

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, December 12, 2007
Wayzata City Hall

CALL TO ORDER

Skramstad called the meeting to order at 7:01 p.m.

ROLL CALL

Members present: Tom Skramstad, Shorewood; David Gross, Deephaven; Chris Jewett, Minnetonka; Dennis Klohs, Minnetonka Beach; 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.

Members absent: Doug Babcock, Tonka Bay; Steve Johnson, Mound; Tom Scanlon, Spring Park; Herb Suerth, Woodland.

CHAIR ANNOUNCEMENTS, Chair Skramstad

Skramstad reminded the Board that the December 26th LMCD Board Meeting had been previously been cancelled.

READING OF MINUTES- 11/14/07 LMCD Regular Board Meeting

MOTION: McDermott moved, Tanner seconded to approve the minutes from the 11/14/07 LMCD Regular Board Meeting as submitted.

VOTE: Ayes (8), Abstained (2, Gross and Morris); motion carried.

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.

Nybeck stated that he had changed the format of the consent agenda at this meeting to included two agenda items that have not been included on the consent agenda in the past, agenda items 1A and 1B. If a Board member would like to discuss either of these agenda items, it should be removed from the consent agenda.

Skramstad stated that he would prefer to not include agenda item 1B on the consent agenda because he believed that Board discussion on draft Findings of Fact and Order was appropriate.

Whalen moved, Gross seconded to approve the consent agenda as amended, removing agenda item 1B. Motion carried unanimously. Item so approved included: **1C, Browns Bay, LLC (Sites 1 and 2)**,

staff recommends Board approval of 2008 new multiple dock (minor change) license applications to identify change in ownership from North Shore Marina East (Sites 1 and 2); **3A**, Audit of Vouchers (11/16/07 - 11/30/07) and (12/1/07 – 12/15/07); and **3B**, October financial summary and balance sheet.

PUBLIC HEARING

- **North Shore Marina, Inc.**, reconfiguration of a non-conforming, multiple dock license application utilizing LMCD Code Section 2.015.

Skramstad asked Harper for background on this agenda item.

Harper reviewed the staff memo, dated 12/7/07, which summarized a request from Rich Anderson to reconfigure his non-conforming multiple dock facility on Maxwell Bay. He reviewed LMCD Code Section 2.015, which included how the application meets the five requirements outlined in subd. 3. He pointed out that comments had been received from Orono Assistant City Administrator Mike Gaffron relating to the application, which were outlined in a letter dated 12/7/07. Harper stated the LMCD recognizes the city's concerns, although the proposed application meets all LMCD objective criteria for reconfiguring non-conforming facilities. He believed that the Board could approve the application for the 2008 boating season with five conditions. These included: 1) watercraft must be stored within all Boat Storage Units (BSUs) must comply with the four foot length overall overhang restriction (except BSUs D13, D14, F9, and F10 that must be stored within the 200' contour line depicted on the 12/7/07 proposed site plan), 2) all watercraft must be stored within authorized BSUs, 3) the watercraft stored in BSU D7 may not exceed 31' length overall, 4) no overnight boat storage shall be allowed in the eight transient BSUs, and 5) any approval should carry over all previous license conditions. Harper stated that any approval by the LMCD Board would not relieve the applicant's responsibility to secure all permits and approvals from the City of Orono. He recommended that the applicant contact the City of Orono to address the land based elements of this operation, adding that Anderson would need to comply with the most restrictive agency regulations. He entertained questions and comments from the Board.

Morris asked if the entire dock structure would be new if the applications were approved.

Tanner asked if there would be an increase of the number of fuel tanks on the proposed gas dock.

Harper recommended that those questions should be addressed by the applicant.

Skramstad asked for further background and comments from the applicant.

Mr. Rich Anderson stated that he was the owner of North Shore Marina. He made the following comments:

- In recent years, he stated that he reconfigured and installed new docks at the multiple dock facility he previously owned on Browns Bay. It worked well and he stated that he would like to do the same at this site.
- One of the primary reasons he would like to reconfigure the existing dock is to address LMCD staff concerns communicated to him relating to the overhang issues of some BSUs where larger boats were being stored in them, which was outside the authorized dock use area for that site (200' from shore). The proposed dock configuration would address LMCD

staff concerns.

