

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., May 23, 2018  
Wayzata City Hall

**WORK SESSION**

**6:05 p.m. to 6:55 p.m.**

**Members present:** Jay Green, Mound; Gregg Thomas, Tonka Bay; Dennis Klohs, Minnetonka Beach; Bill Cook, Greenwood; Chris Rich, Woodland; Gary Hughes, Spring Park; Mike Molitor, Minnetrista; and Sue Shuff, Minnetonka.

Also present: Vickie Schleuning, Executive Director; Troy Gilchrist, LMCD Legal Counsel; and Matthew Cook, Environmental Administrative Technician.

**Members absent:** Jake Walesch, Deephaven; Deborah Zorn, Shorewood; Dan Baasen, Wayzata; Ann Hoelscher, Victoria; Mark Kroll, Orono; and Andrew Punch, Excelsior.

1. Lake Use Vision and Policy Discussion – Evaluating Easements, Leases, and Property Conditions.

Schleuning stated that as part of the Board Training initiative of the LMCD Strategic Plan, staff would review the interaction of easements for lakeshore and boating access with the LMCD Code.

Schleuning said that some homeowners, seeking to utilize the high value of lakeshore property, elect to grant an easement to a landlocked neighbor. She noted that the LMCD Code does not recognize easements directly.

Schleuning explained that LMCD Code treats each property as its own site, without any heed paid to whether or not an easement exists on the site. She stated that for both a property with an easement and a property without an easement, setbacks, dock length, boat density, and all other typical shoreline-related allowances are not treated differently by the Code. However, the site may be affected by the use of an easement since some sections of the code refer to ownership-related items. Schleuning noted some property owners, if they don't reduce the number of boats they store on site by the number of boats their easement holder will store on site, end up exceeding their maximum boat density. She further explained that while some homeowners enjoy the allowance of up to four (4) restricted watercraft to be stored on their site so long as they own all the boats, they cannot simply grant one (1) of the four (4) watercraft to an easement holder, then continue to store three (3) watercraft on the lake. Schleuning noted that because one of the boats on site is owned by someone other than the lakeshore resident, the maximum density for the site would be affected such as two (2) restricted watercraft (assuming the site existed on or before 08/30/1978), or one (1) restricted watercraft per 50 feet of shoreline, whichever is greater.

Schleuning said that some property owners grant docking easements in setback areas.

Gilchrist summarized a court decision regarding one such case, where the judge decided that the easement holder could not be forced by the easement-granting property owner to locate their dock within a setback area, as that would be in violation of LMCD Code. He said that the judge ordered that the easement holder be allowed to place a dock, as included in the easement, outside of the easement area,

closer to the interior of the property on which the easement was located, thereby adhering to site setbacks. Gilchrist noted that this court decision does not constitute a law.

Green stated that, regarding boat storage density, he does not believe the LMCD Code currently permits residential lakeshore owners to store up to four (4) restricted watercraft, regardless of ownership, if they have 200 feet, or more, of shoreline. He stated that two (2) watercraft would be the maximum number allowed if all boats were not allowed on the property.

Klohs concurred with Green. Klohs inquired as to how city-owned fire lanes interacted with these density and ownership requirements.

Gilchrist stated that, because of a law change, fire lanes and other public right-of-way areas are treated as easements, rather than a fee title holding of land by a public body.

Schleuning inquired as to whether the Board felt any potential changes to the Code that may address the use of easements to grant lake access ought to be discussed.

Molitor stated that writing code for such a topic would be difficult. He stated that he believed that the Board and Executive Director can use their discretion to continue to interpret such instances as they arise. Molitor underscored that the LMCD should not be writing code to help people make money.

Schleuning reviewed an informal proposal from an existing multiple dock license holder to rearrange existing BSUs on an existing structure within existing setbacks. She stated that she planned to review a formal proposal for administrative approval or denial once the license holder applied for a minor change. The Board agreed with that interpretation and the promotion of safety.

## **REGULAR SESSION**

**7:00 p.m.**

### **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; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; Chris Rich, Woodland; Sue Shuff, Minnetonka; Deborah Zorn, Shorewood; and Dan Baasen, Wayzata. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

**Members absent:** Mark Kroll, Orono; Andrew Punch, Excelsior; and Jake Walesch, Deephaven.

**4. APPROVAL OF AGENDA**

**MOTION:** Hughes moved, Shuff seconded to approve the agenda as submitted.

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

There were no Chair announcements.

