

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, May 11, 2016  
Wayzata City Hall

**1. CALL TO ORDER**

Chair Green called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**Members present:** Jay Green, Mound; Deborah Zorn, Shorewood; Gregg Thomas, Tonka Bay; Dan Baasen, Wayzata; Todd Carlson, Excelsior; Gary Hughes, Spring Park; Gabriel Jabbour, Orono; Chris Jewett, Deephaven; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; Rob Roy, Greenwood; and Sue Shuff, Minnetonka. Also present: Jim Brimeyer, Interim Executive Director; Emily Herman, Administrative Assistant; and Troy Gilchrist, LMCD Legal Counsel.

**Members absent:** Chris Jewett, Deephaven; Ann Hoelscher, Victoria; and Bret Niccum, Minnetrista

**4. APPROVAL OF AGENDA**

Green stated that a request has been received by Mr. Jerry Martin to table item 9B until the June 8<sup>th</sup> Regular Board meeting.

**MOTION:** Carlson moved, Roy seconded to approve the agenda as amended, making the change noted by Green above.

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

Gilchrist administered the Oath of Office to Todd Carlson who was recently appointed to the Board by the City of Excelsior.

**6. APPROVAL OF MINUTES-** 4/13/16 LMCD Regular Board Meeting  
4/27/16 LMCD Regular Board Meeting

**MOTION:** Thomas moved, Hughes seconded to approve the 4/13/16 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** Ayes (10), Abstained (1, Zorn); motion carried.

**MOTION:** Thomas moved, Roy seconded to approve the 4/27/16 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** Motion carried unanimously.

## 7. APPROVAL OF CONSENT AGENDA

Green removed Item 7C, "Paddle Tap, LLC approval of Wayzata City Dock and Metro Lakes Marina and Rentals, LLC (City of Mound) as additional Ports of Call for the Charter Boats Serenity and Sara, respectively, from the consent agenda.

Baasen moved, Zorn seconded to approve the consent agenda as amended, making the change noted by Green above. Motion carried unanimously. Items so approved included: **7A)** audit of vouchers (5/1/16 – 5/15/16) and **7B)** Lindbo Landing Marina, approval of draft Record of Decision and LMCD Resolution 146 ordering a negative declaration on the need for an Environmental Impact Statement (EIS) for the Mandatory Environmental Assessment Worksheet (EAW) document.

**7C)** Paddle Tap, LLC approval of Wayzata City Dock and Metro Lakes Marina and Rentals, LLC (City of Mound) as additional Ports of Call for the Charter Boats Serenity and Sara, respectively.

Brimeyer directed the Board to the staff memo within their packet, dated 5/6/16, and the following respective documents within their handout folders: 1) approved Municipal Certifications from the Cities of Mound and Wayzata and 2) documentation that Metro Lakes Marina and Rentals' conditional use permit with the City of Mound does not prevent (based on historical use) allowing for an established port of call at that location. He recommended approval.

**MOTION:** Green moved, Klohs seconded to approve agenda item 7C.

**VOTE:** Motion carried unanimously.

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

No public comments were offered.

## 9. PUBLIC HEARING

**A) Harborage Homeowners Association, 2016 new multiple dock license application to increase the number of boat storage units (BSU) from nine to 12 at the conforming facility on Smithtown Bay.**

Brimeyer directed the Board to his staff memo, dated 5/4/16, which summarized a request to increase the number of BSUs from nine to 12. The conforming site is currently approved for nine BSUs with an estimated 705 feet of 929.4 shoreline (1:78' density). This site also maintains a variance for side setbacks from a channel that runs along the west side of the site. Per Gilchrist, the proposed change would not require an amendment to the variance. Brimeyer recommended approval of the application subject to docking and boat storage being constructed in strict conformance with the proposed site plan. He entertained questions and comments from the Board; none were offered.

Green invited the applicant to address the Board; applicant declined.

Green opened the public hearing at 7:13 p.m. No comments were offered and the public hearing was closed at 7:14 p.m.

Herman directed the Board to an email from a Ms. Nancy Kallio, dated 5/11/16, within their handout folder and had noted that although Hoelscher could not be present, she did not have any concerns with the approval of this application.

**MOTION:** Jabbour moved, Shuff seconded to approve Harborage Homeowners Association 2016 new multiple dock.

**VOTE:** Motion carried unanimously.

## 10. OTHER BUSINESS

- A) **Ordinance Amendment**, consideration of an ordinance amending LMCD Code regarding variances, special events, and publications

Gilchrist directed the Board to a draft ordinance amendment within their packet and provided a detailed overview of the proposed amendments which were discussed at length in prior meetings. He entertained questions and comments from the Board as outlined below:

### Article II, Special Event

A special event is not defined by the number of participants. The Water Patrol expressed an interest in capturing an event organized by reaching out to obtain the participants vs. a group just getting together.

