



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

AGENDA
LAKE MINNETONKA CONSERVATION DISTRICT
Wednesday, December 14, 2022
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

PUBLIC PARTICIPATION

Those attending the meeting, please complete the attendance sheet. Those desiring to participate in the meeting should complete the *Public Comment Form* at the meeting if the online [Public Comment Form](#) was not submitted. The Chair may choose to reorder the agenda for a specific agenda item if it would benefit the needs of those in attendance. Please see *Public Comments* Section for more information.

WORK SESSION AGENDA

6:00 p.m.

The purpose of the Work Session is to allow staff to seek input from the Board and for the Board to discuss matters in greater detail than generally available at the formal Board Session. The Board may give staff direction or express a preference but does not formally vote on matters during Work Sessions. While all meetings of the Board are open to the public, Work Session discussions are generally limited to the Board, staff, and designated representatives. Work Sessions are not videotaped. The work session may be continued after the formal meeting, time permitting.

1. Discussion Regarding Potential Low Water Conditions Spring 2023
2. Update Regarding Status of Executive Director Recruitment

FORMAL MEETING AGENDA

7:00 p.m.

The purpose of the Formal Session is to allow the Board to conduct public hearings and to consider and take formal action on matters coming before the LMCD.

- 1) **CALL TO ORDER**
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **ROLL CALL**
- 4) **APPROVAL OF AGENDA**
- 5) **CHAIR ANNOUNCEMENTS**

- 6) **APPROVAL OF MINUTES** (10/26/2022 LMCD Regular Board Meeting (tabled), 11/09/2022 LMCD Regular Board Meeting)
- 7) **APPROVAL OF CONSENT AGENDA**
 - A) Audit of Vouchers (11/16//2022 – 11/30/2022 and 12/01/2022 – 12/15/2022)
 - B) Resolution Accepting Save the Lake Contributions (11/02/2022 – 12/05/2022)
 - C) Approval of New Residential Multiple Dock License, 540 Big Island, Orono; Lower Lake South
 - D) 2023 LMCD Board Meetings Contracts/Agreements for Professional Services
 - LMCC Video on Demand Services
 - Timesaver Off-Site Secretarial, Inc., Meeting Minutes
 - City of Wayzata Community Room and Video Studio
 - Charles Struck, Producer
 - E) 2023 LMCD Appointments for Legal Services, Auditor, Bank Depository, Official Newspaper
- 8) **RECOGNITIONS**
- 9) **PUBLIC COMMENTS** – *Provides an opportunity for the public to address the board on items that are not on the agenda. Public comments are limited to 5 minutes and should not be used to make personal attacks or to air personality grievances. Please direct all comments to the Board Chair. The Board generally will not engage in public discussion, respond to or correct statements from the public, or act on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.*
- 10) **PRESENTATIONS**
 - A) Update Regarding Carp Assessment (Harrison, West Arm, Jennings)
- 11) **PUBLIC HEARING**
 - A) Variance for Adjusted Dock Use Area and Setbacks, 2000 Shadywood Road, Orono, MN 55391, Crystal Bay
- 12) **OTHER BUSINESS**
- 13) **OLD BUSINESS**
 - A) 2023 Employee Compensation Adjustment- Additional Review
 - B) Recommendation and Appointment of Civil Attorney
 - C) Update Regarding Status of Executive Director Recruitment
- 14) **NEW BUSINESS**
 - A) LMCD Board Self-Evaluation Information
- 15) **TREASURER REPORT**
- 16) **EXECUTIVE DIRECTOR UPDATE**

17) STANDING LMCD COMMITTEE UPDATE

- Aquatic Invasive Species
- Communications
- Finance
- Operations
- Save the Lake

18) ADJOURNMENT

Future Items for Review – Tentative

- Watercraft for Hire- Additional Review of Berthing Requirements
- Deicing Operation License Eligibility Expansion Discussion
- Code Change for Qualified Commercial Marina



WS ITEM 1

LAKE MINNETONKA CONSERVATION DISTRICT

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DATE: December 14, 2022 (Prepared December 8, 2022)

TO: LMCD Board of Directors

FROM: Thomas Tully, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: Potential Low Water Conditions for Spring 2023

ACTION

The LMCD Office has received several inquiries regarding potential low water conditions for the 2023 boating season and if the Board is considering any proactive actions. Therefore, this topic is being brought forward to the Board for review and discussion.

BACKGROUND

The Ordinary High Water level (OHWL) for Lake Minnetonka is 929.4 feet. It is natural for the water levels to fluctuate seasonally from spring to fall and each year depending on weather conditions. The LMCD staff monitors lake water level readings taken by the USGS and Minnehaha Creek Watershed District (MCWD), which is charged with managing water levels on Lake Minnetonka and downstream to mitigate flooding and balance conditions during drought. Water levels are managed where feasible by controlling the operation of the Grays Bay Dam. This process is also coordinated with Minneapolis Park Board and its water level control mechanisms. View real-time readings of Lake Minnetonka by the [USGS HERE](#). Find water level readings at www.minnehahacreek.org. Learn more about low water regulation at <https://lmcd.org/low-water-information/>.

A few years ago, the lake experienced higher water levels resulting in a high water declaration. In the past couple of years, the lake has experienced lower water levels. When the Lake Minnetonka water level falls below 928.0 feet, the Board may declare low water by resolution. When this occurs, the public will be notified. Some options are in place to extend dock length upon certain conditions. When the water levels reach 928.6 feet for 5 consecutive days, the Low Water Declaration is automatically cancelled.

At the end of the summer, Lake Minnetonka water levels fell below 928.0 feet, the first in a long time. The water level was 927.4 feet as measured by the USGS on November 15, 2022. The low water level is a cause for concern because of the challenges it presents for dock installation, boating, public safety, and water quality. The LMCD Office had received many inquiries and concerns. For instance, some concerns that LMCD has already received regard: injuries that could potentially result from difficulty getting in and out of boats, issues with boat lifts and not being able to lower a watercraft onto the lake, worries about barges and dock installation equipment being ruined from shallow water, negative impact to shorelines and riprap where

natural vegetation protection or engineered for ordinary high water conditions is less effective due to lower water levels, and concerns about sediment being suspended in the water column impacting water quality. Further, a couple of public launch concrete planks were damaged, allegedly by a public user trailer catching the planks and allegedly a commercial barge using booms to push up on land.

Therefore, LMCD staff is bringing this issue forward for the Board to review and discuss ahead of the 2023 boating season. However, there are many items to consider as part of any action.

CONSIDERATIONS

- Nature is unpredictable. Water levels could change drastically and potentially be higher than the OHWL creating other problems. Therefore, the Board decision could be unnecessary.
- If property owners do not bring their dock lengths back into compliance with LMCD Code, it produces additional self-made problems with water depth as sediment accumulates in unnavigated areas, reduces public access, and creates potential hazards to navigation.
- The dock installation process can be challenging during low water. There is often an extended time frame to order dock sections and supplies, especially in recent years. We know that orders for supplies have been taking longer to fill, and an earlier low water declaration may help ease the pressure upon installers and the public. Further, modifying the docks after the initial installation is more challenging since installers have to work in the low water conditions, possibly mobilize twice, and extending the length may be challenging depending on the type of dock. The capacity of dock installations is usually tight given the shorter summer season and given property owners want to be able to enjoy the boating season as much as possible.
- Additional staff time will be required if the Board declares low water.
- Other options such as dredging may exist if MCWD regulations can be met

BUDGET

N/A

STRATEGIC PRIORITIES

<input type="checkbox"/> Operational Effectiveness	<input checked="" type="checkbox"/> Clear & Timely Communications	<input checked="" type="checkbox"/> Effective Governance	<input checked="" type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
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ATTACHMENTS

1. USGS Lake Minnetonka Water Level Comparison Chart
2. LMCD Code Sections: Low Water Declaration
3. 2013 LMCD Low Water Declaration Dock Extension Permitting Process



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LAKE MINNETONKA ABV GRAYS BAY OTLT IN MINNETONKA

IMPORTANT [Legacy real-time page](#)

Monitoring location 05289000 is associated with a LAKE, RESERVOIR, IMPOUNDMENT in HENNEPIN COUNTY, MINNESOTA. Current conditions of GAGE HEIGHT are available. Water data back to 1961 are available online.

☐ 7 days ☐ 30 days ☒ 1 year

Change time span

Retrieve data

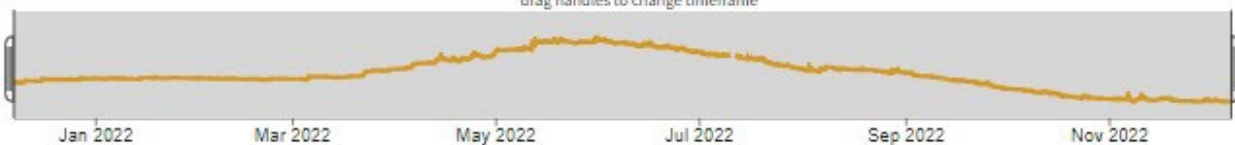
Gage height, ft

927.42 ft - Nov 30, 2022 08:15:00 AM CST

927.96 ft - Nov 30, 2021 08:15:00 AM CST



drag handles to change timeframe



Current: Provisional
Last year: Approved Provisional
Median: 2017 - 2021

☒ Compare to last year

☒ Display median

To preserve and enhance the "Lake Minnetonka experience"



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LMCD CODE: LOW WATER DECLARATION

10-2.01. Declaration and Cancellation.

Subd. 1. Board Declaration. When the Lake level falls below elevation 928.0 NGVD, the Board may declare low water conditions by resolution. The resolution shall identify the effective date of the declaration. Upon such declaration, the Executive Director shall take appropriate steps to notify the public of the low water conditions.

Subd. 2. Cancellation. The Board may provide for the cancelation of the low water conditions declaration in its resolution or may act by separate resolution to cancel the declaration.

If not cancelled earlier, the declaration shall automatically be cancelled if the Lake level is above 928.6 NGVD for five consecutive days. The Executive Director shall take appropriate steps to notify the public of the cancellation of low water conditions.

2-3.07. Low Water Dock Extensions.

Subd. 1. Residential Structures. When the Board has declared low water conditions in accordance with Section 10-2.01, an owner of a residential dock may temporarily extend the dock

without a permit from the LMCD, provided such extension complies with Section 10-2.03.

Subd. 2. Commercial Structures. When the Board has declared low water conditions in accordance with Section 10-2.01, an owner of a commercial structure may apply for a temporary low water dock extension permit as provided in Sections 6-5.05 and 10-2.05. This Code also provides for the issuance of temporary low water variances under Section 6-5.01, subdivision 9 for multiple docks and mooring areas.

6-5.05. Temporary Low Water Extension Permit. An application for a temporary low water extension permit shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a temporary low water dock extension permit shall, in addition to the information required in Section 6-1.03, contain the following information:

- (a) A site plan showing the location and proposed length of the temporary extension.

Subd. 2. Issuing Authority. The Board determines whether to issue a low water extension permit. A public hearing is not required unless ordered by the Board.

Subd. 3. Limitations. In addition to any conditions imposed by the Board at the time of approval, all permits issued under this Section are subject to all limitations and standards set out in Section 10-2.03, except the limitations on the length of the extension and that no past variances having been issued for the site.

Subd. 4. Renewal. Unless otherwise provided at the time of approval, a temporary low water extension permit issued after March 1, 2013 will automatically be renewed for any subsequent declaration of low water conditions, provided that there is no change in the design of the dock or dock extension, and the owner has not been given notice of a violation of this Code or notice of hearing regarding a modification or revocation of the permit. In all cases that do not meet these requirements for automatic renewal, the Executive Director shall notify the applicant that a new application is required for consideration by the Board.

10-2.03. Temporary Extension of Residential Docks.

Subd. 1. Temporary Extension Allowed. During periods of declared low water conditions, the owner of a residential dock may temporarily extend the dock pursuant to a general permit issued by the LMCD for the Lake without needing to obtain an individual permit, but only upon compliance with the requirements of this Section. Any dock that does not qualify for a temporary extension under this Section may apply for a temporary low water dock extension permit under Section 10-2.05 and in accordance with Section 6-5.05.

Subd. 2. Eligibility and Limitations. A temporary extension of a residential dock during declared low water conditions may only occur upon compliance with all of the following:

- (a) Seasonal Dock. The extension must be a temporary, seasonal type dock. No extensions may be on pile-driven or permanent year-round docks;
- (b) Length of Extension. The dock may be extended into the Lake up to 30 feet beyond the authorized dock use area if the Lake level is below elevation 928.0 NGVD and up to 60 feet beyond the authorized dock use area if the Lake level is below 927.0 NGVD. No dock may extend farther into the Lake than the point at which the water depth is five feet when the Lake elevation is at 928.0 NGVD;
- (c) Conformance. The dock must meet all requirements of the Code other than the length limitation;
- (d) Watercraft Density. The extension, together with the original dock, must not be used to provide storage for a greater number of watercraft than are authorized under this Code;
- (e) Navigation. The extension must not impair navigation or reasonable access to other authorized dock use areas or create a hazard to navigation;
- (f) Inspection. The landowner must grant LMCD staff permission, at all reasonable times, to inspect the dock to determine compliance with this Code;

(g) No Past Variances. The site must not have received a variance from the provisions of this Code in the past;

(h) Visibility. All sections of the dock and extension must be so designed, constructed, elevated, lighted, or reflectorized that they are readily visible to boaters;

(i) Secured. All sections of the dock and extension must be so constructed that dock sections do not float away during high water or wave conditions; and

(j) Registration. Prior to construction of the temporary dock extension, the landowner or the landowner's authorized agent must register the dock extension with the Executive Director on a form provided by the LMCD. A new registration is required for each calendar year.

Subd. 3. Standards and Removal. The requirements of this subdivision apply to temporary dock extensions constructed in accordance with this Section.

(a) Compliance. Construction and maintenance of a temporary dock extension that does not meet all conditions of this Code is a violation of this Code and, in addition, is grounds for revocation of the low water extension permit and a determination of ineligibility for permits in the future.

(b) Modification. A temporary dock extension constructed under the general permit issued by the LMCD is subject to modification or revocation if the Board determines that such modification or revocation is needed to preserve reasonable access to other authorized dock use areas and docks, safety, or general public navigation or that the dock does not meet the requirements of this Code. The LMCD shall provide the owner notice to the owner and conduct a public hearing prior to acting to modify or revoke a permit for the dock.

(c) Removal. Once lawfully constructed in accordance with the requirements of this Section, temporary dock extensions may be left in place until November 15th of that year, even if the declaration of low water conditions is canceled.

10-2.05. Temporary Extensions for All Other Docks. During periods of declared low water conditions, an owner of a dock that does not qualify for a temporary extension under Section 10-2.03 may apply to the LMCD for temporary low water dock extension permit in accordance with Section 6-5.05.

Information Obtained From 2013 Low Water Declaration Process

LMCD LOW WATER DECLARATION **DOCK EXTENSION PERMITTING PROCESS**

I. BACKGROUND

When the Lake level falls below elevation 928.0 feet NGVD, the Lake Minnetonka Conservation District Board may declare Low Water Conditions by resolution. When Low Water Conditions is declared by the Board, the LMCD may allow temporary dock extensions for residential sites and for licensed multiple dock facilities on Lake Minnetonka. Low Water Conditions will be canceled automatically if the Lake level is above 928.6 feet for five consecutive days. The Executive Director shall take appropriate steps to notify the public of the cancellation of Low Water Conditions.

II. AUTHORIZED DOCK USE AREA (DUA) REQUIREMENTS

Each lakeshore lot is allocated an area of the Lake referred to as that lot's DUA. All docks, watercraft storage, swim rafts, trampolines, and the like must be moored or docked within this DUA. Each DUA has length and side setback restrictions, which are summarized below and depicted on the attached drawing entitled "Example of Dock Use Area".

Length Allowance
Docks may extend into the Lake a distance equal to the width of lakeshore frontage of the lot (maximum of 100')
Docks on lots with lakeshore frontage between 40' & 60' may extend to 60' if the lot was in existence on 2/5/70
Docks on lots with lakeshore frontage less than 40' may extend to 60 or 4' of water depth during normal lake levels (whichever is less)

Minimum Side Setbacks
10' for that part of a dock extending out to 50' from shore
15' for that part of a dock extending beyond 50' from shore up to 100'
20' for canopies as defined in LMCD Code, Section 2.12, Subd. 3
5' for docks at a lot that was in existence on 2/2/70 and has 50' or less of frontage
Depth of slip (minimum of 20') for side opening slips

III. RESIDENTIAL TEMPORARY DOCK EXTENSIONS (GENERAL PERMIT)

- A. During periods of declared Low Water Conditions, docks that do not require a license under Section 2.03 (Multiple and Commercial Docks) may be extended into the Lake in accordance with the following conditions and limitations:

1. The extension must be a temporary, seasonal type dock. No extensions may be on pile-driven or permanent year-round docks. Extensions must be removed for the winter season no later than November 15th.
2. The dock may be extended into the Lake up to 30 feet beyond the authorized dock use area if the Lake level is below elevation 928.0 feet and up to 60 feet beyond the authorized dock use area if the Lake level is below 927.0 feet; provided, however, that no dock may extend farther into the Lake than the point at which the water depth is five feet when the Lake elevation is at 928.0 feet.
3. The dock must meet all requirements of the Code other than the length limitation described in this Section.
4. The extension, together with the original dock, must not be used to provide storage for a greater number of watercraft than are authorized under this Code.
5. The extension must not impair navigation or reasonable access to other authorized dock use areas or create a hazard to navigation.
6. The landowner must grant LMCD staff permission, at all reasonable times, to inspect the dock to determine compliance with this Code.
7. The site must not have received a variance from the provisions of this Code in the past.
8. All sections of the dock and extension must be so designed, constructed, elevated, lighted or reflectorized that they are readily visible to boaters.
9. All sections of the dock and extension must be so constructed that dock sections do not float away during high water or wave conditions.
10. Prior to construction of the dock extension, the landowner or the landowner's authorized agent must register the dock extension with the Executive Director on a form provided by the District. A new registration is required for each calendar year.

- B. Once lawfully constructed in accordance with the requirements of this Subdivision, temporary dock extensions may be left in place until November 15 of that year, even if the declaration of Low Water Conditions is canceled.

IV. COMMERCIAL DOCK AND MULTIPLE DOCK LICENSE TEMPORARY DOCK EXTENSIONS (LOW WATER CONDITION PERMIT)

- A. Low Water Condition Permits for Multiple Docks, Commercial Docks and Docks that do not qualify for a General Permit.
 1. When the Board has made a declaration of Low Water Conditions 1), the Board may issue temporary low water dock extension permits for facilities that do not qualify for a General Permit. Applications for low water extension permits shall be made on forms provided by the District and provide such information as is requested by the Executive Director or the Board.
 2. No hearing is required for issuance of a permit, unless a hearing is ordered by the Board.
 3. In addition to any conditions imposed by the Board at the time of approval, all permits issued are subject to all conditions and limitations of the General Permit except sub-paragraphs 2 and 7.
 4. Unless otherwise provided at the time of approval, a temporary extension permit issued by the Board after March 1, 2013 will automatically be renewed for any subsequent declaration of Low

Water Conditions, provided that there is no change in the design of the dock or dock extension, and the owner has not been given notice of a violation of this Code or notice of hearing. In all cases that do not meet these requirements for automatic renewal, the Executive Director shall notify the applicant that a new application is required for consideration by the Board.

V. AQUATIC INVASIVE SPECIES (AIS) PREVENTION

Zebra mussels were discovered in Lake Minnetonka in 2010. To prevent the spread of AIS, in particular Zebra mussels, no part of the dock or dock structure allowed under this permit may be transported away from Lake Minnetonka until after December 31, 2013.

VI. MORE INFORMATION

If you have any questions about this process, please contact the LMCD office.



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ADDITIONAL WATER LEVEL INFORMATION

- LMCD Water Quality Assessment Resources: <https://lmcd.org/water-quality-ais/water-quality-resources/>
- LMCD Water Quality & AIS Information: <https://lmcd.org/water-quality-ais/>
- USGS Lake Minnetonka Water Level Chart: <https://waterdata.usgs.gov/monitoring-location/05289000/#parameterCode=00065&period=P7D>
- Minnehaha Creek Watershed District Lake Minnetonka Water Level Readings: <https://www.minnehahacreek.org/water-levels-lake-minnetonka-and-grays-bay-dam>

LAKE MINNETONKA CONSERVATION DISTRICT

BOARD OF DIRECTORS

7:00 P.M., October 26, 2022

Wayzata City Hall

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Ben Brandt, Mound; Gabriel Jabbour, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Thomas Tully, Environmental Administrative Technician.

Members absent: Dan Baasen, Wayzata.

Persons in Audience: Kurt Wenrueann, Dennis Nelson, Kathleen Mallery.

4. APPROVAL OF AGENDA

MOTION: Cook moved; Hoelscher seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas recognized Jabbour for receiving a "leadership and service" award from the North American Lake Management Society. He recognized Jabbour's contributions to the lake, the community at large, and the nation.

He also thanked Hoelscher who chaired the last two Board meetings in his absence.

6. APPROVAL OF MINUTES- 09/14/2022 LMCD Regular Board Meeting

Anderson noted on page four, the third paragraph should state, "~~...the policy~~ all commercial marinas on the lake." In the same paragraph, it should state, "...could be a problem but frankly he did not see anything he looked at that talks about an opt-in, not a single reference; so, it was either a blanket across the board and all single licenses were extinguished."

Gilchrist stated that he did not recall the exact language and was concerned that it would be seemed to suggest that this would solidify something being in the Code rather than replying to comments. He stated that the Code is not written in that manner.

MOTION: Anderson moved; Cook seconded to approve the amendment to the 09/14/2022 LMCD Regular Board Meeting minutes.

VOTE: Ayes (9), Abstained (4), (Klohs, Thomas, Zorn, and Kroll). Motion carried.

MOTION: Kroll moved; Walesch seconded to approve the 09/14/2022 LMCD Regular Board Meeting minutes as amended.

VOTE: Ayes (12), Abstained (1), (Thomas). Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Anderson moved; Walesch seconded to amend the voucher list by removing the payment to North Shore Marina.

Further discussion: Anderson commented that he does not want to be paid before his licenses are reinstated and would like it all to happen at the same time.

VOTE: Motion carried unanimously. Motion carried.

MOTION: Cook moved; Kroll seconded to approve the consent agenda as revised. Items so approved included: **7A)** Audit of Vouchers (09/16/2022 – 09/30/2022), (10/01/2022 – 10/15/2022), (10/16/2022 – 10/31/2022); and **7B)** Resolution Accepting Save the Lake Contributions (09/08/2022 – 09/22/2022).

VOTE: Motion carried unanimously.

8. RECOGNITIONS

Thomas acknowledged the recently made contributions to Save the Lake.

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

Kurt Wenrueann, 444, West Lake Street in Excelsior, asked the status of his court case related to his complaint against the property at 450 West Lake Street. He stated that he started this process two years ago and his issue is less important than others and he is not getting any answers. He stated that he sent four emails this year and received an email from a staff member stating that they are checking on the status of the court case and would get back to him. He asked if the case has gone to litigation.

Kroll thanked the resident for keeping him in the loop on this matter. He asked if the case is in the criminal process and whether they are limited on what could be said.

Schleuning stated that this case is in the hands of the prosecutor and therefore they cannot make public comment. She stated that when the case gets into the formal complaint process, it is a lengthy process, and they are still in the process from things done in 2021. She stated that the courts are not putting the same priority on these types of cases versus robberies and other violent crimes.

Thomas stated that the Board is completely out of the process once it enters litigation.

Schleuning stated that the property owner at 450 West Lake Street has been notified. She stated that typically people understand the importance of protecting the lake and cooperate. It is in prosecution and therefore additional information cannot be made public.

Jabbour commented that this property is next to his as well. He asked if the prosecutor is taking action.

Schleuning stated that action is being taken which triggered a response to staff from the person being prosecuted. She commented on the slow time process because of the slowdown in the courts after the shutdowns from COVID.

Anderson asked if there could be an update from the prosecutor on different cases, he is managing to keep people informed.

Thomas commented that once a case enters the court system, he believes that the Board should not be involved.

Anderson commented that it would be great to have a Board update on the general cases.

Schleuning stated that she does attempt to include updates in her Board updates on some of the cases of interest.

10. PUBLIC HEARING

A) Variance for Adjusted Dock Use Area and Setbacks, 135 Mound Avenue, Tonka Bay, Gideons Bay

Tully presented a variance application for the property at 135 Mound Avenue on Gideons Bay in Tonka Bay. He provided a highlight of recent history related to this property, adjacent properties, and watercraft storage on the sites between LMCD staff, City of Tonka Bay staff, City legal counsel and the applicant. He noted that both the city and applicant agree to the variance to resolve the longstanding issues. He provided background information on the requested variance which would allow the applicant to use a portion of the fire lane shoreline towards dock length and side setbacks. He reviewed both the original submittal and application option request and provided a comparison between the two. He reviewed the variance standards to be considered and noted that no comments were received from other public agencies outside of the support from the City of Tonka Bay. He provided recommendations that should be considered should the Board choose to approve the variance.

Klohs asked if the city articulated what it means by “riparian purposes may change in the future.”

Tully replied that currently many people use the fire lane for access via paddleboard, canoes, etc. They would want to ensure that area remains accessible for those purposes as well as the purpose of the applicant.

Schleuning stated that the city currently designates the fire lane for launching of things without trailer and do not have an intention to change that, although that could change in the future.

Klohs asked if the city would be foregoing a dock structure.