**6. APPROVAL OF MINUTES-** 05/09/2018 LMCD Regular Board Meeting

Schleuning noted there was one change to the Minutes to include the attendance of Director Rich.

**MOTION:** Shuff moved, Rich seconded to approve the 05/09/2018 LMCD Regular Board Meeting minutes as amended.

**VOTE:** Ayes (7), Abstained (2, Molitor and Hoelscher); motion carried.

**7. APPROVAL OF CONSENT AGENDA**

**MOTION:** Thomas moved, Cook seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (05/16/2018 – 05/31/2018); **7B)** Renewal Amendment to Office Lease Agreement.

**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)** 5th Street Ventures, LLC New Multiple Dock License Application to Add Transient Use, ports of call, and Miscellaneous Storage at the Qualified Commercial Marina, Located within Seton Lake at 4681 Shoreline Drive in Spring Park.

Schleuning stated Josh Leddy, of Back Channel Brewing, has submitted an application on behalf of Mr. Joel Bottenhoff, of 5th Street Ventures, LLC ("applicant") for the multiple dock facility located at 4681, 4665, and 4695 Shoreline Drive in Spring Park. Back Channel Brewing Collective is managing the marina. The applicant

proposes reclassifying 4 of the existing 29 boat storage units (BSUs) for transient use. Currently, all 29 BSUs on the site are classified for overnight storage. The applicant is also proposing to operate as a port of call. Further, additional storage is requested to allow transient use of the dock section on the southeastern side next to the wetland.

She noted this was a Qualified Commercial Marina multiple dock facility located on Seton Lake in the City of Spring Park. The other side of the channel is located in the City of Mound. The facility has been considered a legal, conforming facility for density purposes (1:49 boat density with 29 BSUs and 1,421 feet of shoreline). According to LMCD Code, the classification change from overnight storage to transient use requires a new license and public hearing.

She indicated the proposal includes the following items:

- Boat Density. No change to the number of BSUs is proposed. The existing 29 BSUs with 1,421 feet of continuous 929.4 ft OHW shoreline provides a BSU density of 1:49.
- Classification. Currently, the 29 BSUs on the site are all classified for overnight storage. The applicant proposes changing the classification of 4 BSUs (#26-29) to transient use, totaling 25 overnight storage BSUs and 4 transient use BSUs.
- Use. The land use is intended to remain as a commercial use.
- Setbacks. No change to existing setbacks is proposed.

She stated in compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Spring Park were provided copies of the proposed applications, with comments due in the LMCD office by May 13, 2018. To date, staff has received feedback from the City of Spring Park which granted a municipal certificate stating the port of call would meet zoning requirements. No other agency comments were received.

She indicated as of May 18, 2018, the following general public inquiries have been received regarding this application: One nearby resident comment was received stating they oppose the port of call since her family has had negative experiences with the behavior of the customers. The company comes through the channel already several times a day with intoxicated people. She fears it would be a "disaster." One person stated she supported transient at this location since she used to go to All Stars. One person stated they opposed the transient since this is a very busy channel and the marina is so close to the channel.

She noted the public hearing notice was published in the May 10, 2018 edition of the Lakeshore Weekly News and posted on the LMCD Bulletin Board. In addition, the Board packet was posted on the LMCD website, and Facebook and Twitter accounts.

She summarized the relevant Code sections and what the LMCD should consider. She stated staff was concerned about the high traffic in the channel and with the existing proposal there was no limit on the increase of traffic. She also stated staff was concerned about last year's violations and the unknown of the

full impact of the boat storage units as well as how it would be managed. She indicated staff does not recommend approval of the multiple dock license application as proposed.

Thomas asked if there was anything in the Ordinances regarding stand-up paddleboards. Schleuning responded they had restricted watercraft and unrestricted watercraft. She stated paddleboards were considered unrestricted, but if they were stored on the lake then they became part of the boat density.

Thomas asked if someone put their paddleboard on shore, then it did not count as part of the boat density. Schleuning responded that was correct, but each City had their own rules about storage on land.

Klohs asked if one Paddle Tap boat is being built and one already exists. Schleuning replied that is correct. She explained that Paddle Tap had two boats and a new one is being built.

Klohs asked where Paddle Tap would be if they are not going to be in this location. Schleuning replied that Paddle Tap is berthed in this location and would continue to be berthed in this location. She explained that this request is to add this site as a port of call.