- The current dock configuration has all of its boats exiting towards the west. The proposed site would relocate 10 of these BSUs to the east of the main walkway, which would exit towards the east. Four of these BSUs are within the 100' contour line.
- One of the problems with the current dock configuration is that unannounced boats tie up along the east side of the walkway, which is a result of a boat breaking down or the public using the restroom facilities. This sometimes causes an impediment to the abutting neighbor to the east and he believed that the proposed configuration would improve this.
- He had spent a lot of time putting together a configuration that was within the parameters of LMCD Code.
- He believed that the proposed docks would be a benefit to both the marina and Lake Minnetonka for a variety of reasons. These included: 1) the new docks were more appealing than the current docks, 2) there would be a reduction in the number of BSUs at this site, and 3) there would a reduction in the cumulative square footage of these BSUs.
- The proposed gas dock would not increase the number of tanks from the existing dock. In fact, he believed that there would be an improvement since the gas dock was being moved further away from the abutting neighbors to the east.
- He entertained questions and comments from the Board.

Gross stated that if the proposed plan were to be approved, he recommended signage be placed on the east and west side of the docks that states "No Parking or Mooring of Boats".

Anderson stated that he would not be troubled with that condition. However, it might become problematic for boats that break down when the marina was not open to the public.

Skramstad opened the public hearing at 7:26 p.m.

Mr. Mark Finney, 3210 North Shore Drive, stated that he owned the abutting property to the East. He expressed concern about the current and proposed gas dock, which included some small spills in the area where his and neighboring kids swim. Additionally, it was common for boaters to idle in front of the abutting properties to the east while waiting to get to the gas dock, which makes it difficult to get out from these properties. There was currently a gas tank on land at this site and he believed that this was an opportunity to address these concerns. He expressed concerns about relocating BSUs to the east side of the walkway. His concerns included: 1) the shallow water near shore, which may require dredging, 2) cattails near shore, 3) the need for boats to exit towards the east and how it might impact their use of the lake, and 4) boats will continue to tie off along the docks to the east. He believed that the Board should consider an alternative dock design(s) prior to approving the site plan proposed by Anderson. He review a proposed alternative design that he drew up, which he believed would improve the current situation for both abutting neighbors.

Ms. Shirley Hendrickson, 3200 North Shore Drive, stated that she and her husband were two properties to the east of North Shore Marina. She expressed about boats exiting towards the east and the impacts that this would have on the abutting properties. She recognized that there was a 20' side setback at North Shore Marina, although she questioned whether boats stored within the new slips on the east side of the main walkway would be able to navigate within. She believed that there might be some alternative dock designs that would address the concerns of

the neighborhood.

Mr. Jon Heidorn, 3180 North Shore Drive, stated that he and wife were constructing a new home four properties to the east of North Shore Marina. He expressed concern about relocating BSUs to the east of the main walkway because he believed that it currently served as a good buffer. He believed that this would result in additional traffic and would cause safety issues for the abutting neighbors to the east since the area was very shallow.

Ms. Janene Heidorn, 3180 North Shore Drive, questioned whether it would be allowable to delineate the 20' side setback area to the public with buoys. Otherwise, she believed that the boats using the BSUs on the east side of the dock would need to navigate very closely to the docks of the abutting properties to the east, which she believed would create a safety issue.

Mr. Jonathan Aanestad, 3185 North Shore Drive, stated that he lived on the other side of the county road from the neighbors that were testifying at this public hearing. He echoed the safety concerns raised because his kid also swam in this area. Additionally, he did not believe that the BSUs could be moved to the east side of the dock without some form of dredging. North Shore Marina currently has some hardcover issues with the City of Orono and he believed that there were some trust issues with the neighborhood.

Mr. Mike Wallace, 3160 North Shore Drive, re-emphasized the neighborhood safety concerns about boat traveling in front of the abutting neighbors to the east. He believed that there was a need for an alternative site plan to provide Anderson what he was looking for, as well addressing the neighbors concerns.

There being no further comments, Skramstad closed the public hearing at 7:45 p.m. He asked Anderson to comment on concerns raised relating to the gas dock and the usability of some of the BSUs near shore.

Anderson stated that the gas dock would utilize the existing gas tanks. Business from the gas dock does not create a lot of profit to the marina, although he believed it was a necessary public amenity. The marina site has been dredged by previous property owners and he did not believe that there would be a need to dredge.