Schleuning confirmed that the city is consenting to this dock structure in the fire lane. She noted that this process will formally address concerns that have been ongoing for many years. She stated that LMCD staff, the applicant, city staff, and city legal counsel have all been involved and everyone is on the same page.

Klohs stated that it would appear the property owner would be moving forward with this as permanent.

Schleuning commented that is not correct. She stated that the city is consenting to this use at this time but could change their mind in the future.

Gilchrist commented that the city is consenting to occupancy of a part of its dock use area but is not relinquishing that in perpetuity. He stated that the city could tell the homeowner to vacate the fire lane area in the future.

Kirkwood commented that these are two willing partners proposing this use. He was surprised that the city is as amenable as it is.

Jabbour commented that the city declined to allow the use of its perceived riparian right and therefore it would be the responsibility of the Board to determine lot line extension. He commented that currently the city is okay with this, but the applicant would still have the right to request a lot line extension in the future to have a dock. He commented that they must also think about practicality. He commented that the LMCD Code does grant the two adjacent neighbors the ability to eliminate the property line between them to allow encroachment without needing to attend a public hearing.

Schleuning stated that the variance provides some assurance for the property owner because turnover of city staff and it has been an issue over the years.

Zorn commented that the existing dock would be the original proposal and then there was an amended proposal. She asked if the existing dock would be considered grandfathered in.

Tully replied that the dock structure has existed for some time but there have been some changes over time such as increase in size.

Zorn asked if eliminating a boat lift would eliminate the need for a variance.

Schleuning stated that it would be challenging to meet setbacks with 38 feet of shoreline and converging lot lines.

Zorn asked if there have been other similar shaped lots that have had supported requests.

Schleuning confirmed that there have been issues of converging lot lines, but this is unique in that there is a fire lane which would allow additional space. She noted that each request must be considered on its own merit.

Thomas stated that the narrative from the applicant provided another example that was approved earlier this year which was similar.

Newell commented that this includes a few different dock configurations and stated that it would help to have an overlay comparing the two.

Walesch asked if the extended lot lines would place this on the applicant's property or whether the variance would still be needed.

Tully identified the extended lot lines and provided more explanation.

Walesch stated that it is clear there is a practical difficulty with the converging lot lines and the city approves, therefore the question would be whether to allow the canopy.

Hoelscher asked if the city had a preference on the options.

Tully replied that the city did not have input on that and left that to the Board.

Schleuning stated that the applicant currently has the cover with the boat lift, which is the original option. The second option would be to remove the boat lift and install a canopy.

Thomas invited the applicant to address the Board.

Dennis Nelson, 135 Mound Avenue, applicant, stated that he has lived in the home for 33 years and has learned some things over the years. He believed that his dock shared riparian rights of abutting easements and properties which his submissions have detailed and hoped that the Board would agree. He provided a brief history on the property, the vacation of roadway that occurred and the recognition that the fire lane provides public access. He also provided a history of docks for his property going back to the 1970s. He stated that his dock is not built in the fire lane but shares riparian rights with it. He noted that the dock was reviewed by the LMCD 21 years ago and led him to believe the dock placement was reasonable after removal of the canopy. He noted that the LMCD and city of Tonka Bay

have allowed reasonable sharing of fire lanes in other similar instances. He explained the option of a boat house canopy as water levels needed for the existing boat lift with automatic cover are in question.

Anderson asked if this would be the same setup that was previously approved in Tonka Bay.

Nelson replied that this would be less than what was approved in that case.

Anderson commented that the Board recently approved a canopy that was ten feet from the property line with opposition from the neighbor.

Jabbour commented that if there is a top without sides that is not a canopy. He stated that you cannot apply neighborhood examples to the next city. He stated that Tonka Bay is recognizing the use of their riparian rights in fire lanes at their marina.

Schleuning commented that this fire lane is not used at the marina. She commented that each case must be reviewed individually. She stated that the reason for a longer distance is for access. She commented that staff believes this to be a reasonable combined use.

Walesch commented on the difference between a full canopy and one side open in terms of the setback.

Schleuning commented that beyond 50 feet you still need a setback of 15 feet.

Thomas opened the public hearing at 8:10 p.m.

Kathleen Mallory, 145 Mound, commented that she fully supports the request. She noted that Nelson is an amazing steward of the lake who often rakes lake weeds and cleans up the fire lane dock use area. She commented that she appreciates him as a neighbor.

No additional comments were offered, and the public hearing was closed at 8:12 p.m.

MOTION: Jabbour moved; Kroll seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving the variance application for option one or two from Dennis G. Nelson and Barbara Franta for the property located at 135 Mound Avenue in Tonka Bay for final approval at the November 9th, 2022, LMCD Board meeting.

Further discussion: Gilchrist asked and received confirmation that the motion would allow the applicant to choose either option one or two.

VOTE: Motion carried unanimously.

B) New Multiple Dock License, 540 Big Island, Orono; Lower Lake South – Continued to November 9,

2022

Thomas stated that the applicant has requested this to be continued and therefore this will be considered at the November 9th meeting.

Schleuning stated that this has been delayed because of applicant requests as they are not in the country.

11. OTHER BUSINESS

There was no other business.

12. OLD BUSINESS

There was no old business.

13. NEW BUSINESS

A) Authorization of Draft RFP and Materials for Civil Attorney Legal Services

Thomas stated that Gilchrist has provided a letter that Kennedy and Graven will provide services through November 29th, 2022, but the LMCD will need to find new counsel after that time. He commented that Gilchrist has served the LMCD very well and will be missed. He stated that Schleuning provided a draft RFP which would need to be approved or amended to move forward. He noted that he had a few grammatical changes that he will provide to staff.

MOTION: Hoelscher moved; Cook seconded to approve the draft RFP for civil attorney legal services.

VOTE: Motion carried unanimously.

Thomas commented that there will be a selection committee composed of the four officers and two additional Board members. He welcomed volunteers that would like to assist in reviewing applications.

Klohs, Cook, and Jabbour volunteered.

B) LMCD 2023 Employee Benefits Package

Thomas stated that there was a 5.0 percent increase in the health insurance premiums and a 3.5 percent increase in the dental insurance.

Anderson commented last year he asked which option was preferred and asked that question to staff again.

Schleuning commented that she was hoping to have comparison information from other cities, but this is still

a good option, noting that it is a similar plan, but the deductible was raised. She stated that they were fortunate not to have the same increases that some other entities have experienced. She stated that option one is like what the employees currently have with a minimal increase. She stated that a family coverage option has been added but was unsure if anyone would choose that option.

MOTION: Anderson moved; Thomas seconded to approve the employee benefit package as recommended with the employer paying \$883 per month for single coverage and up to \$1,450 per month for family coverage and continuing other portions of the benefits package.

VOTE: Motion carried unanimously.

C) Draft Letter to Cities 2023 LMCD Board Member Appointments

Schleuning commented that the Board reviews and approves the letter prior to staff sending it.

Zorn noted an edit to page three.

MOTION: Cook moved; Jabbour seconded to authorize staff to send the draft letter to the cities for 2023 LMCD Board member appointments.

VOTE: Motion carried unanimously.

Jabbour asked if the Board should ask Water Patrol if they have any new business.

Thomas stated that he asked the water patrol and there was no interest in making a presentation today.

Schleuning commented that the check for \$84,000 to Water Patrol was included in the audit of vouchers that was approved tonight. She commented that the past few years have been challenging with increased use of the lake during COVID and noted that Water Patrol has done an excellent job, especially with some of the LMCD staffing shortages.

14. TREASURER REPORT

Anderson had nothing further to report.

15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Solar lights have been removed
- Buoys are in the process of being removed
- Low water discussion – water levels are the lowest in 10 years
- Update on two recent permit issuances

- DNR is offering grants for "No Child Left Inside" to promote ideas to connect children with the environment
- More zebra mussels in Smith and Rabbit lakes
- Winter rules brochure will be updated

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt reported that the group has not met recently but payments have been processed for the treatments that were approved.

Jabbour commented that the University of Minnesota study that was based on his property received good data and will be analyzing that over the next year.

Newell commented that he also heard that Jeff Marr tested a wide variety of boats.

Communications: Hoelscher reported that the committee met the previous week and will meet again in December. Staff collaborates with the consultant to get out the fall newsletter and winter rules. They also worked with LMCC to prepare a video of the distance buoys to develop educational material for the spring.

Finance: No report.

Operations: Zorn reported that the group met prior to this meeting and there will be additional language added to the multiple dock license renewal form to reflect language discussed related to commercial marinas and amenities. She stated that there is a vacancy on the committee and extended an invitation to the Board to participate on the committee.

Save the Lake: No report.

Jabbour asked why the previous meeting was canceled.

Thomas replied that the meeting was canceled as there were no urgent items of business so that allowed staff to work on other items.

Jabbour commented that he is planning to fly in for most of the meetings and would not want to fly in to find a canceled meeting. He suggested that staff ask the Board at least one week before the meeting regarding their plans to attend so that meetings can be cancelled way in advance if needed.

17. ADJOURNMENT

MOTION: Cook moved; Kroll seconded to adjourn the meeting at 8:47 p.m.

VOTE: Motion carried unanimously.

Lake Minnetonka Conservation District
Regular Board Meeting
October 26, 2022

Gregg Thomas, Chair

Dan Baasen, Secretary

DRAFT

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., November 9, 2022
Wayzata City Hall

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Ben Brandt, Mound; Gabriel Jabbour, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Thomas Tully, Environmental Administrative Technician.

Members absent: Dan Baasen, Wayzata; and Jake Walesch, Deephaven.

Persons in audience: Shawn Wischmeier, Kelly Wischmeier, Eric Evenson.

4. APPROVAL OF AGENDA

MOTION: Hoelscher moved, Kirkwood seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas recognized Attorney Gilchrist for his service to the LMCD and LMCD Board and to Kennedy & Graven.

6. APPROVAL OF MINUTES- 10/26/2022 LMCD Regular Board Meeting

Jabbour referenced the application for the property at 135 Mound Avenue and noted that he made a comment that two adjacent neighbors can eliminate the line between them within residential zoning and would like that statement added.

Thomas noted that the minutes are a summary of the discussion at the meeting, and he is reluctant to add to the minutes.

Jabbour noted that his comment would be applicable as there is a provision within the LMCD Code that would allow two residential property owners to eliminate the line between their properties, which then eliminates the need for the properties to come forward to a public hearing.

MOTION: Jabbour moved; Anderson seconded to add a statement to the minutes in the review of the

application for 135 Mound Avenue to state, "The LMCD Code allows for two residential property owners to eliminate the line between their properties, which would avoid the process to go forward for LMCD review and a public hearing."

Further discussion: Kroll asked if this statement was made and missed in the minutes.

Schleunig stated that the minutes are a summary of the discussion and do not reflect every statement made at the meeting. She commented that she does recall a statement being made during the meeting.

Hoelscher stated that she would like to see the comment written and asked that staff review the recording and provide a draft statement for the Board to review at the next meeting.

MOTION: Jabbour moved; Anderson, seconded to table the 10/26/2022 LMCD Regular Board Meeting minutes.

Further discussion: Brandt asked if the minutes are outsourced to a third party that types the minutes and whether they pick and choose which comments to include or exclude.

Thomas confirmed that the minutes are outsourced to a third party. He noted that as stated by staff, the minutes are not a transcript and are instead a summary prepared by that third party. He noted that the minutes are then reviewed by the Officers for accuracy.

Brandt stated that he was just clarifying why a comment would or would not be included but noted that process does make sense.

Jabbour commented that perhaps it would be helpful for the Board to understand why he would like the comment included. He stated that the whole application was meaningless when the City reserved its right to change its mind and the record should show that. He noted that when people go back to do research, they do not watch the video, they read the minutes.

Gilchrist commented that continuing when there is not specific language proposed to amend it would be appropriate to table for that additional review. He commented that the minutes are a summary which come forward for approval and it is the decision of the Board as to whether amendments should be made. He stated that the motion to table would be appropriate in this situation.

VOTE: Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Kroll moved; Zorn seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (11/01/2022 – 11/15/2022); **7B)** Resolution Accepting Save the Lake Contributions (10/12/2022 – 11/01/2022); and **7C)** Approval of Variance for Adjusted Dock Use Area and Setbacks, 135 Mound Avenue, Tonka Bay, Gideons Bay.

VOTE: Motion carried unanimously.

8. RECOGNITIONS

Thomas recognized those who have made recent donations to Save the Lake.

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

Richie Anderson, owner of North Shore Marina in Browns Bay, commented that he has no issue with approving a variance application that will be considered. He commented that his application was considered by the Board in September, and he still has not received the proper documentation. He noted that LMCD attempted to return his check at the last meeting, but he declined as he would like that to be done when his license is updated and corrected in the 2018, 2019, 2020, 2021, and 2022 licenses. He stated that he would like to know when those licenses would be corrected and provided to him. He noted that if he were to sell the marina, he would need to show he was in compliance and would like the licenses provided to him before the next Board meeting.

Eric Evenson, Director of Lake Minnetonka Association (LMA), referenced the discussion about Board minutes which leads into his comments tonight. He commented on the difficulty in accessing LMCD Board minutes and the ability to search for certain things in the minutes on the website. He noted that he believed all the cities around the lake have their minutes available on their websites which are easily accessible and in a searchable format. He highlighted reasons that posting past minutes and agendas is important to be archived online. He commented that the old website format did archive all agendas and minutes, although it was a bit clumsy. He provided a sample resolution the Board could use to direct staff to report back to the Board by a certain date with a timeline and cost to get this done.

Thomas commented that this item is currently on the agenda of the Communications Committee and therefore that committee and office staff will follow up on that request.

Hoelscher confirmed that she would raise the priority of that item for the committee.

10. PUBLIC HEARING

A) New Residential Multiple Dock License, 540 Big Island, Orono; Lower Lake South – Continued from October 26, 2022, Board Meeting

Thomas noted that this item was continued from the previous Board meeting upon request of the Applicant.

Tully presented a request for a new multiple dock license for the property at 540 Big Island in Orono. He provided a summary of the request noting that the dock length has been reduced to be within the maximum allowed length in the code and therefore a variance is no longer required. He stated that nine BSUs are proposed for 475 feet of shoreline which would be a density of 1:53. He reviewed an aerial site plan

comparing what had previously been proposed to what is currently proposed. He reviewed the proposed site plan and noted that an EAW was not required or recommended. He provided a brief summary of how the request meets the criteria of the LMCD for a multiple dock license. He stated that no comments were received from the MN DNR or watershed district and the City of Orono expressed that it would follow the recommendation of the LMCD. He stated that there was one public inquiry, and the resident had no issue with the proposal. He stated that staff recommends approval with the conditions noted in the staff report.

Jabbour asked the relevance of the water depth and how that was verified. He believed the less detail, the better.

Schleuning commented that the previous variance application for length included discussion about water depths and inquired whether that would be consistent with other applications. She stated that the water levels were verified by the applicant and staff.

Kroll stated that he has no problem with the request. He stated that reading this reminds him that the LMCD should update its numeric style in the rules to improve comprehension and readability. He stated that numbers should be shown in numerical form rather than spelled out.

Newell commented that this is the smaller part of Big Island as when he navigates around that many of the homes already have docks in place. He asked why homes would want to be part of this dock when they could have their own dock on their own shoreline. He stated that everything appears to be appropriate but asked if it would be possible that this could turn into a commercial dock.

Thomas commented that this could not turn into a commercial site of any kind, unless it is licensed as such and that is not what is being requested. He stated that part of the multiple dock license would require all of the watercraft to be registered in the name of the homeowner.

Anderson noted that the staff report stated approximately 100 feet and believed that should just say 100 feet. He asked if the reflective material was requested because the dock could become permanent. He recognized the importance of reflective material on a permanent dock as snowmobiles could come around and would need to see it but noted that seasonal docks are not required to have reflective material.

Schleuning stated that was required because it was originally requested as a permanent dock. She stated that the applicant also agreed it would be good to have reflective material regardless.

Anderson commented that if this were to be a permanent dock, he would agree but was not sure why it would be a requirement if that requirement is not placed upon others.

Schleuning stated that the original discussion was for a permanent dock, but they may choose to have a seasonal dock and therefore they are leaving that type of dock open for the decision of the applicant.

Thomas opened the public hearing at 7:37 p.m. No comments were offered, and the public hearing was closed at 7:38 p.m.

MOTION: Anderson moved; Jabbour seconded to direct staff and LMCD legal counsel to prepare Findings of Fact and Order approving the residential multiple dock license for Shawn Wischmeier for the property located at 540 Big Island in Orono as presented for final approval at the December 14, 2022, Board meeting.

VOTE: Motion carried unanimously.

11. OTHER BUSINESS

There was no other business.

12. OLD BUSINESS

There was no old business.

12. NEW BUSINESS

A) 2023 Employee Compensation Adjustment

Schleuning commented that each year they review the potential cost of living increase for employees noting that they also compare that to some area cities. She noted that it was a bit difficult to compare this year as many cities are looking at market rate adjustments as well. She stated that the consumer price index used for comparison in 2021 was 5.4 percent compared to 8.2 percent for the past 12 months. She provided the comparison information that she was able to obtain from cities in this area which range from 3.0 percent to 9.0 percent. She stated that last year they implemented a 3.0 percent increase and this year they would propose an increase of 5 percent for staff noting that does not include the Executive Director position.

Thomas stated that typically Schleuning provides this recommendation for her staff at this time each year, and a performance review for Schleuning is conducted in the first few months of the following year at which time her adjustment would be recommended.

Anderson stated that a 3 percent increase was included in the 2023 budget and a new benefits package was just approved by the Board as well. He stated that he would like to send this to the Finance Committee for review to come back at a future meeting.

Thomas commented that the budget is drafted in the first half of the year with estimates as to what will happen, noting that sometimes those estimates are high, low, or accurate. He stated that inflation has continued, and the cost of living has continued to increase past what had been projected.

MOTION: Cook moved; Anderson seconded to send this request to the Finance Committee to provide a recommendation to the Board at the next meeting.

Further discussion: Thomas asked and received confirmation that the increases would go into effect January 1, 2023, and therefore that this delay would not cause any issues.

VOTE: Motion carried unanimously.

B) Appointment of Nominating Committee

Thomas stated that this time of year the Board selects members to serve on the Nominating Committee. He stated that although unable to attend tonight, both Baasen and Walesch stated that they would like to serve on the committee.

Zorn, Stone, and Kroll also volunteered.

Kroll noted that 5 members is probably too many for an efficient process.

Thomas noted that the committee would need to stay under 8 in order to avoid the issue of a quorum.

Kroll commented that it is difficult to have people on the Nominating Committee that would perhaps be considered for nomination. He stated that Stone is an excellent leader and perhaps would like to consider being nominated rather than serving on the committee.

Stone confirmed that she would exclude herself from being a member of the committee.

Anderson noted that Baasen should also exclude himself from the committee unless he no longer wishes to serve as an Officer.

Thomas stated that he was asked to put the names in for discussion but does not have an opinion as he will not be on the Board next year.

Hoelscher asked why someone on the committee could not be an Officer.

Kroll stated that it is not prohibited but there are very frank discussions of the committee, and it is difficult to have someone involved that would like to serve as an Officer.

Zorn commented that she would be comfortable moving forward with the 5 members. She noted that when Baasen served on the committee previously, he excluded himself from the interviews and following discussions. She stated that there would not be a problem with someone interested in being an Officer involved in the early discussions as that is more about process.

MOTION: Appointing Stone, Zorn, Kroll, Walesch, and Baasen to the Nominating Committee for selection of candidates for Officers in 2023.

VOTE: Motion carried 11 – 1 (Anderson opposed).

C) 2023 Public Meetings Calendar

Thomas noted that the calendar for 2023 was included in the Board packet for review and welcomed any input.

MOTION: Jabbour moved; Kroll seconded to adopt the 2023 LMCD Public Meeting calendar and request a one week notice of any meeting cancelations.

VOTE: Motion carried unanimously.

14. TREASURER REPORT

Anderson had no report.

15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- RFP for Civil Legal Services has been posted and the Selection Committee will follow up according to the process and timeline
- Zebra Mussels were recently found in Lake Shetek and Fish Lake
- 2023 Minnesota AIS Grant applications open the following day which is earlier than normal
- Deicing licenses will be mailed next week
- Multiple dock license renewals will soon be mailed
- Information is being gathered for contracts and agreements for 2023
- Some rain has been received to assist with the low water conditions, but not to the extent as originally predicted by weather stations

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt stated that they are working to organize a year end AIS meeting to recap 2022 and prepare for the next year.

Thomas asked for details on who would be eligible for the MN DNR AIS grants.

Brandt stated that they did apply for three different grants through that program last year but was not awarded any funds.

Jabbour provided background on previous funds the LMCD had been awarded from the DNR and how that was changed when funding was allocated to counties noting that the LMCD has not received funds since that change in allocation.

Communications: Hoelscher stated that the committee will meet next on December 13th.

Finance: Anderson reported that the committee will meet after Thanksgiving to review the salary increase item and make a recommendation to the Board prior to the next Board meeting.

Operations: Zorn reported that the committee met prior to this meeting. She stated that Jabbour and Cook would like to join the committee and asked for the support of the Board.

MOTION: Zorn moved; Kroll seconded to appoint Jabbour and Cook to the Operations Committee.

VOTE: Motion carried unanimously.

Zorn noted that the committee discussed potential Board training topics to be considered in 2023.

Kroll commented that there are many times the Board is not holding a work session and asked if the regular meeting could be held at 6 p.m. on those nights.

Zorn stated that she would default to the recommendation of staff, noting that all other municipal meetings begin at 7 p.m.

Gilchrist stated that while most communities begin at 7 p.m., there is no regulation for the start time. He noted that if the time fluctuates, there would be an issue with the open meeting law.

Thomas noted that if the meeting time were to change to 6 p.m., the work session would need to start at 5 p.m. and not all members may be able to attend that early.

Jabbour noted that could also conflict with Wayzata's use of the space.

Save the Lake: Newell stated that at the last meeting Jay Soule brought up an interesting discussion about how the mission of Save the Lake has grown to safety and support of the Water Patrol, and therefore perhaps the method of solicitation should change as well. He noted that this should be looked at as a revenue item within the levy and the Save the Lake committee will continue discussions on the topic.

16. ADJOURNMENT

Being there is no further business, the meeting adjourned at 8:00 p.m.