Klohs asked and received confirmation that the total traffic on the water will not change. Schleuning confirmed that this would simply be added as a place where passengers can be picked up and dropped off. She stated that the city did review the parking requirements and confirmed that this location could support parking.

Green invited the applicant to address the Board.

Josh Leddy, Back Channel Brewing, commented that he is an owner of Back Channel Brewing and will take over management of the marina on the property. He stated that he is here to continue to make positive contributions to the community and enjoys meeting people in the community. He noted that he has received constant encouragement to allow transient access for boats at their property. He stated that they have amassed about 1,000 signatures in support of the request in the past two weeks. He stated that if they are granted transient boat access for the four newly created slips, he would set a date in June for the public to begin using the slips, which will allow them to enact their policies for access. He noted that employees would be stationed on the dock to help provide assistance and education to boaters on how to navigate the area and access the dock. He stated that employees will also lower and raise the Back Channel flags to alert boats on which slips are available. He stated that during non-business hours the slips will be blocked off. He noted that additional safety measures would be added in the future including lights illuminating the slips during evening hours, educational videos, and additional supervision.

Thomas asked for information on the native vegetation near the standup paddleboard docking. Leddy replied that allowing a boat in that location would damage vegetation, while allowing paddleboards in that location would not damage vegetation.

Green asked how the paddleboards would be stored. Leddy replied that the dock structure is lengthy, and they would build holders onto the dock that would hold the paddleboard. He noted that another option would

be to have a storage that allows boards to be stacked on top of each other.

Green asked how many paddleboards would be stored together. Leddy replied that he was unsure. He noted that the invasive vegetation would be removed to allow native plants to thrive and create a better overall environment.

Zorn asked if the paddleboard space would be treated the same as the transient boat spaces, with similar regulations on not allowing overnight storage or rentals. Leddy confirmed that the paddleboard spaces would have similar regulations. He anticipated that locals would take advantage of being able to paddleboard over to have a beer and then go back home on their paddleboard. He believed that this would be a one of a kind experience for people that live on the lake.

Zorn asked for an estimate on the number of paddleboards that could be stored. Leddy estimated 15 paddleboards.

Cook asked how the paddleboard numbers would impact the allowed boat storage. Schleuning replied that the paddleboard spot would count as one BSU. She stated that the density is still less than the maximum allowed.

Molitor stated that it was his understanding that if stored on land the paddleboards would not count towards boat density, but if stored on the water, they would count as units. He stated that in this instance they would be stored on the dock and therefore asked for clarification. Schleuning replied that if stored on the dock, it would be considered watercraft as part of the boat density. Leddy stated that the paddleboard storage could be constructed on nearby greenspace. He stated that the owner of the paddleboard would then put their paddleboard on the rack with supervision from the employee on the dock. He agreed that the greenspace area would be a better fit for the storage unit.

Green stated that there is no difference for a homeowner and commercial operation and therefore placing the paddleboard storage on land would be a good solution for that storage.

Thomas asked if the Board could dictate that paddleboards could not be kept over the water, unless a BSU is used for that purpose. He stated that he was unsure if the Board could dictate that the paddleboards be stored on land, as the group only has jurisdiction over water and not on land.

Baasen stated that he wishes well for the business and believes that it is good to have new businesses starting up with new ideas. He stated that he has concerns with the channel and congestion. He stated that it used to be a sleepy marina, and this would create a lot of in and out traffic, with over 170 people per week estimated. Leddy noted that this will remain a busy channel, whether or not the transient slips are approved. He stated that this would provide the opportunity to educate the boaters more on use of the channel.

Baasen stated that his concern is not just with the transient slips but also the increased paddleboard traffic in the channel. He asked if this could be phased as he was concerned with a high number of paddleboards. Leddy agreed that this could be phased. He stated that he would be willing to work together on phasing if that

is desired to ensure safety. He stated that boaters will clearly be able to see the slips defined by the flags for available slips and the employee on the dock. He stated that an informational video and educational information would be available on their website and Facebook page, along with posted in the taproom. He explained that the transient slips would be further from the channel to ensure that it does not cause congestion in the channel.

