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, October 9, 2019
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

WORK SESSION
6:00 p.m. to 7:00 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.

1. Board Update Lake Minnetonka Vegetation & AIS Master Plan
2. Review of Reconfiguration Code Sections and Projects

FORMAL BOARD AGENDA
7:00 p.m. to Adjournment

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, Chair Gregg Thomas

6. APPROVAL OF MINUTES – (09/25/2019) LMCD Regular Board Meetings

7. APPROVAL OF CONSENT AGENDA
- **A)** Audit of Vouchers (10/01/2019 – 10/15/2019/)
- **B)** September Financial Summary and Balance Sheet
- **C)** Resolution Accepting Save the Lake Contributions (08/22/2019 – 09/24/2019)

8. **PUBLIC COMMENTS –** Persons in attendance for subjects not on the agenda **(limited to 5 minutes)**. *Audience members may provide information to the Board. Please direct all comments to the Board Chair. The Board generally will not engage in public discussion 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.*

9. PUBLIC HEARINGS

A) Continued Public Hearing for Caribbean Marina and Restaurant (Tonka Bay Holdings, LLC), new multiple dock license application to reconfigure nonconforming multiple dock facility; variances for dock use area (side setbacks, length, and special density); located on Lower Lake South; 100, 110, and 135 Lakeview Avenue, Tonka Bay.

10. OTHER BUSINESS

11. OLD BUSINESS

A) Watercraft Wastewater Discharge Code Amendment
B) LMCD Fact Sheet Draft

12. NEW BUSINESS

A) Draft City Letter of Appointment of 2020 LMCD Board Members

13. TREASURER REPORT

14. EXECUTIVE DIRECTOR UPDATE

A) Lake Minnetonka Vegetation & AIS Master Plan Progress
B) Lake Activities

15. STANDING LMCD COMMITTEE / WORKGROUP UPDATE

- Aquatic Invasive Species Taskforce
- Budget Workgroup
- Save the Lake Committee
- Strategic Plan Subcommittee

16. ADJOURNMENT

Future Items – Tentative

- Lake Use Vision and Policy Discussion Continuing Series- TBD
  - Slow and No Wake Regulations- February 2020
  - High Water Declaration Review- January 2020
  - Watercraft Density
  - Permanent Docks Discussion
  - Lake Sales and Services

WORK SESSION ITEM 1

LAKE MINNETONKA CONSERVATION DISTRICT
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DATE: October 9, 2018

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: Board Update Lake Minnetonka Vegetation & AIS Master Plan

WORK SESSION

The consultants will provide an update regarding the status of the development of the Lake Minnetonka Vegetation and AIS Master Plan. This will include information about data collection, vegetation mapping, and the harvesting evaluation and starry stonewort plan.

Board input and direction to obtain feedback from the Technical Advisory Group (TAG) and Citizen Advisory Group (CAG) is sought.

Prepared by: EOR & Blue Water Science

For the Lake Minnetonka Conservation District

DRAFT

Lake Minnetonka Vegetation & AIS Master Plan: Aquatic Vegetation Harvesting Program Evaluation

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1. INTRODUCTION

In the Upper Midwest, mechanical harvesting is primarily used to manage Eurasian watermilfoil (EWM) and to a lesser extent, to control dense stands of native vegetation. Most often, mechanical harvesting is used to enhance or provide recreational access to and from publicly used spaces such as docks, swimming piers, or public boat landings. Literature suggests that harvesting provides temporary, short-term reductions in aquatic plant biomass. Mechanical harvesting is often viewed as a maintenance technique rather than a long-term management strategy. In Lake Minnetonka, Crowell et al. (1994) observed that a mid-growing season harvest reduced average EWM biomass in plots for 6 weeks after the initial harvest, when compared to reference areas. Other studies have shown that the effects of mechanical harvesting may last as little as 3-4 weeks (Rawls, 1975, Cooke et., al, 1989). Still, other studies show that despite the potential for rapid regrowth of biomass, there may be beneficial long-term effects (maintenance of navigable channels) especially when harvesting is conducted later in the growing season and cuts are made closer to the sediment surface (Unmuth et., al, 1998). For example, in Lake Wingra (Madison, WI), EWM averaged only 4% of its original length in harvested, shallower water sites (less than 3 meters deep), three years after a one-time harvesting effort (Unmuth et., al, 1998). While all aquatic plant management techniques have strengths and weaknesses, mechanical harvesting can be a component of an integrated aquatic plant management approach.

2. PURPOSE

The purpose of this evaluation is to:

1) Define the aspects of a successful mechanical harvesting program for the Lake Minnetonka Conservation District (LMCD),

2) Identify the strengths and weaknesses of the existing harvesting program, and

3) Develop a recommendation for aspects of the program that should be sustained, and highlight areas of the harvesting program that are in need of improvement.

This report will also outline short-term and long-term quantifiable goals for the mechanical harvesting program. These goals will specify when and under what conditions mechanical harvesting is most likely to produce optimum results in Lake Minnetonka.

3. EXISTING PROGRAM OVERVIEW

3.1. LMCD Harvesting Program Goals

The LMCD Harvesting Program has been in operation since 1989. The goal of the LMCD Harvesting Program is to ensure safe navigation for lakeshore owners and the general public, reduce the amount of aquatic invasive species (AIS) available to spread by boaters and other means throughout the busy season, reduce biomass in the lake, and provide an alternative to other AIS management methods where they are not feasible or desired.

3.2. Harvesting Priorities

Traditionally, harvesting priorities have targeted locations where vegetation is impeding boat navigation on the lake, with higher priority given to areas of the lake where EWM / curlyleaf pondweed (CLP) had formed a floating mat. The general goal of LMCD harvesting program is to provide public harvest channels cut parallel to shore and out to open water. These high priority areas include locations in which vegetation may have posed a hazard or public nuisance for the safety of boaters and/or property by hindering navigation Figure 1.

These types of locations are well suited for mechanical harvesting because mechanical harvesting provides immediate relief whereas herbicides typically take 7 to 14 days to take full effect, and are dependent on the type and concentration of herbicide used. However, harvesting vegetation as it reaches nuisance conditions represents a reactionary methodology.

