

LAKE MINNETONKA CONSERVATION DISTRICT
Board of Directors Planning/Workshop Session
6:00 P.M., Wednesday, June 22, 2011
LMCD Office

Members Present: Doug Babcock, Tonka Bay; Dan Baasen, Wayzata; Andrew McDermott, Orono; Kelsey Page, Greenwood; David Gross, Deephaven; Anne Hunt, Minnetrista; Dennis Klohs, Minnetonka Beach; Bill Olson, Victoria; Debbie Siakel, Shorewood; Herb Suerth, Woodland; Roger Swanson, Spring Park. Also present: Charles LeFevere, LMCD Legal Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician.

Members Absent: Chris Jewett, Minnetonka; Steve Johnson, Mound; Jeff Morris, Excelsior.

1. Call to Order

Babcock called the meeting to order at 6:00 p.m.

2. Approval of Agenda

Babcock recommended moving the "Ordinance Review Committee Update" in front of the "New LMCD Board Member Orientation".

MOTION: Baasen moved, Woodruff seconded to approve the agenda as amended, making the change recommended by Babcock.

VOTE: Motion carried unanimously.

3. Approval of Consent Agenda

McDermott moved, Page seconded to approve the consent agenda as submitted. Motion carried

unanimously. Items so approved included: **3A**, Audit of vouchers (6/16/11 – 6/30/11); **3B**, Tom Niccum, draft

Findings of Fact and Order approving a side setback variance for a permanent dock at 5351 Three Points

Blvd.; and **3C**, 2/18/11 and 4/8/11 AIS Task Force Meeting Minutes.

4. Ordinance Review Committee (ORC) Update:

Harper provided an overview of work done by the ORC on public amenities for special density licenses. The review included: 1) the Problem Statements (in particular the public amenity list is out of date), 2) Areas of Work (in particular ordinance vs. resolution), 3) Changes Recommended, and 4) Other Topics Discussed. ORC recommendations include the following:

- Update the public amenity list and point system in a resolution form for ease of amendments.
- Allow the applicant changes to approved public amenities by the Executive Director in some situations.
- There is a need to transition existing special density licenses to meet the new regulations. For example, the Board could grandfather existing special density licenses and require these sites to meet the new regulations when an application is received to increase Boat Storage Units.
- There is a need to further define the requirements to qualify for a special density license. For example, there facilities should be available to the general public, there is a need for mandatory parking, handicapped access should be made available, and public amenity fees need to be reasonable.

Babcock stated that the ORC had done a great deal of work on the draft ordinance amendment and resolution, which he provided greater background on. He asked the Board whether this work was on the right track so that the ORC recommendations can be brought back at an upcoming LMCD Board Meeting.

The Board discussed the ORC recommendations in great detail. The consensus was that the draft ordinance amendment and resolution were on the right track and should be considered at an upcoming Board Meeting. One topic that there was not consensus on was when facilities with special density licenses should come into compliance with the new proposed regulations. The Board directed staff to create a spreadsheet assessing existing special density licenses with the new proposed regulations.

5. New LMCD Board Member Orientation

LeFevere provided an extensive overview of a number of aspects of the LMCD. This included:

- A summary of the LMCD framework.
- An overview of how the LMCD's ordinances have been created over the years, including a review of the five chapters of the LMCD Code.

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- A more detailed overview was provided for Chapter 2- regulation of water structures. In particular:
 - What constitutes a multiple dock license and the permitting process;
 - The area where to place docks and store boats (authorized dock use area);
 - Length and side setback limitations within an authorized dock use area;
 - Watercraft density restrictions (1:50' General Rule, two-boat rule, and four-boat rule); and
 - What constitutes a special density license and the permitting process.
- An overview of the variance from LMCD Code process.
- He entertained questions and comments from the Board.

The Board asked a number of questions and made a number of comments. These questions and comments were addressed by LeFevere and amongst Board members.

6. Adjournment

There being no further business, the meeting was adjourned at 8:46 p.m.

Doug Babcock, Chair

Andrew McDermott, Secretary