### Article IV, Variance

Concern was raised that the following amendment (top of page 3) would open the door to lengthy discussions on what the "character of the area" is: "..., the plight of the property owner is due to circumstances..., if granted, would not alter the *essential character of the area*."

Gilchrist recognized that valid point but acknowledged that although the LMCD was not subject to the same zoning laws of municipalities, the exact wording offered within their ordinances has been on the books for a long time. Following that history was compared to offering similar but different (not being tied to) language. To this end, it would be important for the Board to be mindful of whether a particular variance request is going to create a situation that is not otherwise occurring in the area.

The following two revisions were also offered within the first sentence of Subd 1: 1) the word "personal" was a typo and would be corrected as "person" and 2) the word "therefor" would be amended to "for the event." The sentence would read, "No person shall carry on or sponsor a special event on the Lake without first securing a permit for the event from the District."

In closing, Gilchrist confirmed that sales (including internet sales) was not considered within the amendments of this agenda item.

**MOTION:** Jabbour moved, Baasen seconded to adopt the draft ordinance amending the Lake Minnetonka Conservation District Code of Ordinances subject to the two revisions offered above.

**VOTE:** Motion carried unanimously.

Gilchrist directed the Board to Article III, "Publications" within the above adopted ordinance amendment. This language allowed the Board to publish ordinances by title and summary instead of publishing the full text. He entertained Board approval to except draft language that he read into the record to allow for a newly adopted ordinance to be summarized for publication.

**MOTION:** Green moved, Zorn seconded to adopt the summary language read into therecord for the publication of the above, approved ordinance.

**VOTE:** Motion carried unanimously.

**B) 2016 EWM Harvesting Program, project overview**

Green provided a brief update on the preparations for the 2016 EWM Harvesting Program; maintenance and equipment needs, hiring of seasonal employees, proposed hours of operation, and launching schedule.

**C) Executive Director Search Workgroup Update**

Zorn directed the Board to a draft email within their packet that is proposed to be sent to member city representatives and various stakeholders requesting their time in answering three specific questions regarding a future position description for an LMCD Executive Director. The Board offered various amendments for the working group to consider prior to submittal.

**11. UPDATE FROM STANDING LMCD COMMITTEES**

Baasen provided the following Save the Lake Committee update: 1) a Boater Safety Education Session is scheduled for Monday, June 13<sup>th</sup> (advertised in Lakeshore Weekly News). He expressed an interest in the Board members volunteering their time for this event; 2) he anticipated the solicitation letter to be released the end of May; 3) the solar lights received maintenance and would be installed by Memorial Day; 4) the committee discussed the need for a summarized summer rules pamphlet; 5) the committee continues to consider a possible future banquet; and 6) a funding request for herbicide treatments in Libbs Lake would be coming to the Board for consideration in the near future.

Green provided the following update on aquatic invasive species (AIS): 1) an AIS Task Force meeting is scheduled for Friday, May 13<sup>th</sup> at 8:30 a.m. in the LMCD office , 2) an AIS bill that would provide for easier transport for lake service providers was passed by the Senate last week [Jabbour expounded on], and 3) a press release was recently submitted relative to a veliger study by the University of Minnesota (sponsored by Brunswick Marine, Tonka

Bay Marina, and the Minnesota Department of Natural Resources).

## **12. INTERIM EXECUTIVE DIRECTOR UPDATE**

Brimeyer reported on the following five items: First, the Lake level this date was 929.32 feet. Second, he reiterated the Boater Safety Education Session is scheduled for Monday, June 13<sup>th</sup>. Third, he reminded the Board that the LMCD is sponsoring a special session on June 2<sup>nd</sup> at 11:00 a.m. in the LMCD office to review the draft 2017 budget. Fourth, one of the LMCD's certificate of deposit (CD) had matured. He recommended the Board consider a process to re-deposit those funds. Fifth, he updated the Board on an inboard boat gathering that was proposed on social network. Lt. Vnuk was handling the matter (requiring a special event permit or cancelling the event). Sixth, he will establish a weekly email update to the Board this week. Seven, provided a precursor that future discussion may have to be considered on the hours he is billing for his service and possible changes to that affect.

## **13. OLD BUSINESS**

There was no new business.

## **14. NEW BUSINESS**

Green stated that he is meeting with Jewett to review the approved LMCD finance policies.

Jabbour offered the following: 1) he invited all to attend a press conference at Tonka Bay Marina on Thursday, May 12<sup>th</sup> at 9:00 a.m. relative to the veliger study noted above, 2) the emergency responders access ramp is moving forward (modifications needed in the placement of the dock structure and paving scheduled for June 20<sup>th</sup>). With that said, he expressed an interest in the future LMCD Executive Director being an advocate for projects such as this.

## **15. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:40 p.m.

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James Jay Green, Chair

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Gregory J. Thomas, Secretary