Skramstad stated that there was public testimony that expressed concern about relocating some of the BSUs to the east of the main walkway. He asked whether an alternative site plan could be designed to address these concerns.

Anderson stated that if the Board were inclined to not approve the current proposed site plan, he could live with currently approved site plan. He emphasized that the current site plan has all of the boats exiting towards the west neighbor and that the proposed site plan would have four 20' long BSUs exiting towards the east within the 100' contour line. On the proposed site plan, there should be between 35' and 40' of separation between the BSUs on the east side and the Finney dock because of side setback requirements. If the water depths are as shallow as testified by the abutting neighbors to the east, he believed that it would be more practical for his customers to navigate within the 20' setback area because it had been previously dredged. He stated that he would not be troubled with the alternative site plan proposed by Finney; however, he recognized that it would not be allowed by LMCD Code because it would involve side opening slips in an area where

they were not currently approved. He communicated that the proposed site plan was one of many revisions already considered to comply with LMCD Code.

Gross asked what implications would be involved to center the gas dock further within the dock use area.

Anderson stated that moving the gas dock towards the center of the authorized dock use area could be done. However, he questioned whether it was attainable since it would involve adjusting the main gas line from the main walkway and installing angle fittings which have a higher likelihood of failing

Nelson stated that there had been testimony from the abutting neighbors to not approve the application for safety reasons. He was inclined to agree with these neighbors and he asked why the 10 BSUs could not be relocated to the west side of the main walkway.

Anderson stated that it would be difficult to relocate the 10 BSUs to the west side of the main walkway based on the various dock plans that he had already considered.

Nelson stated that he did not believe that the proposed dock design would be a win-win for either the abutting neighbors or the LMCD. He did not believe that it was fair to expect the abutting neighbors to the east to have to deal with the problems associated with a dock design.

Whalen stated that she concurred with the comments made by Nelson, including the need for a revised dock design. A concern that she had was gas tanks and spillage, including whether there were safety measures available to address this. She did not believe that the proposed site plan would not be as good as the currently approved site plan because the main walkway serves as a buffer. Although this site was dredged some years ago, she believed that it had possibly filled in over the years and that churning up by the boats at the marina creates problems for the abutting neighbors. She was sensitive to the issues raised by the City of Orono and she recommended that the Anderson consider an alternative dock design.

Anderson requested that the Board take a vote on the proposed site plan at this meeting because of time constraints.

Harper commented on the approved variance from LMCD Code at the Finney site. In 2002, the LMCD approved a dock length variance of 100', with setback requirements of 15' or 20' depending on whether there was a canopy. On the aerial picture included in the powerpoint presentation, he believed that the dock might have exceeded 100' in length and may not meet the required setback.

McDermott asked whether the LMCD had delineated an extended side site line with buoys in the past.

Nybeck stated that he did not believe that this had been done in the past.

McDermott suggested that this might be appropriate for this application.

Gross asked LMCD staff to comment on the proposal based on LMCD Code.

Nybeck stated that the proposed application complies with the objective criteria outlined in LMCD Code Section 2.015. However, the Board could consider subjective criteria for new multiple dock license applications.

Whalen questioned whether the four BSUs closest to shore on the east side of the main walkway could navigate within the 20' side setback area.

Harper reminded the Board that the abutting neighbor is also required to maintain a side setback area, which is intended to be used for navigational purposes.

Morris stated that the size of the boats within the four BSUs closest to shore would be limited in size and he believed should be able to navigate within the 20' side setback area.

Nybeck stated that there would be four BSUs on the east side of the dock that might impact the abutting neighbors authorized dock use area for navigational purposes. Since there was a length limitation of 100' for the abutting site to the east, any further problems for the abutting neighbor to the east would most likely be the result of a dock installed greater in length than what has been approved by the LMCD.

Klohs stated that the abutting neighbor to the west was not in attendance at this public hearing. Although this was not the perfect plan, he believed that the Board should take into consideration that the boats exiting towards the side would be shared a little bit more equitable with the proposed plan.

Gross stated that side setbacks required by LMCD Code were for the public use, as well as the use by the abutting riparian property owners.