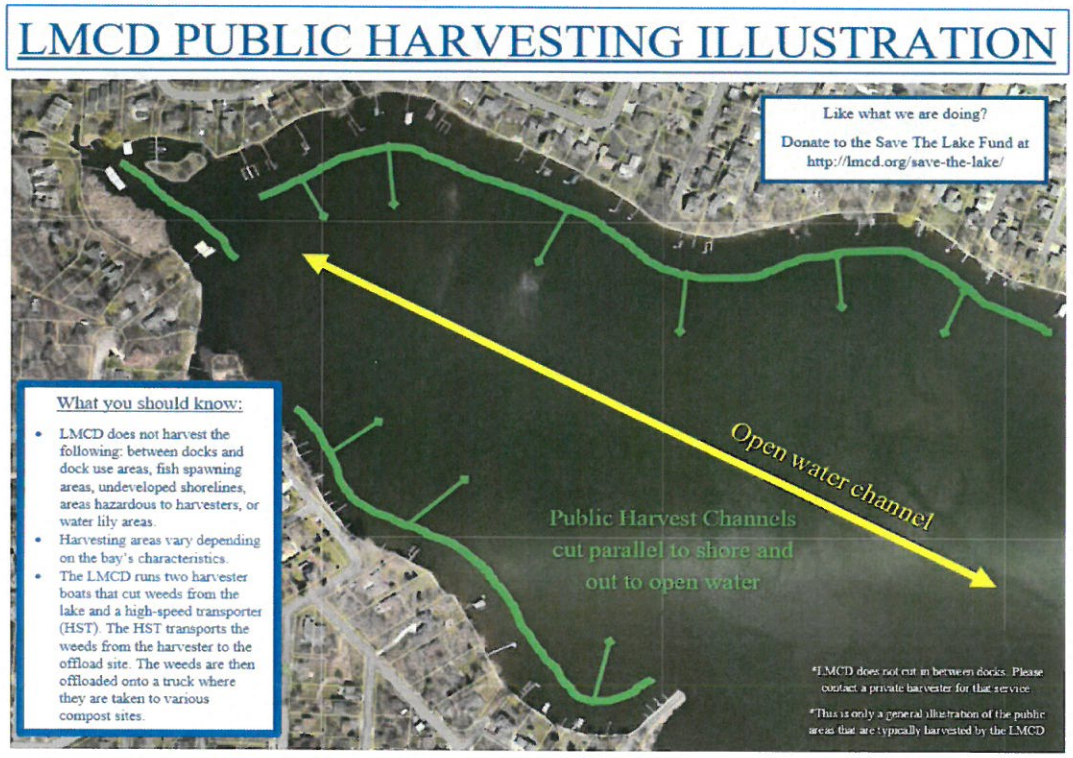

Figure 1. LMCD Public Harvesting Illustration.

3.3. Staffing

The LMCD hires a site supervisor and 4-5 other seasonal employees prior to each harvesting season that are specifically dedicated to the weed harvesting program. The LMCD solicits feedback from previously employed staff members prior to recruiting any new employees. Tom Elmer has been retained as the site supervisor from 2013 to 2018. Recruitment for new seasonal employees is initiated in February via League of Minnesota Cities, online venues local newspaper ads, local school districts, and local colleges. The aquatic vegetation harvesting program is managed by Vickie Schleuning, Executive Director of the LMCD. Ms. Schleuning was hired by the LMCD on September 12th, 2016. Ms. Schleuning is a graduate of the University of Minnesota Carlson School of Business (Master of Business Administration) and South Dakota State University (Bachelor of Science Degrees in Health Science and Microbiology, minor in Chemistry). She is a Minnesota Registered Environmental Health Specialist, maintains Certificates in Federal Emergency Management Agency and Project Management, as well as participated in the Baldrige Examiner Training Experience and various Advanced Leadership Groups. Ms. Schleuning also has an AIS Detector Certification as does one other staff member at LMCD.

The LMCD also prepares contracts with Curfman Trucking and Repair, Inc. for trucking and mechanic services. Occasionally, additional specialty mechanics are hired depending on the repair item. In the past, these specialty mechanics have primarily been used for addressing hydraulic issues associated with the harvesters. Table 1. provides a list of all positions and qualifications associated with the mechanical harvesting program.

Table 1. LMCD Harvesting Staff Qualifications.

Position	Lake Service Provider Permit	Watercraft Operators Permit	Advanced education in ecological, environment, or similar	Experience with watercraft	Experience with large equipment, farm, bus, etc.	Class A Driver's License / Heavy Machinery	Flagging Training/ Certification	Better Business Bureau Rating	Familiarity with mechanics (farm, vehicle, watercraft, etc.)	Specialty experience, degree or certification preferred	Emergency response, safety
Harvester Operators	R	R	P	P	P						
Onsite Supervisor	R	R	P	P	P				P		P
General Maintenance & Repair (Contracted)					P			P	P	R	
Specialty Mechanic (Contracted)					P			P	P	R	
Trucking of AIS (Contracted)						P/R*		P			
Hauling harvesters of public streets (Contracted Hennepin County)					R	R	R				
General Outboard/ Boat Repair								P	R	P/R	

R- Required, P- Preferred

*Trucking license depends on machinery being hauled.

3.3.1. Staff Roles and Responsibilities

Site Supervisor

The site supervisor performs a wide variety of tasks, under the discretion of the LMCD Executive Director. Table 2 outlines the daily routines and weekly responsibilities for the site supervisor during the harvesting season. A complete position description, including additional pre and post-harvesting season responsibilities, is provided in the LMCD Eurasian Watermilfoil Harvesting Program Employee Manual.

Table 2. Site Supervisor Routines and Responsibilities: Source: LMCD.

