

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, November 9, 2011  
Wayzata City Hall

**1. CALL TO ORDER**

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

**2. ROLL CALL**

**Members present:** Doug Babcock, Tonka Bay; Andrew McDermott, Orono; Kelsey Page, Greenwood; Anne Hunt, Minnetrista; Chris Jewett, Minnetonka; Steve Johnson, Mound; Keith Kask, Deephaven; Dennis Klohs, Minnetonka Beach; Jeff Morris, Excelsior; Bill Olson, Victoria; and Debbie Siakel, Shorewood. Also present: Charlie LeFevere, LMCD Counsel; Greg Nybeck, Executive Director, and Judd Harper, Administrative Technician.

**Members absent:** Dan Baasen, Wayzata; Roger Swanson, Spring Park; Herb Suerth, Woodland.

**3. APPROVAL OF AGENDA**

**MOTION:** McDermott moved, Jewett seconded to approve the agenda as submitted.

**VOTE:** Motion carried unanimously.

**4. CHAIR ANNOUNCEMENTS**, Chair Babcock

Nybeck updated the Board on the following two LMCD meetings that had recently been scheduled: 1) an LMCD Workshop/Planning Session for Wednesday, November 16<sup>th</sup>, at 6:00 p.m. at Tonka Bay City Hall and 2) the Hennepin County Sheriff's Office/LMCD annual meeting for Tuesday, December 13<sup>th</sup>, at 7:30 a.m. at the Water Patrol Headquarters in Spring Park. Further information for both of these meetings will be coordinated and provided by staff.

**5. APPROVAL OF MINUTES –** 09/28/11 LMCD Regular Board Meeting  
10/26/11 LMCD Regular Board Meeting

**MOTION:** Baasen moved, McDermott seconded to approve the minutes from the 9/28/11 and 10/26/11 LMCD Regular Board Meetings as submitted.

**VOTE:** Ayes (8), Abstained (3; Jewett, Johnson, and Kask); motion carried.

**6. APPROVAL OF CONSENT AGENDA**

McDermott moved, Jewett seconded to approve the consent agenda as submitted. Motion carried unanimously. Item so approved included the Audit of vouchers (11/1/11 – 11/15/11).

**7. PUBLIC COMMENTS-** Persons in attendance, subjects not on the agenda (limited to 5 minutes)

There were no public comments.

## 8. PUBLIC HEARINGS

There were no public hearings.

## 9. OTHER BUSINESS

- A. Russ & Gina Nettle and Ed Alexander**, draft Findings of Fact and Order approving a dock length, side setback, and adjusted dock use area variance application for a combined dock at 4658 and 4662 Kildare Road

Babcock asked Nybeck for background on this agenda item.

Nybeck directed the Board to two sets of draft Findings of Fact and Order, within their packet, for their consideration. He provided the following overview of each: First, the original Findings that was prepared for the October 26<sup>th</sup> Board Meeting, although not acted upon at the request of Ms. Gina Nettle. These Findings, if approved, would allow for the installation of a canopy at the west slip only (not the east slip). Second, amended Findings have since been prepared that would allow for a canopy at both the west and east slips (provided each canopy is secured to the inside of both outer dock sections). He recommended Board approval of the amended Findings since they satisfy the applicants' request and result in less of a side setback variance than the original Findings. He entertained questions or comments from the Board.

**MOTION:** Jewett moved, Johnson seconded to approve the amended Findings as submitted.

**VOTE:** Motion carried unanimously.

- B. City of Deephaven**, new multiple dock license and variance applications to reconfigure the Carsons Bay docks. The variance application has been submitted for an adjusted dock use area and side setback requirements.

Babcock stated that amended draft Findings were e-mailed prior to this meeting for Options 1 and 2, which are included in the handout folders. He asked for further background on this agenda item.

LeFevere stated that the original draft Findings for Options 1 and 2 were forwarded to Skip Dickel for review and comment by the Minnetonka Yacht Club (MYC); the abutting neighbor to the east. Feedback received from Dickel is that the dock use established between the City of Deephaven (City) and the MYC is from the property marker on the proposed survey, not the property line between the two properties. This should not make any difference since the adjusted dock use area is from an offset from the actual property line. He reviewed the differences between Options 1 and 2. Staff was unclear on whether the reference line between the Boyd property (abutting neighbor to the west) and the City's property, as defined by the adjusted dock use area, should be a "straight-line" (with necessary side setback variance for the last few slips) or a "hockey-stick line" (meeting the necessary side setbacks). He believed that either Option 1 or 2 would meet the needs of the applicant and would not impact the Boyd property. He entertained questions or comments from the Board.

The Board discussed these two options and the consensus was to consider Amended Option 2 (hockey stick line). Kask stated that the Deephaven City Council also prefers Amended Option 2.

Jewett stated that he had recently received a phone call from the MYC Commodore, in which they support the applicant's request to update the docks.

Harper stated that the proposed drawing for Amended Option 2 was drawn to-scale by staff. If this is the option the Board decides to proceed with, he stated the proposed survey drawing would need to be updated by the City.

Babcock proposed two changes to the draft Amended Option 2 Findings. First, in the last sentence on paragraph two on page two, the word "slips" should be changed to "slides". Second, he proposed adding length dimensions of 148' on the west side of the dock and 139' on the east side of the dock from the 929.4' shoreline. He proposed this as condition 7.

**MOTION:** Jewett moved, Hunt seconded to approve Amended Option 2 Findings of Fact and Order, subject to: 1) making the two changes proposed by Babcock above and 2) the submittal of an updated survey reflecting the change in the drawing.

**VOTE:** Motion carried unanimously.

#### **10. Update from standing LMCD Committees:**

Babcock asked for an update from the Chair, or designated representative, of each committee.

##### Ordinance Review Committee

Babcock stated that he had no update.

##### Save the Lake

Olson stated that a committee meeting was conducted on November 1<sup>st</sup>. Topics discussed included: 1) the Fall/Winter solicitation letter, 2) a Save the Lake article in the Fall/Winter LMCD Newsletter, and 3) preliminary discussion of coordinating 2012 fundraising initiatives with fundraising professionals. He anticipated a further update to the Board in the near future.

##### Public Safety Committee

Johnson stated that a committee meeting was tentatively scheduled for early December.

##### AIS Task Force

Page stated that he had no update.

#### **11. EXECUTIVE DIRECTOR REPORT**

There was no Executive Director Report.

Klohs referenced the water levels documented in Nybeck's Executive Director Report; noting it had almost been a decade (October, 2003) since a reading close to the current date and reading of 927.91' had been met. He asked Nybeck if he knew the water level reading for the spring of 2003.

Nybeck stated that there was some irony as the Board was talking about high lake levels just this past spring. He reviewed the policy of the Minnehaha Creek Watershed District (MCWD) with regards to desired lake levels prior to closing the Grays Bay Dam for the winter. He believed that the MCWD was more comfortable with the current lake level readings as compared to one year ago at this time.

Babcock concurred with Kloh's comment that the current lake level was down. However, weather forecasts for this winter include above average snowfall. If lake levels continue to be low next spring, below 928.0', there are Code provisions available for the Board to consider.

## **12. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:22 p.m.

Douglas E. Babcock, Chair

Andrew McDermott, Secretary