Gregg Thomas, Chair

Dan Baasen, Secretary

1:17 PM
11/22/22

Lake Minnetonka Conservation District
Check Detail
November 16 - 30, 2022

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
11/25/2022	EFT-22-122	WEX Health, Inc. Service Fee		Alerus Checking		
			HSA Svc Fee November 2022 (Schleuning)	4380M10 · Employee Benefits - Admin.	Admin.	-2.75
			HSA Svc Fee November 2022 (Tully)	4380M10 · Employee Benefits - Admin.	Admin.	-2.75
			HSA Svc Fee November 2022 (Duncan)	4380M10 · Employee Benefits - Admin.	Admin.	-2.75
TOTAL						-8.25
11/30/2022	EFT-22-123	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-10,578.95
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,475.11
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-790.24
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medicare	Admin.	-806.07
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	84.96
TOTAL						-10,615.19
11/24/2022	EFT-22-124	Health Partners		Alerus Checking		
			December Dental Insurance (Schleuning)	4380M10 · Employee Benefits - Admin.	Admin.	-58.83
			December Dental Insurance (Duncan)	4380M10 · Employee Benefits - Admin.	Admin.	-58.83
			December Dental Insurance (Tully)	4380M10 · Employee Benefits - Admin.	Admin.	-58.83
TOTAL						-176.49
11/24/2022	EFT-22-125	Medica		Alerus Checking		
			Health Insurance, November 2022 (Vickie Schleuning)	4380M10 · Employee Benefits - Admin.	Admin.	-721.50
			Health Insurance, November 2022 (Tammy Duncan)	4380M10 · Employee Benefits - Admin.	Admin.	-721.50
			Health Insurance, November 2022 (Thomas Tully)	4380M10 · Employee Benefits - Admin.	Admin.	-721.50
TOTAL						-2,164.50
11/24/2022	EFT-22-126	P.E.R.A		Alerus Checking		
			Payroll 11/16/22 - 11/30/22	2020 · Payroll Liabilities -	Admin.	-1,475.11
TOTAL						-1,475.11
11/24/2022	EFT-22-127	ADP Service Fee		Alerus Checking		
			Payroll 11/16/22 - 11/30/22	4180M10 · Professional Services - Admin.	Admin.	-89.62
TOTAL						-89.62

1:17 PM

11/22/22

Lake Minnetonka Conservation District
Check Detail
November 16 - 30, 2022

Date	Num	Name	Memo	Account	Class	Paid Amount
11/16/2022	22252	FRANCOTYP-POSTALIA, INC.		Alerus Checking		
11/15/2022	Inv. # R11055...		4th Qtr - Quarterly Rental Fee for Postage Meter	4080 · Postage	Admin.	-86.85
TOTAL						-86.85
11/23/2022	22253	Goff Public		Alerus Checking		
10/31/2022	Inv. # 18185		Public Relations	4183M10 · Prof/ Serv. - Communications	Admin.	-768.75
TOTAL						-768.75
11/23/2022	22254	Phone Guys Inc.		Alerus Checking		
11/10/2022	Inv. # 20105		Resetting Phone Tree System & Cleared out old information.	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-472.50
TOTAL						-472.50
11/23/2022	22255	Chuck Struck		Alerus Checking		
11/09/2022	Inv. # 0027		Board Meeting 10/26/22	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-90.00
			Board Meeting 11/09/2022	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-90.00
TOTAL						-180.00
11/23/2022	22256	LMCC		Alerus Checking		
10/27/2022	Inv. # 1513		VOD Services for Meeting 10/26/22	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
			VOD Services for Meeting 11/09/22	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-200.00
11/23/2022	22257	City of Mound		Alerus Checking		
09/07/2022	Inv.# 00002525		Rent, December 2022	4320M10 · Office Rent - Admin.	Admin.	-1,733.48
TOTAL						-1,733.48

11:00 AM
12/07/22

Lake Minnetonka Conservation District
Check Detail
December 1 - 15, 2022

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
12/15/2022	EFT-22-128	ADP Service Fee		Alerus Checking		
			Payroll 12/1/22 - 12/15/22	4180M10 · Professional Service...	Admin.	-89.62
TOTAL						-89.62
12/15/2022	EFT-22-129	Unum Life Insurance		Alerus Checking		
			Long Term Disability - December 2022	2020-LT · Payroll Liabilities - UN...	Admin.	-169.92
TOTAL						-169.92
12/15/2022	EFT-22-130	P.E.R.A		Alerus Checking		
			Payroll 12/1/22 - 12/15/22	2020 · Payroll Liabilities -	Admin.	-1,431.37
TOTAL						-1,431.37
12/15/2022	EFT-22-131	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-10,266.55
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,431.37
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-766.81
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin F...	Admin.	-782.17
			Long Term Disability	2020-LT · Payroll Liabilities - UN...	Admin.	84.96
TOTAL						-10,299.20
12/01/2022	EFT-22-132	WEX Health, Inc.		Alerus Checking		
			HSA Contribution December 2022 (Schleuning)	4380M10 · Employee Benefits - ...	Admin.	-116.67
			HSA Contribution December 2022 (Tully)	4380M10 · Employee Benefits - ...	Admin.	-116.67
			HSA Contribution December 2022 (Duncan)	4380M10 · Employee Benefits - ...	Admin.	-116.67
TOTAL						-350.01
12/15/2022	22258	AIS Advanced Imaging Solutions		Alerus Checking		
12/15/2022	Inv.#488295...		Copier Contract 11/20/22 - 12/20/22	4140M10 · Office Equipment R&...	Admin.	-447.95
TOTAL						-447.95

11:00 AM
12/07/22

Lake Minnetonka Conservation District
Check Detail
December 1 - 15, 2022

Date	Num	Name	Memo	Account	Class	Paid Amount
12/15/2022	22259	ECM Publishers, Inc.		Alerus Checking		
12/15/2022	Inv.#921903...		Laker Pioneer - PH Tendler Variance	4110M10 · Public Info Legal Fee...	Admin.	-45.38
			Sun Sailor - PH Tendler Variance	4110M10 · Public Info Legal Fee...	Admin.	-70.40
			Laker Pioneer - Lake Minnetonka Deicing Activity	4110M10 · Public Info Legal Fee...	Admin.	-156.75
			Sun Sailor - Lake Minnetonka Deicing Activity	4110M10 · Public Info Legal Fee...	Admin.	-243.20
TOTAL						-515.73
12/15/2022	22260	MN NCPERS		Alerus Checking		
12/15/2022	December 2...		Life Insurance, December 2022	4380M10 · Employee Benefits - ...	Admin.	-48.00
TOTAL						-48.00
12/15/2022	22261	Steven M. Tallen Attorney At Law		Alerus Checking		
12/15/2022	November 2...		Prosecution Cost October 2022	4640M10 · Prosecution Legal Fe...	Admin.	-3,759.93
TOTAL						-3,759.93
12/15/2022	22262	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
12/15/2022	Inv.#M27739		Board Minutes 11/9/22	4230M10 · Meeting Exp. - Admin.	Admin.	-162.13
TOTAL						-162.13
12/15/2022	22263	Goff Public		Alerus Checking		
12/06/2022	Inv.#18246		Public Relations	4183M10 · Prof/ Serv. - Commu...	Admin.	-1,127.50
TOTAL						-1,127.50
12/15/2022	22264	West Metro Truck Repair		Alerus Checking		
12/07/2022	Inv.#101217		Winterize Boat	4160M10 · Watercraft/Vehicle M...	Admin.	-262.87
TOTAL						-262.87



RESOLUTION 247

A RESOLUTION ACCEPTING CONTRIBUTION(S) TO THE LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

WHEREAS, the LMCD is a regional government agency established by Minnesota Statutes Section 103B.605, Subd. 1; and

WHEREAS, contributions to the LMCD "Save the Lake" fund are generally tax deductible to individuals under the IRS Code 26 USC Section 170 (b)(1)(a) because contributions to any political subdivision of any state for exclusively public purposes are deductible; and

WHEREAS, municipalities are generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its stakeholders, and is specifically authorized to accept gifts; and

WHEREAS, LMCD wishes to follow similar requirements as established for municipalities for accepting donations; and

WHEREAS, the attached listed person(s) and entity(ies) have offered to contribute the cash amount(s) set forth with any terms or conditions as outlined in Attachment I to the LMCD; and

WHEREAS, such contribution(s) have been contributed to the LMCD for the benefit of the public, as allowed by law; and

WHEREAS, the LMCD Board of Directors finds that it is appropriate to accept the contribution(s) offered.

NOW THEREFORE, BE IT RESOLVED BY THE LMCD BOARD, STATE OF MINNESOTA AS FOLLOWS:

1. The contribution(s) described with Attachment I is/are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.

2. The executive director is hereby directed to issue receipt(s) acknowledging the LMCD's receipt of the contributor's contribution(s).

Adopted by the Board this 14th day of December 2022.

ATTEST:

Gregg Thomas, Chair

Dan Baasen, Secretary

Lake Minnetonka Conservation District
Transaction Detail By Account
November 3 through December 5, 2022

Resolution #247 Attachment 1 - Save the Lake Contribution

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Contributions				
3001M20 - Donations (General) - S/L				
11/03/2022	PayPal	Lori Cashman-Lessard	Transfer from PayPal (300.00)	290.84
11/07/2022	PayPal	Ann Hoelscher	Transfer from PayPal (500.00)	485.06
11/16/2022	22338	David and Kay Owen	STL Donations (General)	25.00
11/16/2022	8279465	Suzanne Blackburn	STL Donations (General)	300.00
11/30/2022	G235652	David Craig Duffy	STL Donation (General)	250.00
Total 3001M20 - Donations (General) - S/L				1,350.90



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: December 14, 2022 (Prepared December 06, 2022)

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

CC: Thomas Tully, Environmental Administrative Technician

SUBJECT: New Residential Multiple Dock License, 540 Big Island, Orono; Lower Lake South

ACTION

Board approval of Findings of Fact and Order for a new residential multiple dock license for 540 Big Island Multiple Dock License on Lower Lake South in the City of Orono (PID 22-117-23-42-0001)

BACKGROUND

The LMCD held a public hearing on November 9, 2022 to consider the application of Shawn Wischmeier ("Applicant") for a new residential multiple dock license for 540 Big Island Multiple Dock License on Lower Lake South in the City of Orono (PID 22-117-23-42-0001).

On November 9, 2022, the LMCD Board voted to have legal counsel and staff draft Findings of Fact and Order for approval of the new residential multiple dock request with conditions. The Findings of Fact and Order is attached.

BUDGET

N/A

STRATEGIC PRIORITIES

<input type="checkbox"/> Operational Effectiveness	<input type="checkbox"/> Clear & Timely Communications	<input type="checkbox"/> Effective Governance	<input checked="" type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
--	--	---	---	--------------------------------

ATTACHMENTS

1. Findings of Fact and Order
2. Proposed Site Plan
3. Board Memo of November 9, 2022, without attachments

Type: Residential Multiple Dock License
Date: December 14, 2022
Applicant: Shawn Wischmeier
Site PID: 22-117-22-42-0001
Address: 540 Big Island
Orono, MN 55331

**LAKE MINNETONKA CONSERVATION DISTRICT
HENNEPIN COUNTY, MINNESOTA**

IN RE:

Application of Shawn Wischmeier for a
Residential Multiple Dock License for
Property Located in the City of Orono

**FINDINGS OF FACT
AND ORDER**

The Lake Minnetonka Conservation District (“LMCD”) received an application from Shawn Wischmeier (“Applicant”) for a residential multiple dock license for the property (PID 22-117-22-42-0001) owned by the Applicant, which is located at 540 Big Island in Orono and described on the attached Exhibit A (“Subject Property”). The Applicant requests a new residential multiple dock license in order to store nine watercraft at the site. The LMCD Board of Directors (“Board”) held a public hearing, after due notice having been provided, on the requested residential multiple dock license on November 9, 2022. The hearing was originally scheduled for October 26, 2022, but was continued to November 9, 2022 per request of the Applicant. Based on the proceedings and the record of this matter, the Board hereby makes the following Findings of Fact and Order:

FINDINGS OF FACT

- a. The Subject Property is located in the City of Orono, on Lower Lake South, which is part of Lake Minnetonka (“Lake”) and includes approximately 475 feet of 929.4 feet OHW shoreline.
- b. The Applicant proposes to install nine boat storage units (“BSU”) for the private use of the residents. Five BSUs would have a combined measurement of 38 feet wide by 20 feet long; two BSUs would each measure 15 feet wide by 32 feet long; and two BSUs would each measure 19 feet wide by 52 feet long.
- c. Storage of five or more watercraft at a site requires a multiple dock license. Applicant proposes to install a permanent dock and would not be eligible for a deicing license per Section 10-3.05, subd. 1, of the LMCD Code of Ordinances (“Code”)
- d. Based on the approximately 475 feet of shoreline, the Subject Property’s BSU density is 1:53.

- e. The dock structure proposed by the Applicant is shown on the site plan attached hereto as Exhibit B (“Proposed Site Plan”), which is also the approved site plan.
- f. The proposed dock structure would extend approximately 100 feet into the Lake from the 929.4 OHW.
- g. The layout of the proposed dock structure is approximately 10,704 square feet for combined structures, boat storage, and navigation area, which is below the 20,000 square feet at which a mandatory environmental assessment worksheet (“EAW”) is required. The Board finds no reason to require a discretionary EAW in this case.
- h. Additional information regarding this matter is provided in the LMCD staff report related to this application dated November 9, 2022 and the presentation made thereon at the meeting (collectively, the “Staff Reports”). The Staff Reports are incorporated herein by reference, except that the approvals and conditions contained in this document shall be controlling to the extent there are any inconsistencies.
- i. An application for a residential multiple dock is processed and acted on in accordance with Section 6-4.03 of the Code.
- j. The LCMD received no comments on the application from the Minnesota Department of Natural Resources or the Minnehaha Creek Watershed District (“MCWD”). The City of Orono expressed that it would support the recommendation of the LMCD. As of November 3, 2022, one comment was received from the general public asking for additional details, but did not express any objections.
- k. The proposed dock structure complies with the Code including Code Section 2-3.01, 2-3.03, and otherwise does not require the issuance of any variances.
- l. As required by Code Section 6-4.03, Subd. 3, the Board considered the applicable criteria in Code Section 6-2.01, Subd. 3 and determines the requested residential multiple dock license is consistent with the criteria.

ORDER

ON THE BASIS OF THE FOREGOING AND THE RECORD OF THIS MATTER, IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

- 1. Residential Multiple Dock. The LMCD approves a residential multiple dock license for a total of nine (9) BSU as shown on the Approved Site Plan attached hereto as Exhibit B, subject to compliance with all of the conditions set out in this Order.
- 2. Conditions. The residential multiple dock approved in this Order is subject to, and is condition upon, compliance with all of the following:

- a. Watercraft, including all equipment and attachments in their normal operating position, and other structures may not extend beyond the four BSU that abut the 100-foot length into the Lake.
 - b. All watercraft stored overnight in any of the BSU shall be owned and operated for the private use by residents dwelling on the Subject Property.
 - c. Adequate lighting and/or reflectorized material be provided at the end of the dock structure as approved by LMCD staff.
 - d. The construction is eligible for either a seasonal or permanent dock installation.
 - e. The site is not eligible for a de-icing license.
 - f. Applicant will obtain all required approvals if the installation of the dock structure will impact any delineated Wetlands.
 - g. Failure of the Applicant to comply with any applicable regulations of the LMCD or other regulatory body, or with the conditions of this Order, may result in revocation of this license.
 - h. The dock structure shall be constructed in strict compliance with the Approved Site Plan (Exhibit B) and the Applicant shall maintain the dock in a good condition.
 - i. The Subject Property must be maintained and operated in compliance with all other provisions of this Code, and other applicable regulations, ordinances and state law.
 - j. This Order grants no vested rights to the use of the Lake. Use of the Lake shall at all times remain subject to regulation by the LMCD to ensure the public of reasonable and equitable access to the Lake.
 - k. Utilization of the Lake pursuant to this Order constitutes, and shall be deemed, acceptance of, and agreement to, the terms and conditions of this Order without exception, qualification, or reservation
3. Authorizations. The LMCD staff is hereby authorized and directed to issue the approved residential multiple dock license for the Subject Property and to take such other actions as may be needed to ensure compliance with this Order and the requirements of the Code.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation
District this 14th day of December 2022.

Gregg Thomas, Chair

ATTEST:

Dan Baasen, Secretary

DRAFT

EXHIBIT A

Subject Property

Lots 1 to 10 inclusive including the adjoining vacated Elm Street and Maple Place, also including the adjoining half of vacated Linden Street, all in Kate B. Plummer's Subdivision of Lot 2, Kitchel's Subdivision of Government Lots 5 & 6, Section 22, Township 117 N., Range 23 W. Hennepin County, Minnesota.

DRAFT

EXHIBIT B

Approved Site Plan

[attached hereto]

DRAFT

RECEIVED
AUG 26 2022
By

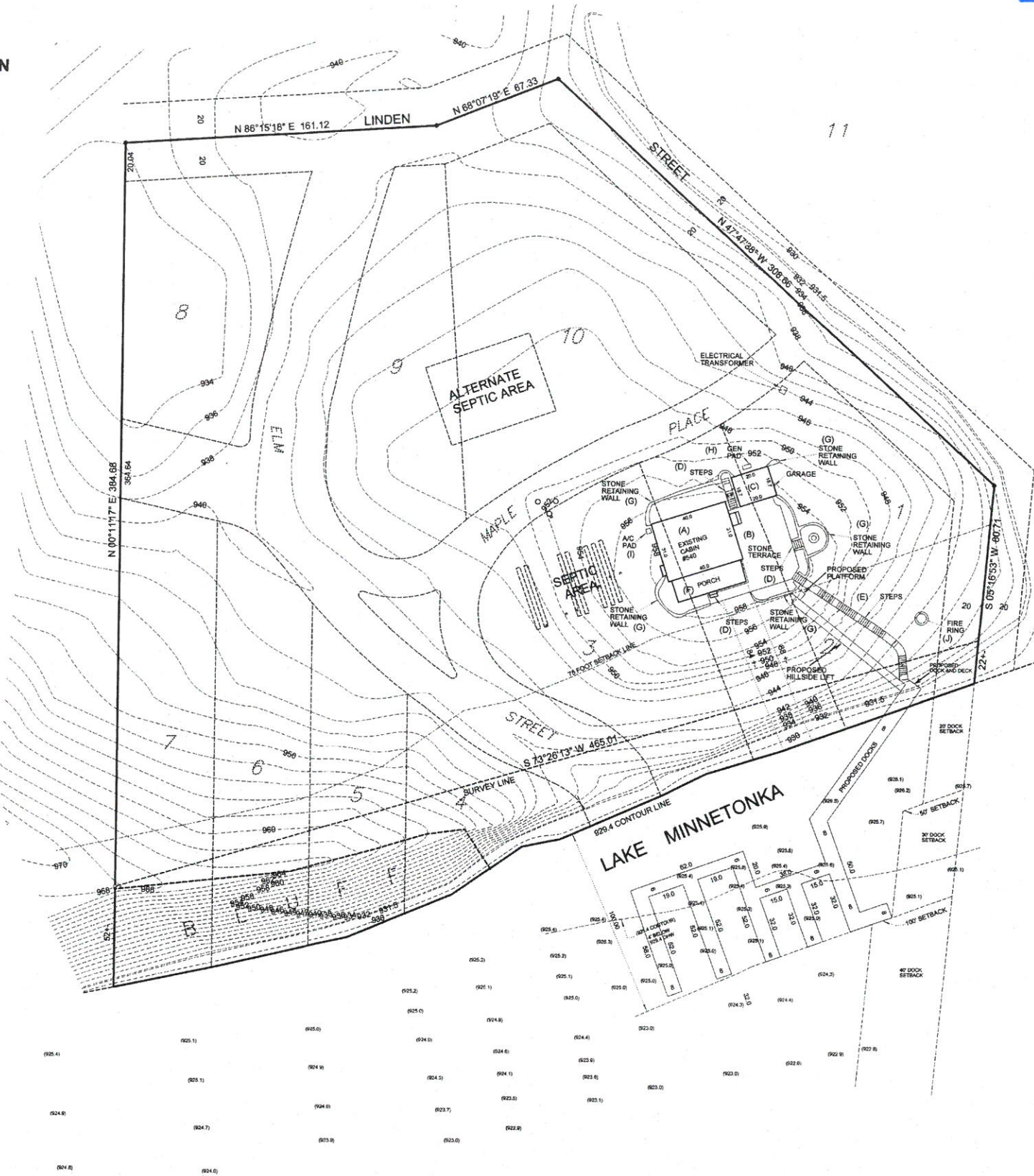
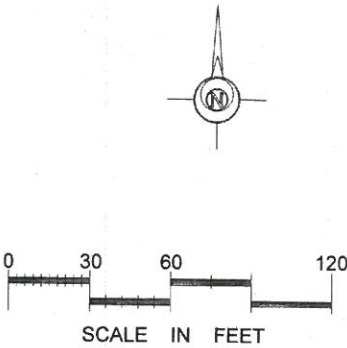
CERTIFICATE OF SURVEY FOR
KELLY AND SHAWN WISCHMEIER
IN LOTS 1-10 AND VACATED ROADS, KATE B. PLUMMERS SUBDIVISION
OF LOT 2, KITCHEL'S SUBDIVISION OF GOV'T LOTS 5 & 6,
SEC. 22, T. 117 N., R 23 W.
HENNEPIN COUNTY, MINNESOTA

LEGAL DESCRIPTION OF PREMISES:
Lots 1 to 10 inclusive including the adjoining vacated
Elm Street and Maple Place, also including the adjoining half
of vacated Linden Street, all in Kate B. Plummer's Subdivision of
Lot 2, Kitchel's Subdivision of Government Lots 5 & 6, Section
22, Township 117 N., Range 23 W.

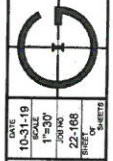
This survey shows the boundaries of the above described property,
the topography of the land, and the location of an existing deck and shed
thereon. It does not purport to show any other improvements
or encroachments.

- Denotes iron marker found
- Denotes iron marker set
- - - Existing contour line

Bearings shown are based upon an assumed datum



GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



I hereby certify that this plan, specification, or report
was prepared by me or under my direct supervision
and that I am a duly Licensed Land Surveyor under
the laws of the State of Minnesota.
Karl D. Gronberg
DATE: 8-24-22 MINN. LICENSE NUMBER: 22255

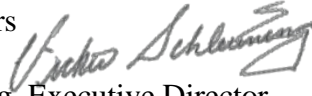
REVISIONS	
DATE	REMARKS
6-12-20	SHORELINE ADJUSTED PER ADDNL. SHOTS
9-10-21	ADDED PROPOSED DOCKS
9-17-21	REVISED PROPOSED DOCKS
1-4-22	ADDED LAKE BOTTOM ELEV'S
7-21-22	REVISED PROPOSED DOCK
8-10-22	ADDED PROPOSED HILLSIDE LIFT



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

TO: Board of Directors

FROM: Vickie Schleuning, Executive Director 

DATE: December 14, 2022 (Prepared December 7, 2022)

SUBJECT: 2023 Contracts for Professional Services

ACTION

Board approval of agreements with Lake Minnetonka Communication Commission for Video on Demand services, Time Saver Off Site Secretarial, Inc. for Minute Taking Services, and Charles Struck for Producer Services, and to authorize staff to enter into agreements with City of Wayzata for Community Room and Video Production Studio.

BACKGROUND

Certain professional services or accommodations are provided for the Lake Minnetonka Conservation District (LMCD) through contracts or agreements with other agencies or parties. Several contracts are renewed annually. The contracts being considered through this action are services or accommodations associated with LMCD Board meetings. These services include video on demand streaming, minute-taking, producer services, and community room and A/V equipment access. Typically, companies provide price increases based on the increased costs of providing their services. The following quotes have been provided that reflect increased costs of services.

RECOMMENDATIONS

Staff recommends the renewal of the contracts as indicated below. A summary of the contracted services and proposals for 2023 is provided below.

- **Video on Demand**

The Lake Minnetonka Communication Commission (LMCC) provides services that allow the formal part of the meeting to be viewed online on demand. A live feed is not provided for LMCD in-person meetings. Rates have not been increased for several years. The rates for 2023 will raise from \$100 to \$200 per meeting.

- **Producer**

Charles Struck will be the producer for the LMCD. The proposed rates are \$94.50 per meeting for up to two hours, plus \$42.00 per hour in ¼ hour increments after 2 hours,

with a cap of \$189.00 per meeting for 2023 reflecting a 5% increase.

- **Minute-Taking Services**

Time Saver Off Site Secretarial, Inc. services have been used for the past several years to take the minutes of the Board Meetings. The base rate is increasing by 3% for a new rate of \$159.00 for the first hour meeting and \$37.75 for each subsequent ½ hour.

- **Community Room and Video Production Studio**

The City of Wayzata shares facilities with the LMCD including their Community Room for LMCD Board Meetings and Video Production Studio for videotaping Board Meetings. The community room rate will be \$3,025.00. Last year's price was \$2,881 prorated (April – December) \$2,881. The rate for the Studio remains the same for 2023 at \$1.00.

BUDGET

Regular meeting costs are allocated in the annual budget based on projections.

STRATEGIC PRIORITIES

<input checked="" type="checkbox"/> Operational Effectiveness	<input checked="" type="checkbox"/> Clear & Timely Communications	<input type="checkbox"/> Effective Governance	<input type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
---	---	---	--	--------------------------------

ATTACHMENTS/SUPPLEMENTARY INFORMATION

- Lake Minnetonka Communications Commission Video on Demand Agreement
- Time Saver Off Site Secretarial, Inc. Agreement
- Charles Struck Producer
- City of Wayzata Community Room and Video Production Studio Agreements



4071 SUNSET DRIVE ■ BOX 385 ■ SPRING PARK, MN 55384-0385 ■ 952.471.7125 ■ FAX 952.471.9151 ■ lmcc@lmcc-tv.org

10/14/22

To: All LMCC Community Partners
From: Jim Lundberg, LMCC Operations Manager
Reason: VOD Services Price Increase

DEEPHAVEN

EXCELSIOR

GREENWOOD

INDEPENDENCE

LONG LAKE

LORETTO

MINNETONKA
BEACH

ST. BONIFACIUS

SHOREWOOD

SPRING PARK

WOODLAND

For decades now, the LMCC has been providing media support services for Its Community Partners. Over the years, this has taken on many forms. Event promotion and coverage. Transparency by airing Board and Commission meetings on our channels as well posting them to a Community Partner specific webpage. Finding Contract Producers to cover meetings and providing technical support and guidance on system integration and maintenance as well.

Over the last 8 years, the LMCC has held Its Video On Demand services prices steady at \$100 per posted meeting and \$200 per agenda parsed meeting for all of our Community Partners.

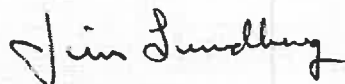
Unfortunately, inflation and a continuing trend in cord cutting has forced us to reconsider our charges for our Video On Demand services for our Community Partners. This brief memo is being sent to inform you that at our August Full Commission meeting, the LMCC's Executive Committee recommended, and the Full Commission passed a motion to increase the cost of Video On Demand services from \$100 per posted meeting to \$200 and from \$200 per agenda parsed meeting to \$400.

There is some good news to report as well. Starting in 2023 we will also begin to include basic file sharing via Google Drive or One Drive to a third party of the Partner's choosing at the new price.

We realize that this is a major increase, but with a small staff, increased costs due to inflation and reduced funding due to cord cutting I hope you can understand that this increase was necessary.

Video On Demand services contracts for 2023 that reflect these changes will be sent out before the end of October.

And thanks for your many years of support!

A handwritten signature in black ink that reads "Jim Lundberg". The signature is written in a cursive style with a large, stylized "J" and "L".

Jim Lundberg
Operations Manager
LMCC

AGREEMENT FOR PROVIDING VIDEO ON DEMAND STREAMING SERVICES FOR LAKE MINNETONKA CONSERVATION DISTRICT MEETINGS

This agreement is between the Lake Minnetonka Communications Commission, herein known as “Contractor” and the Lake Minnetonka Conservation District. The contractor will perform all of the following terms:

This agreement is for a term of twelve (12) months and is available for renewal annually. Contractor agrees to encode all Lake Minnetonka Conservation District meetings and link them to the Contractor’s website located at www.lmcc-tv.org during the twelve (12) month term of this agreement, from the date of January 1, 2023 to December 31, 2023

Work specified includes the following:

- Ingest recordings of Lake Minnetonka Conservation District meetings into the Contractor’s video server.
- The Contractor will encode and upload these meetings to the Contractor’s host website located at www.lmcc-tv.org and keep them in a location unique to the Lake Minnetonka Conservation District.
- The Contractor will trim the meeting files so that the video file can be viewed from gavel to gavel of said meeting.
- The Contractor will link the meeting to the Lake Minnetonka Conservation District page of the Contractor’s website.
- The Contractor will allow the Lake Minnetonka Conservation District to link this page of content to their own website for ease of viewing by their constituents.
- The Contract will provide 1 copy of each file(Meeting) to a second party of their choosing via Google Drive or OneDrive.
- Compensation of \$200.00 per meeting will be paid by the Lake Minnetonka Conservation District for performing these services.
- The Lake Minnetonka Conservation District agrees to pay this amount within 30 days of the posting of the meeting to the afore mentioned website.
- The Lake Minnetonka Conservation District can request increased services during the contracted time that would include agenda parsing for any of their meetings with the understanding that agenda parsed meetings will be charged at a rate of \$400.00 per meeting and that they would need to provide the Contractor with a Word version of their agenda no later than the date of their meeting.