Baasen asked if the business owner believes that alcohol will play a factor in people being able to navigate the channel between the hours of 9:00 and 10:00 p.m. when the brewery closes. Leddy stated that they do a great job of monitoring their customers and have been commended by the Orono Police for not having those types of issues. He stated that the employees in the taproom would monitor and the employee on the dock would ensure that drivers are not impaired.

Hoelscher commended the business noting that the business has shown that they want to be a good steward of the lake. She stated that this area has had issues in the past and the business had made great strides to address those. She stated that it seems that if a transient slip is going to be allowed, paddleboards then cannot be stopped; comparing that to bicycles. She asked if this would be a yearly application. Schleunig replied that the renewal would be required annually and completed administratively, noting that the public hearing only occurs once.

Hoelscher stated that she believes that this would be a good addition to the lake but also had some concerns. She suggested that perhaps this be a test year and the case be reviewed again next year to determine if tweaks need to be made.

Hughes stated that he would be concerned with people that are waiting for an open place. He stated that at other locations you can sit to wait for an opening. He stated that if multiple boats are waiting for openings, that would cause too much congestion in the channel. He asked if there would be a lock on the gate. Leddy replied that the gate would be locked during non-business hours and unlocked during business hours.

Hughes asked how the business would handle waiting boat traffic. Leddy replied that if all the slips are full, the employee on the dock will tell people that the dock is full, and they can continue their way. He identified a nearby area where boats could wait for a spot to become open. He noted that the dock employee would also be present to manage the situation.

Rich compared this to another lake business and stated that there is actually more space in this location for boats to wait for an open space.

Hughes stated that he would anticipate that traffic would move back and forth through the channel. Leddy replied that a boater would not have to go back and forth through the channel to see if a spot has opened. He noted that the flags will allow boaters to see the open spaces from further away.

Thomas stated that he likes the idea of the flag system and dock employee. He asked if that has been successful in other locations or how boaters will know what that means. Leddy stated that he is not aware of the flag system being used in other locations but believed that it could be a new trend as it will make the spots

easier to identify.

Rich stated that in his experience boaters know the rules of waiting for slips and will work out the waiting themselves, in terms of knowing who is first in line.

Thomas stated that his concern would be with how boaters know the flag system. Leddy noted that they will have educational videos on their website and it will become known.

Thomas asked if the dock employee would regulate oversized boats. Leddy confirmed that the employee would regulate that activity and would also stop transient boats from attempting to take private marina spots. He stated that the employee will have knowledge of the boats renting slips and are encouraged to develop relationships with the renters.

Hughes referenced slips 25 and 26 and asked what will be done to prevent people from using the open space west of 26, and south of 25. Leddy stated that they will be building a railing which would prevent people from getting up in that area. He replied that boats should not be in that area as it would prevent proper traffic flow in the channel.

Zorn asked if the docking was purchased by the brewery. Schleuning replied that the marina is owned by 5<sup>th</sup> Street Ventures and Back Channel Brewery is the management.

Zorn asked how the applicant would describe the brewery in comparison to other local lake businesses. Leddy replied that his business is about one tenth the size of the other two large lake businesses. He stated that they also have limited hours. He stated that the larger businesses have much higher numbers of transient boat slips. He did not believe there would be an insane demand for the boats to all access the slips at once. He believed there would be a manageable flow of traffic.

Zorn asked if the business would be open to increasing or decreasing transient boat access if traffic demands that. Leddy replied that they do not have interest in this time in allowing more than the four transient slips for the business. He stated that at this time they do not have plans to not honor contracts for marina renters to continue to rent next year as well, and therefore, would not be interested in converting the rented slips into transient slips.

Green opened the public hearing at 8:04 p.m.

Ryan Jaeger, owner of Paddle Tap boat, stated that he has used the slips for the past two years without having that as a port of call. He stated that they use Lord Fletchers as their port of call. He stated that this is their fourth summer and this channel is one of the main thorough ways that they use. He stated that they have never had issues with traffic in the channel, with the exception of one uneducated boater. He stated that the captains will still continue this year. He stated that Paddle Tap will still use the channel the same number of times, this would simply allow people to get on and off at this location. He noted that most of his trips will still start and end at Lord Fletchers because that is where people want to get picked up and dropped off.

Michael Masson, Spring Park resident, asked if kayaks and other non-motorized watercraft are being considered. He stated that in the history of the lake, flags were used to identify people that wanted to be picked up by charter boats. He stated that he has been in the channel and has had issues with big boats in the middle of the day. He stated that he has concern with potential confrontations between the larger boats and non-motorized watercraft.