Timeline	Daily Activity Description
6:00 AM	Ensure that the cell phone and all walkie talkies charged. Check the weather conditions.
6:15 AM	Leave LMCD office to meet crew at pre-determined sit. Drop off trailer at the off load site.
6:30 AM	Prepare logs and job assignments for day according to the job assignment schedule. Blue Harvester logs for the Harvesters, green log for the High Speed Transport (HST), AIS log for the Shore.
7:00 AM	Crew arrives. Disperse job assignments for the day. Disperse Keys, Walkie Talkies, & Logs. Re-Check weather conditions. Ensure safety equipment and BMP in place.
7:30 AM	Arrive at boats. Daily maintenance. Send harvesters to start cutting.
8:00 AM	Pick up conveyor. Transport to offload site and set up. Check fuel and grease.
8:30-4:30 PM	Monitor boats (redirect as needed). Deal with complaints at the boat ramp. Scout areas
4:45 PM	Unload final load on each boat. Send boats to overnight storage area and clean up.
5:15 PM	Review day with crew (comments and suggestions). Discuss meeting place for following day. Collect keys, walkie talkies (turned off) and completed logs.
5:30 PM	Crew leaves for day. Return to LMCD offices. Throw away trash. Provide any floatables and lost and founds to Office. Report any solar light issues to office. Charge cell phone and walkie talkies. Advise truck when and where to meet for the following day.
Weekly Responsibilities	
1. Arrange fuel truck at least 24 hours before needed. 2. Keep at least 1 full 5 gallon diesel and gas in trailer at all times. 3. Insure all boats have all safety gear at all times when in operation. 4. Complete daily harvesting logs weekly. 5. Turn in to office prior weeks' logs and receipts every Mon. a.m. 6. Turn in completed time sheets (checked) every other Mon. as per schedule and hand out new time sheets to crew. 7. Check with office at least once/day regarding schedule and concerns. 8. Every Thurs. advise office of plans for following week (to be put on website). 9. Any time truck and trailer are left for an extended period (weekends, 4th. of July etc.) disconnect and park separately in far N.W. corner of office lot. 10. Insure trailer lights are working; especially the wireless rig for the shore conveyor. 11. Keep plenty of water bottles on hand for the crew. 12. On hot days keep an eye on crew for signs of dehydration and/or hypothermia. 13. Leave keys in all equipment as long as personnel are on site. When no one is on site all keys should be removed and everything that can be locked must be. 14. Report any repairs, emergencies, or other complaints to LMCD Executive Director or other staff right away for follow up as needed.	

Harvesters, High Speed Transporters, Shoreline Conveyors

Daily and weekly routines and responsibilities for harvesters and high-speed transporters are provided in Table 3. Daily and weekly routines and responsibilities for the shore conveyer are provided in Table 4. A complete position description, including additional pre and post-harvesting season responsibilities is provided in the LMCD Eurasian Watermilfoil Harvesting Program Employee Manual. These positions are performed under the direction of the site supervisor. The site supervisor is ultimately responsible for ensuring that all activities identified for the harvesters, transporters, and conveyers are completed at the end of each day. The site supervisor reports directly to the LMCD executive director who oversees the harvesting program and provides guidance for future harvesting activities.

Table 3. Harvester and High Speed Transporter Routines and Responsibilities.

Timeline	Daily Activity Description
7:00 AM	Arrive to designated parking area to either carpool or begin duties. This area should be addressed the day prior during the closing meeting.
7:05 AM	Discuss areas that need to be harvested for the day, need special attention (via bay maps) and areas that should be left untouched. Go over assignments (specific to position) for the day - there will be a rotating schedule for positions including; Harvester 7 or 8, High Speed Transporter (HST), Shore Conveyor or Office.
7:15 AM	Carpool to Harvester Storage Site - or begin maintenance for the day if already at the site. Maintenance includes; checking gas levels, grease points on all machines, putting up Bimini's, and insuring that you have your PFD, throwable device, backpack with all tools, horn, assigned worksheets, walkie talkie and keys. Diesel trucks should arrive every Monday. You will either be asked to wait for the truck the morning of or asked to harvest and return when they arrive.
7:45 AM	Begin harvesting areas that were addressed at the morning meeting.
11:00-12:00 PM	Lunch break- coordinate with Supervisor to figure out the most efficient schedule. This time should be used to refill water bottles, use restrooms, re-establish where you have cut and what still needs to be done for the rest of the day.
12:00-4:30 PM	Continue your assignments for the day. Communicating with the Supervisor on areas that have been cut, when HST assistance is needed, water refills as well as weather updates.
4:30-5:00 PM	Begin commuting to the overnight parking for the day. Insure that all boats are clear of visible weeds, Bimini is put down and stored for the day, all garbage is removed from the boats, and boats are idle for ten minutes before being shut off. Insure that all paperwork is filled out and up to date before leaving the boat for the day. The paperwork should be made in ¼ increments and each task should be noted on the sheets. Be sure to note each trip to the shore conveyor or connecting to the HST, as well as the ending hours. Include the engine hours before turning the engine off.
5:00-5:30 PM	All walkie talkies (turned off), paperwork, and keys need to be returned to the Supervisor at the end of the day. Paperwork should be completed.

Table 4. Shore Conveyor Routines and Responsibilities.

