

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS
7:00 P.M., July 13, 2016
Wayzata City Hall**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Jay Green, Mound; Gregg Thomas, Tonka Bay; Gary Hughes, Spring Park; Gabriel Jabbour, Orono; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; Bret Niccum, Minnetrista; Gregg Prest, Excelsior; Rob Roy, Greenwood; Sue Shuff, Minnetonka. Also present: Jim Brimeyer, Interim Executive Director; Emily Herman, Administrative Assistant; and Troy Gilchrist, LMCD Legal Counsel.

Members absent: Dan Baasen, Wayzata; Ann Hoelscher, Victoria; Chris Jewett, Deephaven; Deborah Zorn, Shorewood

4. APPROVAL OF AGENDA

MOTION: Thomas moved, Roy seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Green asked members of the Board to use their microphones when speaking for the minute taker watching the video.

6. APPROVAL OF MINUTES- 6/8/16 LMCD Regular Board Meeting
6/22/16 LMCD Regular Board Meeting

MOTION: Prest moved, Hughes seconded to approve the 6/8/16 LMCD Regular Board Meeting minutes as submitted.

VOTE: Motion carried unanimously.

MOTION: Thomas moved, Shuff seconded to approve the 6/22/16 LMCD Regular Board Meeting minutes as submitted.

VOTE: Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Roy moved, Niccum seconded to approve the consent agenda as presented. Items so approved

included: **7A)** Audit of Vouchers (7/1/16 – 7/15/16); and **7B)** Approval of Recording Secretary Agreement with Timesaver Off Site Secretarial, Inc., for minute taking for the period of July 1, 2016 through October 1, 2016.

VOTE: Motion carried unanimously.

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

There were no public comments.

9. PUBLIC HEARING

A) Jerry Martin, side setback and adjusted dock use area variance application at 10 Crabapple Lane on Gideon Bay.

Herman provided the following overview of this agenda item via a PowerPoint presentation:

- The 1984 approved variance established the dock use area for both 10 and 20 Crabapple Lane. 10 Crabapple Lane has a dock use area approved for a 24-foot-long dock and a five-foot setback. 20 Crabapple Lane has since amended the variance to provide for a permanent new dock placement.
- Applicant is requesting: 1) 47.7 foot by four-foot-long dock; 2) A northerly adjusted dock use area (up to 17 degrees); and 3) A proposed deck over the 929.4 foot shoreline.
- Applicant would remain in compliance with watercraft density storage.
- Relevant LMCD Code Sections included an overview of Variance (Section 1.07), Authorized Dock Use Area (Section 2.01), and Shoreline Requirements (2.02, Subd.2 and 3).
- Public comments were received from the City of Tonka Bay and Minnesota DNR. City proposed Encroaching Agreement and the proposed deck is pending further consideration by both.
- It is undecided if proposed dock will be seasonal or permanent and the proposed deck would meet LMCD Code.
- Staff recommended the Board direct Gilchrist to draft Findings of Fact and Order for approval subject to the following conditions: 1) Restrict future use of a canopy; 2) All appropriate permits obtained prior to placement; 3) LMCD receive an update and as built survey; 4) Variance filed with the Office of the County Recorder. The variance is not for density, but further restrictions could be considered.

Jabbour questioned if there is enough water depth to support the boats as he did not want to create a dredging permit.

Green invited the applicant to address the Board.

Mr. Jerry Martin, 10 Crabapple Lane, Tonka Bay, thanked everyone involved with this application. He stated there is currently a 34-foot boat in the water. There is erosion on his property and if this application is approved he will redesign the area in order to prevent runoff from the road.

Thomas asked if the deck will be on both land and water and if it is compliant with the code. Herman stated the proposed deck is extending over the 929.4 foot shoreline. She further stated that the deck would be in compliance with LMCD Code as long as the extended portion is not greater than eight feet in both directions. Martin stated the dimensions are eight feet by eight feet and he will need a variance from Tonka Bay to meet the side setbacks.

Jabbour commented there are too many requirements requested of applicants and the Board should consider revising them; referencing the condition of an as-built survey. Brimeyer stated the survey is an important aspect to staff's determination of current and future compliance.

Green inquired about the wetland to the north, the vegetation that needs to be cleared out, and if the area will need to be dredged. Martin stated there is not a lot of vegetation and he will work with the Watershed District and the DNR. This work cannot be done until this application is approved.

