

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, November 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; Tom Scanlon, Spring Park; Doug Babcock, Tonka Bay; Chris Jewett, Minnetonka; Steve Johnson, Mound; Dennis Klohs, Minnetonka Beach; Andrew McDermott, Orono; Pete Nelson, Victoria; Kelsey Page; Greenwood; Herb Suerth, Woodland; 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; Jeff Morris, Excelsior.

CHAIR ANNOUNCEMENTS, Chair Skramstad

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

LeFevere administered the oath of office to Dennis Klohs. He was seated as representative for the City of Minnetonka Beach.

Skramstad announced that the annual meeting with the Hennepin County Sheriff's Water Patrol was scheduled at the Water Patrol office on Tuesday, November 20th at 7:30 a.m. He encouraged all Board members to attend this meeting.

READING OF MINUTES- 10/10/07 LMCD Regular Board Meeting

Tanner stated that the first bullet point on page 9 should read "December 12th" rather than "December 14th".

MOTION: Whalen moved, McDermott seconded to approve the minutes from the 10/10/07 LMCD Regular Board Meeting as amended, making the change recommended by Tanner.

VOTE: Motion carried unanimously.

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

There were no comments from the public on subject not on the agenda.

CONSENT AGENDA- Consent agenda items identified with a (*) will be approved in one motion unless a Board member requests discussion of any item, in which case the item will be removed from the consent agenda.

Nelson moved, Whalen seconded, to approve the consent agenda as submitted. Motion carried unanimously. Item so approved included: **1C**, Accept minutes from the 7/13/07 EWM/Exotics Task Force Meeting, **3B**, **William Mernik & Tom Niccum**, staff recommends Board approval of partial refund of the \$250 deposits, as outlined in 11/9/07 staff memo, for recently approved variances from LMCD Code at 5341 and 5351 Three Points Boulevard, **4A**, Audit of Vouchers (10/16/07-10/31/07) and (11/1/07 – 11/15/07), and **4B**, September financial summary and balance sheet.

Babcock arrived at 7:22 p.m.

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 reviewed the staff memo, dated 11/9/07, which summarized a request from Eric and Laurie Berg for consideration of a dock length and side setback variance application. He made the following comments:

- A public hearing was opened at the August 22nd Board meeting, which was continued to the October 10th Board meeting, and continued again to this Board meeting. The original public hearing was continued to allow the applicants adequate time to consider amending their application, working closely with the abutting neighbors and LMCD staff.
- The applicants have subsequently amended their variance application by submitting a revised, proposed site plan. This site plan depicts: 1) a 56' long straight dock, which narrows from 3.5' wide to 1.5' wide 27.5' out from the ordinary high water shoreline, 2) the dock would meet a setback from the north extended lot line of 6.7' at shore and five feet at the end of the dock out 56' from shore, 3) a 10' x 14' boat lift on the south side of the 1.5' dock (presumably to store a restricted watercraft), and 4) a zero foot setback from the southern extended lot line when the lift is installed 27.5' from shoreline.
- He highlighted three relevant LMCD Code Sections in evaluating the proposed variance application. These included: 1) Code Section 2.01, subd. 1- authorized dock use area requirements, 2) Code Section 1.07- outlines the variance from LMCD Code process, 3) Code Section 2.02- outlines the number of restricted watercraft that may be stored at a residential site based on the amount of 929.4' shoreline and the ownership of the restricted watercraft.
- He recommended that the Board direct LMCD legal counsel to prepare Findings of Fact and Order to approve a 56' long dock length variance and to deny the side setback variance for a 12' wide dock use area. As an alternative, he recommended that the Board direct LMCD legal counsel to approve a 10' wide dock use area with seven conditions. These included: 1) the dock must be constructed on the north side of the dock use area with a watercraft stored on the south side of the dock, 2) the 10' wide dock use area must maintain a five foot setback to the north extended lot line (documented by monument

markers installed by a surveyor) and maintain an estimated one foot setback from the south extended lot line 56' from shore, 3) the dock must be a straight dock with no "L's" or "T's", 4) all dock structure, watercraft, and lift must be maintained within the 10' wide dock use area, 5) this variance should prohibit expansion outside the 10' wide dock use area without consent from the adjacent property owners to the south, 6) only one restricted watercraft may be stored at the dock (with a beam not to exceed 8.5' or whatever the Board deemed appropriate, with a possible length restriction on the boat), and 7) the applicant be required to provide proof that the variance has been recorded against the title of the property with Hennepin County.