Timeline	Daily Activity Description
7:00 AM	Arrive to designated parking area to either carpool or begin duties. This area should be addressed the day prior during the closing meeting.
7:05 AM	Discuss areas that need to be harvested for the day, need special attention (via bay maps) and areas that should be left untouched. Go over assignments (specific to position) for the day - there will be a rotating schedule for positions including; Harvester 7 or 8, High Speed Transporter (HST), Shore Conveyor or Office.
7:10 AM	Assist Supervisor in carpooling other interns to the harvesting site. Remain in vehicle as you will be assisting in moving the shore conveyor. The Supervisor will need assistance in backing up the truck to attach the hitch to the shore conveyor for transport from the overnight parking site to the offload site.
7:30 AM	Once you arrive at the overnight parking site to pick up the shore conveyor assist in backing up the truck towards the shore conveyor hitch. Lift the shore conveyor so that the hitch can rest on the truck. Secure the conveyor and insure that both boards are removed from the front of the tires of the shore conveyor. Lights from the back of the truck need to be put on the back of the shore conveyor, INSURE THIS IS TURNED ON. The battery pack will need to be plugged into the outlet near the hitch, and the battery pack will rest on the conveyor. Spare batteries for the lights are in the truck if needed.
8:00 AM	Once you arrive to the site your first responsibility will be to assist the site supervisor in parking the shore conveyor at the offload site. Insure that the conveyor is in a level area with a water depth that is capable of harvesters and the high speed being able to attach. The shore conveyor should allow room for other launching boats, insure this is the case while parking.
8:20 AM	1. Back conveyor into place ensuring centerline is perpendicular to waterline. 2. Centerline of axel of conveyor will be 2 feet above or below edge of water depending on steepness of ramp. 3. The support bars on bottom of counterweight box must be on cement. 4. Disconnect truck hitch. 5. Put cement blocks behind wheels. 6. Two 6" x 8" beams below arms with 2'x2' plywood on top centered and as far towards the water as possible. Beam number and sizes may vary as needed by the depth of the box and the steepness of the ramp. 7. Start motor and slowly raise until disconnected from truck. Care must be taken that the conveyor does not start to "bounce". If this happens; stop and wait for it to stop. 8. Raise until counterweight box hits bottom. Top of box must be 3 to 6 inches above water. 9. If incorrect depth reattach to truck and move forward or back as appropriate. 10. Pull pin and clevis and lower tongue to ground reattaching pin and clevis {ensuring the Conveyor engine is turned off). 11. Raise until tongue swings clear and chain up to the conveyor. 12. Breakdown is reverse except that tong must be held up by one person when lowering. 13. Place ladder and leave keys in per normal procedure. • When you arrive to the site location and detach the conveyor from the truck insure that you first grease all six grease points prior to submerging the conveyor into the water. Also ensure that two persons are always used, any time anyone is underneath any portion of the equipment the motor is turned off, if either person is unsure of what is happening: Stop immediately and clarify, if either person is nervous: Stop immediately and clarify, and if at any time the truck is in line with conveyor be sure to turn off the truck if no one is at controls.
9:00 AM	Take this time to get updates from the harvesters, checking load sizes, location in the bays, and if the HST needs to go to where the harvesters are cutting. • Coordinate with the site supervisor to insure the truck will be coming in ample time. The HST~ allowed to hook up to the shore conveyor while no truck is underneath. Just insure they are not offloading prior too. • It is your job to assist boats that may be using the boat ramp and are next to the shore conveyor. ASK the boaters first, don't just assume they need assistance. Create a buffer between yourself and the conveyor and direct their trailer into the water.
10:00 AM	Your primary responsibility is to direct the harvester's and the HST into the shore conveyor. Insure that all conveyors on these machines are completely down to avoid detachment while unloading. • Paperwork referring to AIS and the types of weeds on loads is also your duty. THIS SHOULD BE DONE AFTER EACH LOAD. Pay attention to the types of weeds in the load being offloaded. • If the Supervisor is not present, he/she should inform you of where the trucks offload site is so you can communicate this to the truck driver. Loads should be completely full before they are leaving to the site. • When the truck is gone this should be communicated to the HST. It is most efficient to unload half-loads to the HST from the harvesters when this occurs so they can continue cutting while waiting on the truck.

Timeline	Daily Activity Description
11:00-12:00 PM	Lunch break - coordinate with the Harvesters and the Supervisor to figure out the most efficient schedule. This time should be used to refill water bottles, use restrooms, reestablish where the Harvesters have cut and what still needs to be done for the rest of the day.
12:00-4:30 PM	Continue the daily assignments. Communicating with the Supervisor on areas that have been cut, when the HST needs to pick up a load from the Harvesters, water refills as well as weather updates.
4:35 PM	Insure that you are communicating when the last truck load will be accepted. All machines should be unloaded before the truck leaves to ensure the boats are empty overnight. This is especially important over weekends.
5:00-5:30 PM	The shore conveyor should be cleaned of all hanging weeds, making it appear clean of all scraps. This is best done with a bucket and water to wash excess mud and weeds from the attachment site. All floating weeds around the conveyor should be put on the conveyor to clear landings of all debris before the truck leaves. The Shore Conveyor must be cleaned of all weeds before transport on the road. • The shore conveyor will be de-assembled the same way as it was assembled. Boards are returned to the back of the truck, the landing should be swept clean, and the bricks should be returned to the conveyor. All equipment (rakes, shovels, brooms) need to be returned to the trailer. Two people will need to be available to reattach the tongue. The conveyor will never be left up overnight. • You will assist the Supervisor in hooking the shore conveyor back up to the truck and returning it to the overnight parking site. You will also assist in locking up the trailer and hitching it to the truck to be returned to office parking lot. • Be sure the leave the offload site CLEANER than it was the morning of.

3.3.2. Staff Training, Protocol, and Program Review

The LMCD has drafted a harvesting program operations and procedures manual that provides details on harvesting season procedures and preparation, program schedules, harvesting maps, vegetation disposal sites, and reports and research for management of AIS. A hardcopy report is available upon request to the LMCD. The LMCD also conducts seasonal training for all equipment operators. Training includes proper operation of weed harvester equipment, maintenance protocol, and safety training including classroom, dry-dock, and on-the-water training for each season. A training manual is reviewed by all harvester staff and emphasizes equipment operation, safety, and customer service. Table 5 provides a general outline of the training protocol used to guide the operation and safety training for harvesting staff. Adjustments to this training schedule are made as deemed necessary by the site supervisor.

Table 5. General Training Protocol. Source – LMCD.

