

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, October 10, 2007
Wayzata City Hall

CALL TO ORDER

Skramstad called the meeting to order at 7:02 p.m.

ROLL CALL

Members present: Tom Skramstad, Shorewood; Tom Seuntjens, Minnetonka Beach; Tom Scanlon, Spring Park; Doug Babcock, Tonka Bay; Chris Jewett, Minnetonka; Steve Johnson, Mound; Andrew McDermott, Orono; Jeff Morris, Excelsior; Pete Nelson, Victoria; Kelsey Page, Greenwood; Tom Tanner, Wayzata; Lisa Whalen, Minnetrista. Also present: Charles LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; Emily Herman, Administrative Assistant.

Members absent: David Gross, Deephaven; Herb Suerth, Woodland.

CHAIR ANNOUNCEMENTS, Chair Skramstad

Skramstad stated that the City of Minnetonka had recently appointed a new Board member to the LMCD. He welcomed Chris Jewett on behalf of the Board and asked LeFevere to administer the oath of office.

LeFevere administered the oath of office to Chris Jewett. He was seated as representative for the City of Minnetonka.

READING OF MINUTES- 09/12/07 LMCD Regular Board Meeting

Tanner stated that in the second paragraph on page 14, the word "Directions" should be changed to "Directors."

MOTION: Tanner moved, McDermott seconded to approve the 9/12/07 minutes as amended, changing the word "Directions" to "Directors" in the second paragraph on page 14.

VOTE: Ayes (10), Abstained (2; Babcock and Jewett); motion carried.

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

Mr. Justin Hickman, 484 Highcroft Road, stated that he was a Lake Minnetonka Association (LMA) Board member and co-owner of Tonka Blue. He read a pre-typed statement regarding the prevention of aquatic invasive species into Lake Minnetonka.

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.

Whalen moved, McDermott seconded, to approve the consent agenda as submitted. Motion carried unanimously. Item so approved included: **4A**, Audit of Vouchers (9/16/07 - 9/30/07) and (10/1/07 - 10/15/07), and **4B**, August financial summary and balance sheet.

PUBLIC HEARING

- **Eric and Laurie Berg**, dock length and side setback variance application from LMCD Code at 2965 Casco Point Road on Spring Park Bay.

Skramstad asked Harper for background on this agenda item:

Harper stated that the LMCD conducted a public hearing at the August 22nd Board meeting. The public hearing was continued to this meeting and the Board provided helpful feedback to the applicants in August, including meeting with the abutting neighbors and LMCD staff to work out a solution for Board consideration at this meeting. The applicants have met with the abutting neighbors; however, they have recently requested more time. The applicants have signed an indefinite extension to the 60-day rule and he recommended that this public hearing be continued to the November 14th LMCD Board meeting.

Nybeck stated that if the Board were to concur with Harper's recommendation to continue the public hearing to November 14th, he recommended that public testimony should be taken at this meeting for anyone in attendance that wanted to speak on the variance application.

Skramstad re-opened the public hearing and asked if there was anyone in attendance that wanted to comment on the application. There being no comments, he entertained a motion to continue the public hearing for the Berg variance application until the November 14th Board meeting.

MOTION: Whalen moved, McDermott seconded to continue the public hearing for the Eric and Lauri Berg variance application to the 11/14/07 Regular LMCD Board Meeting.

VOTE: Motion carried unanimously.

1. EWM/EXOTICS TASK FORCE

- A.** Review of 2007 EWM Harvesting Program Final Season Report.

Skramstad asked Nybeck for background on this agenda item.

