the new plan (including the lake use and recreation chapter); 6) MN DNR—needs to address vegetation management, fisheries, public access, surface water use, and shoreland habitat; more survey data is needed including identification of critical habitats & wetlands; focus on bays; may be able to allocate staff time; 7) MPCA—get water quality data into STORET, some bays will likely be listed as impaired, holistic lake management plans may serve as a TMDL; and 8) MCWD—updated Watershed Plan that will support holistic lake management planning, will not provide financial support just for vegetative management for recreation, agreed to fund a “gap” analysis and preparation of a scoping document to develop a Lake Minnetonka Management Plan.

- Follow-up status to this meeting included: 1) Houston Engineering was waiting for the okay to start gap analysis, 2) water quality information has been sent to MPCA in STORET, 3) approval of the MCWD Watershed Plan was expected soon, 4) the 2007 monitoring program was underway, 5) the 3D lake model program was underway, 6) a bathymetric survey will be done in the spring of 2007, 7) a HHPL model prepared by the MCWD was being finalized by FEMA, and 8) the MN DNR annual fisheries inventory summary for 2006 was near completion.
- Common issues for a management plan include: 1) in-lake water quality (traditional focus), 2) invasive species management (animals and plants), 3) vegetation management (localized), 4) protection of unique resources and water levels, 5) recreational use, 6) shoreland/zoning (including bank erosion), 7) development density (including watershed), and 8) general condition/health.
- Administrative basics of a management plan include: 1) define roles, 2) assign tasks and responsibilities, 3) identify financial needs by task, 4) long-term timeframe (greater than five years) 5) priority based, and 6) living document.
- Technical basics of a management plan include: 1) basic lake data (area, depth, depth curves), 2) subwatershed boundaries, 3) information about the watershed, 4) water budget (hopefully mass balance), and 5) maps to communicate technical issues.
- Presentation key messages of a management plan include: 1) clearly define the issues and problems, 2) written goals and technical objectives, 3) measure progress, 4) put someone in charge, 5) let folks do what they do best, 6) who cares who gets credit for success, and 7) realistic timeframes and funding needs
- He entertained questions and comments from the Board

Harrod arrived at 7:26 p.m.

Skramstad asked if the MCWD's 509 Plan combined all the lakes in the watershed together and how invasive species were referenced, specifically zebra mussels.

Evenson stated the MCWD's Plan combined the 13 subwatersheds, not the lakes. In regards to referencing invasive species, the wording ties back to the overall ecological function of the lake because the MCWD Board of Managers wanted a broader sense of lake quality or a holistic approach to preventing invasive species rather than singling out one particular specie.

Nelson asked Evenson if stewardship funding would be available for curriculum needs in the prevention of invasive species.

Evenson stated there was a stewardship program through the MCWD that does provide funding for that purpose, with applications due in the fall for 2008 funding. Historically, the MCWD was actively involved in providing curriculum for the prevention of invasive species to the school systems. However, there are other agencies providing quality educational programming which have caused the MCWD to back away from that need.

Scanlon questioned the status of the solar bees placed in Stubbs Bay.

Evenson stated the contractor of the units have provided the MCWD one more year of free use. However, he was not convinced the outcome warrants their long-term existence.

Suerth asked who would be responsible for the coordination of tasks involved in a management plan.

Evenson stated the gap analysis would define the level of effort required to do the plan.

McDermott asked where the 3-D modeling would be used.

Evenson stated the 3-D modeling would be used on Lake Minnetonka, specifically interchanges between bays and water columns. The MCWD owns the equipment and once finished with Lake Minnetonka, impaired waters and high value public resources would be the next focused bodies of water.

Babcock asked Evenson what he saw as five actual items the MCWD would be changing or placing in action in the next 12 to 24 months for the betterment of Lake Minnetonka.

Evenson spoke of funding needs that required approval for the development of a management plan by the MCWD, LMCD, and LMA. He reviewed a curlyleaf pondweed plan taking place on Lake Gleason and how the homeowners association had agreed to finance \$5,000 a year, for three years, for this project. He did not believe that discussion of funding would take place until early in 2008.

Seuntjens asked if the inclusion of more rain gardens in municipal stormwater runoff plans to reduce phosphorous entering into the lakes was connected with the MCWD's management plan.

Evenson stated that there was a connection because watershed law requires municipalities to update their stormwater management plan to be consistent with the MCWD's plan. He spoke of the City of Mound's redevelopment and their program that greatly exceed the statutory requirements.