Nelson stated that he believed the issue was how to construct a dock so that it would minimize the intrusion on the abutting neighbors side setbacks and dock use area. He believed that the main walkway should be maintained along the easterly side setback requirement. Additionally, he believed that the Board might want to consider the alternative site plan proposed by Finney. Without the applicant being willing to explore an alternative site plans, he questioned what this left for the Board to decide on.

Skramstad stated that he believed the applicant has communicated to the Board that he would like the Board to consider the proposed site plan. If this was not approved by the Board, the applicant has communicated that he would maintain the existing dock site plan in the future.

One condition that the Board could consider for this facility was signage and fencing that would prohibit parking on the east-side of the main walkway, similar to what is required at Al and Alma's.

Nelson asked Finney if he and the neighborhood would withdraw their concerns about the current application if Anderson were to delineate the common extended side site line with buoys.

Finney stated that he believed this could address the abutting neighbors concerns on the east side of the multiple dock facility. He asked for clarification of the concerns with the alternative site plan that he proposed.

Nybeck stated that the alternative site plan proposed by Finney would most likely have a greater impact on the abutting property to the west because there would be a number of large side opening slips compared to current site plan does not have any side opening slips. He did not believe that it would be possible to navigate to these side opening slips without navigating within the side setbacks and dock use area of the abutting neighbor to the west. If the applicant decided to pursue this alternative site plan, it would require a side setback variance application, with a need to establish a hardship(s) caused by applying LMCD Code.

Anderson stated that he might consider the alternative proposed by Nelson if the common extended side site line was delineated with pilings rather than buoys. He expressed concern about boats running over the buoys at both his and the Finney properties.

Nybeck stated that identifying the common extended side site line with pilings would require also side setback variance from LMCD Code, similar to buoys.

Skramstad asked Anderson whether he would be willing to relocate the first four slips on the east side of the walkway and substitute them for some of the transient BSUs in the main lagoon area.

Anderson stated that he might consider that.

Whalen also suggested that BSUs 5-8 could be accessed from the west by removing the main walkway at that part of the dock and closing in the east side of the dock near BSUs 5 and 7.

Anderson stated that two issues associated with the changes proposed by Whalen would be that the main walkway that would not be straight and challenges associated with running the main gas line to the gas dock with angles.

Page stated that he supported the proposal based on the testimony from the applicant and the public. He believed that moving the gas dock further from the abutting neighbors to the east and re-allocating some the slips that navigate towards the side from the west-side to the east-side was reasonable. When a property owners purchases a property next to a commercial marina, they should understand that their might be some associated small gas spills and congestion in conjunction with the commercial marina. However, he hoped that the applicant might re-consider tabling the application until the January 9th Board meeting to work with LMCD staff on a possible revised site plan.

Tanner stated that there was some general agreement amongst the Board that public safety should be taken into consideration. He supported considering a revised site plan at the January 9th Board meeting after the applicant has had the opportunity to consider a revised site plan, taking into consider the Board comments at this meeting.

Anderson stated that a delay in the approval of this license would not allow the project to proceed due to time restraints concerning the manufacturing of the dock and ultimately the installation of the docks on the ice.

MOTION: Morris moved, Gross seconded to approve the North Shore Marina reconfiguration of a non-conforming application for the 2008 season, subject to the following five conditions:
1) watercraft stored within all BSUs must comply with the 4' length overall overhang

restriction, except for BSUs D13, D14, F9 and F10 that must be stored within the 200' line as depicted on the 12/7/07 proposed site plan, 2) all watercraft must be stored within authorized BSUs, 3) the watercraft stored in BSU D7 may not exceed 31' length overall, 4) no overnight boat storage should be allowed in the eight transient BSUs, and 5) any approval should carry over all previous license conditions.

Jewett recommended a friendly amendment that would require the relocation of BSU's 1-4 from the east side of the main walkway to the lagoon area. Morris did not agree to this friendly amendment.

Gross asked how the Board could consider denying the application because it meets the requirements of LMCD Code.

LeFevere stated that the application met all objective criteria outlined in LMCD Code Section 2.015. However, the Board could consider subjective criteria when discussing the application. Some of the concerns raised by the abutting neighbors might fit within these subjective criteria that can be used for new multiple dock license applications. If the Board were to deny the application, it would be based on subjective criteria and Findings of Fact and Order would need to be prepared.