Nybeck made the following comments:

- The program ran from June 13th through August 10th, providing for 38 working days. The equipment was in operation five days a week for eight hours per day. Lake levels, when compared to 2006, were slightly down. Total acres harvested were 372.00, compared to 267.00 acres in 2006. Total harvester loads were 288.25, compared to 195.25 in 2006. Total truck loads were 148.00, compared to 122.00 in 2006. There was a 48% increase in 2007 total harvester loads and a 21% increase in 2007 total truck loads, consistent with previous testimony that 2006 was a low growth year.
- Harvesting priorities were based upon impediment to public boat navigation. The North Upper Lake Option was implemented in 2007, with a combination of clear-cutting & channel-cutting was utilized.
- Harper served as the Project Manager for the seventh consecutive year in 2007. Jeff Schmidt was Site Supervisor, with Mike Carls as the Assistant Site Supervisor. An additional five seasonal employees were hired for the remaining four positions, with a

- combination of new and returning employees.
- Curfman Trucking and Repair was the Fleet Mechanic for the seventh consecutive year. He believed that their efforts over these years have resulted in improved efficiency and decreased downtime. In 2007, total downtime for the three harvesters was 69.75 hours, with 52.75 hours of downtime on harvester #5. Contributing factors to downtime on harvester #5 include on-going hydraulic problems and the overloading of a shaft that needs to be replaced prior to the 2008 project.
- Three paddlewheel harvesters were used in 2007, which were purchased prior to 2000, 2003, & 2005 seasons. A high speed transport barge was purchased in 2003 to increase the amount of work time (primarily harvesting time) and decrease the amount of down time (primarily on-site travel time). The high speed transport barge has been used for the past two seasons. Although 2007 statistics do not necessarily support increased harvesting time and decreased on-site travel time, anecdotal feedback from the supervisors support this on a qualitative basis. Further analysis of the transport barge is planned for 2008 and beyond.
- The overall 2007 budget was \$109,000, although there was an unanticipated budget constraint of a reduced grant from the MN DNR of \$7,300. Efforts made to balance the budget included cutting the program three days short and terminating the contract with the MN DNR Watercraft Inspection Program two weeks early, which he estimated saved \$3,168. He hoped that these two decisions would balance the overall Aquatic Invasive Species Budget, which included the 2007 Milfoil Harvesting and Zebra Mussels programs.
- He entertained questions and comments from the Board.

McDermott questioned how far out the equipment harvested from the shore, whether other local agencies utilized harvesting equipment, and when the next harvester was planned to be purchased by the LMCD?

Nybeck compared the LMCD's harvesting program to a municipal snow removal program. The LMCD harvests in public areas, outside a private residents dock, provided milfoil growth justifies harvesting. It is the responsibility of the private residents to manage within their dock, similar to a driveway. Although it had been a number of years, the Three Rivers Park District (TRPD) used to help out on a part-time basis on Lake Minnetonka. The TRPD was considering purchasing a new harvester prior to the 2008 season and it was possible that the used harvester could be purchased, if deemed necessary. The next harvester to be replaced by a new harvester was scheduled for around 2010, although this possibly could be postponed a few years because of recent maintenance efforts. Replacement costs for a new harvester would exceed \$100,000.

Scanlon asked if harvesting was planned for Libbs Lake in 2008?

Nybeck stated that he had recently communicated with TRPD on the idea of purchasing their used harvester if they replace it prior to 2008. This harvester is much smaller than the LMCD's current three harvesters and would most likely be able to get into Libbs Lake, which the LMCD harvesters cannot currently do. The Board may want to consider purchasing this harvester to provide service to residents on Libbs Lake and other areas on Lake Minnetonka where the current harvesting equipment cannot provide service.

Morris asked if herbicide treatments in these areas were an alternative to harvesting.

Nybeck stated that herbicide treatments were an alternative to harvesting, although he believed that harvesting was the most cost effective method to treat these areas. If a herbicide treatment were to occur, it would need to be reflected in the EWM Harvesting Program Budget.

Babcock asked which budget the shaft replacement on harvester #5 would come from?

Nybeck stated that the shaft replacement on harvester #5 would come from the 2008 EWM Harvesting Program Budget.