Training Event	Duration (Days)	Description
Classroom Training	1-1.5	New harvesting staff will complete all required employment paperwork. In addition, staff are required to obtain a Lake Service Providers Permit and Watercraft Operators Permit. The training manual is thoroughly reviewed with special emphasis on program goals and initiatives, types of vegetation, safety issues, safety equipment, maintenance, record keeping, emergency procedures, and supplementary materials such as photos, handouts, etc. Training on basic marlinspike seamanship is also conducted for daily use in securing the vessels. A review of the organization, human resource issues, behavior, public contact, communications, etc. is conducted.
Dry Dock	0.5	The staff are shown the vessels on land with emphases on size, displacement, operation, daily maintenance, safety, and other items. Starting the engines on the harvesters, operation of the hydraulic controls, best practices, as well as the placement of the various equipment are covered. Daily maintenance is reviewed. The HST and shore conveyor are reviewed in the same manner, noting the outboard engine is not started unless water available. A brief tour on land around the lake is given to begin familiarization of the bays, parking/docking, and off-load sites.
On-the-Water	>2	Harvesting vessels are launched in the water early on the second or third day of training and occurs over two days or more depending on proficiencies. Each driver assigned to that vessel will initially board with the site supervisor during the launch. The site supervisor initially starts and operates the boat while launching and clearing the launch ramp. Once clear and in open water, the controls are turned over to the harvesting staff to operate until the next vessel arrives for launch. The vessel is secured while the new vessel is launched. The assigned staff will undergo the same procedure with the site supervisor. This repeats until all vessels have been launched. Once all have been launched all the vessels are driven across Spring Park Bay to old channel (less wind, good parking spot) bay where most of the on-water training takes place. The site supervisor sets up a "slalom" course of 8 to 10 buoys of varying distances apart, first parallel to the wind and later at right angles. Each staff practices traversing these courses in all of the vessels until proficient and comfortable. Two Buoys are set slightly wider than the width of a harvester perpendicular to the wind and the staff practice approaching the "gate' and dropping the hitch at the right time. The harvesters and HST work together to learn to "hook up" in open water with plenty of maneuvering room. The HST is backed into shore and secured to simulate the shore conveyer. With one person ashore to give the standard hand signals, the drivers "land" the boats and engage the hitches. All harvesting staff practice all maneuvers until proficient. Harvesting staff will then join the site supervisor on a harvester and practice harvesting vegetation/biomass in a safe area away from potential hazards. Best practices and safe operations will be reviewed and include the most problematic scenarios and what to do if something goes wrong.
Ongoing Oversight	Continuous	Harvesting staff are monitored throughout the season, closely the first few weeks. Meetings are conducted in the mornings before harvesting and end of the day to review operations, records and safety practices and equipment. Ongoing review of the LMCD staff occurs throughout the season. In office meetings are held periodically to review program operations and experiences. Office staff will randomly visit site meetings, offload sites, parking areas, etc. to monitor conditions.

3.3.3. Safety Program Review

In October 2018, the LMCD voluntarily requested a Limited Service Safety Hazard survey by MNOSHA be conducted on all harvesting equipment. Overall, the inspection indicated good safety practices were being followed; however, the following safety hazards were identified:

- "Description: 29 CFR 1910.22(d)(1): The employer did not ensure that walking-working surfaces were inspected, regularly and as necessary, and maintained in a safe condition: On the weed harvester the ladders needed to have slip resistance treads replaced to prevent falls. Chains were broken or missing on the openings on the operating stations. The midrail was missing on the guard rail of one of the machines. Employer has taken the equipment out of service since September. Recommended Action: Missing parts should be replace before machines are put in service again. Midrails should be halfway between the top rail and the bottom of guardrail and should be able to with stand a force of 200 lb."

- "Description: 29 CFR 1910.145(c)(3): Safety instruction signs were not used where there was a need for general instructions and suggestions relative to safety measures: The motor on the weed harvester would get hot after running for a while. There was no warning sign concerning the risk. Employer has taken machine out of service. Recommended Action: A sign warning that it was hot should be place on or by machine to warn of hazard."

- "Description: 29 CFR 1910.28(b)(1)(i): The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that was 4 feet (1.2 m) or more above a lower level was protected from falling by one or more of the following: guardrail systems, safety net systems or personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems: On the weed harvester machine, there was an unprotected narrow runway that had a fall greater than 4 feet. Employer had removed harvester from service. Recommended Action: Before putting back in service, Contact manufacturer and find out if area can be guarded to prevent falls or if it is not feasible to use a guardrail or other fall protection employer must prove three things.
    - When the employer can demonstrate that the use of fall protection systems is not feasible on the working side of a platform used at a loading rack, loading dock, or teeming platform, the work may be done without a fall protection system, provided:[1910.28(b)(1)(iii)]
        - The work operation for which fall protection is infeasible is in process; [1910.28(b)(1)(iii)(A)]
        - Access to the platform is limited to authorized employees; and, [1910.28(b)(1)(iii)(B)]
        - The authorized employees are trained in accordance with §1910.30.[1910.28(b)(1)(iii)(C)]"

The LMCD is currently working on addressing the safety concerns identified by MNOSHA. According to the LMCD, there have been no reported injury claims related to the harvesting program for the last 25 years.

3.4. Equipment

Table 6 summarizes the existing lake vegetation harvesting equipment owned by the LMCD. The LMCD has developed standard operating procedures (SOP) for operating the harvesting equipment in accordance with manufacturer recommendations. The SOPs include conducting daily pre-start, mid-day, and post-work checks. All LMCD staff are trained in how to perform these checks and are expected to operate the equipment in accordance with SOP. More information on the SOPs and daily checks can be found in the LMCD Harvesting Program Manual.

Table 6. Summary of existing lake harvesting equipment owned by the LMCD.

Equipment	Summary	Date Purchased	Scheduled Replacement Year	Purchase Cost	Replacement Cost (2020 estimate)
Harvester #6	Aquarius Systems, Equipment ID XI002, 2003, 14,500 lbs, 85 hp, Model H-820, 47 ft length	5/30/2003	2018	$98,878	$201,931.50
Harvester #7	Aquarius Systems, Equipment ID XV626, 2005, 15,000 lbs, 85 hp, Model H-820, 47 ft length	6/2/2005	2020	$112,021	$201,931.50
Harvester #8	Aquarius Systems HM-1000 s/n UN020 Aquatic Plant Harvester #8, Vessel ID UN020, Year 2012, Model HM-820-11, Engine Cummins B3.3, 85 hp, 45.5 ft length	7/18/2012	2027	$175,891	$211,150.00
Transport Barge	1991 Model T-34 Transport Barge w/ 2004 Mercury Optimax, 150 hp, Steel Hull ID LU067, Aquarius Systems, 9,500 lbs, 32 ft 10 in length	5/7/2003 (Barge) 4/28/2005 (motor)	2008	$26,112	$184,473.00
Harvester Tilt-Deck Trailer	Model UMI Inc. Serial # BT-7-114-89, 800 lbs, Horsepower (SAE) 8 power rack, GVWR 23,800 lbs, cylinders 1, Model T-8T powered tilt-deck trailer. Capacity 8 tons, length 37 ft, width 8 ft, height 4 ft, deck height 2 ft 8 in	11/30/1989	2019	$8,150	$42,024.00
Shore Conveyor	Model c-800, Serial BC-19-116-89 08/04/1989; or model c-800 Serial BC-18-113-89 07/11/1989; or Floating combi-conveyor model C-500 F 08/21/1989; multiple documents so need to verify information on equipment	8/21/1989	2019	$8,000	$50,470.00
Total				**$429,052**	**$891,980.00**