- He entertained questions and comments from the Board.

Skramstad asked how the Board could approve a 10' wide dock use area when the applicants have requested a 12' wide dock use area?

LeFevere stated that was a judgment call for the Board to decide. The redesigning of a dock can be quite time consuming for something that has not been applied for. On the other hand, it might make sense to provide the applicants some direction on what would be permissible. For this application, it might make sense to determine what was the appropriate width of the dock use area for this site. The recommendation made by Harper would be to approve the variance application in part for length and to deny the variance application in part for side setbacks, with an alternative setback variance recommended for approval.

Tanner requested clarification from Harper on the condition that the variance would not prohibit expansion outside the 10' wide dock use area with consent from the adjacent property owners to the south.

Harper stated that expansion of the 10' wide dock use area would require consent from the adjacent property owners.

McDermott asked whether consent could be secured from either of the abutting neighbors?

Harper stated that consent could be secured from either of the abutting neighbors.

Jewett stated that the length of the dock on the proposed site plan was approximately 14' beyond the end of the dock. He asked for clarification on this.

Harper stated that he was unclear on the applicant's thought process and it would be better to have this clarified by the applicants.

Skramstad asked for further background and comments from the applicant.

Mr. Eric Berg, 2965 Casco Point Road, stated that he and his wife appreciated the efforts of LMCD staff and the Board in the processing of their variance request. The reason for the 12' wide dock use was to allow for a boatlift on a windy area of the lake. He did not believe that this could be accommodated with a 10' wide dock use area. The location of the proposed dock lift was done at the request of the abutting neighbor to the south, Mr. Ted Roseboom, because he did not want any

part of the boatlift to cross over the common extended side site line. Mr. Roseboom has verbally endorsed the proposed amended site plan and he asked his legal counsel to comment further on the request.

Mr. Peter Johnson, legal counsel for the Berg's, stated the Berg's lot was created in 1978 under circumstances where all adjoining properties supported the application for subdivision. There were lengthy discussions at that time that the lot would be substandard for riparian rights. However, the City of Orono proceeded on the basis that there would be mutual consent requirements for docking rights and the positives that would exist as a result of this subdivision. He believed that this site should be treated as a grandfathered site that had the consent of the abutting property owners for a 12' wide dock use area. The proposed dock design, which was one of many considered, was the best design for both the applicants and the abutting neighbors. He stated that the Roseboom's have expressed an interest in a dock design where the lift would be installed as far away as possible from his deck. Additionally, Mr. Roseboom would prefer that mutual consent be covered through the variance application rather than on an annual basis.

Skramstad opened the public hearing at 7:32 p.m.

Mr. John Waldron, legal counsel for the Midthun's, stated that his clients agreed with Harper's recommendation, with one exception. His clients oppose the dock length variance of 56' to reach four feet of water depth for the reasons pointed out by Jewett and he questioned whether this dock length was needed to reach four feet of water. He questioned whether the analysis to treat this site as a grandfathered site was justified because the proposal for a 12' wide dock use area exceeded what a grandfathered site could expect.

Scanlon asked Waldron if he knew the length of his client's dock?

Waldron estimated that his client's dock was between 50' and 55'.

Tanner asked Waldron if his clients would have an objection to the applicant's dock being equal to theirs?

Waldron stated that his clients did not believe that the dock needed to be longer than 34' because of the following: 1) the crowded nature of this area, and 2) this was what the applicants needed. His clients could agree to allow for a five foot side setback requirement, although they could not see justification for added length for unloading and loading because they believed that this could be done on the proposed boatlift.

Johnson responded to Waldron's comments, noting that he did not believe that the lakeshore frontage in this area was congested. Because this site was on Spring Park Bay, he believed that a boatlift was necessary because of wind and waves for safety reasons. He did not believe that this could be addressed within a 10' wide dock use area. He believed that the 56' long dock use area was needed to reach four feet of water depth and to accommodate for loading and unloading.

Page asked Johnson if he was representing that a 56' long dock was needed to reach four feet of water depth?

Johnson stated that lake level elevations were taken at six locations on the proposed survey. Based on this documentation provided by the surveyor, 56' in length was determined to be needed to reach four feet of water depth.

Babcock thanked the applicants for documentation of the City of Orono proceedings. He asked if anyone was aware of the dock and boat storage that existed in 1978?

Johnson stated that there was nothing available in the City of Orono records to document what existed in 1978.

Babcock stated that five foot setbacks were discussed in the City of Orono records and he questioned whether the current dock proposal would expand what existed in 1978. He believed that the question for the Board was to determine to what degree the riparian rights were for this property.