Babcock asked for an update on the condition of the outboard motors on the high speed transport barge and the work pontoon?

Nybeck stated that he believed the outboard motor on the transport barge was doing well because of the added temperature and tachometer gauges prior to the 2007 season. He believed that the new motor purchased for the work pontoon prior to the 2007 was doing well due to limiting the number of employees that were authorized to drive it, which provided for more accountability. He advised the Board that the outboard motor purchased for the transport barge was not made for that type of use and replacement was anticipated by the manufacturer every three to five years. Additionally, the motor used for the work pontoon was utilized for scouting purposes and goes through areas where most boaters avoid on Lake Minnetonka.

Tanner asked how many harvester loads could be placed on the transport barge, when does it transport the loads, and how much does one cost?

Nybeck estimated that the transport barge could hold approximately 80 percent of one harvester load. The purpose for the transport barge was to keep the harvesting equipment at the harvesting site by transporting harvested milfoil to the off-load site at a higher speed. If a new transport barge were to be purchased, he estimated that it would cost at least \$100,000.

Tanner asked how much a harvester load weighed?

Harper stated that the weight of a harvester load would vary primarily due to water content and the extent that the harvester was loaded with milfoil.

B. Update on 9/26/07 Lake Vegetation Management Plan (LVMP) Stakeholder Meeting.

Skramstad asked for an update from Dick Osgood of the LMA on this agenda item.

Osgood stated that the LMA, LMCD, MN DNR, Army Corps of Engineers, and a number of other public agencies were in the process of creating an LVMP for Carmans, Phelps, and Grays Bay for the purpose of developing a plan to manage milfoil and other nuisance plants, along with the protection of important plants. In doing so, MN DNR variances may be required. Two stakeholder meetings have been held to date, with a third meeting planed for October 24th. A survey was prepared and mailed recently to a wide variety of stakeholders on Lake Minnetonka. He summarized results of the survey by highlighting the following points:

- Eurasian Watermilfoil (milfoil) interferes most with recreational activities, creates shoreland clean up and maintenance chores, and probably diminishes ecological health.

- Other invasive species, such as curlyleaf pondweed, are in need of control.
- Native plants, not milfoil or curlyleaf pondweed, also interfere with recreational use and riparian access in some areas at some times. It is recognized that some rooted, submersed plants will continue to exist in treatment, controlled areas. Water lilies are problematic in some ways; however, are recognized for its importance, providing for a need to balance their existence.
- The overall plant management is poorly coordinated due to the size of the lake. The goals for the management of the plants in the bays should be controlled in a manner that is safe and effective.
- Native, submersed plants should be protected except for small local areas where they result in a nuisance. A reasonable balance of control is recommended.
- Protection should be well coordinated, with the minimization of introduction of other invasive plants and animals.

The third stakeholder meeting is scheduled for October 24th at Wayzata City Hall to discuss potential management alternatives. He believed that the LVMP advisory committee would devise a Report for consideration by the MN DNR shortly thereafter.

Nybeck stated he believed it was very possible that a fourth stakeholder meeting would be required based on the discussions and progress of the first two meetings.

Nelson stated that he attended the second stakeholder meeting and he encouraged more Board members to attend future stakeholder meetings. At the stakeholder meeting that he attended, there was discussion by the MN DNR that more individuals were purchasing questionable or marginal shoreline areas of the lake where milfoil and native species are problematic to those residents. At the same time, some residents of Carmans Bay have expressed an interest in controlling milfoil and native species to previous conditions a number of years ago.

Osgood concurred with Nybeck that a fourth stakeholder meeting might be necessary.

McDermott stated that he was recently contacted by a couple Carmans Bay residents that expressed similar comments to those summarized by Nelson. He asked for the percentage rate of stakeholder surveys sent out?

Osgood stated that a total of 755 stakeholder surveys were sent out, with 101 of them returned.