Nelson asked Evenson to keep the LMCD's rules and regulations pertaining to environmental impacts in mind should there be a definitive regulation that the LMCD could consider changing or implementing. One of the challenges that the LMCD has was to rely on other organizations, such as the MCWD, because of the lack of environmental expertise on LMCD staff. He suggested that it might make sense for the LMCD to change its rules to allow the LMCD to work with the MCWD on enforcing and implementing the MCWD's regulations.

Evenson stated he would keep Nelson's comments in mind. However, reiterated that a management plan would be a cooperative effort and that the LMCD would be involved in the process from the start.

Nybeck stated that the water quality sampling program conducted in 2006 on Lake Minnetonka was done by the MCWD. Prior to 2006, the water quality sampling program was conducted by the Three Rivers Park District and they provided an annual Summary Report and presentation to the LMCD Board. He questioned whether this was something that the MCWD could provide and whether the Board was interested.

The Board stated that they would like to continue to have an annual Report and presentation by the MCWD for the 2006 water quality sampling program. Evenson welcomed this and he envisioned Dr. Udai Singh providing this Summary Report and presentation.

Skramstad thanked Evenson for his update on behalf of the Board.

B. Additional Business

There was no additional business

2. LAKE USE AND RECREATION

B. Dr. Michael Flannery, consideration of proposed Quiet Water Area request on the north end of North Arm.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that he had recently received a telephone call from Dr. Flannery regarding the consideration of a proposed Quiet Water area on the north end of North Arm. He informed Dr. Flannery that a Quiet Water area was established by ordinance by the LMCD Board and was reviewed based on an existing Policy Statement. This Policy Statement was forwarded to Dr. Flannery and he was informed that a request would need to be made in writing. Nybeck stated that he believed that a Quiet Water area was traditionally established for public safety purposes.

Dr. Mike Flannery, 525 Park Lane, requested that the Board designate the north end of North Arm, as shown by mapping via PowerPoint, as Quiet Waters for the seven reasons outlined in his letter, dated 3/11/07. These included: 1) the dimensions of the subject area does not provide enough room for recreational water users to stay out of the required 150' from shore; resulting in dangerous and shoreline damaging conditions, 2) the wildlife on the north and northwest end of the bay are at risk due to the recreational water users not being able to stay as far back as 150' from shore, 3) to further provide for the high demand of fishing, 4) to alleviate further shoreline exposure to erosive forces from newer wake board boats, 5) to eliminate violations observed from the currently established Quiet Water channel of North Arm to the proposed area, 6) the dimensions of the area are identical to the Quiet Water area north of Noerenberg Park in Maxwell Bay, and 7) little exposure to law enforcement; resulting in an area known for not being ticketed. He entertained questions and comments from the Board.

Skramstad asked Dr. Flannery if he knew the percentage of residents on North Arm that support this request.

Dr. Flannery stated that he discussed this issue with a good number of residents, with all whom he spoke with were in favor of the request. He confirmed that although he has only called the Water Patrol twice, the violations occur daily as the recreational boaters cannot stay out of the 150' shoreline requirement.

The Board discussed the following:

- Whether a part-time designation of Quiet Water area would be acceptable?
- The notation that all channels are designated Quiet Water areas.
- Whether buoys could be installed on a temporary basis to protect environmentally sensitive areas, such as the wetland area and shallow littoral zones, while the Board considers the request.
- The historical use of Quiet Waters areas on Maxwell Bay.
- The expense of purchasing buoys for Quiet Water areas from Hennepin County Environmental Services.
- The need to evaluate the request with the 1986 Policy Statement.
- The need to review Quiet Water areas as a whole on Lake Minnetonka.

The Board asked Nybeck for his opinion on how to process this request.

Nybeck stated a valid question was asked regarding the solicitation of how the neighbors might feel on this request. He spoke of the 10 criteria outlined in the Policy Statement and the need to determine a boating safety record for the area, including citations and observing the proposed area for three normal high-use periods during a boating season. He suggested input should be solicited from the Hennepin County Sheriff Water Patrol and the Hennepin County Environmental Services on the proposed request. If the Board had an interest in proceeding with the Quiet Water area request, he recommended that a public hearing be conducted prior to making this decision. To move this request forward, Nybeck stated that he could have the following information available for the April 11th Board meeting: 1) a Quiet Water map for all of Lake Minnetonka, 2) comments from the Sheriff's Water Patrol on the request, 3) comments from Hennepin County Environmental Services on the request, and 4) an evaluation of the request based on the 10 criteria in the 1986 Policy Statement.