Nybeck stated LMCD staff deals with a number of riparian right questions for narrow lots on Lake Minnetonka, such as 20'. In these discussions, LMCD staff has set the expectation to the public in the past that the maximum width of the dock use area would be the width of the lakeshore frontage, minus five feet from both extended side site lines. For this situation, LMCD staff has communicated that the expectation for the maximum width of the dock use area should be 10' through the variance process. If the Board were to allow something greater than this, he believed that this might set an undesirable precedent for the future.

There being no further comments, Skramstad closed the public hearing at 7:45 p.m.

Whalen questioned why the added dock length should be granted because any change in the location of the boatlift would result in not complying with proposed side setback requirements.

Harper stated that the problems of fitting within the dock use area for this site were a result of the applicants proposing a dock and boatlift that was wider than 10'.

Nelson stated that he believed that all variance applications have something unusual about the situation. In this case, this site was created because the City of Orono encouraged it and all of the abutting neighbors benefitted from it. In return for this, the neighbors appeared to have no problems with the way that the dock was laid out. Because of this, he stated that he was not opposed to granting the variance as proposed by the applicants for a 12' wide dock use area for safety reasons.

Jewett asked Nybeck for clarification of staff's recommendation.

Nybeck stated that Harper has recommended that a 10' wide dock use area be approved for this site. If the dock use area needed to be wider than 10', mutual consent would need to be secure from the abutting neighbor(s). LMCD staff has discussed with Mr. Johnson that this mutual consent could be agreed to at the neighborhood level through some form of a document without requiring further variance from LMCD Code.

Babcock stated he favored Harper's recommendation, with one exception. Approval of the variance

should not preclude the owners of this site from utilizing LMCD Code allowances for a combined dock or adjustment of side setbacks with either of the abutting property owners. He believed that the 12' wide dock use area proposed by the applicants was too much and he recommended approval of the 10' wide dock use alternative proposed by Harper.

Nelson stated that he would support a motion with the changes recommended by Babcock.

MOTION: Whalen moved, Babcock seconded to direct LMCD legal counsel to prepare Findings of Fact and Order to: 1) approve a 56' long dock use area for Eric and Laurie Berg, 2) to deny the 12' wide dock use area as proposed by the Berg's, and 3) to approve a 10' wide dock use area as an alternative, with the conditions recommended by Harper and to add language that would not preclude this property from working with the abutting neighbors on adjustment of side setback requirements as allowed by LMCD Code.

LeFevere stated that Johnson has testified to a docking situation to where there would be a 10' wide boatlift within the 10' wide dock use area that would be endloading. He questioned whether this would be allowed.

Whalen and Babcock stated that would be allowed provided it's within the 10' wide dock use area.

LeFevere questioned whether there would be a restriction on beam width or length of the boat?

Whalen and Babcock stated that there would be no restrictions on beam width or length of boat.

Harper questioned whether there would be a restriction on the number of watercraft?

Whalen and Babcock stated that there would be a limit of one restricted watercraft at this site.

McDermott questioned whether an "L" or "T" shape dock configuration should be prohibited?

Babcock proposed a friendly amendment to the motion that would allow for a "T" configuration, provided it was to the east of boat storage and within the 10' wide dock use area. Whalen agreed to this.

VOTE: Motion carried unanimously.

1. EWM/EXOTICS TASK FORCE

A. Review of 2007 Lake Minnetonka Aquatic Invasive Species Programs (AIS).

Review of MN DNR Public Access Inspection Report

Skramstad welcomed Heidi Wolf, MN DNR Watercraft Inspection Coordinator, on behalf of the Board. He asked Wolf to provide the Board an overview of the 2007 project.

Wolf thanked the Board for the working relationship between the LMCD and the MN DNR on cooperative watercraft inspections over the past seven years. She stated that she was in attendance to review the 2007 project and she provided an overview of the Report via a

powerpoint presentation. During this presentation, she highlighted the following information:

- Expectations- To have MN DNR inspectors at four high use public accesses from May 18th through September 3rd, during weekend and holiday hours. This encompassed a total of 1,660 possible “peak” hours at Grays Bay, Hendrickson, Maxwell Bay and Spring Park public accesses.
- Results- 1,490 hours of the requested 1,660 “peak hours” were completed, or 89%. During these hours, 10,703 inspections were conducted. The MN DNR also funded an additional 615 hours of inspection time, which provided for an additional 3,030 inspections.
- Inspections and Hours During “Peak” Times- She reviewed a table, which was summarized on a public access basis, outlining inspections conducted (entering and exiting), hours of operation, and inspections per hour. The Grays Bay public access had the highest activity (10.3 inspections per hour), with the Spring Park public access having the lowest activity (4.23 inspections per hour).
- Zebra Mussels- Based on a series of questions, approximately 473 boats had come from another body of water infested with zebra mussels. 74% of these watercraft were inspected prior to entering Lake Minnetonka, with the remaining 26% inspected after exiting Lake Minnetonka. Survey results also indicated that 189 watercraft (1.95%) were entering Lake Minnetonka from another state that has zebra mussels, although this does not mean that these watercraft had been on an infested body of water.
- Invasive Species on Boats- No zebra mussels were found on inspected watercraft. However, there were 765 watercraft that had attached vegetation before inspection. 64 watercraft, or 0.53%, were entering Lake Minnetonka.
- Decal System- When a MN DNR inspector speaks to a watercraft operator, they are provided a decal to let future inspectors know that they have been previously talked to; expediting the inspection process. She reviewed decal statistics of boats that had never been inspected, that had been inspected in previous years, and those that had been inspected in 2007.
- Boater Knowledge- 99% of boaters interviewed were familiar with Eurasian watermilfoil and zebra mussels, including their impacts.
- Future Recommendations- 1) to continue to define “peak” hours as 6 a.m. to 2 p.m. on Saturdays, Sundays, and holidays, 2) to continue to improve the quality of the inspections, and 3) to work closely with the LMCD to monitor inspector performance and ensure a high quality of work.
- She entertained questions and comments from the Board.

Nelson stated that there appeared to be a significant reduction of inspection hours in 2007 compared to 2006 (approximately 30%), yet there was a significant increase in the number of inspections conducted per hour. He asked Wolf to comment on this.

Wolf stated that she had problems in 2006 correlating the number of inspection hours to the number of inspections conducted per hour. 2006 inspector statistics appear to be quite low and it might be more useful to compare with 2005 statistics. Possible contributing factors to the increase in 2007 include the weather and the change in start of the “peak time” on Saturdays, Sundays, and holidays from 9:00 a.m. to 6:00 a.m.

Nybeck stated that the change in the start time was done based on observations that he made on weekends when there were a greater number of car/trailers at Grays Bay and Maxwell Bay public accesses prior to the MN DNR watercraft inspectors scheduled to begin at 9:00 a.m.

Suerth asked what follow-up questions were asked by the inspectors when they identified a watercraft that had been in zebra mussel infested waters?

Wolf stated that there is a set of secondary questions for operators owning watercraft that had come from zebra mussel infested waters. These questions address: 1) how long the watercraft was at the infested body of water, 2) has the watercraft been washed since it was removed from the infested body of water, and 3) how long has the watercraft been out of the infested body of water. For those watercraft that were just at an infested body of water and the boat has not been washed, the MN DNR will recommend that the watercraft be washed or dried for at least five consecutive days prior to launching into Lake Minnetonka. However, this would not preclude the watercraft operator from launching the watercraft, provided there were not aquatic invasive species attached to the watercraft.

Suerth asked if there were objections to the decal system?

Wolf stated that the worst case scenario was that the boater would not prefer to attach the decal to their watercraft and that they would put in the glove compartment.

Suerth stated that he had been involved in this project since its inception and he appreciated the cooperation of the MN DNR and Wolf.

Nelson stated that the number of watercraft coming to Lake Minnetonka with attached vegetation was down in 2007 from 2006. He questioned whether this was an anomaly or whether the word was getting out?

Wolf stated the percentage of watercraft coming to Lake Minnetonka with attached vegetation was difficult to predict on a year to year basis. Potential contributing factors include a low growth year of milfoil, the public properly cleaning off their watercraft, and MN DNR inspector presence. She stated that Lake Minnetonka has had a high presence of MN DNR inspectors for a number of years.

Nybeck stated that MN DNR statistics of watercraft coming to Lake Minnetonka with attached vegetation was approximately 0.7% in 2005 and 1.2% in 2006.

Page asked Wolf to clarify how the MN DNR could improve the quality of the inspections?

Wolf stated that the MN DNR's goal was for each inspector to be trained so that a consistent message was being communicated to the public, including an inspection of each watercraft that would include a visual inspection around the entire watercraft.

Nelson asked if the MN DNR inspectors were trained to know the difference between Eurasian

watermilfoil and hydrilla?