Leddy stated that standup paddleboards and boats are the focus right now because of the ease and storage. He noted that kayaks and canoes are harder to get in and out of and there is not space to store those watercrafts. He stated that those watercrafts would be discouraged.

No additional comments were offered and the public hearing was closed at 8:07 p.m.

Cook stated that he would be interested in a conditional permit that would come back to the Board and would include criteria associated with monitoring and the addition of features in the future. He stated that the port of call and transient boat slips are things he would like to offer on a conditional basis. He believed that the standup paddleboards should be delayed to a future time to avoid conflict between motorized and non-motorized watercraft. He stated that if a paddleboarder wants to use a transient slip, that can count against the transient slip. He believed that the request should come back to the Board next year and did not believe that the approvals given this year should carry over to next year.

Thomas referenced standup paddleboards and motorized watercraft and noted that is just a fact of life on the lake at this point. He stated that there are very few places that are no wake zones and therefore that is an issue that seems to sort itself out. He stated that the paddleboards are not allowed to be stored on the dock or over the water without counting as a storage unit, but if those paddleboards are not stored on the water or over the water, it would not be the concern of the Board.

Cook stated that he would not exclude the option of the business providing that service on land. He noted that if the paddleboards are stored on or above the water, they would count against the transient slips.

Thomas stated that the Board cannot tell the business owner where to store the paddleboards and can only say that they cannot be stored on the water or dock.

Hoelscher agreed with the use of a conditional approval, noting that she would even be open to an informal review after the July 4<sup>th</sup>, with a formal review the following year. She stated that if the business has a transient slip, the Board would not have control with happens at that slip. She explained that a paddleboarder could come, get out in that slip, and walk the paddleboard to shore.

Rich stated that he does not foresee a big problem with the request and believes that the business has put a lot of thought into this. He did not believe that allowing this as a port of call for Paddle Tap would increase traffic. He stated that the limited number of transient slips will not have an impact.

Klohs stated that accommodating paddleboats will be a good idea, as people use them on the water. He stated that the lake has a diverse user group, and this could set a trend for other businesses to accommodate

that use as well.

Molitor stated that there has been a lot of discussion on paddleboards, which he believes is the least of the concerns. He believed it to be a good idea to store the paddleboards on land and not on the dock. He stated that he is more concerned with the transient slips. He stated that the Board just approved the slips, which were not originally approved because of the environmental concerns. He stated that the churning of the water is not as big of a deal with overnight storage because there is less activity. He noted that 170 boats per week is a dramatic increase. He stated that he has lived on the lake for years and many boaters are not fully educated. He stated that this will take the four most sensitive slips and make them the most used slips. He stated that having a dock employee will not prevent boats from hovering while waiting for a slip. He stated that people are already navigating the no wake zone in the channel and hovering boats will cause congestion. He believed that will be a real problem with the traffic and environmental concerns. He stated that in regard to the port of call for Paddle Tap, that will not cause additional boat traffic, but it will bring in additional vehicle traffic to the area and increased noise in the residential area. He stated that although 75 percent of the users choose to board at Lord Fletchers, that is because that is what has been done, and noted that could change when this location is now available and less congested for parking. He stated that even though people are not here tonight, there was opposition to this in the past. He stated that based on the history he has seen from the operation thus far, if four are approved this year, another application will follow the next year asking for more.

Shuff stated that she is concerned with paddleboards because of the unknown interaction of motorized and non-motorized watercraft. She asked if there are levels of approval that would allow an informal review after July 4<sup>th</sup>.

Gilchrist stated that there is an option for a conditional review or even a check in during July. He stated that the challenge is that the details need to remain clear and the expectations for review need to be stated in terms of what will be reviewed, potential actions, and when the reviews would occur. He stated that would ensure that everyone is on the same page.

Hughes stated that the amount of boat slips has doubled within the last year and they have not yet seen the impact that increase will have on boat traffic. He stated that he is cautious with the flag system and boats that will be waiting for slips to become available. He stated that he would prefer to leave the slips as rented this year and if the traffic is not too heavy, transient slips could be looked at next year. He believed that the issue of paddleboards would be much further off.

Zorn stated that she would feel comfortable approving a conditional use permit for the Paddle Tap and encourage the applicant to come back in one year for the transient slip request.