Babcock questioned whether a resident could chemically treat an area without a permit from the MN DNR.

Osgood stated an individual lakeshore owner can cut, haul, or remove submersed plants up to 2,500 square feet without obtaining a permit from the MN DNR. A permit is required for areas greater than that.

Nybeck stated he would forward the 9/26/07 LVMP Meeting Report to the Board after it has been finalized.

C. Additional Business.

There was no additional business.

2. WATER STRUCTURES

A. LMCD Code Section 2.02, Subd. 7, discussion of staff's request for Board clarification on what constitutes a change in a "site".

Skramstad asked Harper for background on this agenda item.

Harper stated that he had recently met with an individual that was redeveloping a LMCD permitted, multiple dock licensed site that complies with the 1:50' General Rule. In the redevelopment, the developer is proposing to maintain the current number of boat storage units (BSUs), yet submit a new multiple dock license application to reconfigure the approved docks. With the redevelopment of this site, a re-plat is planned to occur that will not affect the shoreline at this site. In the past, LMCD staff has communicated to the public that a legal, non-conforming site would not lose their grandfathered rights if a replat or subdivision did not alter the shoreline at that site. He questioned whether this past LMCD staff interpretation was correct with the recent ordinance amendment that was considered by the Board, but not adopted. The developer has expressed a desire to proceed with a new multiple dock license application to reconfigure the approved docks; however, not be subject to LMCD Code Section 2.02, Subd. 7 if they do re-plat the site. Harper solicited the Board's feedback on how they wanted LMCD Code Section 2.02, Subd. 7 to be interpreted.

Babcock asked for further clarification of the possible re-plat.

Harper stated the re-plat would involve an existing residential, rental status to a residential, condominium status, with the units to be owner occupied. The purpose of the re-plat was to clean up the existing lots and would not alter the shoreline at this site.

Babcock questioned whether there would be access to the entire shoreline at this site. Additionally, he questioned what this site would be subject to if the site did not exist and an initial new multiple dock license application needed to be submitted to the LMCD.

Harper stated that a common area to access the site was planned. If the site was being considered for an original multiple dock license application, the site would be subject to the straight line measurement rule as outlined in LMCD Code Section 2.02, Subd. 7. It was Harper's understanding that the developer does not want the site to be analyzed utilizing the straight line measurement rule.

Nybeck stated the developer has proposed to maintain the existing number of approved BSUs, yet increase their sizes. This can currently be done because the site complies with the 1:50' General Rule.

Babcock asked if the applicant was able to maintain those larger BSUs within the authorized dock use area for that site?

Harper stated that the larger BSUs could be constructed within the dock use area for this site.

Babcock stated that he believed the intent of Code Section 2.02, Subd. 7 c) was that the straight line measurement rule would not apply provided there was not an increase in BSUs and these BSUs would be contained within the authorized dock use area for that site.

Seuntjens asked if the cumulative square footage of the approved BSUs would increase?

Harper stated that the cumulative square footage would increase.

Babcock stated that cumulative square feet increases applied to legal, nonconforming sites, not confirming sites.

LeFevere stated that he believed the question was how much the Board would like Code Section 2.02, Subd. 7 to say rather than interpreting it. He reviewed various examples of how a site can be changed or re-platted without affecting the shoreline. He asked the Board if they would like staff to continue interpreting the Code to say that since the shoreline at this site would not be altered by the re-plat, that it would not constitute a change as described in Code Section 2.02, Subd. 7 (c).

Skramstad, Seuntjens, and Babcock supported LMCD staff's past interpretation that a change in a site did not occur until the shoreline at the site was altered.

Skramstad invited the developer of the site to address the Board.

Mr. Scott Schmitt stated that he requested LMCD staff confirm the direction they needed to proceed with. He directed the Board to an overhead of the platted lot and reviewed what changes were proposed. The lot provides for a number of 40' x 120' lots in which simplified, platted lines will be drawn to create a condominium association that will be recorded at the county level. He was encouraged with the Boards direction and he thanked them for their clarification.