Wolf stated that the inspectors were not trained to know the difference between exotic species because state law prohibits the transportation of any aquatic vegetation, which is the focus of the inspection program. MN DNR aquatic biologists are called to analyze any questionable specie.

Tanner asked Wolf to describe a typical shift for the inspectors.

Wolf stated that a typical shift involved eight hours, with four hours at two different public accesses.

Skramstad thanked Wolf for her Report on behalf of the Board.

Review of Environmental Sentry Protection LLC (ESP) Internet Landing Installed Device Sensors (I-LIDS) Report

Skramstad welcomed Eric Lindberg on behalf of the Board and asked him to provide an overview of the 2007 project. He asked that discussions for 2008 take place at a future LMCD Board meeting.

Lindberg thanked the Board for the opportunity to work with the LMCD on the 2007 project. He provided an overview of the Report, via a powerpoint presentation, and highlighted the following information:

- Program Goals- 1) to reduce the risk of aquatic invasive species (AIS) introduction through a 7x24 presence, reviewing videos for non-intern hours, and modify boater behaviors with respect to transporting AIS; 2) to improve public education on AIS including, if possible, notifying violators of illegal transport and audio notification; 3) to identify AIS violators who had attached weeds on their boats and trailer while launching; and 4) to address technology issues identified in 2006.
- Contract Deliverables- 1) to install operational I-LIDS from May 12th through October 11th, 2) to identify greater than 50% of visible launches, 3) to secure necessary permits, 4) to provide weekly reporting of total videos (including percentage of identified boats) and weekly AIS violation data; 5) to provide access to all videos; 6) to design and install signage; and 7) to provide a mid-season and final Report.
- He reviewed the technical aspects of the helical pier footing and the sensor circuit.
- Grays Bay Public Access- The unit was active by April 28th. He reviewed the three footing locations at this public access, including the footing to the west of the three launch ramps that provides the best location for viewing boats and trailers. This site was powered by electricity.
- Maxwell Bay Public Access- The unit was active by May 12th and was the second busiest public access of the four. The footing was on the west-side of the three launch ramps and had a streetlight nearby. This site used solar-power batteries rather than electricity. Issues that occurred in 2007 include: 1) low launch counts due to the sensor's range of 20' and battery short-falls due to drive-by, and 2) visibility of the east launch ramp due to looking into the sun. Recommendations to addresses these issues included: 1) tap into power at light pole next to existing piling, 2) use direct

lighting for morning launches, and 3) to change the program to exclude intern hours and drive-by triggers.

- North Arm Public Access- The unit was active by June 4th and was the third busiest access of the four. The footing was positioned to see boats coming into the Lake at the two launch ramps. There was a streetlight nearby and this site also used solar-power batteries.
- Spring Park Public Access- The unit was active by June 9th and used the footing established in 2006, which was modified to prevent flooding and to see boats at the two launch ramps. The wireless access point was improved at this site and there was no power nearby. Signage was a challenge at this public access site.
- He reviewed a table that addressed the 153 days that units were operating from May 11th through October 11th, including the days that the unit was not operating. Average uptime for sites post activation was 93.5%.
- Capture Videos of Boat Launches- 31,019 videos were captured, to which 7,432 were of watercraft/trailers launching into Lake Minnetonka. Of these captures, the watercraft registration number and/or license plate number was available on 4,083.
- Review of Video Sequences- Stopped boats could be reviewed during nighttime or low-light conditions. The indirect light used at the Spring Park Public Access was not adequate to illuminate the watercraft and trailer. This was not as problematic at public accesses that had a streetlight nearby.
- Identification of Violations- There were 22 boats launched in 2007 with attached vegetation, or 0.3%. This was a significant decrease from the 7.4% that he concluded based on the control period during the 2006 pilot project.
- Findings- 1) There was increased awareness by boaters of need to clean prior to launch as measured, 2) commercial boat services showed increased diligence in clean off, and 3) boaters would slow down in front of the camera at the Grays and Maxwell Bay public accesses to show condition of their hull.
- Technology Improvements- 1) Camera resolution (1280 x 1024), 2) sensor stability and range, 3) 20 second readiness at the Grays Bay public access, 4) solar panel power increased to 5W, and 5) battery budgeted to reduce swapping.
- He provided an overview of video sequences captured by the I-LIDS units, including the 22 violations documented in 2007. He pointed out that these violations were documented on his website.
- LMCD Staff Concerns- 1) The starting date was missed on two of the four units, 2) the power source, 3) downtime, 4) the camera schedule versus the sensor, 5) delays in weekly reporting, and 6) the frequency of video captures at the Grays Bay public access.