Nybeck stated that the Board might want to consider as a friendly amendment to the motion to require "No Parking" signage and fencing along the east-side of the dock to discourage unauthorized parking by the public. Morris and Gross agreed to this.

VOTE: Ayes (7), Nays (3; Nelson, Tanner, and Whaelen); motion carried.

1. WATER STRUCTURES

- B. Eric and Laurie Berg**, staff recommends Board approval of draft Findings of Fact and Order, as submitted, approving a dock length and side setback variance at 2965 Casco Point Road on Spring Park Bay.

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

LeFevere stated that the draft Findings were prepared based on the discussion to deny the variance request in part and to approve an alternative in its place. He reviewed key details of the variance, which would include: 1) a 10' wide dock use area that extends 56' from the 929.4' shoreline, 2) five foot setbacks from both the abutting neighbors to the north and south, with a reduced setback to the south as the dock use area extends into the Lake because of the converging lot lines, 3) a limit of one restricted watercraft at this site, provided it is maintained within the dock use area, 4) the dock must be straight, provided a "L" or "T" is allowed east of the boat lift or other watercraft storage at the dock facility, 5) the need to construct and maintain witness markers to delineate the lines outlined in the draft Order.

McDermott recommended two changes to the draft Findings. First, he believed that there was a need to add language to the first sentence in the third paragraph on page one that the site was created at the "request of the City of Orono". Second, he believed that condition 3d) on page two should be changed from "applicants" to "landowner".

MOTION: McDermott moved, Page seconded to approve the Eric and Laurie Berg Findings of Fact and Order as amended, making the two changes recommended by McDermott.

VOTE: Motion carried unanimously.

C. Chair update on progress of the LMCD Environmental Committee.

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

Gross made the following comments:

- The Board established this committee on April 25th, with Board members Babcock, Nelson, and Whalen agreeing to serve on it. The two primary goals were: 1) preservation of wetland areas, and 2) preservation of shallow, littoral zones.
- Six meetings have been conducted to date, with three environmental concepts currently being considered. These included: 1) establishing density standards for inaccessible shoreline and shallow dock use areas, 2) formalizing density allowances at dock length variances, and 3) minimum water depths at slips within multiple dock facilities.
- Draft ordinance amendments have been prepared for the first two concepts for Board discussion and consideration, noting that these ordinance amendments have been reviewed and discussed by the committee.
- The first draft ordinance amendment would address shoreline outside of the LMCD jurisdiction, to clarify inaccessible shoreline, and to establish shoreline calculations for shallow dock use areas (less than three feet of water depth). He provided further clarification of this draft ordinance amendment via diagrams in a powerpoint presentation.
- The second draft ordinance amendment would further clarify watercraft storage density at dock length variances. Currently, the LMCD Board generally restricts the number of restricted watercraft that may be stored at a site that requires a dock length variance. This draft ordinance amendment is an attempt to formalize this by establishing restricted watercraft density standards up to 100' beyond the legal dock use area for that site. This ordinance amendment would also clarify restricted watercraft density standards for a dock use area that exceeds greater than 100' beyond the legal dock use area. He further clarified the table in the draft ordinance amendment via diagrams in the powerpoint presentation.
- He entertained questions and comments from the Board.

Skramstad asked if the first draft ordinance amendment would establish provisions for low-water emergencies, similar to the late 1980's.

Gross stated that the committee established this draft ordinance amendment for permanently granted variances.

Skramstad asked how the committee has defined accessible shoreline.

Gross stated that accessible shoreline would include: 1) a 12' wide channel that is at least four feet deep, or 2) a bridge clearance of at least three feet.

Tanner asked if there were any examples of inaccessible shoreline.

Whalen stated that the committee was not attempting to address any specific examples. However, this ordinance amendment would address development situations where the shoreline associated with an area needs to meet certain criteria, such as a channel area with depth and width requirements.

Gross reviewed a specific example in the City of Deephaven where this draft ordinance amendment may apply for inaccessible shoreline.

MOTION: Gross moved, Jewett seconded to approve first reading of: 1) an ordinance relating to density of watercraft on Lake Minnetonka, adding new subdivisions 8, 9, and 10 to LMCD Code Section 2.02 as submitted; and 2) an ordinance relating to watercraft storage density and variances for dock length, adding new subdivision 10 to LMCD Code Section 1.07 as submitted.