B. Staff update of 2007 LMCD Code Enforcement Project.

Skramstad asked for background on this agenda item from Nybeck.

Nybeck stated the purpose of the agenda item was to provide a summary of the 2006 project, a preliminary overview of the 2007 project, and to outline "What's Next". He made the following comments:

- There were three primary LMCD Code enforcement efforts conducted in 2006. These included: 1) identifying sites storing five or more restricted watercraft, 2) identifying sites storing three or four larger restricted watercraft, and 3) identifying sites with illegal platforms. He reviewed the methodology utilized in the 2006 project.
- Results of the 2006 project included the following statistics: 1) 81 residential sites were storing five or more restricted watercraft (approximately 2.3%), 2) 58 residential sites were storing three or four larger restricted watercraft (approximately 1.7%), and 3) 133 residential sites had illegal platforms (approximately 3.8%). Follow-up to those residential sites included an educational letter that was mailed in the spring of 2007 to the sites noted above; except for those with illegal platforms. Illegal platforms were only documented in

2006 because the MN DNR issued a temporary General Permit last April to allow for certain platforms to continue in 2007. This MN DNR General Permit expires on November 30th and the MN DNR intends to issue a second General Permit by the end of the 2007 calendar year. LMCD staff will participate in this process and he stated that the Board will be kept up to date on this.

- In 2007, Herman supervised the project. Last April, it was estimated that 50% of her time would be spent on Administrative Assistant responsibilities and that 50% of her time would be spent on Code Enforcement responsibilities. The Board approved a \$2.80 adjustment to her hourly rate, for 20 hours per week, from April 19th through October 18th for her added responsibilities. Herman was directed to document time spent on each responsibility during this six month period. An additional seasonal employee was hired from early June through mid August to assist Herman on this project.
- There were four primary LMCD Code enforcement efforts conducted in 2007. These included: 1) the re-inspection of sites storing five or more restricted watercraft in 2006, 2) the identification of new sites storing five or more restricted watercraft, 3) the re-inspection of sites storing three or four larger restricted watercraft in 2006, and 4) the identification of new sites storing three or four larger restricted watercraft. The same methodology was used in 2007.
- Based on public feedback that has been raised to LMCD staff's attention, he believed that there were three policy issues for the Board to decide. First, LMCD Code currently considers a personal watercraft (PWC) as one restricted watercraft. He questioned whether the Board felt that it was appropriate to consider the concept of counting a PWC as a reduced number towards density allowances at a residential site. Second, he believed that there was a need for the Board to clarify the term "site" at residential sites with two more platted parcels. Third, there has been a movement by the Board in recent years to encourage combined docking situations for two or more sites on Lake Minnetonka. Currently, a combined dock that legally stores five or more restricted watercraft needs a multiple dock license from the LMCD. He questioned whether the Board would like to continue this policy or to change the policy to encourage more combined docks by changing the permitting or licensing process.
- Two areas of information relating to this project will be prepared for the December 12th Board meeting. First, there will be a final assessment of the 2007 project to include: 1) a Final Report, 2) a summary of costs incurred, 3) an assessment of the percentage of Herman's time spent on this project, and 4) a review of the letters to be sent. Second, plans for the 2008 project will be initiated at this meeting. This included: 1) a draft budget for the project, 2) a draft Position Announcement and Position Description for the position, and, proposed enforcement priorities.
- There was quite a bit of work that need to be conducted on this project for the December 12th Board meeting by Herman. He recommended that the Board consider extending her six month temporary adjustment of \$2.80 per hour for 20 hours per week from October 18th through December 31st.
- He entertained questions and comments from the Board.

Babcock asked where the funds for extending Herman's temporary adjustment through December 31st would come from?