Skramstad asked Nybeck to comment on these concerns.

Nybeck made the following comments:

- 20% of the contract was missed at three of four locations because two units were not operational until early June, as well as a third unit that was down for most of the first month.
- A number of contract requirements were not met because of the lack of electricity.

However, the contractor proposed meeting these requirements with either electricity or solar-powered batteries. To address this, Lindberg utilized timers to address power issues with the solar-powered batteries.

- He reminded the Board that this project was sold as coverage for seven days a week, 24 hours per day.
- There were a number of occasions where units were down and he believed that the contractor should have responded in a more timely manner.
- Based on an audit he conducted for one week in July during non MN DNR intern hours, the weekly number submitted by Lindberg, approximately 200 watercraft, was well below the 400 to 500 watercraft that were documented by this audit.
- Submittal of the weekly reporting from Lindberg to the LMCD office was also a concern.

Lindberg stated that the unit was available seven days a week, 24 hours per day. However, there was not an unlimited amount of battery supply to power these units at this level, especially at the high volume public accesses. A quote was submitted to the LMCD office for power at the North Arm public access and a decision was made by Nybeck not to proceed.

Nybeck stated that this quote was received in the LMCD office around August. If this work would have been done, there most likely would have been only one month left in the five month contract. Additionally, the LMCD did not have this change order budgeted.

Suerth stated that he expected these units to be able to operate on solar-power batteries because that was the proposal made by Lindberg. He recognized that this was a product deficiency that no one could anticipate. However, he recognized Nybeck's decision not to approve the change order because of budget constraints.

Lindberg continued his presentation:

- Issues and Steps to Address Them - 1) sensor range and timing, with program changes to increase distance and improve power management, 2) increasing the number of launches captured by tapping into power at the Maxwell Bay and North Arm public accesses, 3) viewing the boats on the other side of the public launch by installing a second I-LIDS units on the other side of the launch ramp, and 4) improve night viewing by installing an auxiliary LED of sufficient wattage at the Spring Park public access.
- Project Costs and Statistics- Total projects costs were below what was budgeted at \$31,531. The cost per hour was \$1.77, with the cost per launch at \$2.80.
- He entertained questions and comments from the Board.

Babcock asked Lindberg to comment on the four to one ratio of video sequences taken versus video sequences of watercraft/trailers.

Lindberg stated there were a multiple reasons for false positives, which includes multiple movements of a trailer, lightning, the wind, etc. He reiterated that there were 22 violations documented in 2007 and that one of the goals was to warn these violations by contacting these boat operators. Recommendations for future included: 1) warnings and

citations for AIS violations, 2) power the I-LIDS units at the Maxwell Bay and North Arm Public Accesses, 3) to implement audio and lighting improvements, 4) to install a second camera at the Grays and Maxwell Bay public accesses, 5) to install clean off-tools at each public access, 6) to distribute inspection resources to other launches, and 7) to evolve methods to require boater inspections.

Nelson stated that he believed the program started out as a technical experiment and has progressed to a good program for the LMCD. He believed that the program has produced some valuable data on violations and he posed a question to LeFevere on whether letters could be sent to these boat owners.

LeFevere stated the LMCD would need to explore that idea with the MN DNR on boat registration numbers and the MN Department of Motor Vehicles for license plate numbers. Federal law limits the dissemination of information that is secured from a drivers license. In order to secure the information, the LMCD will need to prove that the personal boater information requested from the video falls within specified permissible uses required for its release. If the LMCD can prove that the use of the information is permissible, he believed that a warning letter could be sent out.

Nybeck stated the violations provided by Lindberg had been forwarded to Lt. Hamm from the MN DNR. After Lt. Hamm has had the opportunity to review these videos, a meeting will be scheduled in the near future to discuss a number of these issues.

Nelson reiterated that the Eric Evenson from the MCWD has verbally acknowledged funds that were available for the training of law enforcement on the subject of invasive species.

Nybeck recommended that the Board establish a subcommittee, in which Board member Suerth has offered to serve chair. This sub-committee would identify the purpose of the 2008 AIS Prevention Program, to identify goals and objectives, and to discuss how these and other projects might address these goals and objectives. He stated that there were budget constraints that needed to be taken into consideration and that this sub-committee would most likely make a recommendation to the Board in January.

Nelson stated that he believed there was a failure of will by the Board in not proceeding forward. He believed that a decision needed to be made on whether to proceed forward by issuing citations for data collected from this project because he questioned whether this program should stay at only the technology level. He stated that he would serve on this sub-committee.