Lake Minnetonka Conservation District
Vickie Schleuning, Executive Director

Date

Lake Minnetonka Communications Commission
Jim Lundberg, Operations Manager

Date

TimeSaver Off Site Secretarial, Inc.

October 21, 2022

Ms. Vickie Schleuning, Executive Director
Lake Minnetonka Conservation District
5341 Maywood Road, Suite #200
Mound, MN 55364

Dear Vickie,

Enclosed is an Addendum to the Recording Secretary Service Agreement that extends the expiration date to December 31, 2023. The unit rates reflect an increase of \$1 per hour and 50 cents per page and a base rate increase of less than 3.5%.

We appreciate the confidence you have placed in TimeSaver to handle your meeting minute needs and look forward to continuing that relationship in 2023.

If you need further information or have questions, please feel free to contact me at 612-251-8999.

Best regards,



Carla Wirth
Owner

Enclosure: Recording Secretary Service Agreement
Return envelope

ADDENDUM TO RECORDING SECRETARY SERVICE AGREEMENT

Dated: December 31, 2022

By and between TimeSaver Off Site Secretarial, Inc. and Lake Minnetonka Conservation District (LMCD), 5341 Maywood Road, Suite #200, Mound, MN 55364.

1. EXTENSION OF RECORDING SECRETARIAL SERVICE AGREEMENT: The term of the existing Recording Secretary Service Agreement dated December 31, 2021 shall be extended under the same terms and conditions to December 31, 2023.
2. TOSS CHARGES: TOSS shall be paid for its services as recording secretary for each meeting with a one (1) hour minimum, the highest rate prevailing, as follows:
 - a. Base Rate: One Hundred Fifty-Nine and 00/100 dollars (\$159.00) for any meeting up to one (1) hour (billable time) plus Thirty-Seven and 75/100 dollars (\$37.75) for each thirty (30) minutes following the first one (1) hour; or
 - b. Unit Rate: Forty-Nine and 50/00 dollars (\$49.50) for the first hour of meeting time and Thirty-Three and 00/100 dollars (\$33.00) for every hour after the first hour plus Fourteen and 75/100 dollars (\$14.75) for each page of draft minutes for submission to the LMCD for their preparation of final minutes.

At the end of the term of this Addendum or any extension of it, the parties may make a new Agreement or extend or modify the terms of this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Addendum to the Recording Secretary Service Agreement as of the day and year indicated.

January __, 2023

LAKE MINNETONKA CONSERVATION DISTRICT

By: _____
Vickie Schleuning

Its: Executive Director

November 1, 2022

TIMESAVER OFF SITE SECRETARIAL, INC.

By: Carla Wirth
Carla Wirth

Its: President & CEO

AGREEMENT

This Agreement made and entered into by and between the City of Wayzata, a municipal corporation, hereinafter referred to as "Landlord"; and the Lake Minnetonka Conservation District, a Minnesota municipal corporation (the "LMCD").

WITNESSETH:

Landlord and LMCD enter into this Agreement for the use of meeting space in the Wayzata City Hall Community Room located at 600 Rice Street, Wayzata, Minnesota, 55391;

Now, therefore, the parties mutually agree as follows:

Landlord hereby agrees to allow LMCD to use the Community Room in accordance with the City's "Community Room Policy" and the following terms:

- A. LMCD agrees to schedule the community room through the City of Wayzata per the Wayzata Community Room Scheduling and Use Policy rules. (Two meetings per month, set-up time starting at 4 PM, provide own DVD's, tapes etc., vacuum if needed, empty trash and recycling if full from meeting.) The City reserves the right to revoke permission to use the Community Room on a Monday – Thursday evening if the Community Room is needed for a City Council, Planning Commission, or other City government meeting.
- B. LMCD agrees to return the Community Room back to its standard configuration after each use.
- C. LMCD agrees to be responsible for any liability, damage or loss to the City from the LMCD's use of the Community Room as follows: The LMCD agrees to save harmless, protect, and indemnify the City and its employees, Council Members and agents from and against any and all losses, damages, claims, suites or actions judgments, and costs that may arise or grow out of any injury to or death of persons or damage to property, arising out of and attributable to the acts or omissions of, or use by the LMCD, its agents, servants, employees, or guests of the Community Room and the contents therein except as may be the result of the City's sole negligence. The City shall not be responsible for the loss of or damage to property or injury to person, occurring in or about the Community Room while in use by the LMCD. The LMCD agrees that if the LMCD, or its agents or employees cause any damage to the Community Room or contents therein, normal wear and tear exempted, it shall immediately repair such damage or replace such equipment or personal property so damaged. Nothing herein shall be deemed a waiver by the LMCD of the limitations on liability set forth in Minnesota Statutes, Chapter 466.
- D. For the calendar year 2023 LMCD agrees to pay the sum of Three Thousand Twenty-five dollars (\$3,025.00) for the use of the Wayzata Community Room. Effective for subsequent years, Landlord shall, at its sole discretion, have the right to make reasonable adjustments to the room use fee.
- E. LMCD shall have the right to terminate its use of the Community Room upon 30-days written notice to Landlord.

The effective date of this Agreement is January 1, 2023.

City of Wayzata

Lake Minnetonka Conservation District

Mayor

Date

Chair

Date

City Manager

Date

Executive Director

Date

LICENSE AGREEMENT

(Wayzata City Hall Cable Television Video Production Studio)

This License Agreement ("Agreement") is made as of the _____ day of _____, 202____ by and between the Lake Minnetonka Conservation District, a Minnesota municipal corporation (the "LMCD") and the City of Wayzata, a Minnesota municipal corporation (the "City").

WITNESSETH

WHEREAS, THE City owns and operates a cable television/video production facility (the "Studio") (for purposes of this Agreement the Studio shall be defined to include all equipment and personal property located within the Studio), which said facility located in the Wayzata City Hall located at 600 Rice Street East, Wayzata Minnesota; and

WHEREAS, the LMCD desires to broadcast the LMCD meetings from the Wayzata City Hall Community Room by using the Studio; and

WHEREAS, the City is willing to allow the LMCD to use the Studio so long as the LMCD enters into this Agreement;

NOW, THEREFORE, in consideration of mutual covenants herein contained, and in consideration of **One Dollar** and other good and valuable consideration, the receipt and sufficiency which is hereby acknowledged by the parties, the parties agree as follows:

1. License. The City hereby licenses to the LMCD for the use of the Studio and the equipment and improvements located within the Studio as well as other personal property located within the Studio. Such use shall be on a nonexclusive basis subject to the approval of the City, within the City's sole discretion.
2. Purpose. The LMCD agrees that it shall use the Studio for the sole purpose of producing LMCD meetings that are held in the Wayzata City Hall Community Room.
3. Personnel. As a condition of the license granted by the City to the LMCD under this Agreement, the LMCD agrees that any time it uses the Studio, the Studio will only be used by a videographer who will be under the direct supervision of LMCD Executive Director. One videographer shall be assigned to produce LMCD meetings in the Wayzata City Hall Community Room who will be fully trained in by City employees before broadcasting any meetings. Such personnel may be employees of LMCD or independent contractors. Such videographer must be approved by the City in the City's sole discretion. The LMCD shall be solely responsible for wages, workers' compensation insurance, wage withholding for social security, income tax and other compensation and taxes to be paid to and on behalf of such videographer.

4. Operations.

A. LMCD shall:

- i. Return the Studio to correct working order;
- ii. Not remove any City equipment or property from the Studio except as authorized by appropriate City personnel;
- iii. Secure the Studio and City Hall when it leaves the Studio;
- iv. Agree to abide by all rules, regulations, and requests adopted by the City in regard to use of the Studio;
- v. Only use the Studio for the broadcast of LMCD meetings.

B. City shall:

- i. Provide one key and fob to allow access to the Studio and City Hall;
- ii. Provide custodial services, cabinets, chairs and such other furniture as City determines is necessary for operation of the Studio.

5. Indemnification, Property Damage and Liabilities. The LMCD agrees to exonerate, save harmless, protect, and indemnify the City and its employees, Council Members and agents from and against any and all losses, damages, claims, suits or actions, judgments, and costs that may arise or grow out of any injury to or death of persons or damage to property, arising out of and attributable to the acts or omissions of, or use by the LMCD, its agents, servants, employees, or guests of the Studio and the contents therein except as may be the result of the City's sole negligence. The City shall not be responsible for the loss of or damage to property or injury to person, occurring in or about the Studio while in use by the LMCD. The LMCD agrees that if any damage is caused to the Studio or contents therein it shall immediately repair such damage or replace such equipment or personal property so damaged. Nothing herein shall be deemed a waiver by the LMCD of the limitations on liability set for in Minnesota Statutes, Chapter 466.
6. Insurance. The LMCD agrees that it shall maintain insurance in amounts and substance reasonably acceptable to the City, which said insurance shall insure for damage caused to the Studio and its contents caused by the LMCD. Upon the request of the City, the LMCD shall provide the City with proof of such insurance. If requested by the City, the insurance shall call for 30 days written notice to the City before cancellation of such insurance. The City must be named as a certificate holder or an additional insured. Nothing herein shall be deemed a waiver of the limitations on liability set forth in Minnesota Statutes, Chapter 466.
7. Notice. If a notice is given pursuant to the terms of this Agreement, said notice shall be by US mail, certified, return receipt requested, addressed to the City as follows: City Manager, City of Wayzata, 600 Rice Street E, Wayzata, Minnesota 55391; to LMCD at 5341 Maywood Road, Suite 200, Mound, MN 55364.
8. Assignment. This agreement may not be assigned by LMCD to a third party without the written consent of the City, which may be withheld in the City's sole judgment.

9. Term. The term of this License shall be from the date hereof until Midnight on December 31, 2023.
10. Miscellaneous. The City, by entering into this Agreement makes no representation or warranty regarding the fitness of the Studio and its equipment and personal property as being suitable for the purposes of the LMCD. The LMCD agrees that the Studio and its contents are being provided on an "as is" basis. The LMCD agrees that they shall be solely responsible for the quality of the production as a result of the LMCD's use of the Studio.
11. Termination. Either party may terminate this Agreement at any time, for any reason or no reason, upon thirty (30) days written notice to the other parties.
12. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Minnesota.
13. Entire Agreement. This Agreement contains the entire agreement of the parties with respect to all matters regarding the rights and obligations of each party regarding the operation, access and use of the Studio, and this Agreement supersedes all prior agreements and understandings, oral and written, between the City and LMCD regarding use of the Studio.
14. Binding Effect. This agreement shall inure to the benefit of the parties hereto and shall be binding upon the parties hereto and their respective successors and assigns.
15. Headings. The article, section, and other headings contained in this Agreement are for reference purposes only and shall be deemed to be a part of this Agreement or to affect the meaning or interpretation of this Agreement.
16. Counterparts. This Agreement may be executed in any number of counterparts, and be different parties on different counterparts, each of which, when executed, shall be deemed to be an original, and all of which together shall be deemed to be one and the same instrument. This Agreement shall be deemed fully executed when each party hereto has executed a counterpart hereof.
17. Severability. If any term, condition, or provision of this Agreement, or the application thereof to any circumstance, shall be invalid or unenforceable to any extent, the remaining terms, covenants, conditions, and provision of this Agreement shall not be affected thereby and each remaining term, covenant, condition, and provision of this Agreement shall be valid and shall be enforceable to the fullest extent permitted by law. If any provision of this Agreement is so broad as to be unenforceable, such provision shall be interpreted to be only as broad as is enforceable.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

CITY:

CITY OF WAYZATA

By _____
It's Mayor

Date: _____

And by _____
It's City Manager

LMCD:

LAKE MINNETONKA CONSERVATION
DISTRICT

By _____
Its Board Chair

Date: _____

And by _____
Its Executive Director



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director *Vickie Schleuning*

DATE: December 14, 2022 (Prepared December 7, 2022)

SUBJECT: 2023 Appointments for Legal Services, Auditor, Bank Depository, and Official Newspaper

ACTION

Board approval of one-year appointments and designations for 2023 for Steve Tallen, Tallen & Baertschi, as the Prosecuting Attorney; Abdo for Audit Services; Alerus Bank as the bank depository; and designating the Sun Sailor as the LMCD's official newspaper for legal notices.

BACKGROUND

Certain services are provided for the Lake Minnetonka Conservation District (LMCD) by appointment, with or without contracts. Most of these contracts or appointments are conducted annually. In certain cases, such as designating the official newspaper for legal publications, an annual designation is required by state law. The appointments for legal prosecuting services, auditor, the official newspaper, and bank depository are included in this action.

CONSIDERATIONS

The appointment of the civil attorney is provided in a separate memorandum this year.

Legal Services

Staff has received a proposal for legal services for 2023. Based on the submitted proposal, staff recommends approval of the following appointments:

- Tallen & Baertschi as the LMCD Prosecuting Attorney. The proposed increase for 2023 is 9%, or \$165.35 per hour for prosecuting attorney and \$93.10 for legal assistant.

Auditor

A proposal for services in 2023 for the 2022 audit was submitted by the Abdo to provide the financial audit services for the LMCD. The company has been the appointed auditing firm for previous years. Their knowledge of our accounting and financial systems is beneficial as we continue to review systems and processes. Therefore, staff recommends the following.

- Abdo to conduct the 2022 LMCD Audit. The proposed rate is \$11,500, an increase of \$100 (1.0 %), plus an additional \$1,000 for GASB 87 implementation.

Bank Depository

Alerus meets the requirements for LMCD policies and business needs. Staff recommends:

- Alerus Bank.

Official Newspapers

Board approval is necessary to designate the official newspapers for 2023 where LMCD will publish its legal notices. Based on distribution availability, staff recommends the following:

- Sun Sailor

BUDGET

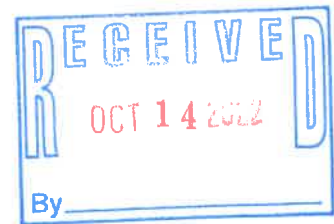
Please refer to the consideration summary for costs of services. While the Consumer Price Index (CPI) fluctuates, it increased 7.7% in October 2022 according to the U.S. Bureau of Labor Statistics.

STRATEGIC PRIORITIES

<input checked="" type="checkbox"/> Operational Effectiveness	<input type="checkbox"/> Clear & Timely Communications	<input checked="" type="checkbox"/> Effective Governance	<input type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
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ATTACHMENTS

- Steven Tallen proposal letter (2 pages)
- Abdo/Steve McDonald Email including 2023 rates



STEVEN M. TALLEN
ATTORNEY AT LAW
920 2nd Avenue South
Suite 1540
Minneapolis, MN 55402
(612) 349-3900

Steven M. Tallen
Attorney
steve@tablawmn.com

Marijo Witte
Paralegal
mwitte@tablawmn.com

October 10, 2022

Vickie Schleuning
Executive Director
Lake Minnetonka Conservation District
5341 Maywood Road
Mound, MN 55364

Re: Proposed Prosecution Fees for 2023

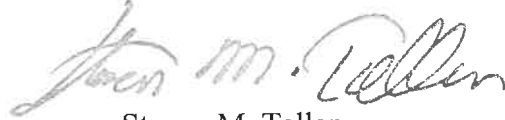
Dear Ms. Schleuning:

You recently asked me to submit my proposals for prosecution fees beginning calendar year January 1, 2023. As you know, this has been a terrible year as far as inflation is concerned and my requested increase will reflect that situation. It appears that in the last two years the cost of living has increased approximately 15% in the Twin Cities area. Of course nobody knows what will happen between now and the end of the year, but as far as I know nobody is predicting that the cost of living will reverse and go down. I am proposing an increase of 9% for both attorney and legal assistant time. That would make the hourly attorney time \$165.35 per hour, and the hourly legal assistant time \$93.10 per hour. This is less than the cost of living increase, but I am trying to do my best to keep the prices down. 2023 will mark my 37th year as prosecuting attorney for the Conservation District. I hope the staff and the Board are as pleased with my performance as I am pleased to keep such a valuable client for such a long period. It appears that life is getting somewhat back to "normal" as far as law enforcement and prosecution services are concerned; but as you know, that can always change. The last year has seen a sharp increase in the number of illegally rented and chartered boats, and I believe the Sheriff's Office has done an excellent job of both educating and apprehending those who have neglected to obtain the proper licenses and permits.

I have enjoyed my time as the prosecuting attorney for the Conservation District and hope to continue performing in a way that both the staff, the Sheriff's Office and the Board find to be an appropriate balance between aggressive prosecution and compassion. As in the past, I look forward to appearing before the Board sometime either towards the end of the year or the

beginning of next year to give them my annual report. I will be in contact with you to schedule that.

Sincerely,

A handwritten signature in cursive script, reading "Steven M. Tallen". The signature is written in dark ink and is positioned above the printed name.

Steven M. Tallen
Prosecuting Attorney
Lake Minnetonka Conservation District

LMCD

From: Steve McDonald <smcdonald@abdosolutions.com>
Sent: Thursday, October 6, 2022 2:01 PM
To: LMCD
Cc: Tyler See; Reporting
Subject: RE: 2023 Rates and Agreement

External (smcdonald@abdosolutions.com)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#), Powered by INKY

Hi Tammy, our fees for the 2023 audit will be 11,500 for the audit and an additional \$1,000 for the implementation of GASB 87 which is required this year. We are trying to limit the increases, but the fee increase over the prior year is reflective of our costs increasing due to inflation. Let me know if you have any questions. We appreciate the opportunity to continue to work with you!

Please note my new email address: smcdonald@abdosolutions.com

Steve McDonald
Managing Partner



Abdo Eick & Meyers is now Abdo

DIRECT 952.715.3002
MAIN 952.835.9090
[Send Me Secure Files](#)

5201 Eden Avenue, Ste 250
Edina, Minnesota 55436
[AbdoSolutions.com](#)

PRIVILEGED AND CONFIDENTIAL

This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Moreover, any such disclosure shall not compromise or waive the attorney-client, accountant-client, or other privileges as to this communication or otherwise. If you have received this communication in error, please contact me at the above email address.

From: LMCD <lmcd@lmcd.org>
Sent: Monday, October 3, 2022 2:01 PM
To: Steve McDonald <smcdonald@abdosolutions.com>
Subject: 2023 Rates and Agreement

Sent to reporting requesting an engagement letter. Ann 10/03/22
Good Afternoon Steve,

Hard to believe it's that time of year, but we are preparing for our 2023 Contracts & Agreements. Can you let me know what your 2023 rates will look like and if you anticipate any changes? Thanks, and have a great week!

Tammy Duncan
Administrative Assistant | Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200 | Mound, MN 55364
Ph 952-745-0789 | Fx 952-745-9085 lmcd@lmcd.org



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: December 14, 2022 (Prepared December 9, 2022)

TO: LMCD Board of Directors

FROM: Maisyn Reardan, Administrative Coordinator

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: Preliminary Carp Assessment Report 11/30/2022

ACTION

Board review of the 2022 Carp Assessment Surveys conducted in Harrisons, Jennings, and West Arm bays of Lake Minnetonka fall 2022.

BACKGROUND

Common Carp are one of the most widely introduced and invasive species of fish. Carp degrade water quality and destroy waterfowl habitat by rooting in the lake bottom while searching for food. In August 2022, the LMCD Board awarded funding to the Harrison Bay Association through the AIS Funding Program for a carp assessment in Harrisons, Jennings, and West Arm Bay. In September, Carp Solutions conducted three boat electrofishing surveys on Harrisons, Jennings, and West Arm bays of Lake Minnetonka. A representative from Harrison's Bay will be providing more details about the results of the assessment and the next step in the process.

The preliminary assessment report is attached. In summary, a total of 18 transects were conducted between September 15, 2022, and September 22, 2022. The results indicate overall high catch rates of carp in all three bays. Typically, the management threshold for carp populations is 100 kg/ha. Results collected from the surveys suggest that the carp populations in the three bays of Lake Minnetonka seem to exceed that threshold by 4 to 9 times. Totals ranged from 24.5 carp per hour in Harrisons to 40.7 carp per hour in Jennings and 46.8 carp per hour in West Arm. Carp were large and their mean weight ranged between 3.5 kg and 4.2 kg. Based on catch rates, total biomass density of carp in Harrisons was 436 kg/ha, 688.2 kg/ha in Jennings, and 928.6 kg/ha in West Arm.

BUDGET

N/A

STRATEGIC PRIORITIES

☐

Operational
Effectiveness

☐

Clear & Timely
Communications

☐

Effective
Governance

☒

Lake
Protection

☐

Other

ATTACHMENT

- 11/30/2022 Preliminary Carp Assessment Report



Preliminary report

November 30, 2022

Prepared For: Lake Minnetonka Conservation District

Prepared by:

Carp Solutions LLC

www.carpsolutionsmn.com

Carp Solutions conducted three boat electrofishing surveys on each of the three bays (Jennings, West Arm, Harrisons) of Lake Minnetonka between September 15 -22, 2022. A total of 18 transects were conducted. Each transect included approximately 20 minutes of electrofishing time. Only carp were netted while electrofishing. Captured carp were measured for total length (mm), tagged with a uniquely numbered passive integrated transponder tag (PIT tag) and released. The mass of each carp we calculated from their length.

The mean number of carp captured per one hour of electrofishing time was calculated for each bay and used to estimate carp biomass density (kg/ha) for each bay using a relationship developed by Bajer and Sorensen (2012).

Overall, we observed very high catch rates of carp in all three bays. They ranged from 24.5 carp/h in Harrisons to 40.7 carp/h in Jennings and 46.8 carp/h in West Arm (Table 1). The carp were large and their mean weight ranged between 3.5 kg and 4.2 kg (Table 1). Based on the catch rates and mean carp weights, we estimated that carp biomass density was 436 kg/ha in Harrisons Bay, 688.2 kg/ha in Jennings Bay and 928.6 in West Arm.

Management threshold for carp populations is 100 kg/ha (Bajer et al. 2009). Thus, it appears that carp populations exceed that threshold by approximately 4 to 9 folds in the surveyed bays of Lake Minnetonka.

Table 1. Results of boat electrofishing surveys.

Lakes	JENNINGS BAY	WEST ARM	HARRISONS
Area	117.4	208.0	87.0
Mean Length (mm)	649.2	688.0	658.8
Mean CPUE (Carp/Hr)	40.7	46.8	24.5
Mean Mass (kg)	3.5	4.2	3.7
Density (carp/ha)	194.5	223.6	118.4
N (Abundance)	22828	46500	10299
Biomass (kg)	80762	193146	37939
Biomass Density (kg/ha)	688.2	928.6	436.0

Citations

Bajer, P. G., & Sorensen, P. W. (2012). Using boat electrofishing to estimate the abundance of invasive common carp in small Midwestern lakes. *North American Journal of Fisheries Management*, 32(5), 817-822.

Bajer, P.G., Sullivan, G. and Sorensen, P.W., 2009. Effects of a rapidly increasing population of common carp on vegetative cover and waterfowl in a recently restored Midwestern shallow lake. *Hydrobiologia*, 632(1), pp.235-245.




ITEM 11A

LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: December 14, 2022 (Prepared December 8, 2022)

TO: LMCD Board of Directors

FROM: Thomas Tully, Environmental Administrative Technician 

CC: Vickie Schleuning, Executive Director

SUBJECT: Variance for Adjusted Dock Use Area, Side Setback, Dock Length, 2000 Shadywood Road, Orono

ACTION

Board consideration of a variance for an adjusted dock use area including side setbacks for 2000 Shadywood Road on Crystal Bay in the City of Orono (PID 17-117-23-31-0001) and receive public input during the public hearing.

The following motions are offered depending on whether the Board wishes to approve or deny the request:

Approval

I make a motion to direct LMCD legal counsel or staff to prepare Findings of Fact and Order approving the variance application from Arie Tendler, on behalf of the listed owner Cambria Company LLC, for the property located at 2000 Shadywood Rd in Orono for final approval at the January 11, 2022, LMCD Board meeting <subject to the following conditions>...

Denial

I make a motion to direct LMCD legal counsel or staff to prepare Findings of Fact and Order denying the variance application from Arie Tendler, on behalf of the listed owner Cambria Company LLC for the property located at 2000 Shadywood Rd in Orono for a final vote at the January 11, 2022, LMCD Board meeting based on...

APPLICATION SUMMARY

The applicant, Arie Tendler, ("Applicant") has submitted an application on behalf of the property owner listed by Hennepin County Property Information records, Cambria Company LLC, for a variance to adjust the dock use area including side setbacks and dock length for 2000 Shadywood Road in the City of Orono ("Site"). The Applicant's parcel has approximately 36.4 feet of 929.4 feet OHW shoreline. The request includes sharing of the shorelines and dock use areas of the adjacent City of Orono alley, as well as a residential property located north of the Alley. The variance application was submitted due to the converging lot lines and nonconformance with standard regulations revealed during the change of ownership.