Nybeck stated this would be paid through the \$7,000 "Temporary Services" line item that was

used to finance this project in 2007.

MOTION: Tanner moved, Johnson seconded to continue Herman's compensation adjustment, as recommended by Nybeck, for her added LMCD Code enforcement responsibilities through 12/31/07.

VOTE: Ayes (11), Abstained (1; Babcock); motion carried.

C. LMCD Code Chapter 2, discussion of possible changes to "Regulation of Structures Within the Lake" as recommended by staff.

Skramstad asked for background from Nybeck on this agenda item.

Nybeck stated that this past January, the Board identified reviewing and updating existing LMCD Code, if deemed necessary, as a special project for 2007. LMCD staff recently sat down to discuss possible changes to LMCD Code, in particular Chapter 2- Regulation of Structures Within the Lake. Possible changes to LMCD Code Chapter 2 were separated into "Higher" and "Lower" priority categories, with the ranking of recommended changes from high to low within each category. He summarized the following changes as possible changes in the "Higher" category:

- There's a need to further clarify the term "site" and what constitutes a change in site.
- A need exists to re-evaluate rules relating to combined docks at two or more residential sites, including permitting requirements.
- A need exists to re-evaluate length of dock use areas and permitting requirements for residential mooring buoys, swim rafts, etc.
- A need exists for LeFevre and Tallen to continue facilitating their time to further defining the word "kept" at residential sites.
- A need exists to research and consider the establishment of ordinances relating to docking and boat storage at wetland and shallow areas, pointing out that the Environmental Committee was currently working on this.
- A need exists for a transfer shoreline ordinance for two or more sites in close proximity that do not have continuous shoreline. He believed that this could be reviewed by the Environmental Committee or a separate committee.
- A need exists for the review and update of the special density licenses, including the updating of public amenities.

The purpose of the agenda item was not to discuss these recommended LMCD Code changes in great detail. However, he believed that the Board might want to add other areas of possible changes to this list and he believed that it would be appropriate to establish a committee to discuss these recommended changes. Board member Tanner has agreed to serve on this committee, with the possibility of Chairing it.

Babcock stated that he believed the Board should review the priorities in the future because he believed that the Environmental Review Committee was addressing some of the recommended changes in the "Lower" priority category.

D. Chair update of 10/2/07 Environmental Committee Meeting.

Skramstad asked Babcock for an update on this agenda item in the absence of Committee Chair Gross.

Babcock stated that the committee was reviewing three objectives for possible changes to LMCD Code. First, there has been discussion to only count accessible shoreline in a multiple dock application (limited access areas). An example of non-accessible shoreline provided was a lagoon that does not have an established or dredged access channel to the site (including overhang or bridge clearance) because it is not current, useable boat storage shoreline. Second, there has been discussion of changing shoreline measurement from a raw, platted line to be based on something other than the 929.4' ordinary high water mark, such as a contour line at four feet of water depth (usable shoreline vs. actual shoreline). An example was a site that had 50 percent submersed emergent vegetation and 50 percent navigable shoreline, with only 50 percent being considered for docking and boat storage purposes. The committee was working on various theories, usable vs. non-useable shoreline, which will eventually be presented to the Board for discussion. Third, there has been discussion of how to deal with the 1:50' General Rule, the two-boat rule, and the four-boat rule for sites that require a variance from LMCD Code to reach four feet of water depth (dock use area variances). Discussion at the committee has been to make these storage rules more restrictive based on how much the site needs to exceed the maximum length of a conforming dock use area at that site. He entertained questions and comments from the Board.

McDermott asked if these three objectives would tie into an environmental benefit?

Babcock stated the committee was currently working on that.

LeFevere stated that Gross had requested him to prepare a draft ordinance amendment(s) relating to the three objectives outlined by Babcock. He asked the Board whether they were comfortable with him spending time on the preparation of these ordinance amendment(s).