Suerth stated that he believed that the LMCD has been pursuing this information with the MN DNR for some time on the video evidence provided by Lindberg.

Babcock stated that he believed the primary benefit of this project was public relations. Whether the LMCD issues citations for these violations was another topic for the Board to discuss. One aspect that the Board should take into consideration was optimizing the spending of public funds because of budget constraints.

Nelson expressed concern about the location of sign placement at the Spring Park public access.

Babcock and Whalen both agreed that the information was best used for educational purposes to change boater behavior through a warning or educational letter, with a copy of CD playing the video of their launch.

Nybeck stated he would report back to the Board on the MN DNR's findings after they have reviewed the videos. He recommended that a commitment for 2008 should be made at a future LMCD Board Meeting after the sub-committee has had a chance to review to further define the issues and to make recommendations of which projects to proceed with.

Board members Babcock, Nelson, and Suerth agreed to serve on this sub-committee.

B. Update on 10/24/07 Lake Vegetation Management Plan (LVMP) Stakeholder Meeting.

Skramstad asked for an update from Osgood on this agenda item.

LMA Executive Director Dick Osgood stated that there was a Meeting Report in the Board member handout folders that summarized progress on this project to date. Points that he emphasized included:

- A fourth stakeholder meeting will need to be coordinated, most likely in early January.
- A consensus of the management objectives were being discussed by the project team and progress was being made.
- There seems to be some consensus that milfoil and curlyleaf pondweed were main target plants in these three bays and deserve some kind of attention. A question remains on what this might involve.
- There might be a MN DNR grant available to assist in funding this project. What is being considered through the LVMP process would qualify and he believed that this was encouraging. There was no deadline for this grant application at this time; however, a similar grant program a year ago had a January 15th deadline. The essence of the LVMP will need to be completed prior to the submittal of this grant application.
- There has been discussion that it was desirable to reduce the density and frequency of milfoil and curlyleaf pondweed on these three bays. There was also an interest on protecting native plants on these three bays. One of the challenges has been to describe what this exactly means so that management actions can be established.
- There are a number of residents, especially on Carmans and Phelps Bays that would like to eliminate all vegetation, including natives. He stated that would not be the recommendation of the project, unless they were providing a nuisance to the public.
- Funding is always an issue and will need to be addressed at some time. LMA members have been advised that the bulk of the funding would most likely need to be borne by LMA members or the residents that reside on the three treatment bays. He recognized that neither the LMCD or the LMA have funds that have been budgeted for this project.

- Some concerns have been raised relating to the use of herbicides, although he believed that this was the most logical management to discuss the objectives that were being discussed by the project team.
- He entertained questions and comments from the Board.

Nybeck stated he would be working with the project team on further refining the goals and objectives. The fourth stakeholder meeting would most likely be scheduled in early January, with an update to be provided at the January 9th LMCD Board Meeting.

Suerth stated that he had attended two of the three stakeholder meetings and he was disappointed with the low attendance of the public. He questioned what might be done to improve attendance at the fourth stakeholder meeting.

The Board discussed alternatives and two ideas were to document the meeting date in the upcoming LMCD Newsletter and "Save the Lake" solicitation letter.

C. Additional Business.

There was no additional business.

2. LAKE USE & RECREATION

A. Dr. Michael Flannery, staff update on request for a "Quiet Water Area" on the north end of North Arm.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that his update and recommendation were outlined in a staff memo, dated 11/7/07. He believed that the Board has traditionally established a Quiet Water Area for primarily public safety purposes. Based on his observations this past summer and comments/statistics from the Sheriff's Water Patrol, he did not believe that this area constituted a public safety problem and does not need to be established as a Quiet Water Area. However, this would not preclude the LMCD from asking the Sheriff's Water Patrol to periodically increase their presence during the 2008 and subsequent boating seasons in this area, which could be discussed at the November 20th annual meeting with the Sheriff's Water Patrol.

The consensus of the Board was that they agreed with the recommendation made by Nybeck.

B. Additional Business.

There was no additional business.

3. WATER STRUCTURES

A. City of Deephaven, consideration of 2008 new multiple dock license, with minor change, application.

Skramstad asked Harper for background on this agenda item.

Harper reviewed the staff memo, dated 11/7/07, which summarized the City of Deephaven new multiple dock license, with minor change, application. The applicant has proposed to install dolphin poles between the 10, 10'x24' slips on the south end of the main dock at the St. Louis Bay site. He recommended approval of the application for the 2008 boating season, carrying over all previous special density license, variance, and multiple dock license requirements.