The Board agreed with Nybeck's recommendation and requested that it be place on the agenda for the April 11th Board meeting.

- C. Discussion of whether to consider possible changes to LMCD Code Section 3.07 relating to watercraft for hire on Lake Minnetonka that are less than 21' in length.

Skramstad asked LeFevere for background on this agenda item.

LeFevere stated the LMCD requires a certificate of registration and imposes regulations on watercraft for hire that are 21' in length or longer. This regulation is consistent with the State's regulations. The primary difference between the State and LMCD's regulations is that the LMCD imposes the same restrictions on watercraft for higher that are less than 21' in length, whereas the State does not. For this reason, LeFevere asked the Board if they want to continue regulating the watercraft for hire that are less than 21' as they have in the past. To answer that question, LeFevere provided the Board with a check list of what was currently required.

Skramstad questioned how many watercraft for hire were under 21' in length on Lake Minnetonka.

Harper stated that exact number was not known, although it would include fishing charters and ski schools.

LeFevere stated the current regulations also cover equipment requirements for rental use.

Babcock stated the overall purpose of watercraft for hire requirements were to provide for safe transportation. He wrestled with the removal of these requirements for boats under 21' in length, although he recognized it was difficult to meet some of the State requirements such as a pilot license.

Seuntjens concurred with Babcock's comments.

Harper stated that the Sheriff Water Patrol annually inspects fishing guide boats and rental boats that they were aware of.

Nelson stated that he believed the existing regulations should be left in place because he did not currently see a lot of problems. He believed that emphasis should remain on the prevention of invasive species and if the Sheriff's Water Patrol was inspecting other boats, they should also be inspecting for the presence of invasive species.

Babcock suggested that the Board might want to distinguish whether watercraft for hire were being used for a true recreational use versus providing transportation from point to point for access use.

Seuntjens proposed breaking the existing regulations into two categories; one for recreation and one for transporting.

Babcock suggested designating any boat used for the transporting of passengers between locations be required to have a boat at least 21' in length. For anything less, the Board could define what categories could be considered for recreation versus transporting.

LeFevere suggested a few wording changes based of the Board's discussion and offered to work with staff on providing a draft ordinance amendment within 30 days. He stated the big question was what would the Board like to do with qualifications of a pilot license and that he would offer some choices for their review.

D. Additional Business

There was no additional business.

3. FINANCIAL

C. Review of proposed timetable for 2008 LMCD Budget process.

Nybeck stated that the 2008 LMCD Budget process was in progress. He reviewed the budget process timetable as outlined in the staff memo, 3/21/07. The first step in the process was to schedule a Board Workshop/Planning session to review the first draft of the 2008 LMCD Budget on the week of April 30th through May 4th. Further review by the LMCD Board was scheduled for May 9th, June 13th, and June 27th. A meeting will be coordinated in the LMCD office on May 17th to review and discuss the draft LMCD Budget with the LMCD member city officials. He reminded the Board that state statute requires the LMCD to adopt and forward a copy of the 2008 LMCD Budget by July 1st.

Skramstad asked the Board members to thoroughly educate their municipalities on what programs the LMCD was currently implementing for the prevention of invasive species because those programs will most likely need further funding in 2008. .

D. Additional Business

There was no discussion.

4. WATER STRUCTURES

B. Review of 2007 LMCD Code Enforcement Efforts

Skramstad asked Nybeck for background on this agenda item.

Nybeck made the following comments:

- He summarized the key details of the 2006 LMCD Code Enforcement Summary Report. This included: 1) Sites storing five or more restricted watercraft (81- 2.3%), 2) Sites storing three or four larger restricted watercraft (58-1.7%), and 3) Illegal docks & platforms (133- 3.8%). Based on the discussion at the February 28th Board meeting, LMCD staff was directed to: 1) prepare template letters for these three enforcement activities, 2) outline the proposed enforcement activities for 2007, and 3) outline the proposed LMCD staffing for the 2007 project.
- He reviewed the proposed template letters. The letters were prepared to: 1) summarize the LMCD Code infraction(s), 2) the date and time of the infraction(s), 3) were educational in nature, and 4) communicated that re-inspection(s) were planned in 2007. He questioned whether the Board members would like to be copied on letters that were within their municipality. He welcomed changes to the letters; however, expressed the importance of expediting changes ASAP because the letters were ready to be mailed.
- He reviewed proposed enforcement priorities for 2007. The highest priority was to address sites storing five or more restricted watercraft. The intent was to bring these 81 sites into compliance through the letter and subsequent communications. These sites will be re-inspected in 2007, as well as the remainder of Lake Minnetonka for new violations. The second highest priority was sites storing three or four larger restricted watercraft. The methodology for this watercraft was similar to five or more restricted watercraft. A lower priority for 2007 was to address the 133 illegal docks and platforms in 2006. He sought Board direction on how to handle this in 2007, with the possibility of using a MN DNR Conservation Officer for enforcement purposes. Three other potential enforcement activities in 2007 include: 1) greater emphasis on multiple dock license inspections, 2) verify construction compliance with recently approved permanent dock permits for residential sites, and 3) verify compliance with recently approved Variance Orders.
- He reviewed staffing for the 2007 project. The primary staff member was proposed to be Herman, with Nybeck and Harper's assistance on a six-month trial period from mid April through mid October. A position description needs to be created for this new job responsibility and a compensation adjustment will be recommended most likely at the April 25th Board meeting. The secondary staffing for this project was a Code Enforcement/Permitting intern position from June through August. This position had been advertised and applications would be received through April 13th. He envisioned a recommendation on this position at either the April 25th or May 9th Board meeting.
- He entertained questions and comments from the Board.

Discussions from the Board included:

- Babcock expressed an interest in removing the word "violation" from the letters and offered to work with staff on the revisions.
- The Board expressed an interest in being copied on the letter that fall within their municipality.
- An expressed interest in sending a soft, educational letter regarding the illegal dock and platforms. As for the dock installers, an interest was expressed in continuing to work as a team providing them the documented material received to date. As this was a lower priority, the Board would like to approach this matter in phases.
- Whether Herman needed a position description for the six-month trial period, although there

- was a need to implement an interim adjustment to her hourly rate.
- An interest in reviewing how mooring permits at residential sites were issued by the Sheriff's Water Patrol.

Babcock stated that he would work with the LMCD office to revise the draft template letters.

C. Additional Business.

There was no additional business.

5. **EWM/EXOTICS TASK FORCE**

A. **Curfman Trucking and Repair, Inc.**, consideration of maintenance proposal for the 2007 EWM Harvesting Program.

MOTION: Suerth moved, Johnson seconded to enter into a contractual agreement with Curfman Trucking and Repair, as the 2007 EWM Harvesting Program Fleet Mechanic, for an amount of \$27,600.

VOTE: Motion carried unanimously

B. Additional Business.

Suerth asked Nybeck to provide the Board with an update on his participation in testifying for two proposed bills relating to aquatic invasive species.

Nybeck stated that Representative John Berns had authored HF1235 and HF1236 to provide funding for a zebra mussel pilot program on Lake Minnetonka and other bodies of water in the State of Minnesota. Both bills have passed the committee level and were proceeding at the House of Representatives.

Nelson reported on the following three items. First, had had spoke with Senator Gen Olson relating to the likelihood of HF 1235 and 1236 becoming law. He reiterated the need to contact your representative. Second, he spoke of an educational program he had been in contact with in hopes that stewardship grant funding could be obtained to create curriculum for the prevention of invasive species. Third, he updated the Board on a mayoral committee that had been created to address aquatic invasive species and was being facilitated by Shorewood Mayor Chris Lizee'.

Bader stated that she attended the first meeting representing the City of Wayzata. She asked for a status update on the draft resolution that was discussed that evening.

Nelson stated the resolution was still in draft form.

Skramstad asked if that resolution was going to be reviewed by the LMCD Board.

Nelson stated the resolution would not be reviewed by the Board because it was not sponsored by the LMCD.

Mr. Dick Osgood, LMA Executive Director, stated the resolution was in Mayor Lizee' hands. A second

mayoral committee has been planned for mid April.

6. SAVE THE LAKE

A. Review of "Save the Lake" Vision Statement, Funding Criteria, and Targeted Reserve Level.

Nybeck stated the draft "Save the Lake" Vision Statement, Funding Criteria and Targeted Reserve Level was provided because it was referred to in the upcoming spring LMCD newsletter. Essentially, the documents remain the same from when they were approved by the LMCD Board in the mid 1990's and he asked the Board to reconfirm these documents either through a motion or Board consensus.