The Board discussed this and the consensus was to have LeFevere attend the Environmental Review Committee meetings, at the discretion of the Committee Chair, rather than prepare a draft ordinance amendment(s).

E. Additional Business.

There was no additional business.

3. ADMINISTRATION

A. Appointment of nominating committee for 2008 LMCD Board Officers.

Skramstad stated that it was that time of the year for the Board to appoint a nominating committee for 2008 LMCD Board Officers.

Seuntjens announced that he had informed the City of Minnetonka Beach of his intention to resign from the LMCD Board at the end of the calendar year. He stated that he had served on the LMCD Board for eight years and its time to give another resident an opportunity to serve others. The search process to find his replacement has been initiated by the City of Minnetonka Beach.

Skramstad thanked Seuntjens for his great work over those eight years.

Whalen asked for clarification on the timeframe of the municipality appointment and the representative taking office.

Babcock stated that the state enabling legislation requires municipalities to appoint Board members to a three-year term. Over the years, the LMCD has staggered the number of Board member terms that expire on an annual basis to one-third to reduce the amount of possible turnover on the Board on an annual basis.

Nybeck stated the term for a Board member runs from February through January, which takes into consideration the LMCD member cities appoint process that generally are done in January.

- B. Review of draft letter to be forwarded to LMCD member cities regarding appointments for 2008.

Skramstad stated that there was a draft letter for 2008 LMCD Board appointments and a Board attendance sheet for the past year to be forwarded to the 14 member cities. Without objection, he stated that he would direct staff to forward the letter as prepared. There were no objections.

- C. Discussion of possible dates for Annual Meeting with the Hennepin County Sheriff's Water Patrol.

Skramstad stated that the LMCD annually meets with the Sheriff's Water Patrol in the fall and a meeting date needs to be selected. He asked Nybeck for potential dates for the Board to consider.

Nybeck stated that he had discussed this matter with Lt. Carver with pending dates via email. Once a selection of a meeting date(s) has been offered by the Hennepin County Sheriff's Department, he stated that he would communicate this date(s) to the Board and that the meeting would be scheduled based on Board feedback.

- D. Discussion of November Regular LMCD Board of Directors Meeting schedule.

Nybeck stated that there were two Regular LMCD Board Meeting scheduled for the month of November, 11/14/07 and 11/28/07. He did not believe that there was a need for both meetings and he recommended that the Board cancel the 11/28/07 Regular LMCD Board Meeting.

The Board discussed the recommendation of Nybeck and the consensus was to cancel the 11/28/07 Regular LMCD Board Meeting.

- E. Additional Business.

There was no additional business.

4. FINANCIAL

C. Additional Business.

There was no additional business.

5. LAKE USE & RECREATION

There was no discussion.

6. SAVE THE LAKE

There was no discussion.

7. EXECUTIVE DIRECTOR REPORT

Nybeck updated the Board on three items. First, the lake level as of October 10th was 928.79', with a discharge of 100 c.f.s. Second, there were a few newspaper articles in the Board handout folders for informational purposes. Third, there were two upcoming court dates that he would be attending that he brought to the Boards attention. These included: 1) a hearing for the LMCD vs. Canning Settlement Agreement was scheduled for 9:00 a.m., at the Hennepin County District Court on October 15th, and 2) LMCD vs. Sanger oral arguments regarding the Locust Hills Development LLC, was scheduled for 9:35 a.m. on October 17th at the Minnesota Court of Appeals in St. Paul.

Skramstad stated that he planned on attending the LMCD vs. Sanger oral arguments on October 17th.

8. OLD BUSINESS

There was no old business.

9. NEW BUSINESS

Skramstad stated that the MCWD was hosting a "Blue Tie" Gala event on October 26th honoring individuals who have made a significant contribution to the watershed district and environment. He stated that he would be attending that event.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:43 p.m.

Tom Seuntjens, Treasurer

Tom Scanlon, Secretary