Green stated that he does not see a problem with the request for Paddle Tap. He stated that regarding the transient slip request, he is most concerned with hovering boats awaiting a slip to open but did not believe there would be any control over that. He stated that the bigger issue with the paddleboards is how they are counted, because there are other docks that have paddleboards as well. He stated that if there is conditional approval, there needs to be objectives spelled out. He stated that he would support moving forward in a

limited fashion. He noted that paddleboards would need to be resolved internally and is not specifically related to this site.

Molitor stated that ordinances are often enforced on a complaint basis and therefore paddleboards and counting of those would be a separate issue.

Thomas stated that he does not care if someone paddles up on the board, climbs on the dock and picks up their board and takes it to the land. He stated that once the board is out of the water and not stored above the water, it is not the business of the Board. He stated that regarding conditional approval, he is unsure how the review will be done or what standards would be used. He stated that the only condition that would be easily monitorable would be whether there are incidents that require attention by the Water Patrol or other Police, or whether there are significant concerns from neighbors. He stated that there would need to be a determination on the number of incidents that would trigger a review as well.

**MOTION:** Thomas moved, Green seconded to direct LMCD legal counsel to finalize Findings of Fact and Order approving the 5th Street Ventures, LLC 2018 Multiple Dock License application for the property located at 4681, 4665, and 4695 Shoreline Drive in Spring Park as the draft conditions are presented, approving the Paddle Tap use of the dock as a port of call, allowing use of the four slips highlighted as transient slips, and not allowing the marina to store standup paddleboards (or other non-motorized watercraft) on the dock or attached to the dock but those non-motorized watercraft could use the transient slips, for the period of one year conditional upon a review of any issues that the Water Patrol or Shore Patrol need to address or significant concerns from neighbors.

Further discussion: Gilchrist clarified that the motion would give staff direction to prepare an order and received confirmation from Thomas. Thomas confirmed that the motion would direct staff to bring the order back to the Board at the next meeting but would not include another public hearing.

Hoelscher asked if the Board has the authority to revoke a license if something bad happens, using the example of multiple Police calls or accident with injury. Gilchrist replied that typically the authority to revoke relates to a violation of the conditions. He stated that you would need to be cautious with whether the incident is tied to how the business operates. He provides examples of violations of conditions that could revoke a license.

Baasen asked for clarity on the transient slips included in the motion, specifically that there would be four transient slips and one paddleboard would equal one slip, unless removed from the water and stored on land. Thomas confirmed that is the intent of the motion as proposed.

Rich asked if this passed, would the request then come back before the Board in one year for renewal next year. He noted that there would be a built-in review then by the Board. He stated that it is already almost June and therefore there are only about four months of boating and limited exposure.

Cook stated that it seems that the only condition that is needed is that it would come up for review next year and sunset at the end of this year. He stated that if the Board is unhappy with the results, the license would

sunset and if the Board is happy with the results a new license would be issued. Green stated that the intent would be to conduct a review and not for the applicant to submit a new license and go through the whole process again.

Hughes stated that he cannot support the transient slips. He stated that he would remain conservative and wait to see what happens with the increased rented marina slips.

Molitor asked the threshold that would be used to determine complaints from the neighbors. He asked how many neighbors have to be ignored before the Board takes action. He stated that a Police call is an extreme measure and noted that there have already been complaints to the District.

Zorn noted that staff is recommending denial of the request and therefore feels that the Board should be asking more questions on why staff cannot support the application. Green stated that he asked staff that question at the beginning of the meeting. Schleuning stated that the District received complaints last year and she was at the site several times. She stated that there were violations last year. She stated that the concerns are with the channel, which is different than Lord Fletchers. She stated that there is also the environmental concern from the DNR. She stated that she has not seen a full year of compliance and managed the way it should be in terms of safety and overall management. She stated that the onsite management could be a factor of change but there has not yet been time to see. She stated that sometimes there simply needs to be more time to prove the situation has changed. She stated that the rented slips have increased from 13 to 29 and then you would be adding transient and port of call all at once. Based on the available information, she could not justify supporting the current proposal.

Hughes stated that the port of call issue seems to be fine because there is plenty of space for parking and people are simply getting on and off.

**VOTE:** Ayes (6; Klohs, Rich, Hoelscher, Thomas, Green, and Cook), Nays (5; Baasen, Shuff, Molitor, Hughes, and Zorn); motion carried.