Site Background

The Applicant's parcel has approximately 36.4 feet of 929.4 feet OHW shoreline. The Applicant proposes to install a dock structure with one Boat Storage Unit (BSU) with a size of 12.1 feet wide by 32.6 feet in length, with a walkway of 4.1 feet wide. The proposed dock length is 64.1 feet. A canopy is proposed. The Applicant's current dock does not meet the standard LMCD Code requirements.

The Applicant proposes to use the shoreline and dock use area of a City alley dedicated by plat ("Alley") and a resident's property to the north of the Alley for placement of their dock and watercraft storage. The Alley has approximately 13.5 feet of 929.4 feet OHW shoreline. The property to the north of the Alley (1998 Shadywood Rd.) has approximately 52 feet of shoreline. Based on the submitted site plan, it appears the Applicant is proposing to encroach completely in front of the Alley site and approximately 16 feet beyond the extended side site line and into the residential property dock use area to the north of the alley, which does not consider any setback provisions. This is approximately 29.5 feet including both the Alley and residential property, not considering any setback allowance and beyond the Site's allowance. The proposed setback to the southern extended side site line is 20 feet.

The LMCD Code allows properties with shoreline of less than 40 feet and in existence on or before February 2, 1970 to extend the dock structure and storage out to four (4) feet of water depth or a maximum of 60 feet into the lake (LMCD Code Section 2-3.03, Subd. 2, paragraph (d)(2)). The Applicant did not provide any water depths for review. Additionally, the LMCD Code allows for a reduced setback of 5 feet for dock structures and watercraft storage for a property with under 50 feet of shoreline and in existence on February 2, 1970 (Section 2-3.03, Subd. 3(c)). For shorelines 50 feet to 100 feet, LMCD Code requires setbacks of 10 feet for the first 50 feet of dock structure as it extends into the lake, and setbacks of 15 feet for structure 50-100 feet extending into the lake (LMCD Code Section 2-3.03, Subd. 3(a)). The Applicant is proposing to use approximately 60 feet of shoreline between the three sites, which would no longer qualify for "reduced" setbacks. The Applicant is also proposing the use of a canopy on the site, LMCD Code requires a minimum 20-foot setback for canopies (LMCD Code Section 2-3.03, Subd. 3(d)).

The Applicant did not provide the LMCD with any documentation that the City or the owner on the other side of the Alley consents to the Applicant's proposed use of their authorized dock use area. As the Board is aware, recent proposals in which an owner proposed to cross or use a portion of a city's fire lane were specifically consented to by the affected city. Under LMCD Code, Section 2-3.05, Subd. 3, adjoining owners of non-commercial sites may agree by mutual consent to adjust side setback distances and dock use areas. Absent such consent, the Applicant must seek a variance and show the proposed use of the Lake is reasonable and does not unduly interfere with the use of the Lake by the neighboring riparian owners.

Converging lots lines have often served as a basis for the Board to grant a variance to help ensure a riparian owner has reasonable access to navigable waters of the Lake. However, a balance must be struck so that granting a variance to one owner does not unreasonably interfere with the use of the Lake by another owner. Each case is unique and requires the Board to consider the facts surrounding the particular site so it can apply its regulations in fair and equitable way that

achieves the purposes of the LMCD Code while not unreasonably interfering with the riparian rights of any owner.

In this case, the Applicant propose a dock that extends entirely across the authorized dock use area of the City's Alley and into the authorized dock use area of the neighbor on the other side of the alley. Such a configuration would effectively preclude any reasonable use of the City's riparian rights and would impact the area of the Lake available for use by the neighbor to the north during the boating season. A different configuration for a dock at the Site would provide the Applicant reasonable access to and use of the Lake while reducing the scope of the required variances and the extent of interference with the riparian rights of the neighboring owners.

CONSIDERATIONS OF VARIANCE

The following items should be considered when reviewing a variance request:

1. Has the Applicant sufficiently demonstrated practical difficulties exist such that each of following are true?
 - a. Strict application of code prohibits property owner from using Lake in reasonable manner that is otherwise permitted by the code.
 - b. Granting a variance is within spirit and intent of the Code.
 - c. Plight of property owner is due to circumstances:
 - (1) Unique to property;
 - (2) Not created by property owner; and
 - (3) Not based solely on economic considerations.
 - d. Granting a variance does not alter essential character of the area.
2. Is the Applicant proposing a use not allowed under the code?
3. Would variance, if granted and with conditions imposed, adversely affect:
 - a. Purpose of Code?
 - b. Public health, safety, and welfare?
 - c. Reasonable access to or use of the Lake by public or riparian owners?

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Orono were provided information regarding the application on November 28, 2022. City and agency comments were due by December 7, 2022. Comments received as of December 7, 2022, are summarized below. Any comments received after that date will be provided at the Board meeting for review.

- No comments were received from the MCWD or MN DNR.
- The City of Orono provided feedback with concerns about the proposed variance. The City of Orono, Orono Police Chief, and Hennepin County Sheriff's Office Water Patrol stated they would not object to a seasonal dock during the boating season; however, it is important to keep the access fully open for snowmobile access in the winter. Additionally, the City of Orono recommends reviewing the placement of the proposed non-permanent dock, suggesting that the non-permanent dock should shift as far

southward along the lakeshore to decrease any encroachment into the city alley space. The City of Orono would strongly object to any permanent dock structure in the proposed location. However, the City would not necessarily object to a non-permanent dock if it met the above condition of shifting to a more southerly location so as to not encroach. A letter is attached.

Comments received by LMCD staff from the general public as of the date indicated above are summarized below:

- The LMCD received comments voicing concern from the property owners north of the City of Orono Alley. The property is located at 1998 Shadywood Road. The property owners voiced that they had originally purchased the property in 2020 with plans to install their own dock. At the time of purchase the dock installed at 2000 Shadywood Road was already encroaching into the City alley and the dock use area 1998 Shadywood Road. A temporary agreement was reached between the two properties which allowed the shared use of the dock installed at 2000 Shadywood Road. The shared dock concept worked well as a temporary measure; however, the property owners strongly oppose a variance to allow the continued encroachment into their dock use area. An email is attached.

PUBLIC HEARING

The public hearing provides an opportunity for interested individuals to present their views to the Board for consideration. This is an important part of identifying potential issues and impacts of a project. Only items under the LMCD Code and that are within the Board's regulatory authority may be considered as part of any approval or denial decision.

The public hearing notice was published in the November 24, 2022 edition of the Sun Sailor (official newspaper) and the November 26, 2022 edition of the Laker Pioneer. On November 28, 2022, a public hearing notice was mailed to persons who reside upon or are owners of property within 350 feet of the Site. In addition, the Board packet was posted online and the agenda was posted on the LMCD bulletin board.

RECOMMENDATION

Based on the information available at the time of this report, staff is recommending denial of the requested variance based on the following items. This recommendation could change based on new information that is provided after preparation of this report and through the public hearing. The Board may wish to consider other items as well.

- 1) The Applicant's proposal significantly interferes with the riparian use of the Alley by blocking the entire area within the City's extended side site lines.
- 2) The Applicant's proposal significantly reduces the riparian use of the Lake at 1998 Shadywood Road by reducing the authorized dock use area with a shoreline of approximately 52 feet to 36 feet, not including the further reduction of 20 feet to accommodate side setbacks for a dock that extends out to a maximum of 50 feet or 30 feet for a dock that extends out to 60 feet in length. Functionally, this allows the site a width of approximately 16 feet to place a dock, watercraft storage, and other structures, lesser for a

longer dock/storage.

- 3) The Applicant's proposal does not provide any options to minimize the impacts of violations. For example, the proposed dock is larger than previous docks as illustrated by historical aerials.
- 4) The proposed canopy is not reasonable given the Site characteristics and negative impacts to the lake and public/neighbors.
- 5) The proposed dock structure would unreasonably interfere with the riparian rights of the City and the owner to the north as there other reasonable dock configurations that would reduce the impacts to the other owners and minimize the extent of variances required from the LMCD Code.
- 6) Water depths within the area would be needed to better evaluate the length variance request.

BUDGET _____

N/A

STRATEGIC PRIORITIES _____

☐

Operational
Effectiveness

☐

Clear & Timely
Communications

☐

Effective
Governance

☒

Lake
Protection

☐

Other

ATTACHMENTS _____

1. LMCD Code Excerpts
2. Aerial Imagery of Site
3. Proposed Site Plan
4. Overlay of Site Plan
5. Variance Application & Submitted Documents
6. Public Hearing Notice (Sun Sailor and Laker Pioneer)
7. Public Hearing Notice Mailing
8. Agency Review Responses
9. Public Comments



LMCD Code Excerpts

Section 2-3.03. Determination of Authorized Dock Use Area.

Subd. 1. Generally. The dimensions of an authorized dock use area for sites bordering the Lake are determined in accordance with this Section. The authorized dock use area shall be measured from the point which forms the shoreline when the Lake is at elevation 929.4, National Geodetic Vertical Datum of 1929 (“NGVD”). The authorized dock use area includes the area on, under, and over the surface of the Lake.

Subd. 2. Length. The length of the authorized dock use area is measured on a line parallel to the site side lines as extended into the Lake and is limited as provided in this subdivision.

- (a) General Limit. The length of an authorized dock use area extends into the Lake a distance equal to the length of shoreline frontage of the site as measured at right angles to the side site lines as extended into the Lake. The total length of the authorized dock use area shall not extend beyond 100 feet, even if the site has more than 100 feet of shoreline frontage, unless otherwise specifically provided in this Section.
- (b) Commercial Structures – August 30, 1978. The authorized dock use area for sites with commercial uses that have a commercial structure that was in existence on August 30, 1978 shall extend into the Lake a distance of 200 feet. The lakeward extension of the authorized dock use area more than 100 feet from the shoreline shall be limited to the distance from shore of the docks in existence on said date and that portion of said docks more than 100 feet from the shoreline may not be altered or expanded.
- (c) Qualified Commercial Uses. The authorized dock use area for qualified commercial marinas, qualified sailing school, and qualified yacht clubs extends into the Lake a distance of 200 feet.
- (d) Existing Site – February 5, 1970. The authorized dock use area for a site in existence on February 5, 1970 shall be determined as follows:
 - (1) Over 40 feet of Frontage. If the site has a Lake frontage of 40 feet or more, but less than 60 feet, the authorized dock use area extends into the Lake a distance of 60 feet.
 - (2) Under 40 feet of Frontage. If the site has a Lake frontage of less than 40 feet, the authorized dock use area extends into the Lake to the point necessary to reach a water depth of four feet, measured from 929.4 NGVD, except that no such dock shall be located or extended more than 60 feet into the Lake. Side setbacks requirements shall be observed unless the Board issues a setback variance under Section 6-5.01.

- (e) Public Safety Docks. The authorized dock use area for dock facilities owned and operated by state agencies, Hennepin County, the LMCD, or municipalities bordering on the Lake and used exclusively for law enforcement, public safety, or LMCD purposes extends into the Lake a distance of 125 feet.

Subd. 3. Width. The width of an authorized dock use area is determined in accordance with the provisions of this subdivision.

- (a) Setbacks. The width of an authorized dock use area is limited by the following setbacks, which are measured from the side site lines as extended in the Lake:

For that portion of the length of the authorized dock use area which extends from the shore:	The setback from the side site line as extended in the Lake shall be:
Zero to 50 feet	10 feet
50 to 100 feet	15 feet
100 to 200 feet	20 feet

Where boat slips open toward a side site line, the setback provided shall be at least equal to the slip depth, but shall not be less than 20 feet.

- (b) Setbacks Doubled. Setbacks shall be doubled for all multiple docks or mooring areas and commercial single docks on each side where such structures are not located adjacent to another multiple dock, mooring area, or commercial single docks.
- (1) Exception – May 3, 1978. Multiple docks, mooring areas, and commercial single docks in existence on May 3, 1978 shall be considered nonconforming structures and shall not be subject to setback doubling if such structures are not expanded. The reconfiguration of the structure pursuant to Article 2, Chapter 8 shall not be considered an expansion.
- (c) Sites with 50 feet of Width or Less – February 2, 1970. For a site in existence on February 2, 1970 with a width of 50 feet or less, the authorized dock use area may be expanded to a side setback limitation of five feet, provided that such setback in no way impair access to neighboring docks.
- (d) Canopies. Canopies must be setback from side site lines a minimum distance of 20 feet.

Section 2-4.05. General Density Rule.

Subd. 1. How Density is Determined. The number of restricted watercraft that may be stored at a site, which is referred to herein as restricted watercraft density, shall be determined in accordance with this Section and any applicable special density rules set out in Section 2-4.09. The restricted watercraft density for a site may be increased if a special density license is issued as provided in Section 2-4.11. For purposes of this Chapter, a site is considered to be used for mooring or docking more than the permitted number of restricted watercraft if a greater number of restricted watercraft than are allowed by this Chapter are moored, docked, anchored, or secured at the site,

Application for Variance at 135 Mound Ave, Tonka Bay

LMCD Board Meeting

October 26, 2022

for any period of time, on three or more calendar days in any 14-day period.

Subd. 2. General Density Rule. A site is allowed one restricted watercraft density for each 50 feet of continuous shoreline. If the site has continuous shoreline greater than 100 feet and the shoreline measurement would result in the allowance of a fractional restricted watercraft density any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be counted as one additional restricted watercraft density.

Subd. 3. Compliance with Density. No docks or mooring areas shall be constructed, established or maintained that provide space for, or are used for, mooring or docking a greater number of restricted watercraft than is allowed under this Section unless authorized to do so by special density license issued in accordance with Sections 2-4.11 and 6-2.13.

Section 2-4.09. Special Density Rules.

The number of restricted watercraft stored at a site under the general density rules may be increased as provided in this Section. With respect to residential sites, the homestead or non-homestead status of property for ad valorem real estate tax purposes has no bearing on or application to this Section.

Subd. 1. Additional Watercraft Density. Unless a greater number is authorized under this Section, up to four restricted watercraft may be moored or docked at a dock or mooring area located on any site if all of the conditions of this subdivision are met.

(a) There must be one, and no more than one, single-family residential structure on the site. If there is no residential structure on a site, any one off-lake lot, parcel, or other piece of property may be designated to be a part of one site by the owner for purposes of this subdivision if it:

(1) Is legally subdivided and recorded in the office of the County Recorder;

(2) Adjoins the site or is separated from the site only by a public right-of-way;

(3) Is under common ownership and unified use with the site; and

(4) Is occupied by one single-family residential structure.

(b) The dockage rights at the site are owned exclusively by the owners of the lot parcel or other piece of property on which the residential structure referred to in paragraph (a) of this subdivision is located.

(c) All of the restricted watercraft moored or docked at a dock or mooring at the site must be owned by and registered to persons who live in the one residential structure referred to in paragraph (a) of this subdivision.

Subd. 2. Sites in Existence on August 30, 1978. Unless a greater number is authorized by the provisions of this Section, up to two restricted watercraft may be moored or docked at any dock or mooring facility that is located on a site that was in existence on August 30, 1978.

Section 6-5.01. Variances.

Subd. 1. Authorized. Where practical difficulties occur or where necessary to provide access to persons with disabilities, the Board may permit a variance from the requirements of this Code or may require a variance from what is otherwise permitted by this Code, provided that such variance with whatever conditions are deemed necessary by the Board, does not adversely affect the purposes of this Code, the public health, safety, and welfare, and reasonable access to or use of the Lake by the public or riparian owners. Except as otherwise provided in this Code, all

Application for Variance at 135 Mound Ave, Tonka Bay

LMCD Board Meeting

October 26, 2022

variances granted by the LMCD shall be governed by the provisions of this Section.

Subd. 2. Unusual Configurations. Where the provisions of this Code would cause the authorized dock use area of two or more sites to overlap, or where there is any other unusual configuration of shoreline or extended lot lines, which causes a conflict between the owners of two or more adjacent or nearby sites as the use of the same area of the Lake for docks, mooring areas or other structures or for reasonable access thereto, the owner of any of the affected sites may apply to the Board for a variance. A variance may be to permit the Applicant to locate a dock, mooring area, or other structure in a location different from that permitted by this Code or to permit or require the owner of any adjacent or nearby site to do so.

Subd. 3. Length Variances. The length limitations prescribed by this Code may be adjusted to allow the construction and maintenance of a dock in the Lake to a water depth of five feet, measured from 929.4 NGVD, at the outer end of such dock to provide adequate water depth for navigation and to protect the environmental quality or natural habitat of the water adjacent to the dock.

Subd. 6. Criteria. The Board may grant a variance from the literal provisions of this Code in instances where the property owner can show practical difficulties exist by virtue of circumstances which are unique to the individual property or properties under consideration or to provide access to persons with disabilities. The Board may only grant a variance if the property owner is able to demonstrate that granting the variance will be in keeping with the spirit and intent of this Code, the plight of the property owner is due to circumstances unique to the property that were not created by the property owner, the proposed use is reasonable under the circumstances, and the variance, if granted, would not alter the essential character of the area. No variance may be granted to allow a use that is not permitted under this Code. The Board may impose conditions in the granting of variances to ensure compliance and to protect other riparian owners and users of the Lake. No variance for access for persons with disabilities shall be granted which allows or provides for the storage of a greater number of watercraft than otherwise would be permitted under this Code.

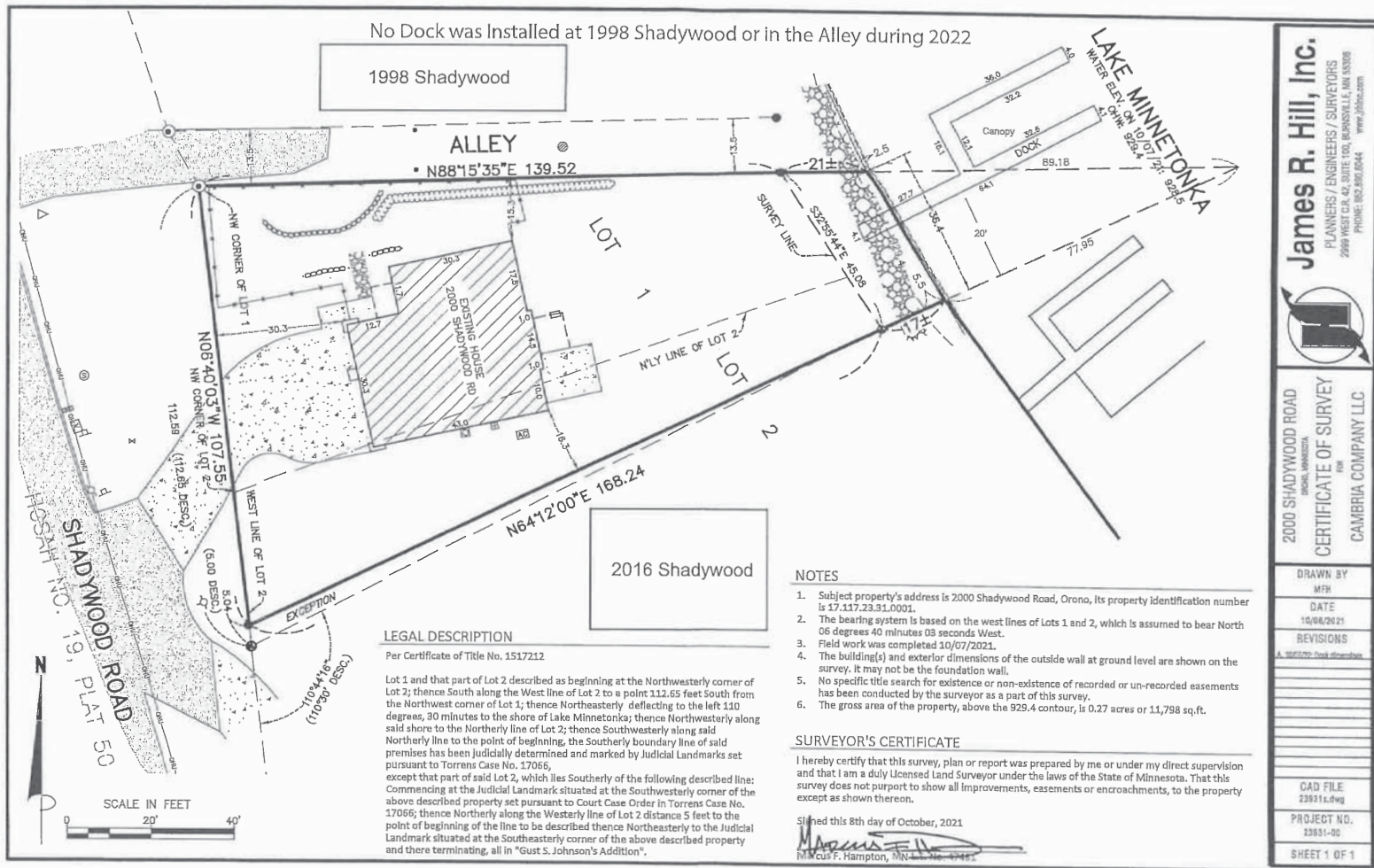
Variance Application for Adjusted Dock Use Area, Side Setbacks, Length

Property: 2000 Shadywood, Orono, 55391 (Applicant: Arie Tendler)

For illustrative purposes only. Source: Hennepin County Interactive Property Map, 11/21/2022



Proposed Facility Site Plan - 2000 Shadywood



2000 Shadywood Road, Orono | Variance Application

Aerial Overlay prepared to show proposal to adjust the dock use area, side setback, and length
illustrative purposes only



JAMES H. GILBERT
LAW GROUP P.L.L.C.

12700 ANDERSON LAKES PARKWAY
EDEN PRAIRIE, MINNESOTA 55344-7652
TELEPHONE (952) 767-0167 FACSIMILE (952) 767-0171
WWW.JGILBERTLAWGROUP.COM

E-mail address:
NMVold@lawgilbert.com

October 6, 2022

Mr. Tom Tully
Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364

Re: 2000 Shadywood Road

Dear Mr. Tully:

Enclosed please find the variance application and \$500 application fee for the above-referenced property. We will also provide a copy via email.

Please contact our office with any questions.

Sincerely,

JAMES H. GILBERT LAW GROUP, PLLC



Nancy M. Vold
Senior Legal Assistant

Enclosures



VARIANCE APPLICATION

LAKE MINNETONKA CONSERVATION DISTRICT

For LMCD use:
Fee Amount: _____ Check # _____ Date Received: _____

1. CONTACT INFORMATION

Applicant: Arie Tendler Title (Owner, Authorized Agent, etc.): Occupant and Authorized Agent
Address: 2000 Shadywood - PID 17-117-23-31-0001
City, State, Zip: Orono MN, 55391
Phone: 818-606-7440 Email: arik.tendler@cambriausa.com
Property Owner (if different from applicant): Cambria Company LLC
Relationship to Property Owner: Chief Sales Officer
Address: 805 Enterprise Dr. E., STE H
City, State, Zip: BELLE PLAINE, MN 56011
Phone: 818-606-7440 Email: arik.tendler@cambriausa.com

2. PROPERTY INFORMATION

Site Address: 2000 Shadywood Rd, Orono, MN 55391
Abutting Lakeshore Property Owners (Name and Mailing Address)
North or West: City of Orono, 2750 Kelley Parkway, Orono, MN 55356
South or East: John Hadley and Randi Chase
2016 Shadywood Rd, Orono, MN 55391
Other affected parties: Thomas Keller and Renee Keller
1998 Shadywood Rd, Orono, MN 55391

3. PROPOSED VARIANCE

Type of Variance: side setback (2-3.03, 3(a)), length (3-3.03, 2(a)), authorized dock use area (2-3.01, 2), canopy setback(2-3.03, 3(d)).
State practical difficulties causing the variance to be required: _____
The lot has 36 feet of shoreline and converging lot lines which intersect 78 feet from shore.

4. ATTACHMENTS

Documents listed below are required; check that they are attached:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Locator map, county plat map | <input checked="" type="checkbox"/> Proposed facility site plan with scaled drawing of docks on abutting and other affected dockage |
| <input checked="" type="checkbox"/> Certified Land Survey, Legal Description | <input checked="" type="checkbox"/> Names & mailing addresses of owners within a 350-foot radius of the property. (See note below.) |
| <input checked="" type="checkbox"/> Existing facility site plan | |

***Names & Mailing Addresses: The LMCD provides notice of a public hearing, which is published and mailed to owners within 350 feet of the subject property. The applicant is required to obtain mailing labels from Hennepin County for property owners within a 350-foot radius of the site. Labels are now available online by visiting <https://gis.hennepin.us/locatenotify/default.asp>. Set the buffer distance to 350 feet and print the "mail list," which includes both taxpayer and resident information. If the property is located in Carver County, contact the LMCD office for assistance.

Several of the required attachments can be combined into a single document. Absence of requested data may result in a processing delay or the application may be deemed incomplete.

5. FEES

Application Fee (Non-refundable)	\$250.00
Deposit (Refundable, upon full compliance with the Code and extent of administrative, inspection and legal service required.)	\$250.00
TOTAL FEE ENCLOSED (This fee is for processing of the application and does not entitle the applicant to a variance.)	\$500.00

I certify that the information provided herein and the attachments hereto are true and correct; I understand that any variance granted may be revoked by the District for violation of the LMCD code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the District in excess of the amount of the application fee. I consent to permitting officers and agents of the District to enter the premises at reasonable times to investigate and to determine whether or not the Code of the District is being complied with.

I agree to submit a certified, as-built survey upon completion of the docks.