3.5. Cost of Existing Mechanical Harvesting Program

3.5.1. Financial summary

Table 7 summarizes the financial analysis of the harvesting program from 2008 to 2018 and factors in labor, equipment costs, and other program operations with actual annual inflation rates derived from the Federal Reserve Bank of Minneapolis. The dollar amounts shown are based on 2018 dollars. Based on data received by the LMCD, an average of 346 acres per year was harvested from 2008 to 2018 at an average cost of $514 per acre. The average cost to implement the LMCD harvesting program over the same time period was $173,430 per year. For comparison, a cost estimate was developed to contract out the harvesting program to a private entity to perform the same level of effort per year from 2008 to 2018. A private contractor rate of $790 per acre was obtained from a quote received from a private contractor with similar equipment and staff capacity on Lake Minnetonka. The private contractor average cost to implement the same acreage of aquatic vegetation harvested was $273,428 per year.

3.5.2. Cost Comparison

Table 8 summarizes the financial analysis of the harvesting program projected out 5 years, 10 years, and 20 years into the future. The dollar amounts shown in the table include an annual LMCD salary increase of 3% (based on historical trends), a 3% annual inflation rate, and that all equipment is paid in full at the time of purchase. No financial options were included in the analysis. Based on the projections, the cost for the LMCD to continue the existing weed harvesting program will incur substantial expenses in year 2020 due to the need to replace most of the existing harvesting equipment. Weed harvester #8 is the only piece of equipment that does not need to be replaced in year 2020; all other pieces of equipment will be past their scheduled replacement years (see Table 6 for reference). Subsequently, the total projected 5-year harvesting program for the LMCD will cost approximately $93,398 more compared to hiring out the work to a private contractor over the same time span. However, by year 2030, the 10-year projected costs for the LMCD program will be approximately $134,733 less, and by year 2040, the 20-year projected cost for the LMCD program will be $678,640 less than hiring out the work to a private contractor.

It should be noted that the results of this financial analysis are based on harvesting an average of 346 acres per year. If the actual acreage is higher or lower than 346 acres per year, the results in Table 8 would be different (e.g. personnel, equipment, maintenance cost, etc. would be higher or lower, depending on the amount of acres harvested). In other words, the results of this analysis can't be extrapolated to other acreage scenarios.

Office & Supplies (2018 $)	Personnel Services (2018 $) **	Truck Service-EWM (2018 $)	Contingency-EWM (2018 $)	Public Info/ Legal (2018 $)	EWM Reserve Expense (2018 $)	Prevention Prgrm (2018 $)	Sub-Total EWM Harvesting Program (2018 $)	Inflation Rates in MN (source: Federal Reserve Bank of Minneapolis)	Equipment Cost	TOTAL LMCD Harvesting Program Cost (2018 $)
$185	$64,265	$20,998	$1,760	$213	$0	$23,524	$166,757	3.8%	$0	**$166,757**
$211	$69,512	$27,643	$5,944	$202	$0	$31,696	$177,466	-0.4%	$0	**$177,466**
$324	$65,806	$23,177	$1,315	$1,382	$0	$36,670	$179,752	1.6%	$0	**$179,752**
$239	$50,927	$13,378	$10,545	$181	$0	$39,375	$153,420	3.2%	$0	**$153,420**
$1,013	$79,329	$21,439	$6,438	$184	$0	$43,342	$171,786	2.1%	$199,010	**$370,796**
$897	$62,850	$13,809	$3,306	$337	$12,005	$36,523	$147,560	1.5%	$0	**$147,560**
$1,665	$68,949	$21,930	$4,010	$23	$1,453	$38,231	$171,111	1.6%	$0	**$171,111**
$1,202	$66,993	$13,831	$2,670	$20	$0	$39,753	$150,082	0.1%	$0	**$150,082**
$2,472	$53,029	$17,333	$3,405	$0	$0	$26,582	$131,015	1.3%	$0	**$131,015**
$1,351	$50,695	$15,687	$5,231	$0	$0	$33,039	$134,442	2.1%	$0	**$134,442**
$887	$62,854	$17,270	$5,022	$0	$0	$10,342	$125,334	2.2%	$0	**$125,334**
$10,446	**$695,208**	**$206,497**	**$49,645**	**$2,541**	**$13,458**	**$359,077**	**$1,708,723**		**$199,010**	**$1,907,733**
$950	**$63,201**	**$18,772**	**$4,513**	**$231**	**$1,223**	**$32,643**	**$155,338**		**$18,092**	**$173,430**