Schleuning asked and confirmed if there are conditions of the approval. Gilchrist confirmed that the motion included the conditions as proposed in the staff report and the condition that this be reviewed again in one year.

Thomas noted that there should be conditions to ensure that there is a dock attendant during business hours and that the transient slips will be blocked off during non-business hours. Gilchrist noted that this provides direction to staff and the Board will review the whole order at that time and then make the decision whether or not to approve the action.

Thomas noted that only 11 members are present tonight and therefore there is potential for another three votes at the next meeting.

## 10. OTHER BUSINESS

There was no other business.

#### **11. OLD BUSINESS**

There was no old business.

#### **12. NEW BUSINESS**

There was no new business.

#### **13. TREASURER REPORT**

Cook reported that the first quarter is in the books and looks like the income and expenses in the administrative fund are tracking. He stated that not much has happened with the AIS budget and therefore additional information will be available after the second quarter.

Molitor stated that there is a large variance (685 percent) on professional comp service/admin and asked for details. Schleuning stated that is related to the other half of the IT project that was not able to be completed last year. We were on budget for that project.

#### **14. EXECUTIVE DIRECTOR UPDATE**

Schleuning provided the following information:

- Director Baasen and I participated in the Wayzata Spring Splash. It was the first event and was a nice educational event for the youth about the Lake.
- Director Molitor and I participated in the Trista Days event.
- An update about carbon monoxide alarms regulations for boats.
- Boater Safety Class is on June 18<sup>th</sup>. About 20 participants are registered. This is a great opportunity for youth and adults, with no charge for youth (upon request).
- The LMCD 50<sup>th</sup> anniversary merchandise is ordered. Some items will be provided to donors achieving certain monetary levels and some items will be available for purchase on the website.
- The draft 2018 1<sup>st</sup> Quarter Strategic Plan Dashboard was included in the Board packet. She stated that the format has been changed to accommodate the second year of implementation. She provided an update on the status of the Strategic Plan and highlighted specific information.

#### **15. STANDING LMCD COMMITTEE/WORKGROUP**

Aquatic Invasive Species Committee/Taskforce: Green reported that the group met on May 11<sup>th</sup> and discussed several things. He stated that a contract for inspections was entered into with Three Rivers Park District, using funds from the County. He stated that herbicide treatments will be completed for six bays this year. He stated that Dr. Newman from the University was present and did research on hybrid milfoil, noting that seven hybrid clones were identified and are suspected in more than one bay. He stated that there is concern that some of the hybrids have tolerance to one of the chemicals used for treatment. He stated that the University is moving forward with the

study and the test for the zebra mussel veliger treatment, noting that funding is expected shortly. He noted that a presentation can be made to the Board and an informational meeting would be held for the public.

Schleuning reported that they are in the final stages of hiring the seasonal employees. She reported that there has been more successful recruitment this year. She stated that there is a vacant administrative position, but they are having trouble finding an employee with the pay offered. She stated that position will be filled in the meantime by rotating seasonal employees into the administrative position, which will help to provide more depth to the seasonal positions, and mentoring our future professionals.

Budget Workgroup: Cook had nothing further to report.

Recodification Workgroup: Gilchrist reported that staff is about half way through the two sections. Green asked if staff would like input from the Board. Gilchrist stated that he would not be opposed to Board members reviewing and providing comments. He stated that he would want to avoid having too much discussion at the Board level before the draft is ready for that input. He recognized that there is a lot of experience on the Board and therefore he would not be opposed to having the Board comment to ensure that there is nothing glaring. Klohs commented that it would not be comments related to changing content but more of a detailed proof read.

Save the Lake Committee: Rich reported that three of the festivals have occurred with positive feedback. He stated that the donation letter is going out and should generate revenue.

Strategic Plan Subcommittee: Schleuning had nothing further to report.

Other: Schleuning stated that staff received calls regarding dead pan fish. She stated that when staff reviewed different areas, there appeared to be more than normal in more areas of the Lake. She stated that there are bacteria, common to the fish population, that can affect the fish. She noted that the DNR took fish samples and will provide additional information. She stated that the DNR stated that it is nothing to be concerned about. She noted that visibly ill or dead fish should not be eaten and should be properly disposed of, washing your hands afterwards. She stated that this situation is not considered harmful to human health.

## 16. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:10 p.m.

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James Jay Green, Chair

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Ann Hoelscher, Secretary