VOTE: Motion carried unanimously.

Gross stated that the third draft ordinance amendment relating to minimum water depth requirements for multiple dock facilities would be further discussed by the committee in February.

D. Staff update of 2007 LMCD Code Enforcement Project.

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

Nybeck made the following comments:

- A process was implemented in 2006 for enforcement of LMCD storage ordinances. The three primary enforcement efforts included: 1) to identify sites storing five or more restricted watercraft, 2) to identify sites storing three or four restricted watercraft (without adequate shoreline), and 3) to document illegal platforms. Prior to the 2007 boating season, educational letters were sent out to potential violations requesting voluntary compliance.
- A similar project was conducted in 2007, with four primary enforcement efforts. These included: 1) to re-inspect sites storing five or more restricted watercraft in 2006, 2) to identify new sites storing five or more restricted watercraft in 2007, 3) to re-inspect sites storing three or four restricted watercraft in 2006 (without adequate shoreline), and 4) to identify new sites storing three or four restricted watercraft in 2007 (without adequate shoreline). A methodology similar to that used in 2006 was implemented in 2006.
- In 2007, LMCD Administrative Assistant Emily Herman supervised the project. She was provided a temporary compensation in April through December for her added work responsibilities for this project. Herman was directed at the time of her compensation adjustment to document her time on spent on both her Administrative Assistant and Code enforcement responsibilities, which was estimated at 50% for each responsibility. From April 19th through December 7th, Herman spent 75% of her time on Administrative Assistant responsibilities and 25% of her time on Code enforcement responsibilities.
- Estimated costs for the 2007 project was \$8,526.19. This included adjustment of

compensation for Herman, the funding of a seasonal intern, and the funding of a variety of other costs. Funding sources included \$7,000 from temporary services and the remainder from Administration-contingency.

- In 2006, there were 81 residential sites storing five or more restricted watercraft. Educational correspondence was sent out on May 22nd to 56 of these sites. Nine of these sites were brought into voluntary compliance in 2007, with the remaining 47 sites may or may not being in compliance with LMCD Code.
- In 2007, an additional 48 new sites were identified as storing five or more restricted watercraft. However, some of these sites may comply with LMCD Code for a variety of reasons.
- In 2006, there were 58 sites storing three or four restricted watercraft that did not have adequate shoreline. Educational correspondence was sent out on June 1st to 47 of these sites. Of these 47 sites, nine were brought into voluntary compliance, four documented adequate shoreline, and 34 may or may not be in compliance with LMCD Code.
- In 2007, there were an additional 70 sites storing three or four restricted watercraft. However, some of these sites may comply with LMCD Code for a variety of reasons.
- He proposed sending up follow-up letters in two phases. First, he proposed a letter to new residential sites out of compliance with LMCD Code in 2007, similar to that sent out in 2006. The letter will be educational in nature and ask for voluntary compliance in 2008. Second, a follow-up letter needs to be sent out to those sites re-inspected in 2007 that were out of compliance in 2006. He suggested a stronger tone of the letter putting them on notice that this would be the last warning from LMCD staff.
- Plans for the 2008 project should commence in the near future. He believed that there was a better need to coordinate enforcement efforts with the 14 LMCD member cities and he recommended visiting all 14 city councils prior to the 2008 boating season. He proposed four primary enforcement efforts similar to 2007, although re-inspections will be done for 2006 and 2007.
- A ½ time position was included in the adopted 2008 LMCD Budget for this project. He believed that this would involve a part-time project supervisor and a part-time assistant for the fieldwork. He envisioned that the part-time supervisor would oversee: 1) the 2008 LMCD Code Enforcement Project, 2) the 2008 Shoreline Storage Count Project, and 3) all 2008 residential complaints. Herman has expressed an interest in this position and he believed that this made sense from a continuity and financial standpoint. If the Board would like to pursue this, he stated that he could bring the following to the January 9th Board meeting: 1) evaluation of position descriptions (including a recommended compensation adjustment), 2) an overview of filling seasonal needs for the Administrative Assistant and fieldwork needs, and 3) a draft 2008 LMCD Code Enforcement budget.
- He entertained questions and comments from the Board.

E. Additional Business.

There was no additional business.