Applicant's Signature:

Arie Tendler

Occupant / Cambria Chief Sales Officer

October 5, 2022

Name

Title

Date

Return to:

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364

Existing Facility Site Plan - 2000 Shadywood

No Dock was installed at 1998 Shadywood or in the Alley during 2022

1998 Shadywood

ALLEY

N88°15'35"E 139.52

LOT

EXISTING HOUSE

2000 SHADYWOOD RD

2016 Shadywood

LEGAL DESCRIPTION

Per Certificate of Title No. 2517212

Lot 1 and that part of Lot 2 described as beginning at the Northwest corner of Lot 2; thence South along the West line of Lot 2 to a point 112.55 feet South from the Northwest corner of Lot 2; thence Northwesterly, deflecting to the left 110 degrees, 30 minutes to the shore of Lake Minnetonka; thence Northwesterly along the shore to the Northern line of Lot 2; thence Southwesterly along said Northern line to the point of beginning, the Southern boundary line of said premises has been judicially determined and marked by Judicial Landmarks set pursuant to Case No. 217056, except that part of said lot which lies southerly of the following described line: Commencing at the Judicial 1, which lies southerly of the following described line: above described property are pursuant to Court Case No. 217056, then Northwesterly along the Western line of Lot 2; then Northwesterly to the point of beginning of the line to be described thence Northwesterly to the Judicial Landmark situated at the Southeast corner of the above described property and there terminating, all in (Court 5, Johnson's Addition).

2016 Shadywood

NOTES

1. Subject property's address is 2000 Shadywood Road, Cornio, its property identification number is 2517212/25170001.
2. The bearing system is based on the West line of Lots 1 and 2, which is assumed to bear North at the bearing 40 minutes 00 seconds West.
3. Field notes were completed 20/07/2022.
4. The building(s) and exterior dimensions of the outside wall at ground level are shown on the survey, it is not the responsibility of the surveyor to determine the foundation wall.
5. No specific title search has been conducted by the surveyor as part of this survey.
6. The gross area of the property, above the 2022/4 boundary, is 0.27 acres or 14,798 sq.ft.

SURVEYOR'S CERTIFICATE

I hereby certify that the survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota. That this survey does not purport to show all improvements, easements or encroachments to the property except as shown thereon.

Signed this 8th day of October, 2021

Michael F. Hampton, Minnesota License #7661

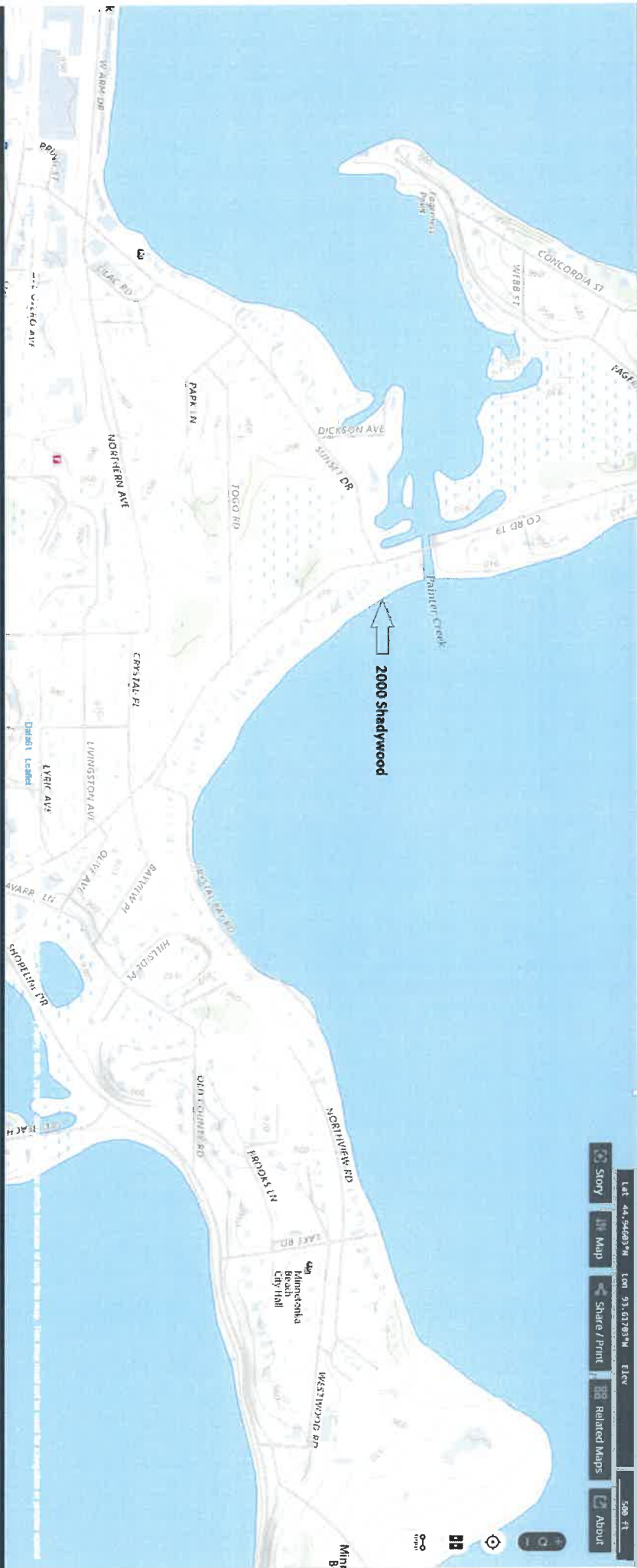
LAKE MINNETONKA
WATER ELEV. ON 10/07/2021: 928.5
CHM. 928.4

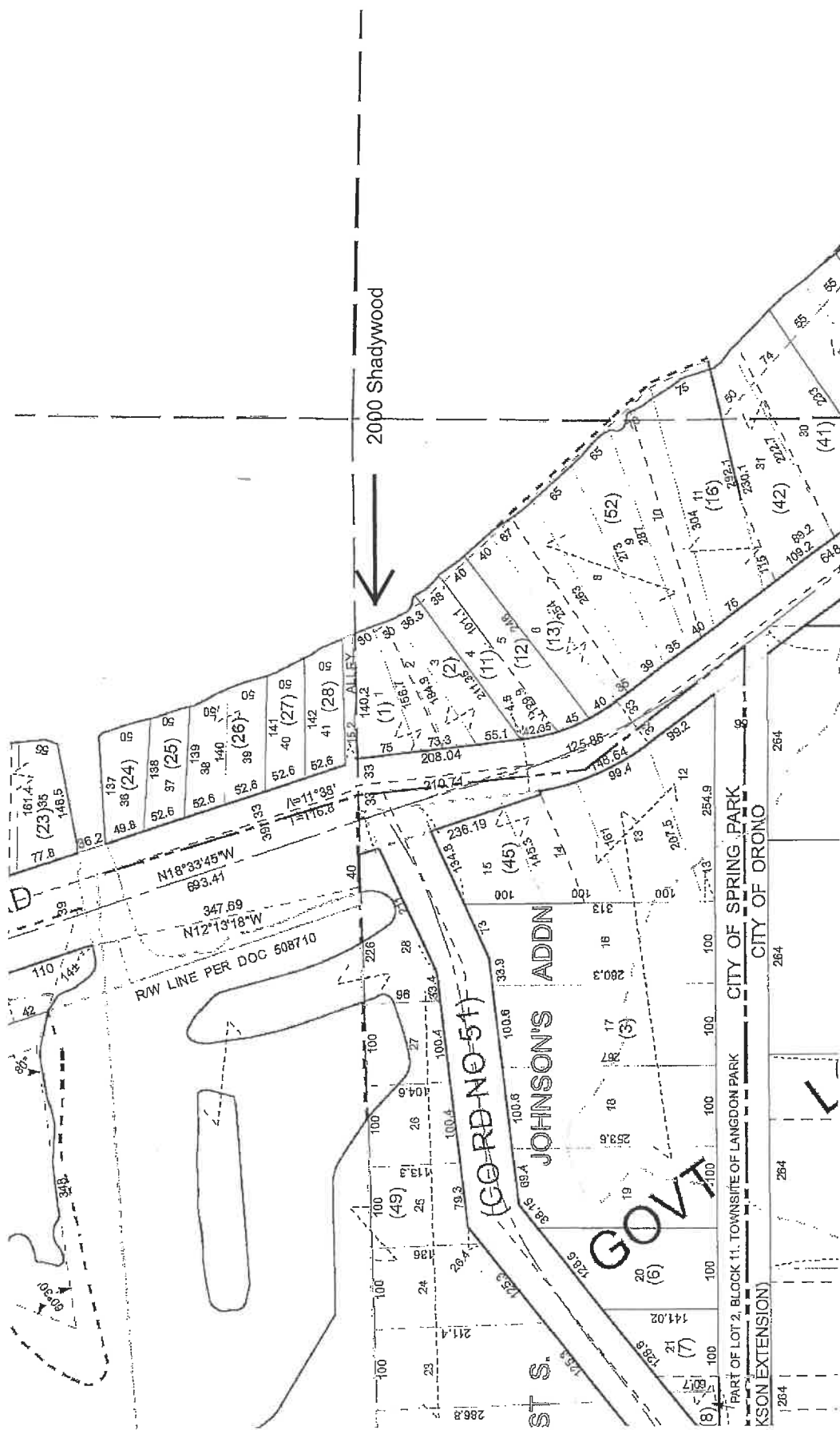
2000 SHADYWOOD ROAD
CORNIO, MINNESOTA
CERTIFICATE OF SURVEY
FOR
CAMBRIA COMPANY LLC



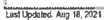
James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2888 WEST C.R. 42, SUITE 100, BURNSVILLE, MN 55305
PHONE 952.880.8044 www.jrhinc.com

DRAWN BY	MPH
DATE	10/08/2021
REVISIONS	
PROJECT NO.	28881-08
SHEET 1 OF 1	





SEC.16 T.117 R.23





Hennepin County Locate & Notify Map

Date: 10/4/2022



Buffer Size: 350

Map Comments:

0 50 100 200 Feet
|-----|-----|-----|-----|

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

For more information, contact Hennepin County GIS Office
300 6th Street South, Minneapolis, MN 55487 / gis.info@hennepin.us

RESTAURANTS NO LIMIT INC
3746 SUNSET DR
SPRING PARK MN 55384

SCOTT R PALMER
JAYNE R PALMER
2024 SHADYWOOD RD
WAYZATA MN 55391

KATHRYN H SCHAFFER
TIMOTHY G SCHAFFER
2060 SHADYWOOD RD
WAYZATA MN 55391

MSP HOLDINGS LLC
670 TONKAWA RD
ORONO MN 55356

CHRISTOPHER G WOLF
KIMBERLY S WOLF
2032 SHADYWOOD RD
WAYZATA MN 55391

BRIAN R PETERS
1978 SHADYWOOD RD
WAYZATA MN 55391

DAVID E BURDA
CYNTHIA J BURDA
19495 TOWERING OAKS TR
PRIOR LAKE MN 55372

DAVID CHARLES ZOSCHKE
JUDY KAY ZOSCHKE
2040 SHADYWOOD RD
WAYZATA MN 55391

NICHOLAS OLSON
1990 SHADYWOOD RD
WAYZATA MN 55391

MICHAEL MISCHÉ
1972 SHADYWOOD RD
WAYZATA MN 55391

CHRIS N CARLSON
5950 WESTBRANCH RD
MOUND MN 55364

THOMAS M KELLER
RENEE A KELLER
1998 SHADYWOOD RD
WAYZATA MN 55391

CAMBRIA COMPANY LLC
805 ENTERPRISE DR E STE H
BELLE PLAINE MN 56011

JOHN E HADLEY
RANDI J CHASE
2016 SHADYWOOD RD
WAYZATA MN 55391

**LAKE MINNETONKA
CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, December 14, 2022**

**ARIE TENDLER
2000 SHADYWOOD ROAD,
ORONO, MN 55391
CRYSTAL BAY,
LAKE MINNETONKA**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a variance application from Arie Tendler of 2000 Shadywood Road, Orono to adjust the residential site's dock use area. The applicant proposes to install a dock structure that would cross through the dock use area of an adjacent city alley to the north and encroaches into the dock use area of the residential property north of the city alley. The variance request includes adjustment to side setbacks and dock length. All interested persons will be given an opportunity to comment. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

The meeting will be held at Wayzata City Hall, 600 Rice Street E, Wayzata, MN 55391. Information about meeting location and meeting logistics will be available on the LMCD website, www.lmcd.org. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789

Published in the
Laker Pioneer
November 26, 2022
1274740

**LAKE MINNETONKA
CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, December 14, 2022**

**ARIE TENDLER
2000 SHADYWOOD ROAD,
ORONO, MN 55391
CRYSTAL BAY, LAKE
MINNETONKA**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a variance application from Arie Tendler of 2000 Shadywood Road, Orono to adjust the residential site's dock use area. The applicant proposes to install a dock structure that would cross through the dock use area of an adjacent city alley to the north and encroaches into the dock use area of the residential property north of the city alley. The variance request includes adjustment to side setbacks and dock length. All interested persons will be given an opportunity to comment. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

The meeting will be held at Wayzata City Hall, 600 Rice Street E, Wayzata, MN 55391. Information about meeting location and meeting logistics will be available on the LMCD website, www.lmcd.org. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789

Published in the
Sun Sailor
November 24, 2022
1274733



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: November 28, 2022

TO: Property Owner

FROM: Thomas Tully, Environmental Administrative Technician
Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice- Variance 2000 Shadywood Road, Orono, Crystal Bay

You are receiving this notice since Hennepin County property records indicate you own or reside upon property within 350 feet of a site being considered for a variance for an adjusted dock use area including side setback and length adjustments. The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the variance application. The site is located at 2000 Shadywood Rd. in Orono and has shoreline on Crystal Bay. The applicant is Arie Tendler of 2000 Shorewood, Orono, 55391. The property is owned by Cambria Company LLC.

The Applicant is proposing to adjust the residential site's dock use area. The applicant proposes to install a dock structure with canopy that would cross through the dock use area of an adjacent city alley to the north and encroach beyond the extended side site lines of the residential property north of the city alley. All interested persons will be given an opportunity to comment. An aerial image and proposed site plan are enclosed for your reference.

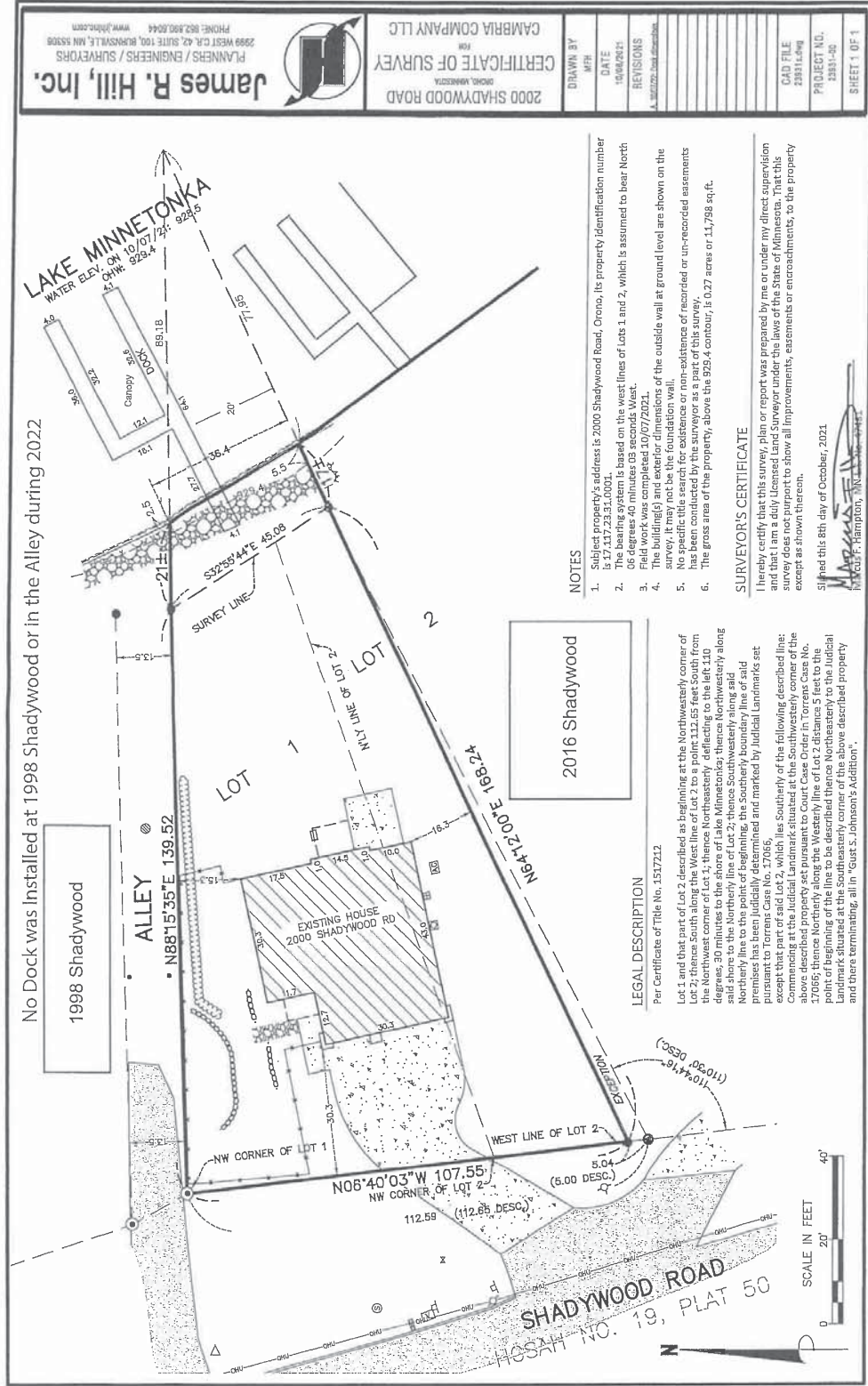
Public Hearing Information

A public hearing will be held at 7:00 PM, December 14, 2022. The items detailed above will be reviewed and considered for approval. All interested persons will be given an opportunity to comment. Alternatively, please submit comments in writing to the LMCD (address below) or by emailing staff at lmcd@lmcd.org.

Those desiring to participate in the hearing may also email the Executive Director at vschleuning@lmcd.org for information. The meeting place is Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. Information about meeting logistics will be available on the LMCD website, www.lmcd.org.

Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

Proposed Facility Site Plan - 2000 Shadywood



2000 Shadywood Road, Orono | Variance Application

Aerial Overlay prepared to show proposal to adjust the dock use area, side setback, and length
illustrative purposes only





CITY OF ORONO

Street Address:
2750 Kelley Parkway
Orono, MN 55356

Mailing Address:
P.O. Box 66
Crystal Bay, MN 55323

Telephone (952) 249-4600
Fax (952) 249-4616
www.ci.orono.mn.us

December 2, 2022

ATTN: Vickie Schleuning
Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200,
Mound, MN 55364

VIA EMAIL
vschleuning@lmcd.org

Re: Variance- 2000 Shadywood Road
PID: 17-117-23-31-0001

City Staff reviewed a proposed plan for a dock variance at 2000 Shadywood Road sent via email on November 28, 2022. The applicant, Arie Tendler, has proposed a non- permanent dock structure for 1 BSU and a 4.1 foot wide dock walkway. The proposed placement of the dock crosses the projected property lines of the city alley space.

Correy Farniok, Orono Police Chief, and Lt. Brent Cline, Hennepin County Water Patrol, stated they would not object to a seasonal dock during the boating season. It is important to keep the access fully open for snowmobile access in the winter. The City Alley may be needed for emergency access if the Coffee Channel does not freeze and emergency access to the area was needed.

The Alley is a dedicated lake access point based on the City's Comprehensive Plan. This space is use for drainage purposes and it is marked on land with posts to maintain accessibility. We recommend reviewing the placement of the proposed non-permanent dock. If at all possible the non- permanent dock should shift as far southward along the lakeshore to decrease the encroachment into the city alley space.

The City would strongly object to any permanent dock structure in the proposed location.

Based on the information provided in the public hearing notice, the city does not object to a non-permanent dock at 2000 Shadywood Road with the above comment regarding the location. Please feel free to contact me at 952.249.4626 or by email at loakden@ci.orono.mn.us if you have any questions on the above comments.

Sincerely,

CITY OF ORONO

Laura Oakden
Community Development Director

From: [Renee Keller](#)
To: [Vickie Schleuning](#); [LMCD](#); [Thomas Tully](#); [Renee Keller](#)
Subject: Fwd: Public Hearing Notice - Variance 2000 Shadywood Road, Orono, Crystal Bay
Date: Thursday, December 8, 2022 3:47:36 PM

Caution: External (keller1renee@gmail.com)

First-Time Sender [Details](#)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#), Powered by INKY

----- Forwarded message -----

From: Tom Keller <TK@mitgr.com>
Date: Tue, Dec 6, 2022 at 7:37 AM
Subject: Public Hearing Notice - Variance 2000 Shadywood Road, Orono, Crystal Bay
To: vschleuning@lmcd.org <vschleuning@lmcd.org>, lmcd@lmcd.org <lmcd@lmcd.org>, ttully@lmcd.org <ttully@lmcd.org>, Renee Keller <keller1renee@gmail.com>

Dear Tom and Vickie, LMCD Staff,

We are writing to you and the LMCD regarding the November 28, 2022, memo, (attached), Public Hearing Notice – Variance 2000 Shadywood Road, Orono, Crystal Bay. We live at 1998 Shadywood Road (neighbour to the North of Arie Tendler).

We will participate in the December 14, 2022, hearing, but want to send this email formally rejecting the proposed variance as it crosses thru adjacent city alley to the north and encroaches into our properties side site lines.

We purchased our home in July 2020 with the intention to put in our own dock. At that time, the dock installed at 2000 Shadywood Road was already encroaching the alley and our property lines. Rather than have Arie remove it, we came to a mutual agreement to share the dock. This shared dock concept has worked well for both our families. However, if Arie (or any future owner of the home) wishes to have their own dock then it must not encroach on our property lines or, in our opinion, the city alley. We do not have control over the alley as this is a City decision.

Below is our Cell# if you wish to discuss further before we see you December 14.

Thank you.

Tom and Renee Keller

[REDACTED]



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: December 14, 2022 (Prepared December 9, 2022)

TO: LMCD Board of Directors

FROM: Maisyn Reardan, Administrative Coordinator

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: Preliminary Carp Assessment Report 11/30/2022

ACTION

Board review of the 2022 Carp Assessment Surveys conducted in Harrisons, Jennings, and West Arm bays of Lake Minnetonka fall 2022.

BACKGROUND

Common Carp are one of the most widely introduced and invasive species of fish. Carp degrade water quality and destroy waterfowl habitat by rooting in the lake bottom while searching for food. In August 2022, the LMCD Board awarded funding to the Harrison Bay Association through the AIS Funding Program for a carp assessment in Harrisons, Jennings, and West Arm Bay. In September, Carp Solutions conducted three boat electrofishing surveys on Harrisons, Jennings, and West Arm bays of Lake Minnetonka. A representative from Harrison's Bay will be providing more details about the results of the assessment and the next step in the process.

The preliminary assessment report is attached. In summary, a total of 18 transects were conducted between September 15, 2022, and September 22, 2022. The results indicate overall high catch rates of carp in all three bays. Typically, the management threshold for carp populations is 100 kg/ha. Results collected from the surveys suggest that the carp populations in the three bays of Lake Minnetonka seem to exceed that threshold by 4 to 9 times. Totals ranged from 24.5 carp per hour in Harrisons to 40.7 carp per hour in Jennings and 46.8 carp per hour in West Arm. Carp were large and their mean weight ranged between 3.5 kg and 4.2 kg. Based on catch rates, total biomass density of carp in Harrisons was 436 kg/ha, 688.2 kg/ha in Jennings, and 928.6 kg/ha in West Arm.

BUDGET

N/A

STRATEGIC PRIORITIES

☐

Operational
Effectiveness

☐

Clear & Timely
Communications

☐

Effective
Governance

☒

Lake
Protection

☐

Other

ATTACHMENT

- 11/30/2022 Preliminary Carp Assessment Report



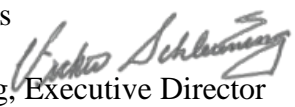
LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Continued to December 14, 2022 Board Meeting for review by Finance Committee

DATE November 9, 2022 (Prepared November 4, 2022)

TO: Board of Directors

FROM: Vickie Schleuning, Executive Director 

SUBJECT: 2023 LMCD Employee Compensation Adjustments

ACTION

Board consideration of annual base wage adjustments for employees.

The following motions are offered depending on whether the Board wishes to approve or deny the request.

Approval:

I make a motion to approve the annual base wage adjustments for employees in 2023 at a rate of 5.00 percent <or other percent>...

Denial:

I make a motion to deny the annual base wage adjustment for employees in 2023.

BACKGROUND

Per the Personnel Policy, employees of the Lake Minnetonka Conservation District (LMCD) are compensated as established by the Board of Directors. Appropriate compensation is important to ensure the organization is competitive with market conditions in the area. Typically, the rate adjustment has included the positions of administrative assistant, environmental administrative technician, administrative coordinator, and any seasonal staff.

Member cities were contacted to learn the annual base wage increases planned for employees in 2023. A comparison of annual base wage adjustments of member cities for 2023 is listed in the enclosed table. Please note that at the time of inquiry, some rates were preliminary and not yet approved or not available. According to the Bureau of Labor Statistics, the consumer price index for all urban consumers summary for the prior year 12 months ending September 2021 was 5.4% compared to 8.2% for this year's 12 months ending September 2022.