Babcock recommended changing the verbiage under "Targeted Reserve Level" to delete the dollar amount included in the draft version.

McDermott asked if the LMCD met the other criteria of spending needs.

Babcock stated he did not believe so because the LMCD had not been reinvesting interest.

The consensus of the Board was to provide Nybeck approval to download the document on the website on the basis that the reserve level of the funding criteria remain off.

B. Additional Business

There was no additional business.

7. EXECUTIVE DIRECTOR REPORT

Nybeck updated the Board on three items. First, the Sheriff's Water Patrol had hired Kip Carver as the new Lieutenant to replace Jeff Storms. Second, a news article from the Lakeshore Weekly News was included in the handout folders relating to the proposed Dakota Trail System. This article was informational and would be brought forward to the LMCD Board for the bridges at Tanager Lake, the Arcola Bridge, and Seton Channel. Third, he stated that the recently submitted NRICH grant application to Hennepin County was not funded. A meeting would be scheduled in the near future to review the LMCD's application with Hennepin County staff and could potentially be resubmitted as soon as next fall.

Harrod recommended getting a list of the projects funded by Hennepin County during this cycle of the NRICH grant application process.

8. OLD BUSINESS

Minnetonka Beach (Dock Site 10)

Seuntjens updated the Board on the status of the Minnetonka Beach multiple dock license application for Dock Site 10. An agreement for a combined dock with the new abutting property owner to the south has been tentative agreed to. A public hearing has been scheduled for the April 25th LMCD Board meeting and he questioned whether the Board would agree to have Findings of Fact and Order, both for denial and approval, prepared prior to this Board meeting at the applicants expense.

Babcock stated that he believed the purpose of a public hearing was to gather facts from the public and he

expressed concern about preparing before a public hearing was conducted.

Discussion was held on the possibility of approving all sites, excluding Dock Site 10, to expedite approval of the overall 2007 Minnetonka Beach multiple dock license application.

LMCC Newsletter Reference

Scanlon recommended that the upcoming LMCD newsletter should have instructions to the public on how to access the Lake Minnetonka Communications Commission (LMCC) website to access past LMCD Board meetings.

Herman stated that she would consult with Scanlon on this.

9. NEW BUSINESS

Skramstad updated the Board on two items. First, he and Nybeck had recently met with the LMA to review each organizations newsletter and to maintain communications. He believed that the meeting went well. Second, he recently sent an e-mail to all 14 mayors asking for feedback on the performance of their representative on the LMCD Board.

Seuntjens asked the Board how they would like to fill the vacant Secretary position. The Board discussed this and the consensus was to place on the agenda for the April 11th Board meeting.

Nybeck stated that it was a common procedure at city council meetings to approve the agenda at the beginning of each meeting. He questioned whether this was something that the Board wanted to change at the LMCD Board meeting. If this format change to the agenda were adopted, a "Chair Update" would be added to the agenda and "Additional Business", "Old Business", and "New Business" would be taken off the agenda. He stated that he was not advocating for the proposed change.

Seuntjens stated that he supported the proposed format change of the agenda because it would provide the public a better knowledge at the beginning of the meeting of what was going to be discussed. After discussing this proposed format change, the consensus of the Board was to leave the format change as it was.

Scanlon stated that a new lakeshore development was being proposed in the City of Spring Park. This development was discussed at a recent Spring Park City Council Planning meeting in which Harper was present. He complimented and thanked Harper for his participation in this meeting.

Skramstad asked for an update on the pending City of Deephaven new multiple dock and special density license applications.

Nybeck stated that he believed a public hearing would be scheduled for an amended plan on St. Louis Bay at the April 25th LMCD Board Meeting.

10. PENDING LITIGATION- LMCD vs. Canning (The Board may vote to discuss pending litigation in an Executive Session).

11. ADJOURNMENT

LeFevere stated that the purpose for closing this meeting and going into executive session, as an exception to the Open Meeting Law, was attorney/client privilege discussion for pending litigation strategies of LMCD vs. Canning. Upon completion, the Board may decide to adjourn the meeting.

MOTION: McDermott moved, Babcock seconded: 1) to go into executive session at 9:25 p.m., as allowed by the Open Meeting Law, to discuss pending Canning litigation strategies, and 2) to adjourn the meeting following completion of the executive session.

VOTE: Motion carried unanimously.

Tom Skramstad, Chair

Tom Seuntjens, Treasurer