2. LAKE USE & RECREATION

- A. Chair update of 11/14/07 Executive Session to discuss the performance of Executive Director Greg Nybeck.

Skramstad stated that the Board conducted the annual performance appraisal for Nybeck at the November 14th LMCD Board Meeting. An overall grade of between "Meets Expectations" and "Exceeds Expectations" was agreed to by the Board, which has been communicated to Nybeck. The following was also communicated to Nybeck: 1) objectives for the upcoming performance appraisal period, 2) a five percent adjustment of his annual salary from \$67,033 to \$70,385, retroactive to November 1st, and 3) 20 days of annual vacation have been communicated to Nybeck, as well as all other benefits outlined in the adopted LMCD Personnel Policy.

MOTION: Page moved, McDermott seconded to: 1) adjust the annual salary for Nybeck from \$67,033 to \$70,385, and 2) provide for 20 days of annual vacation Nybeck, and 3) provide for all other benefits as outlined the adopted LMCD Personnel Policy.

VOTE: Motion carried unanimously.

B. Update of 11/20/07 Annual LMCD/Hennepin County Sheriff's Water Patrol Meeting.

Skramstad stated that he was encouraged that there were 10 Board members in attendance at this meeting. He believed that the meeting was productive and that the Meeting Report was self-explanatory. .

C. Review of proposed 2008 LMCD special and on-going projects list.

Skramstad asked for background on this agenda item from Nybeck.

Nybeck provided a brief review of the five 2007 special projects and an overview of seven proposed 2008 special projects via a powerpoint presentation. He recommended that the Board further discuss these 2007 and 2008 special projects at the January 9th Board meeting.

Skramstad asked for an update on the Lake Vegetation Management Plan (LVMP) project, including when the Board when have an opportunity to discuss recommendations and associated costs.

Nybeck stated that a EWM/Exotics Task Force Meeting was scheduled for December 14th to further refine management actions, assigning tasks, and related costs. A fourth LVMP is stakeholder meeting is scheduled for January 3rd. He hoped to schedule discussion of the LVMP at the January 9th LMCD Board meeting.

D. Additional Business.

There was no additional business.

3. FINANCIAL

E. Additional Business.

There was no additional business.

4. SAVE THE LAKE

A. Discussion of LMCD's 41st anniversary "Save the Lake" Recognition Banquet Dinner.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that there was a need to establish a date for the Banquet Dinner. Sheriff Rich Stanek has agreed to be the keynote speaker and he was available on February 7th and 21st. Based on feedback from retiring 2007 LMCD Board Officers, he recommended February 7th.

The Board discussed Nybeck's recommendation and agreed that the Banquet Dinner would be conducted on February 7th, most likely at the Bayveiw Event Center.

Nybeck stated that the LMCD annually recognizes a Water Patrol special deputy at this Banquet Dinner. A recommendation has been made by Lt. Kip Carver to recognize Richard (Rich) Siakel as the LMCD's 2007 special deputy.

MOTION: Whalen moved, Gross seconded to recognize Richard Siakel as the LMCD's special deputy honoree to be recognized at the February 7th "Save the Lake" Recognition Banquet Dinner.

VOTE Motion carried unanimously.

B. Additional Business.

There was no additional business.

5. EWM/EXOTICS TASK FORCE

There was no discussion.

6. LAKE USE & RECREATION

There was no discussion.

7. EXECUTIVE DIRECTOR REPORT

There was no report.

8. OLD BUSINESS

LeFevere stated that a copy of the approve Hennepin County District Order for the pending Canning Settlement Agreement was included in the handout folders. The approved Order affectuates an approved variance for both of the abutting sites of the Canning's. No hearing was required for these Orders and they will be brought back from Board approval at the January 9th Board meeting.

9. NEW BUSINESS

Nelson stated that he had recently resigned from the LMCD Board with the City of Victoria. This was his last Board meeting and he believed that a replacement had been found. He enjoyed his

five and a half years on the Board, including his work on aquatic invasive species and partnering with other organizations.

Jewett updated the Board on a proposed shoreline bufferzone ordinance at the City of Minnetonka. A recent city council meeting was heavily attended by the public, noting that the mandatory bufferzone aspect of the ordinance had been removed..

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:43 p.m.

Tom Skramstad, Chair

Greg Nybeck, Executive Director