City Comparison of Annual Wage Adjustment

Summary of Received Responses

City	Wage Increase	Comments
Deephaven	5%	Proposing a 5% cost-of-living increase in 2023
Greenwood		
Woodland		
Excelsior		Not sure yet, it will depend on outcome of Union negotiations
Minnetonka	3%	Planning for a 3% general increase
Minnetonka Beach	8%	Proposing Step increases in addition to 8% cost of living/market rate adjustment to be more inline with market
Minnetrista	3%	Completed a compensation study earlier this year, but COLA adjustment is set at 3%
Mound	3%	Under a 2021-2023 Collective Bargaining Agreement that secured 3% per year over the life of the contract, so 3% across the board for Mound.
Orono	8.5%	Projecting 8-9% in 2023
Shorewood		
Spring Park	5%	Planning a 5% increase in 2023
Tonka Bay		
Victoria		
Wayzata	3%	3% COLA increase for 2023 and some positions will also receive a market increase, depending on the nature of the positions
Mean	4.81%	
Median	4%	

BUDGET _____

An annual wage adjustment is generally accounted for within the budget for personnel expenses. In 2022, a wage adjustment of 3.0% was implemented. Due to the timing of the LMCD budget process in spring, some budget information is not available such as forecasting price inflation. This wage adjustment is separate from market rate comparisons or pay equity studies conducted periodically by organizations.

STRATEGIC PRIORITIES _____

☐

Operational
Effectiveness

☐

Clear & Timely
Communications

☐

Effective
Governance

☐

Lake
Protection

☒

Other

RECOMMENDATION _____

It is recommended that base wages be adjusted 5.00 percent based on inflation and comparable rate increases of other local agencies.

ATTACHMENTS/SUPPLEMENTARY INFORMATION _____

- N/A



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: December 14, 2022 (Prepared December 9, 2022)

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: Recommendation and Appointment of Civil Attorney

ACTION

Board approval to enter into an agreement between the Lake Minnetonka Conservation District, a Minnesota political subdivision ("LMCD") and the law firm Ratwik, Roszak & Maloney, P.A. (RRM) for civil attorney legal services ("Attorney") effective December 19, 2022 and for 2023, with Joseph J. Langel of that firm serving as primary legal counsel.

BACKGROUND

After the prior law firm discontinued its services for the LMCD, the Board appointed a Selection Committee to solicit proposals from law firms experienced in municipal and water resources law to provide civil attorney legal services to the LMCD for the remaining part of 2022 and for 2023. A Request for Proposal (RFP) was posted from October 28, 2022 until November 23, 2022. The LMCD received one (1) proposal in response to the RFP.

On December 7, 2022, the Selection Committee interviewed Joseph J. Langel of Ratwik, Roszak & Maloney, P.A. Based on the interview, the selection committee is recommending appointment of the law firm Ratwik, Roszak & Maloney, P.A. as the LMCD Civil Attorney, with Joseph J. Langel of that firm serving as primary legal counsel. A copy of a draft agreement is attached, along with the submitted proposal.

STRATEGIC PRIORITIES

<input type="checkbox"/> Operational Effectiveness	<input type="checkbox"/> Clear & Timely Communications	<input checked="" type="checkbox"/> Effective Governance	<input type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
--	--	--	--	--------------------------------

ATTACHMENTS

1. Draft Agreement
2. Proposal

AGREEMENT FOR LEGAL SERVICES

This Agreement is entered into between the LAKE MINNETONKA CONSERVATION DISTRICT, a Minnesota political subdivision ("LMCD") and the law firm of RATWIK, ROSZAK & MALONEY, P.A. ("Attorney") effective as of the 19th day of December, 2022.

SECTION 1. Background.

1.01. *Findings.* The Board of Directors of the LMCD has determined that the firm of Ratwik, Roszak & Maloney, P.A. should be engaged as the LMCD civil attorney, with Joseph J. Langel of that firm serving as primary legal counsel for the LMCD.

SECTION 2. Terms and Conditions.

2.01. *Consideration.* In consideration of the mutual promises contained in this Agreement, the LMCD and the Attorney agree to the terms and conditions set forth herein.

2.02. *Attorney Appointment.* The LMCD appoints the firm of Ratwik, Roszak & Maloney, P.A. as the LMCD civil attorney, with Joseph J. Langel acting as primary legal counsel for the LMCD.

2.03. *Usual and Customary Legal Services.* The Attorney agrees to perform all usual and customary civil legal services for the LMCD in accordance with the terms of this Agreement, and at the direction of the LMCD or its authorized representative. Such services may include, but are not limited to, the following:

- a) Attend LMCD meetings and, as needed, committee and other meetings.
- b) Draft agreements, resolutions, correspondence, ordinances and other documents.
- c) Review LMCD agenda packets and minutes.
- d) Conduct meetings and/or telephone conversations with and advise LMCD and designated staff on general legal matters.
- e) Review and advise on documents.
- f) Represent the LMCD in employment related issues, hearings, and in litigation involving the same.
- g) Represent and advise the LMCD with respect to municipal employment matters including, but not limited to personnel policy, FLSA, FMLA, veteran's preference, and unemployment compensation.

- h) Render legal opinions on matters as requested by LMCD.
- i) Meet with the LMCD to review the status of legal matters before the LMCD.
- j) Defend the LMCD in litigation, except in those cases where insurance companies provide defense.
- k) Review bonds and insurance requirements required by or for LMCD contracts or activities.
- l) Advise and assist in matters regarding the Minnesota Data Practices Act.
- m) Perform other legal duties as assigned.

2.04. *Compensation for Legal Services.* For legal services, the LMCD agrees to compensate the Attorney at the following hourly rates for services indicated below:

- b) For all Shareholders: \$180.00/hr.
- c) For all Associates: \$170.00/hr.
- d) For all paralegals: \$130.00/hr.
- d) For all Legal Secretary: No Charge

2.05. *Compensation for Expenses.* The LMCD will compensate the Attorney for the following actual and necessary expenses incurred by the Attorney on behalf of the LMCD:

The firm will bill its out-of-pocket costs for such things as postage, long distance telephone calls, photocopying, filing fees and witness fees, and similar items.

Mileage:	IRS Rate
Westlaw or Lexis fees:	Actual cost charged
Other charges:	Actual cost charged

Monthly billing statements will provide detail for all fees and costs. Reimbursement will be made from time to time upon submission of appropriate invoices in a form approved by the LMCD.

2.06. *Billing Statements.* Billings by the Attorney to the LMCD for services will be on a monthly basis. The billing statement shall be of sufficient detail to adequately inform the LMCD concerning the tasks performed, the attorney or staff performing them, the time spent on each task and the nature and extent of costs and disbursements. The statement shall also contain a summary that shows the total time spent for each category and the total fees, charges and disbursements for each category.

2.07. *Term of Agreement.* The term of this Agreement shall be for 12 months and shall be automatically renewed for subsequent terms until terminated in accordance with Section 2.10. The hourly rates specified in this Agreement will remain in effect for the calendar year 2023, but then shall be subject to change by the Attorney no more than annually. Adjustments to hourly rates shall be submitted in writing and do not require a formal amendment to this Agreement.

2.08. *Primary Legal Counsel.* It is the intention of the parties and it is hereby agreed by the Attorney, that the term "primary legal counsel" as used herein means and refers to Joseph J. Langel who will, except in the case of extraordinary circumstances involving disability, unavoidable conflict or other good and substantial reasons, perform, supervise and be responsible to the LMCD for the legal services to be provided.

2.09. *Entire Agreement.* This Agreement, any attached exhibits and any addenda or amendments signed by the parties shall constitute the entire agreement between the LMCD and the Attorney, and supersedes any other written or oral agreements between the LMCD and the Attorney. This Agreement can only be modified in writing signed by the LMCD and the Attorney.

2.10. *Termination.* This Agreement may be terminated by the LMCD at any time or by the Attorney upon 60 days' written notice.

2.11. *Conflict of Interest.* The Attorney shall use best efforts to meet all professional obligations to avoid conflicts of interest and appearances of impropriety in representation of the LMCD. In the event of a conflict, the Attorney, with the consent of the LMCD, shall arrange for suitable alternative legal representation. It is the intent of the Attorney to refrain from handling legal matters for any other person or entity that may pose a conflict of interest.

2.12. *Agreement Not Assignable.* The rights and obligations created by this Agreement may not be assigned by either party.

2.13. *Agreement Not Exclusive.* The LMCD retains the right to hire other legal representation for specific legal matters.

2.14. *Independent Contractor Status.* All services provided by the Attorney pursuant to this Agreement shall be provided by the Attorney as an independent contractor and not as an employee of the LMCD for any purpose, including but not limited to, income tax withholding, workers' compensation, unemployment compensation, FICA taxes, liability for torts and eligibility for employee benefits.

2.15. *Work Products.* All records, information, materials and other work products prepared and developed in connection with the provision of services pursuant to this Agreement shall become the property of the LMCD.

2.16. *Insurance.* The Attorney shall maintain professional liability (malpractice) insurance in the minimum amount of \$2,000,000.

2.17. *Data Practices Act Compliance.* Data provided to the Attorney under this Agreement shall be administered in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

2.18. *Choices of Law and Venue.* This Agreement shall be governed by and construed in accordance with the laws of the state of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Minnesota, and all parties to this Agreement waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.

2.19. *Non-discrimination.* Attorney will comply with all applicable federal and state laws, rules and regulations related to civil and human rights and will not discriminate against any employee or applicant for employment because of race, creed, color, religion, ancestry, national origin, sex, affectional preference, disability or other handicap, age, marital status, or status with respect to public assistance.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly executed by their proper officers and representatives as of the day and year first above written.

LAKE MINNETONKA CONSERVATION DISTRICT

By: _____
Its Chair

By: _____
Its Secretary

RATWIK, ROSZAK & MALONEY, P.A.

By: _____
President

Joseph J. Langel
Direct Phone: (612) 225-6837
jjl@ratwiklaw.com



November 22, 2022

Vickie Schleuning
Executive Director
Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364

RE: *Proposal for Civil Attorney Legal Services*

Dear Ms. Schleuning:

Enclosed please find two copies of our firm's Proposal for Civil Attorney Legal Services, in response to the Lake Minnetonka Conservation District's Request for Proposals.

If there is any additional information you would like from our firm, please let me know. I look forward to hearing from you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J. J. Langel", is written over a light gray, textured background.

Joseph J. Langel

JJL/cws
Enclosures

RRM: 484213

Over 35 Years of Service



*Lake Minnetonka
Conservation District*

*Proposal for Civil Attorney Legal Services
November 23, 2022*

*Joseph J. Langel
jjl@ratwiklaw.com*

*444 Cedar Street, Suite 2100, Saint Paul, Minnesota 55101
Phone: (612) 339-0060 Facsimile: (612) 339-0038
www.ratwiklaw.com*

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EXECUTIVE SUMMARY

Ratwik, Roszak & Maloney, P.A., is pleased to present this proposal for providing civil attorney legal services to the Lake Minnetonka Conservation District (LMCD). As detailed below, we are a specialty law firm focused almost exclusively on municipal law. We represent over 100 cities, counties, school districts, joint powers entities and statutory entities throughout the State of Minnesota. The scope of work set forth in the Request for Proposals (RFP) lists legal services that we have been providing to our clients for many years. We have the experience necessary to professionally and efficiently represent the LMCD.

Joseph Langel would serve as the LMCD Attorney. Joe has practiced municipal law for over 25 years, representing cities, counties, and school districts. He is currently the appointed City Attorney for 11 cities. Joe routinely provides the legal services sought by the LMCD.

STATEMENT OF UNDERSTANDING

The Firm understands that the services to be provided are as set forth in the Scope of Work section of the RFP. Those services include, but are not limited to, the following:

- Attendance at all LMCD Board of Directors meetings, some Work Sessions, and other committee or staff-driven meetings, as requested.
- Draft and review ordinances, findings of fact and order, resolutions, agreements, contracts, forms, notices, and other documents, as requested.
- Review insurance requirements and performance and payment bonds, and review insurance requirements.
- Provide routine legal advice on a variety of issues, including:
 - o Zoning / Housing / Land Use / Subdivision
 - o Environmental law
 - o Open Meeting Law
 - o Government Data Practices Act
 - o Public Gift Law
 - o Conflict of Interest Law
- Facilitate annual training sessions for LMCD Board of Directors and staff on a variety of legal issues, as requested.
- Represent the LMCD in resolving claims or disputes against the LMCD in accordance with insurance policies and state law.

FIRM BACKGROUND AND CAPACITY

The firm was founded more than 35 years ago by Paul Ratwik, John Roszak and Patricia Maloney, each of whom already had extensive experience in municipal law.

Since its founding, the firm has expanded and built its practice on the strength of its attorneys and dedication to its public clients. From the beginning, Ratwik, Roszak & Maloney, P.A. focused its practice exclusively on local government law. We take pride in representing cities, counties, school districts, joint powers entities and statutory entities throughout Minnesota. Because of our reputation and expertise, the State of Minnesota also retains the firm for special investigations. The firm's focus is reflected in its billings, 99% of which are to government clients. That percentage has remained consistent for many years.

Our attorneys provide a full range of legal services and have expertise in all areas of law affecting public entities, including, but not limited to:

- Public sector labor and employment law
- Public contracting law
- Open Meeting Law and Data Practices Act
- Real estate acquisition (including the use of eminent domain)
- Ordinance drafting
- Code enforcement
- Environmental law
- Municipal litigation
- Contract drafting, including development agreements
- Zoning issues, including variances and conditional use permits

We currently have 15 attorneys (seven partners; eight associates) and three support staff. A brief description of the attorneys' practice areas is attached. All are experienced municipal law attorneys. There have been no malpractice claims, ethics complaints, or discipline imposed against our firm or the firm's attorneys in the last five years. The firm obtains malpractice insurance coverage in the amount of \$5,000,000 from Minnesota Lawyers Mutual (certificates of insurance attached). The firm is an equal opportunity employer.

Our office is in downtown Saint Paul, providing us with centralized access to our statewide clientele. We maintain a comprehensive municipal law library as well as access to Westlaw and other online research sources. We utilize Microsoft Word for document editing. The vast majority of our client communications, even with nearby clients, is by phone and e-mail. We maintain a state-of-the-art computer network and phone system that provides our attorneys with 24-hour access to voice mail, e-mail, and our entire document database and file system.

Timeliness of legal services is of great importance for all our clients. We discuss the timing of assignments with our clients when we receive them to ensure there are no

misunderstandings, and we work hard to meet our clients' expectations. Many issues can be handled almost immediately by phone. We have the capacity to provide reports and memos and other responses in reasonable time frames, subject to possible interruptions caused by trials, hearings and illness.

ATTORNEY QUALIFICATIONS

As indicated above, Joe Langel would serve as the LMCD Attorney. Joe graduated from Loras College, magna cum laude, with a B.A. degree in Political Science and Economics, earned an M.A. degree in International Relations from the University of Chicago, and earned his law degree, cum laude, from the University of Minnesota Law School. He was admitted to the Minnesota bar in 1994 (license number 249403). Following a year as a judicial law clerk at the Minnesota Court of Appeals, Joe joined Ratwik, Roszak & Maloney and has been practicing municipal law full time ever since. A senior shareholder with the firm, he is a member of the Minnesota State Bar Association, and is admitted to practice in Minnesota and Wisconsin, as well as the U.S. District Court for the District of Minnesota, and the Eighth Circuit Court of Appeals.

Virtually all of Joe's work relates to municipal law. Joe is the appointed City Attorney for the following cities: Blackduck, Brainerd, Breezy Point, Cass Lake, Clear Lake, Crosby, Deerwood, Fifty Lakes, Ironton, Isanti, and Jordan. The services provided to these cities is consistent with the scope of work sought by the LMCD, including ordinance drafting and enforcement, permit applications and disputes, development agreements, redevelopment, leases, contracts, bidding, and a variety of employment-related issues. Joe has also researched and litigated riparian issues on behalf of counties in zoning disputes.

The firm has ample backup to assist Joe. For example, Timothy Sullivan is a shareholder of the firm and has been with Ratwik, Roszak & Maloney, P.A. his entire career. He graduated from Winona State University, earning B.A. and B.S. degrees, magna cum laude, and graduated first in his class from Hamline University School of Law, earning a J.D., summa cum laude. He is admitted to practice in Minnesota, the U.S. District Court for the District of Minnesota, and the Eighth Circuit Court of Appeals. He is a member of the Minnesota State Bar Association and is currently the Board Liaison for the Governmental Liability Committee of the Minnesota Defense Lawyers Association. Throughout his career, Mr. Sullivan has almost exclusively represented public entities, primarily advising municipalities regarding municipal powers and duties, including Data Practices and the Minnesota Open Meeting Law. He has conducted numerous employment investigations and has substantial experience in labor and employment law matters, including discipline and discharge of public employees, interest arbitrations, grievance arbitrations, veterans' preference matters, employee leaves, performance improvement plans, drafting labor agreements, and union negotiations. Mr. Sullivan is the City Attorney for the City of Mayer, the primary Labor/Employment

Attorney for the City of Isanti and would be Joe's primary backup in the event Joe is not available.

City work will be coordinated through Joe Langel, who will be the primary point of contact for all legal areas except for labor and employment issues that are handled by Tim Sullivan. Joe will assign associates and staff as appropriate given the nature of the work. The firm's associate attorneys are each knowledgeable and experienced in municipal law, and may be assigned to review and draft contracts, research, and draft legal opinions, perform investigations and generally assist shareholders in representing the City. Shareholders monitor all work performed by associates to assure that high quality service is provided at the lowest practical cost.

In addition, our support staff is highly professional and experienced in providing assistance on municipal issues, as that has been the focus of our firm since it was founded. Staff will handle document assembly, scheduling, preparation of routine notices and similar tasks.

LMCD/ATTORNEY RELATIONSHIP

Joe Langel is available to provide the LMCD with a full range of legal services to meet its needs, as identified in the Request for Proposals for Legal Services. It is expected that most communications on a day-to-day basis will be with the LMCD staff by telephone or e-mail. Joe is available for the LMCD meetings as requested. Joe would supervise all ongoing issues and remain the primary contact even if some of the work is being handled by other attorneys in the firm. We strive to always have experienced municipal counsel available to respond to client inquiries.

We are well aware of our clients' need for timely legal advice and strive to respond to inquiries as quickly as possible. We typically respond the same day if possible, depending on the nature and complexity of the issue, any documents to be reviewed or drafted, etc. All litigation not otherwise covered by insurance is handled within the firm. Unless we are directed otherwise, the client is kept up to date on all litigation and receives a copy of all pleadings and correspondence. We also provide updates at closed Board meetings as requested.

As indicated above, the firm subscribes to Westlaw with its vast resources that bear upon both municipal law and riparian law. Because of our document management system, we also have access to the firm's collective work going back many years.

All of our municipal clients are invoiced monthly, usually within two weeks after the end of the month. We do not use summary invoices. All invoices are detailed by file

using daily entries, with hours billed in six-minute (.10/hour) intervals. Our invoicing can be customized by client.

REFERENCES

City of Brainerd
Jennifer Bergman, City Administrator
501 Laurel Street
Brainerd, MN 56401
(218) 828-2307
jbergman@ci.brainerd.mn.us

City of Crosby
Matthew Hill, City Administrator
2 Second Street SW
Crosby, MN 56441
(218) 546-5021
matthew.hill@cityofcrosby.com

Metropolitan Mosquito Control District
Arleen Schacht, Business Administrator
2099 University Avenue West
Saint Paul, MN 55104
(651) 645-9149
aschacht@mmcd.org

POTENTIAL CONFLICTS OF INTEREST

When new matters come into the office, the firm's attorneys consult one another and run a conflict check to assure no conflict of interest exists. A list of new matters is circulated weekly to all attorneys. In the event a potential conflict of interest may exist, we promptly notify each client or prospective client. If the firm reasonably believes that representation of one client will not adversely affect the relationship with the other client, we will undertake representation only if both clients consent. If we believe our representation of a client could be materially limited by our relationship with another client, we will not represent the client, but will assist the client in finding adequate representation. Our goal in identifying and resolving all conflicts is to maintain the loyalty present in all our client relationships.

The firm presently represents over 100 public entities consisting of cities, counties, school districts and joint powers entities. We are not aware of any party that the firm represents or has represented that would create a direct conflict of interest with our representation of the LMCD. The firm does not represent developers.

Joe Langel currently serves as City Attorney for Blackduck, Brainerd, Breezy Point, Cass Lake, Clear Lake, Crosby, Deerwood, Fifty Lakes, Ironton, Isanti, and Jordan. We are also City Attorney for the City of Mayer and provide labor and employment services for Eagan and Hastings.

Joe represents the following cities, with the following meeting dates and times:

BLACKDUCK	1st Monday at 6:00 p.m.
BRAINERD	1st and 3rd Monday at 7:30 p.m.
BREEZY POINT	1st Monday at 7:00 p.m.
CASS LAKE	2nd Wednesday at 6:00 p.m.
CLEAR LAKE	1st and 3rd Monday at 6:00 p.m.
CROSBY	2nd and 4th Monday at 6:00 p.m.
DEERWOOD	1st and 3rd Monday at 6:00 p.m.
FIFTY LAKES	2nd Tuesday at 7:00 p.m.
IRONTON	1st and 3rd Wednesday at 6:00 p.m.
ISANTI	1st and 3rd Tuesday at 7:00 p.m.
JORDAN	2nd and 4th Monday at 6:30 p.m.

ADDITIONAL INFORMATION - MUNICIPAL EXPERIENCE

General Municipal Laws

This is a broad category that encompasses many statutes and common law rules, including those addressing Council powers, parliamentary procedures, the public purpose doctrine, Joint Powers Act, bid law, Open Meeting Law, code enforcement, and so on. As city attorneys, we handle these issues on a daily basis. We have rendered opinions on these issues dozens of times and routinely give speeches on many of them. Because we specialize in municipal law, we are very familiar with these matters and can often respond to questions without needing to spend a substantial amount of time researching.

Development Issues

We have drafted and negotiated many development and escrow agreements, routinely review plats and related title work, and generally assist City staff with any questions arising out of the development process. This includes developing a “standardized” development agreement that staff can use to facilitate the development process. We have represented cities in zoning requests and appeals, including providing general counsel on interpreting zoning ordinances and suggesting revisions. Mr. Langel has undertaken a number of eminent domain actions over the years, including through the hearing process and appeal, and is experienced in both annexation and detachment proceedings, as well as drafting orderly annexation agreements. Chapter 429 assessment issues are common. Mr. Langel routinely advises cities on the process, including retaining appropriate appraisers, and represents cities through contested hearings and appeals.

Economic Development

Mr. Langel routinely assists cities with buying and selling land (purchase agreements, title work, drafting deeds, clearing title, etc.), drafting business subsidy agreements and development agreements (as mentioned above), drafting easements (right-of-way, utility, trail, encroachment, etc.), and enforcing agreements and easements on behalf of cities. Mr. Langel also assists cities with grant applications as well as other documents required by other levels of government (State, USDA, IRRR, etc.).

Ordinances

We routinely draft, review and revise city ordinances of all kinds, and will assist in the codification process. Interpreting, providing advice on, and enforcing city codes are tasks undertaken by the firm on a daily basis. We routinely draft letters to residents on code issues, obtain administrative search warrants, undertake the statutory hazardous structure procedure to remove dangerous buildings, and assist with nuisance abatement. We also assist with enforcement of rental maintenance codes and zoning codes, including through the administrative hearing process.

Government Data Practices

This firm frequently fields questions under the Minnesota Government Data Practices Act and has given numerous speeches and presentations on the statute and its application. We also draft requests for opinions from the Department of Administration when requested, assist with data requests, and defend cities from claims that they violated the MGDPA. We have considerable depth of experience in this area.

Contract Law

This is a broad term, as it includes all kinds of contracts, such as construction contracts (AIA, EJCDC and custom), purchase and development agreements (discussed above), non-real estate purchase agreements, collective bargaining agreements, etc. A common contract issue concerns the application and interpretation of the bid law. Mr. Langel is routinely sought for his expertise in this area and is a frequent presenter on the topic.

Franchise / Utility Law

Mr. Langel has negotiated multiple cable and utility franchise agreements for several cities. Mr. Langel is also general counsel for the Brainerd Public Utility Commission (water, sewer and electric utilities) and represented it in a franchise fee dispute. Mr. Langel has also represented cities in disputes with utility users over utility fees, connection requirements and debt collection.

Municipal Leases

Mr. Langel has drafted, reviewed, and negotiated dozens of leases for various government entities, both as landlord and lessee. Mr. Langel drafted a boilerplate lease for a city to use with its numerous properties and routinely assists cities with landlord/tenant issues, including lease violations and non-payment.

Trial / Litigation

As municipal attorneys, we have handled numerous litigation matters for our clients in state and federal court. We have represented our municipal clients in contract, condemnation, code enforcement, assessment appeals, land use appeals, annexation and other litigation. For example, Mr. Langel and Christian Shafer prevailed at the Court of Appeals on two landmark special assessment cases involving over \$1 million in assessments for interstate interchange improvements. Mr. Langel also recently represented Brainerd in a contract claim lawsuit brought by a utility contractor and is currently representing a county on a sewer utility contract claim. We also represent cities when court orders are needed for demolition of hazardous buildings, administrative search warrants, nuisance abatement and collections. This list does not include various forms of administrative actions (e.g., cartway hearing, interest arbitration, grievance arbitrations, DHR charges, etc.) that our firm regularly handles.

Labor and Employment Law

This firm has an extensive history in labor and employment law, handling such issues on a daily basis for dozens of governmental entities statewide. We have performed hundreds of employment investigations, negotiated hundreds of millions of dollars' worth of collective bargaining agreements, and represented the government in hundreds of employment discipline matters and labor grievances. We are experts in state and federal public sector labor and employment law, representing cities, counties, school districts and joint powers entities all across Minnesota.

