

LAKE MINNETONKA CONSERVATION DISTRICT ORDINANCE REVIEW COMMITTEE MEETING REPORT

6:00 p.m., Monday, January 10, 2011

LMCD Office, 23505 Smithtown Rd, Suite 120, Shorewood, MN 55331

Present: Doug Babcock, LMCD Board; Lisa Whalen, LMCD Board; Peter Hartwich, LMCD Board; Gabriel Jabbour, Tonka Bay Marina; Dave Briggs; Wayzata Marine, Jerry Rockvam, Rockvam Boat Yards; Brett Niccum, Niccum Docks; Judd Harper, LMCD Administrative Technician.

Meeting Report

The meeting reports from the 9/29/10 and 12/13/10 Ordinance Review Committee (ORC) Meetings were accepted by the committee as presented.

Discussion of a draft ordinance relating to signs on Lake Minnetonka amending LMCD Code Section 2.12, Subd. 6

The Ordinance Review Committee (ORC) discussed the draft ordinance concerning signs as follows:

- In Item B, the current draft is trying to merge two different requirements into one bullet
- It should be switched around to read “ Any signs required by governmental authority or the name of the owner and license information”
- The primary function is the governmental authority
- In Item F there are too many words
- Change it to “ An authorized government agency”
- Item H was discussed to be struck out because it would be covered in Item B
- The committee agreed that it would be OK to leave H “safety or warning sign related to fuel sales” although move it under Item B.
- Some felt that having it spelled out would be beneficial
- The committee directed staff to make these few changes and run the document back before Chair Babcock prior to copying the draft ordinance for the 1/12/10 Board Meeting
- Babcock asked all in attendance if they had any concerns or comments on the proposed sign ordinance.
- No concerns were raised

Discussion of a draft ordinance and resolution concerning special density license Code Section 2.05

The committee discussed the draft amenity resolution as follows:

- The amenity “Rental boat with or without a motor” is valuable because it provides opportunities for certain segments of the population to access the lake
- Lake Minnetonka is a resource that should be accessible to all
- Change amenity g to read “Handicapped access that exceeds ADA or other governmental requirements” and increase the points to 10
- Change amenity h to “Runoff water quality improvement (i.e. holding ponds, native shoreline buffer, rain gardens that exceeds other governmental agency requirements” and increase the points from 5 to 10

- Change amenity i to “Natural or approved shoreline protection certified by the Minnehaha Creek Watershed District that exceeds other governmental agency requirements” and increase the points from 5 to 10
- Communication will be improved with the Hennepin County Sheriff’s Water Patrol concerning LMCD special density license public amenities such as emergency ramp and slip use
- Marine repair service with dedicated authorized BSUs is needed on the lake and should be encouraged by giving points as a public amenity
- The dedicated authorized BSUs could be licensed drystack BSUs
- Amenity o should be changed to “Diesel fuel availability”
- Amenity u should be changed to “Public auto lookout with an associated parking space” and assigning it 3 points
- Increase the number of points assigned for the sanitary pump out facility amenity from 3 to 5
- Add a new amenity “Barge, Crane or Travel Lift service available to the public” with 3 points
- The resolution should be renumbered utilizing a different method, because if more amenities are added, you will run out of letters
- Change amenity b to “ Launching Ramp with a minimum of five dedicated car-trailer parking spaces that meet the definition of a free countable space from the DNR public access task force report” and assign it 15 points

The committee discussed the draft ordinance as follows:

- The ordinance language could change to state “The District realizes that there are certain services needed in the community and for that we set forth a special ordinance where those services are being delivered” The language could be more positive.
- The focus is to bring changes to the Board to simplify the ordinance as soon as possible.
- The two things the committee wanted to simplify were to remove the amenities from the ordinance and approve through resolution. The second was to change the ordinance to allow staff to approve changes of amenities without Board involvement.
- Once that work is done, the committee can revisit the wording and tone of the ordinance to be more positive to motivate applicants to provide amenities
- The majority of the wording of the proposed ordinance stayed the same except removing the list of amenities and then adding the ability of staff to approve amendments to the amenities as long as the proposed changes meet a number of requirements
- One of the requirements is if the applicant proposes to reduce the number of amenities, they have to go before the LMCD Board and can’t be approved by staff
- If the applicant wants to propose an amenity that is not on the resolution list, they would have to go before the Board for consideration
- Because of member travel plans, the next ORC meeting should be targeted for March.

Other discussions

There was no additional discussion.

Respectfully Submitted,

Judd Harper, LMCD Administrative Technician