MOTION: Babcock moved, Nelson seconded to approve the 2008 City of Deephaven new multiple dock license, with minor change, application with the conditions recommended by Harper, directing Harper to communicate to the City of Deephaven that these 10 dolphin poles must be constructed within the 24' long slips.

VOTE: Motion carried unanimously.

C. Additional Business.

There was no additional business.

4. FINANCIAL

C. Additional Business.

There was no additional business.

5. ADMINISTRATION

A. Discussion of December Regular LMCD Board of Directors Meeting schedule.

Nybeck stated that there were two Regular LMCD Board Meetings scheduled for the month of December, 12/12 and 12/26. He did not believe that there was a need for both meetings and he recommended the Board cancel the 12/26/07 Regular LMCD Board Meeting due to the holiday schedule. The Board discussed the recommendation of Nybeck and the consensus was to cancel the 12/26/07 Regular LMCD Board Meeting.

B. Appointment for 2008:

- Auditor Selection
- Legal Counsel
- Prosecuting Attorney
- Bookkeeper
- Official Newspaper
- Bank Depository for fiscal year 2008

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that quotes have been received for 2008 to conduct the 2007 LMCD audit, legal

counsel, a prosecuting attorney, and a bookkeeper. Additionally, there was a need to appoint an official newspaper and bank depository for 2008. A summary of these quotes received, with recommendations, was outlined in the staff memo, dated 11/8/07. He entertained questions and comments from the Board.

MOTION: Tanner moved, Whalen seconded to approve the following 2008 appointments: 2007 Auditor Selection – Abdo, Eick, and Meyers; Legal Counsel – Kennedy and Graven; Bookkeeper – SB Management, Inc.; Official Newspaper – Lakeshore Weekly News; and Bank Depository Resolution – U.S. Bank.

VOTE: Motion carried unanimously.

C. Additional Business.

There was no additional business.

6. SAVE THE LAKE

Skramstad acknowledged that he and Nelson were in receipt of the draft winter 2007 “Save the Lake” solicitation letter for review. He believed that comments should be forwarded in the next couple of days to keep this project moving forward.

Nelson suggested that the next LVMP stakeholder meeting date should be finalized and included on this solicitation letter.

7. EXECUTIVE DIRECTOR REPORT

Nybeck updated the Board on four items. First, he reminded the Board of the annual LMCD/Hennepin County Sheriff Water Patrol meeting that was scheduled for November 20th at 7:30 a.m. Second, he directed the Board to a position statement from the North American Lake Management Society (NALMS). Third, he stated there were two Board Officer positions currently vacant (Vice Chair and Treasurer). He asked the Board if they would like to fill one or both of these Officer positions through January at this meeting. Fourth, there was discussion at the October 10th Board meeting on possibly updating parts of LMCD Code Chapter 2, with Board member chairing this committee. He stated that he was unclear whether the Board wanted this sub-committee to proceed.

MOTION: Tanner moved, McDermott seconded to have Scanlon serve as both Secretary and Treasurer through January 2008.

VOTE: Motion carried unanimously.

It was the consensus of the Board to have Tanner and LMCD staff proceed with a sub-committee of the Board to review potential areas where LMCD Code might be updated, in particular Chapter 2.

8. OLD BUSINESS

Skramstad asked for an update on the pending LMCD Newsletter.

Nybeck stated that the articles for the LMCD Newsletter were nearly complete and would be forwarded to the publisher in the near future. After that step in the process, it would be sent to the printer and the mailing company. He hoped that it would be mailed out in the next couple of weeks.

9. NEW BUSINESS

Skramstad updated Board members on their attendance record for the past year. He thanked a number of the Board members on their high attendance record and their continued diligence in attending the Board meetings.

10. PERFORMANCE EVALUATION- Performance evaluation of Executive Director

11. ADJOURNMENT

LeFevere stated that the purposes for closing this meeting and going into executive session, as an exception to the Open Meeting Law, was to discuss the annual performance evaluation of the Executive Director. Upon completion of this executive session, the Board may decide to adjourn the meeting.

MOTION: Nelson moved, Whalen seconded to go into executive session at 9:38 p.m. to: 1) discuss the annual performance evaluation of the Executive Director, and 2) to adjourn the meeting following completion of the executive session.

VOTE: Motion carried unanimously.

Tom Skramstad, Chair

Tom Scanlon, Secretary