plies	Services*	Service - EWM	EWM	Info/ Legal	Reserve Expense	Program	Harvesting Program	Residual Value at Time of Purchase**	Harvesting Program Cost	Cost***
08	$67,056	$19,918	$4,788	$245	$1,298	$34,635	$164,814	$670,578	$835,392	$273,427
38	$69,068	$20,515	$4,932	$252	$1,337	$35,674	$169,758	$0	$169,758	$281,630
69	$71,140	$21,131	$5,080	$260	$1,377	$36,744	$174,851	$0	$174,851	$290,079
01	$73,274	$21,764	$5,233	$268	$1,418	$37,846	$180,097	$0	$180,097	$298,781
34	$75,472	$22,417	$5,389	$276	$1,461	$38,982	$185,500	$0	$185,500	$307,744
								TOTAL 5-year	**$1,545,598**	**$1,451,661**
68	$77,736	$23,090	$5,551	$284	$1,505	$40,151	$191,065	$170,607	$361,672	$316,977
03	$80,068	$23,783	$5,718	$293	$1,550	$41,355	$196,797	$0	$196,797	$326,486
39	$82,470	$24,496	$5,889	$301	$1,596	$42,596	$202,701	$269,206	$471,907	$336,281
76	$84,945	$25,231	$6,066	$310	$1,644	$43,874	$208,782	$0	$208,782	$346,369
15	$87,493	$25,988	$6,248	$320	$1,694	$45,190	$215,045	$0	$215,045	$356,760
								TOTAL 10-year	**$2,999,800**	**$3,134,533**
54	$90,118	$26,768	$6,435	$329	$1,745	$46,546	$221,496	$197,780	$419,277	$367,463
95	$92,821	$27,571	$6,628	$339	$1,797	$47,942	$228,141	$0	$228,141	$378,487
36	$95,606	$28,398	$6,827	$349	$1,851	$49,381	$234,985	$0	$234,985	$389,841
80	$98,474	$29,250	$7,032	$360	$1,906	$50,862	$242,035	$0	$242,035	$401,537
24	$101,428	$30,127	$7,243	$371	$1,963	$52,388	$249,296	$24,114	$273,410	$413,583
70	$104,471	$31,031	$7,460	$382	$2,022	$53,960	$256,775	$837,907	$1,094,682	$425,990
17	$107,605	$31,962	$7,684	$393	$2,083	$55,578	$264,478	$0	$264,478	$438,770
65	$110,833	$32,921	$7,915	$405	$2,146	$57,246	$272,413	$0	$272,413	$451,933
15	$114,158	$33,908	$8,152	$417	$2,210	$58,963	$280,585	$0	$280,585	$465,491
67	$117,583	$34,926	$8,397	$430	$2,276	$60,732	$289,002	$0	$289,002	$479,456
20	$121,111	$35,973	$8,649	$443	$2,345	$62,554	$297,673	$265,800	$563,473	$493,839
								TOTAL 20-year	**$7,162,283**	**$7,840,923**

on 3% per year based on historical trends

full at the time of purchase

ase of 3% per year

4. EXISTING PROGRAM EVALUATION

Traditionally, the LMCD harvesting program has been used to provide immediate relief in areas of the lake where herbicides or other management approaches would not be as effective, are not permitted, or where an immediate solution was required such as in areas where vegetation hindered boater safety and/or usability. The LMCD has strived to keep interested stakeholders updated regularly with information regarding the estimated path the harvesters would take throughout the lake. Other information about harvesting activities was also made available through the LMCD website and social media.

The LMCD does not have a clear plan in place that clearly defines where and when harvesting should take place on a bay by bay basis. Operating in a reactionary method has allowed critics of the LMCD harvesting program to raise concerns regarding fragmented vegetation washing ashore.

Previous harvesting efforts by the LMCD have not used GPS technology to map the path of harvesters. This has resulted in a lack of data showing acreage harvested in comparison with expended effort (Figure 2). GPS-guided equipment would greatly improve location accuracy of all harvested areas and would allow for site evaluations post-harvest to determine the success of the harvest.

Because plant growth rates vary from bay to bay, some bays or channels may be better candidates for weed harvesting compared to others. Documentation of the frequency of re-harvesting would help determine where to best focus the harvesting effort, or to determine if herbicide treatments should be used for areas with strong re-growth rates. Areas with dense native aquatic vegetation that impacts navigation should be priority target areas for mechanical harvesting due to prohibited use of herbicide in these areas.

A compilation of issues with the current harvesting identified by stakeholders and through our review include are shown below. These have not been verified by EOR.

- Slow speed of harvesters limits the amount of vegetation that can be harvested and excludes harvest abilities of remote areas
- Management decisions on when and where to harvest have been decided by Site Supervisor (LMCD Employees) and Bay Captains (not LMCD employees), not the LMCD. Harvest areas were determined from historical areas, scouting by supervisor, customer complaints, bay captains.
- Incomplete collection of plant fragments during harvest and potential for floating vegetation
- Only 5 or 6 sites exist for vegetation disposal, thereby limiting the efficiency of harvesting due to delays in offloading weeds. Private parties have suggested additional offloading sites would provide additional lake access
- Need to identify a time, place, and threshold for when harvesting is appropriate versus alternative options such as herbicide treatments
- Stakeholders have identified a lack of a clear chain of command for addressing repairs and equipment problems
- Stakeholder identified lack of detailed service/ maintenance records

- Hydraulic motor issues and hose leaks (including leaks during storage)
- Stakeholder identified improper winterizing techniques leading to equipment damage (i.e. animal damage to center counsel and seats). Also exposed cutter teeth when equipment is in storage (safety concern)