Green opened the public hearing at 7:22 p.m. No comments were offered and the public hearing was closed at 7:23 p.m.

MOTION: Jabbour moved, Niccum seconded to direct Gilchrist to draft Finding of Fact and Order approving Jerry Martin side setback and adjusted dock use area variance at 10 Crabapple Lane, subject to staff's recommendations outlined within the PowerPoint presentation.

Thomas commented the City of Tonka Bay supports what Mr. Martin is proposing, as long as he signs the encroachment agreement.

Herman asked if there was any restriction on the density, size, and placement of the watercraft. Jabbour stated his motion does not include any restrictions.

VOTE: Motion carried unanimously.

B) Lord Estate, Laurence Opfer, and Russell Fischer, side setback and watercraft density variance application on PID#'s 331723110079, 3311723110080, 3311723120078, and 3311723120079 on Gideon Bay.

Brimeyer stated the applicant has requested this agenda item be tabled to a future meeting date undetermined. The applicants signed an extension to the 60 Day Rule. The reason for the extension request is so the applicant can attempt to reconfigure his dock to eliminate the proposed side setback portion of the variance request.

Gilchrist stated a formal motion is not required, only a consensus of the Board based on this being the applicant's request. It was the consensus of the Board to table the public hearing.

10. OTHER BUSINESS

A) Adoption of Strategic Plan Vision, Mission and Guiding Principles.

Brimeyer directed the Board to a suggested guide as a way to proceed with the Strategic Plan. This included adoption of the below Mission and Vision statement and additional discussion with the six Strategic Principles:

Vision Statement

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.

Mission Statement

The mission of the Lake Minnetonka Conservation District is to preserve and enhance the "Lake Minnetonka experience." This is accomplished by providing leadership in protecting, improving, and managing lake use.

Green stated it will take time to get the information together, but will be important to have this document in place during the interview process for the new director.

MOTION: Thomas moved, Hughes seconded to adopt the above Vision and Mission statements.

VOTE: Motion carried unanimously.

Green stated he would like to get a working group together to get the process moving. Members that expressed an interest via the raise of hands included Jabbour, Klohs, and Prest. It was recommended that Brimeyer also solicit Zorn and Jewett's interest who were absent at this meeting.

Klohs thanked Brimeyer for his work and articulation on what needs to be done.

B) Update from Executive Director Search Workgroup - Resume review, criteria to evaluate applications, review process, selection of finalists, interview schedule.

Hughes reported 21 applications have been received and are being reviewed. Board members can set up a time to review the applications in the office before July 22.

11. UPDATE FROM STANDING LMCD COMMITTEES

Green reported the Watershed District and University of Minnesota AIS Research Center will be conducting veliger testing in Robinson's Bay. The next AIS committee meeting will be August 12th at 8:30 a.m.

Jabbour commented the University will be in the marina gathering data from boats.

Green stated there have been some issues with one of the harvesters. He provided an update as to the areas harvested to date.

12. INTERIM EXECUTIVE DIRECTOR UPDATE

Brimeyer directed the Board to the July 4th Water Patrol Summary:

Boating While Intoxicated (BWI) citations:	14
Underage citations:	50
Boat and Water Safety citations:	42
Procuring alcohol for minors:	2
False information to police officer:	1

In addition, the DNR and Three Rivers Park District issued six BWIs, eight minor consumptions, and 42 boat and water safety citations.

Brimeyer reported citations were up from last year and it was very effective to have the dock available by the Arcola Bridge for law enforcement.

Green stated he spent some time with water patrol on the lake and encouraged others to do so.

Jabbour thanked everyone involved to make the emergency access dock available; law enforcement and many other agencies named. Additionally, he thanked everyone who helped clean up garbage after the holiday weekend.

Klohs stated the budget for food, water, and supplies for the workers is too small. Green suggested the LMCD or another agency could help out with that.

13. OLD BUSINESS

Jabbour inquired about the nuisance ordinance and stated he has received a lot of communication in this regard. Gilchrist advised he will have a draft of an ordinance for review at the next meeting, as well as recommended changes to the liquor and beer ordinance.

Prest reminded the Board of his request to review the LMCD April 1, 1987 District Mooring Policy and Criteria. Brimeyer stated it will be on the July 27th.

14. NEW BUSINESS

There was no new business.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:11 p.m.

James Jay Green, Chair

Gregory J. Thomas, Secretary