Negotiation Experience

As referenced above, negotiations are commonly part of acquiring land (whether in fee or by easement), drafting contracts, settling contract disputes, and as part of the contested case process (whether that is litigation, arbitration or mediation), regardless of the subject matter (e.g., labor negotiations, employment disputes, land issues, eminent domain, annexation, construction disputes, etc.). The firm's attorneys are comfortable performing whatever negotiations our clients request, and we do so on a regular basis.

COMPENSATION

Our billing is for actual time incurred in 1/10 hour (6 minute) increments. We propose the following hourly rates:

Shareholders	\$180.00/hr.
Associates	\$170.00/hr.
Paralegal	\$130.00/hr.
Legal Secretary	No Charge

Overhead costs are billed separately. Out-of-pocket costs (e.g., filing fees, service fees, depositions, etc.) are billed at cost, without surcharges. Mileage will be billed at the current rate set by the IRS. There are no charges for photocopies, faxes or word processing.

Our firm issues detailed monthly billing statements including itemized dates of service, identification of attorney and any support personnel providing services, actual time spent for services, detailed description of the service provided, fees for the service provided, and all associated costs and expenses related to the service provided. Billing statements are also organized by project.

It is our practice to not charge new clients for the cost of initially familiarizing ourselves with pending issues when we assume the role of an entity's attorney. We will meet with staff and discuss all current issues and projects at no cost to the LMCD.

Thank you for providing the opportunity to submit this Proposal. We look forward to hearing from you.

Respectfully submitted,

RATWIK, ROSZAK & MALONEY, P.A.

By: 
Joseph J. Langel

RATWIK, ROSZAK & MALONEY, P.A.
ATTORNEYS' RÉSUMÉS

ANN R. GOERING

Education:

William Mitchell College of Law, J.D., *cum laude*, 1990
Hamline University, B.A., 1985

Legal Career:

Shareholder, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice and Experience:

Labor and employment law, including employment litigation and arbitration, investigations, defense of harassment and discrimination claims, negotiation and administration of collective bargaining agreements; employee discipline and discharge; general school law; federal and state court civil litigation; data privacy and open meeting law.

JOSEPH J. LANGE

Education:

University of Minnesota Law School, J.D., *cum laude*, 1994
University of Chicago, M.A., 1988
Loras College, B.A., *magna cum laude*, 1987

Legal Career:

Shareholder, Ratwik, Roszak & Maloney, P.A.
Minnesota Court of Appeals, Judicial Law Clerk for Judge Thomas Kalitowski, 1994-95

Primary Areas of Practice and Experience:

General civil litigation (including construction litigation), general municipal and public contracting laws, planning and zoning, condemnation and real estate.

MARGARET A. SKELTON

Education:

William Mitchell College of Law, J.D., *cum laude*, 1993
University of Wisconsin, B.A., *with honors*, 1989

Legal Career:

Shareholder, Ratwik, Roszak & Maloney, P.A.
Assistant City Attorney, City of St. Paul
Attorney, Torres Law Offices

Primary Areas of Practice and Experience:

Civil litigation, labor and employment law, including labor negotiations, discrimination, harassment, constitutional torts, discipline, termination and arbitration.

JENNIFER K. EARLEY

Education:

William Mitchell College of Law, J.D., 1995
Winona State University, B.A., *cum laude*, 1989

Legal Career:

Shareholder, Ratwik, Roszak & Maloney, P.A.
Shareholder, Knutson, Flynn & Deans, P.A.

Primary Areas of Practice and Experience:

Civil litigation, labor and employment law, including labor negotiations, discrimination, harassment, constitutional torts, discipline, termination and arbitration.

ERIN E. BENSON

Education:

William Mitchell College of Law, J.D., *cum laude*, 2006
University of Minnesota, B.A., 2002

Legal Career:

Shareholder, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice and Experience:

General municipal law, litigation, school law, and labor and employment law, employment investigations, data privacy and open meeting law.

LAURA TUBBS BOOTH

Education:

Hamline University School of Law, J.D., *cum laude*, 1987

Michigan State University, B.A., 1981

Legal Career:

Partner, Ratwik, Roszak & Maloney, P.A.

Founder and Managing Partner, Booth Law, LLC

Partner, Rider Bennett, LLP

Primary Areas of Practice & Experience:

Special education law, school law, litigation, employment law, and appellate advocacy.

CHRISTIAN R. SHAFER

Education:

University of Minnesota Law School, J.D., *magna cum laude*, 2007

University of Michigan, B.A., 2004

Legal Career:

Shareholder, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice and Experience:

General municipal law, litigation, school law, special education, and labor and employment law.

TIMOTHY A. SULLIVAN

Education:

Hamline University School of Law., *summa cum laude*, 2010

Winona State University, B.A. 2006; B.S. *magna cum laude*, 2007

Legal Career:

Shareholder, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice & Experience:

General municipal law, litigation, school law, and labor and employment law.

ELIZABETH M. MESKE

Education:

William Mitchell College of Law, J.D., *cum laude*, 2015

University of Minnesota, B.A., *cum laude*, 2011

Legal Career:

Attorney, Ratwik, Roszak & Maloney, P.A.

Attorney, Knutson, Flynn & Deans, P.A.

Primary Areas of Practice & Experience:

General municipal law, school law, and labor and employment law.

FRANK E. LANGAN

Education:

University of St. Thomas School of Law, J.D., *summa cum laude*, 2017

Pomona College, B.A., 2011

Legal Career:

Attorney, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice & Experience:

General municipal law, litigation, school law, and labor and employment law.

ADAM J. FRUDDEN

Education:

University of Minnesota Law School, J.D., *cum laude*, 2018

Oakland University, M.A.T., 2014

Denison University, B.A., 2012

Legal Career:

Attorney, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice & Experience:

General municipal law, litigation, special education, school law, and labor and employment law.

JORDAN H. SODERLIND

Education:

William Mitchell College of Law, J.D., magna *cum laude*, 2014
St. Olaf College, B.A., 2010

Legal Career:

Attorney, Ratwik, Roszak & Maloney, P.A.
Attorney, Anderson, Larson, Saunders, Klaassen & Dahlager, PLLP

Primary Areas of Practice & Experience:

General municipal law, litigation, school law, and labor and employment law.

ANNA R. SCHWINGLER

Education:

University of St. Thomas School of Law, J.D., *cum laude*, 2020
Gustavus Adolphus College, B.A., 2015

Legal Career:

Attorney, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice & Experience:

General municipal law, school law, and labor and employment law.

KAYLYNN A. JOHNSON

Education:

Mitchell Hamline School of Law, J.D., *cum laude*, 2020
University of Wisconsin-Madison, B.A., 2017

Legal Career:

Counsel, Berger Montague PC
Attorney, Vogel, Gorman & Lodermeier, PLC
Attorney, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice & Experience:

General municipal law, school law, and labor and employment law.

MARY M. HAASL

Education:

University of Minnesota Law School, J.D., *cum laude*, 2022

University College Dublin, M.Sc., 2017

St. Olaf College, B.A., *magna cum laude*, 2016

Legal Career:

Attorney, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice & Experience:

General municipal law, school law, and labor and employment law.



MINNESOTA LAWYERS MUTUAL

INSURANCE COMPANY

CERTIFICATE OF INSURANCE

ISSUE DATE 11/17/22

333 South Seventh Street
Suite 2200
Minneapolis, MN 55402
612-341-4530 or 800-422-1370
FAX 800-305-1510

THIS CERTIFICATE OF INSURANCE IS FOR INFORMATIONAL PURPOSES ONLY. THIS CERTIFICATE OF INSURANCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND, OR ALTER THE COVERAGE AFFORDED BY THE INSURANCE POLICY(IES)

Named Insured	Company Providing Coverage
Ratwik, Roszak & Maloney, P.A. 444 Cedar St. Suite 2100 St. Paul, MN 55101	Minnesota Lawyers Mutual Insurance Co. 333 South Seventh Street Suite 2200 Minneapolis, MN 55402

Type of Insurance	Policy Number	Policy Period	Limits of Liability
Lawyers Professional Liability	48219 4	1/5/2022 to 1/5/2023	\$5,000,000 per claim \$5,000,000 aggregate

Special Items

Certificate Holder	Cancellation
Lake Minnetonka Conservation District 5341 Maywood Road, Suite 200 Mound, MN 55364	IF ANY OF THE POLICIES LISTED ABOVE ARE CANCELLED PRIOR TO THE POLICY EXPIRATION DATE, MINNESOTA LAWYERS MUTUAL INS. CO. WILL ENDEAVOR TO PROVIDE THE CERTIFICATE HOLDER WITH WRITTEN NOTICE WITHIN 30 DAYS, BUT FAILURE TO PROVIDE SUCH NOTICE WILL NOT IMPOSE LIABILITY OF ANY KIND UPON MINNESOTA LAWYERS MUTUAL INS. CO., ITS AGENTS OR REPRESENTATIVES.

Jennifer Shaw

Authorized Representative



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/16/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency LLC 6160 Golden Hills Drive Minneapolis MN 55146	CONTACT NAME: PHONE (A/C, No, Ext): 763-746-8000 (SBU Dept) E-MAIL ADDRESS: selectcerts@marshmma.com	FAX (A/C, No):
INSURED Ratwik Roszak & Maloney PA 444 Cedar St, Ste 2100 St Paul MN 55044	INSURER(S) AFFORDING COVERAGE INSURER A: Travelers Property Casualty Co. of Amer INSURER B: Charter Oak Fire Insurance Company INSURER C: Travelers Casualty and Surety Company INSURER D: Travelers Property Casualty Co of Amer INSURER E: INSURER F:	NAIC # 36161 25615 19038 25674

COVERAGES**CERTIFICATE NUMBER:** 1842855057**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			680386D3628	12/18/2021	12/18/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			BA386D3770	12/18/2021	12/18/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
D	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$ 5,000			CUP973H2726	12/18/2021	12/18/2022	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N <input type="checkbox"/>	N / A	UB7J640635	12/18/2021	12/18/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Property			680386D3628	12/18/2021	12/18/2022	Contents 623,794

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Certificate Holder is hereby provided evidence of coverage.

CERTIFICATE HOLDER**CANCELLATION**

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound MN 55364

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ACORD 25 (2016/03)

The ACORD name and logo are registered marks of ACORD

THIS CERTIFICATE SUPERSEDES PREVIOUSLY ISSUED CERTIFICATE

Exhibit A

LMCD

Vickie Schleuning, Executive Director
5341 Maywood Road, Suite 200
Mound, MN 55364

REQUEST FOR PROPOSAL CIVIL ATTORNEY LEGAL SERVICES

CONSENT FOR RELEASE OF RESPONSE DATA

Joseph J. Langel, on behalf of

Ratwik, Roszak & Maloney, P.A.

, hereby consents to the release of its proposal in response to the Request for Proposals for Civil Attorney Legal Services and waives any claims it may have under Minnesota Statutes Section 13.08 against the LMCD for making such information public. The foregoing consent and waiver does not extend to financial statements, if any, submitted under separate confidential cover. Such information provided under separate cover may be public data but will be treated by the LMCD consistent with Minnesota Statutes Chapter 13.

Joseph J. Langel

Digitally signed by Joseph J. Langel
DN: C=US, O="Ratwik, Roszak & Maloney, P.A.", CN=Joseph J.
Langel, E=jll@ratwiklaw.com
Reason: I am the author of this document
Location: St. Paul, MN
Date: 2022.11.22 15:42:02-06'00'
Foxit PDF Editor Version: 11.2.2

Signature

Joseph J. Langel

Printed Name

President

Title

11/22/2022

Date



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: December 14, 2022 (Prepared December 9, 2022)

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director, on behalf of LMCD Chair Gregg Thomas

SUBJECT: Update Status of Executive Director Recruitment

ACTION _____

Update regarding the status of the Executive Director recruitment and for the Board to provide input.

BACKGROUND _____

On November 30, 2022, the Executive Director submitted a notice of resignation and retirement from this position. A timeline for recruitment of a new Executive Director has been established in the attached timetable, along with the updated job announcement and description.

STRATEGIC PRIORITIES _____

<input type="checkbox"/> Operational Effectiveness	<input type="checkbox"/> Clear & Timely Communications	<input checked="" type="checkbox"/> Effective Governance	<input type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
--	--	--	--	--------------------------------

ATTACHMENTS _____

1. Executive Director Timetable 2022
2. LMCD Executive Director Position Announcement 2022
3. LMCD Executive Director Position Description 2022



Timetable
Executive Director Search
2022

December 7, 2022 – Officer workgroup discussion and review of draft timeline, position profile and announcement, selection of Search Workgroup

December 9- Begin recruitment and announce/post position (1)

December 14 - Board update and approval to hire interim Executive Director

January 9, 2023 – Deadline for applications

January 10-11 – Search workgroup review of applications, screen applications (2)

January 11 – Board meeting progress report

January 11-18 – credential and reference checks

January 18 – Search workgroup selects finalists for interview

January 23 and 24 – Search workgroup interviews candidates (2)

January 25 –Board meeting progress report and authorization to extend offer

January 26- Extend offer to Executive Director

February 1, 2023, or as soon as possible - Start of new Executive Director

(1) Search Committee and staff to send announcement with each of the 14 member cities, League of Minnesota Cities, Iowa, Wisconsin, Dakotas, Watershed Districts, Lake Associations, DNR, water regulatory organizations, and others.

(2) Search Committee and any interested Board members



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • PH: (952) 745-0789

Lake Minnetonka Conservation District Executive Director Job Posting Salary Range \$70,000 - \$105,000 DOQ

The Lake Minnetonka Conservation District (LMCD) is seeking a progressive, forward-thinking leader with excellent communication skills and high energy to be the next Executive Director. The Executive Director reports to the LMCD Board of Directors and serves as the chief administrative/operating officer for the LMCD. This position is responsible for planning, organizing, coordinating and evaluating the daily operations and functions of the LMCD in accordance with LMCD code of ordinances, resolutions, and directives from the Board. Qualified candidates should possess a solid educational background and related experience and a demonstrated ability to solve complex problems and leading teams.

The LMCD is a regional governmental agency created under State enabling legislation in 1967. The LMCD is governed by a Board of Directors composed of one member appointed by the City Councils of the 14 cities surrounding Lake Minnetonka. The original responsibilities of the LMCD were to regulate the use of the Lake and to develop a comprehensive plan to eliminate pollution. The LMCD's mission is to preserve and enhance the Lake Minnetonka Experience. Our vision recognizes that Lake Minnetonka is a highly valued year-round asset with vibrant aesthetic, recreational, commercial, and natural qualities. These qualities and values will be protected and preserved for present and future generations. More information about LMCD and a full position description can be found on the website www.lmcd.org.

TO APPLY:

Please submit resume, cover letter and 3 references ATTN: Ann Hoelscher, LMCD Board Vice Chair as follows:

- 1) email to lmcd@lmcd.org or
- 2) mail to LMCD Office, 5341 Maywood Rd, Suite 200, Mound, MN 55364 or
- 3) in person to LMCD office during regular business hours M-F, 8am-4:30pm.

TIMELINE:

January 9, 2023– Deadline for Applications

January 18, 2023 – Search workgroup Selects Finalists for interview

January 23 and 24, 2023 – Search Workgroup Interviews Finalists

February 1, 2023, or as soon as possible – New Executive Director Starts

An Equal Opportunity Employer



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • PH: (952) 745-0789

Lake Minnetonka Conservation District Seeking Executive Director

The Lake Minnetonka Conservation District (LMCD) is seeking a progressive, forward-thinking leader with excellent communication skills and high energy to be the next Executive Director.

ABOUT THE LMCD:

The LMCD is a regional governmental agency created under State enabling legislation in 1967. The LMCD is governed by a Board of Directors composed of one member appointed by the City Councils of the 14 cities surrounding Lake Minnetonka. The original responsibilities of the LMCD were to regulate the use of the Lake and to develop a comprehensive plan to eliminate pollution. The LMCD's mission is to preserve and enhance the Lake Minnetonka Experience. Our vision recognizes that Lake Minnetonka is a highly valued year-round asset with vibrant aesthetic, recreational, commercial, and natural qualities. These qualities and values will be protected and preserved for present and future generations. More information about LMCD can be found on the website www.lmcd.org.

POSITION SUMMARY:

The Executive Director is appointed by the LMCD Board of Directors, reports to the LMCD Board of Directors and serves as the chief administrative/operating officer for the LMCD. This position is responsible for planning, organizing, coordinating and evaluating the daily operations and functions of the LMCD in accordance with LMCD code of ordinances, resolutions, and directives from the Board of Directors.

ESSENTIAL FUNCTIONS OF THE POSITION:

- A. **Plans and directs the general administration of LMCD services (25%).** Coordinates the evaluation and processing of annual renewal and new applications permitted by LMCD Code; plans, develops, and makes recommendations to the LMCD Board on administrative policies, rules, regulations, and procedures; implements, interprets, and applies Board of Director actions, directives, and policies; and ensures that public services are efficiently provided and that all public complaints and inquiries are effectively handled; and provides support to current strategic committee initiatives.
- B. **Provides effective support to the LMCD Board of Directors (20%).** Facilitates regular and special LMCD Board meetings and communicates in a timely manner to affected Board members on issues that might impact the city that they represent.
- C. **Establishes and maintains public/community/media relations (20%).** Establishes and maintains a communications plan that is inclusive of stakeholder engagement, marketing and branding of the agency and media relations. Utilizes and maximizes a variety of

technologies and media channels. Assesses and keeps up-to-date publication pieces including the LMCD newsletter, annual report and press releases.

- D. **Oversees the LMCD financial and fiscal policies (10%).** Supervises and works with the LMCD Treasurer to create the LMCD annual budget; oversees all fund management and investment activities; participates in the annual independent audit; and is responsible for all LMCD disbursements (payroll, accounts payable, etc.).
- E. **Serves as Liaison with LMCD member cities and other stakeholders (10%).** Seeks out current information on Lake Minnetonka related issues by cooperating with the 14 LMCD member cities and other stakeholders on matters of mutual interest; represents the LMCD in local, regional, and state meetings, and in community group functions, as requested by the LMCD Board of Directors; and stays knowledgeable of laws, rules, and regulations applicable to the LMCD. The Executive Director should be interested in moving the Board toward best management practices for the Lake's recreational and environmental needs.
- F. **Oversees LMCD human resource management (10%).** Supervises and reviews all LMCD employees (full-time, part-time, and seasonal) utilizing the adopted LMCD Personnel Policy; recommends necessary changes to the adopted LMCD Personnel Policy; recommends appropriate staffing levels; supervises and manages all LMCD independent contractors.
- G. **Oversees standing LMCD committees (5%).**

*Percentages are estimates only

PROFESSIONAL LEADERSHIP CHARACTERISTICS:

The Executive Director needs to be a thoughtful and collaborative leader who is personable, progressive and an excellent communicator. The Executive Director needs to be involved in the community and seek to bring people together to foster partnerships within and across stakeholder groups.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES:

The Executive Director should possess strong leadership and management skills with a history of community engagement. Areas of strong emphasis and/or desirable experience include:

- A bachelor's degree or comparable experience in public administration, urban studies, business administration, or closely related field. A master's degree in one of these fields is desirable.
- At least five years of public sector experience in one of these fields, including supervisory experience.
- General knowledge of computer operations and ability to use computer programs including MS Office.
- Skilled in communication, facilitation, conflict management, and mediation.
- Ability to establish working relationships with elected officials, LMCD Board members, other public officials, LMCD licensees, and residents.
- Knowledge of organizational management skills, with the skill and ability to apply to

public sector organizations.

- Sound leadership skills, including coaching, counseling, mentoring, and making the workplace enjoyable.
- Experience in budget preparation and presentation.
- Management functions such as performance evaluation, staff development, and team building.

SALARY RANGE: \$70,000 - \$105,000, depending on qualifications

TIMELINE:

January 9, 2023– Deadline for Applications

January 18, 2023 – Search workgroup Selects Finalists for interview

January 23 and 24, 2023 – Search Workgroup Interviews Finalists

February 1, 2023, or as soon as possible – New Executive Director Starts

TO APPLY:

Please submit resume, cover letter and 3 references ATTN: Ann Hoelscher, LMCD Board Vice Chair as follows:

- 1) email to lmcd@lmcd.org or
- 2) mail to LMCD Office, 5341 Maywood Rd, Suite 200, Mound, MN 55364 or
- 3) in person to LMCD office during regular business hours M-F, 8am-4:30pm.

QUESTIONS: Contact Ann Hoelscher at ahoelscher@lmcd.org.

An Equal Opportunity Employer

COMMUNICATIONS COMMITTEE MINUTES

LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

September 13, 2022

8:30 AM, LMCD Office

1. CALL TO ORDER

The meeting called to order at 8:30 a.m.

2. ROLL CALL

Members Present: Ann Hoelscher, Mike Kirkwood, Dennis Klohs, Vickie Schleuning

Members Absent: Dan Baasen

3. CHAIR ANNOUNCEMENTS

4. APPROVAL OF MINUTES

08/09/2022 LMCD Communications Committee Meeting Minutes - approved

5. TOPICS DRIVEN FROM STRATEGIC INITIATIVES

A) Identify and utilize most effect outlets to convey public information about safety, rules, and best practices

- a. Goff Update – give update to Board, Goff making staff more efficient
 - i. Wake Process Communication – press release/Board update/ new ordinance
 - ii. Newsletter Template (Fall/Spring) including Winter/Summer Rules (QR Code) Committee to review content/meet before spring/fall newsletter – time sensitive
 - iii. Constant Contact monthly or bimonthly email updates – Goff to set up
 - iv. Monthly meeting with Vickie
- b. Website – nothing now
- c. Videos/Social Media
 - i. LMCC test video – distance buoys and signage (fall)
 - ii. Instagram/LinkedIn – hold off
- d. Other? – none

B) Continue to develop relationships with and regularly update cities, legislators, agencies, and other regarding LMCD initiatives – nothing now

C) Continue to refine feedback mechanisms for stakeholder and partner initiatives

- a. Summer outing – September 28 at 4:30 – 6:30 pm Al & Almas (Excelsior pick up) – spouses are invited, require RSVP

D) Communications Committee to set priorities and initiatives and develop recommendation to Board for annual budget (2022 - \$25,000/2023 - \$20,000) – get current update

- a. Review and update 2023 Strategic Initiatives/Budget

6. OTHER BUSINESS

A) Secretary for next meeting – Mike Kirkwood

7. ADJOURNMENT

The meeting was adjourned at 9:40 a.m.

Respectfully Submitted,

Dennis Klohs

LMCD Communications Committee Secretary



FINANCE COMMITTEE MEETING MINUTES

LAKE MINNETONKA CONSERVATION DISTRICT

Thursday, June 2, 2022

3 p.m., In Person,

Lafayette Club

- 1. CALL TO ORDER:** 6:40pm
- 2. ROLL CALL:** Rich Anderson, Bill Cook Denny Newell, Nicole Stone, and Vickie Schleuning
- 3. CHAIR ANNOUNCEMENTS** - none
- 4. ELECTION OF CHAIRMAN**
 - A) Bill Cook nominated Rich Anderson; Denny seconded. Rich Anderson will be Finance Chairman this coming year
- 5. APPROVAL OF MINUTES** (05/24/2022 LMCD Finance Committee Meeting): approved
- 6. COMMITTEE STRATEGIC INITIATIVES**
 - A) 2023 Budget Discussion
 - With input from Vickie, the proposed budget for 2023 was finalized
 - Reserve fund spend-down to 35% was discussed and agreed to, again
 - Rich to present budget to LMCD at the upcoming Board meeting 06/08/2022
- 7. OTHER BUSINESS:** none
- 8. ADJOURNMENT:** 4:30pm

Respectfully submitted

Denny Newell, secretary

OPERATIONS COMMITTEE MINUTES

LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

6pm, October 26, 2022

Wayzata City Hall

1. CALL TO ORDER

Chair Zorn called the meeting to order at 6:05 p.m.

2. ROLL CALL

Members Present: Deborah Zorn, Ann Hoelscher, Rich Anderson, and Gregg Thomas

Also, Present: Gabriel Jabbour, Mike Kirkwood, Bill Cook

Members Absent: None

3. CHAIR ANNOUNCEMENTS

4. APPROVAL OF MINUTES

Committee approved minutes from 04/27/2022

5. AGENDA

A) Draft Multiple Dock Renewal Letter

- Vickie requested addendum/clarification to Renewal letter. Rickie suggested including language that confirms qualified commercial marina status based on 2015/2016 licenses. Committee discussed options to clarify. Committee suggested adding a paragraph explaining QCM criteria. Vickie and Zorn will prepare a draft by Friday and request feedback.

B) RFP Draft Letter & Materials for Civil Litigation Services

- Committee discussed RFP. Richie raised issue of conflict of interest. Applicant firms will be required to disclose potential conflicts. Issue is on main board agenda

C) Kennedy & Graven Legal Services Boxes

- Committee discussed necessity of obtaining files. Cost is \$500. Committee decided we will not request the files.

D) Other

- Deborah will step down as chair. Thomas is leaving board and offered to step down from committee. Richie suggested adding Gabriel and Bill to Operations Committee. Zorn suggested requesting replacements for Chase and Thomas at tonight's meeting.

6. OTHER BUSINESS

None

7. ADJOURNMENT

The meeting was adjourned at 6:53 p.m.

Respectfully Submitted,

Ann Hoelscher

LMCD Operations Committee Secretary