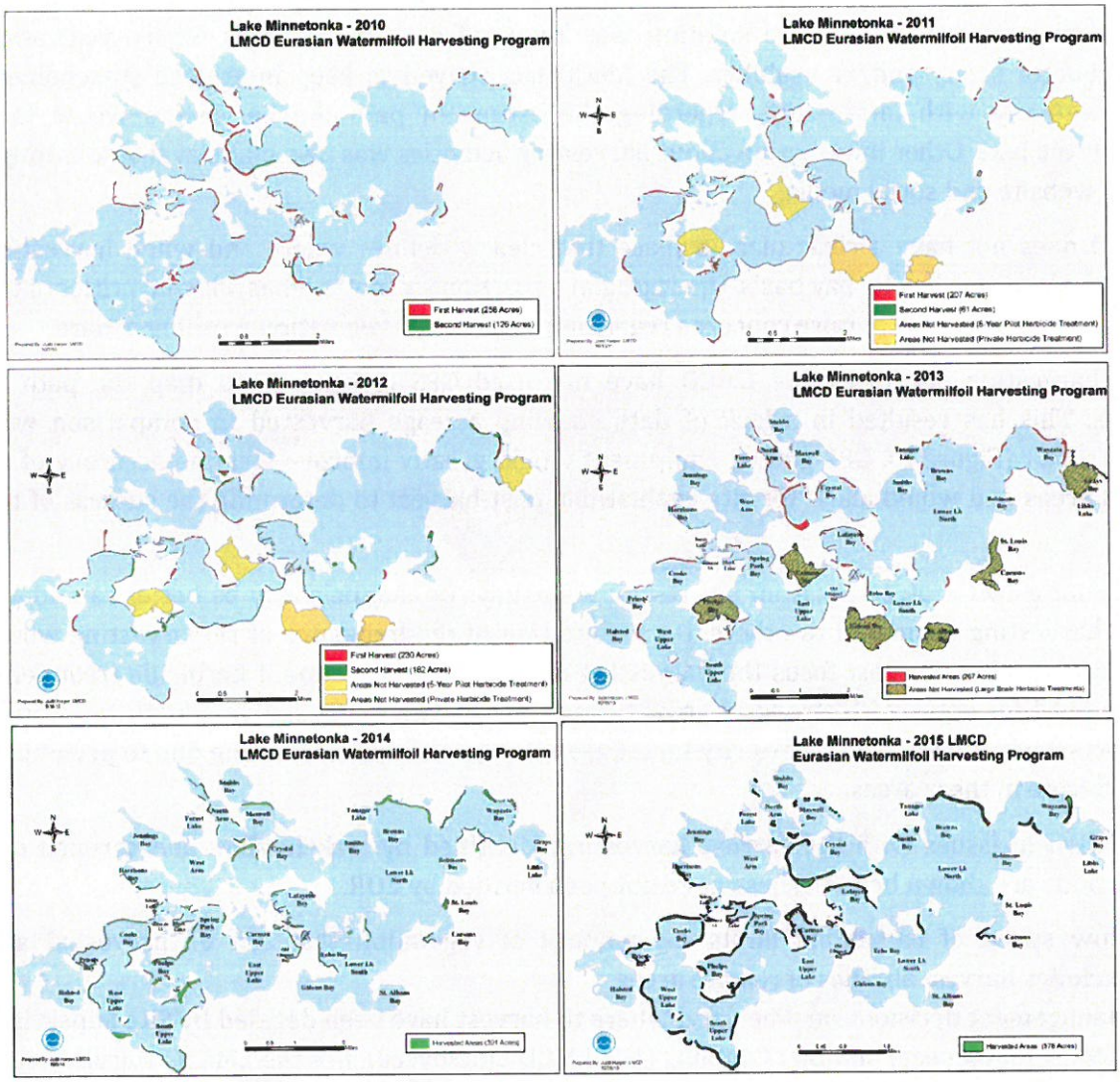

Figure 2. Examples of Lake Minnetonka Harvest Maps, 2010 to 2015.

5. FUNDAMENTALS OF MECHANICAL HARVESTING

5.1. Aspects of a Successful Mechanical Harvesting Program

The variability in the effectiveness of any mechanical harvesting program is directly correlated with the following key variables:

- Defining realistic goals for a harvesting program and conveying these goals to stakeholders
- Specifications, dimensions, operator experience, and efficiency of harvesting equipment
- Seasonality, frequency, and duration of harvest(s) across spatiotemporal scales
- Spatial distribution/abundance of the aquatic plant species being harvested
- Funding and support from community
- Public relations and direct lines of communication between harvesting staff and stakeholders
- Access and availability to accurate data in regards to the location and timing of harvest activities

5.2. Positive and Negative Aspects of Mechanical Harvesting

Mechanical Harvesting Advantages and Disadvantages

All aquatic plant management techniques have positive and negative attributes. The potential advantages and disadvantages of mechanical harvesting are shown in Table 9 and Table 10.

Table 9. Advantages and disadvantages of mechanical harvesting (McComas 2011).

Advantages
Water can be used immediately following harvest treatment. Some aquatic herbicides have restrictions on use of treated water for drinking, swimming, and irrigation.
Harvesting takes the plant material out of the water so the plants do not decompose slowly in the water column as they do with herbicide treatment. Additionally, oxygen content of the water is generally not affected by mechanical harvesting, although turbidity and water quality may be affected in the short term.
Nutrient removal can occur but is usually minimal because only small areas of lakes (1 to 2%) are typically harvested. It has been estimated that aquatic plants contain less than 30% of the annual nutrient loading that occurs in lakes.
The plant community is altered but remains largely intact because most harvesters do not remove submersed plants all the way to the lake bottom. Like mowing a lawn, clipped plants remain rooted in the sediment and regrowth begins soon after the harvest.
Mechanical harvesting is site specific because plants are only removed where the harvester operates.
Mechanical harvesting is perceived to be environmentally neutral by the public whereas concerns over the safety and long-term toxicology of herbicide applications remain despite widespread research and registration requirements that are enforced by regulatory agencies.

Disadvantages
Mechanical harvesting equipment has limited production, therefore repair and replacement costs can be expensive.
The area that can be harvested in a day depends on the size of the harvester, transport time, distance to disposal site, and density of the plants being harvested. These factors result in a wide range of costs. The cost of harvesting is site-specific, but mechanical harvesting is generally more expensive that other plant control methods.
Mechanical harvesters are not selective and remove native plants along with target weeds. However, most native plants will likely return by the next growing season or before.
By-catch, or the harvesting of non-target organisms such as fish, crayfish, snails, macro invertebrates, along with weeds can be a concern. If the total area of the lake is less than 10% of the lake's area, this will likely be of little consequence.
Regrowth of cut vegetation can occur quickly. For example if Eurasian milfoil can grow 1 to 2 inches per day as reported, a harvest that cuts 5 feet deep could result in plants reaching the water surface again only one to two months after harvesting. Speed of regrowth depends of the target weed, time of year harvested, water clarity, water temperature and other factors.
Floating plant fragments produced during mechanical harvesting can be a concern because aquatic weeds can regrow vegetatively from even small pieces of vegetation. Homeowners downwind of the harvesting site may not appreciate have to regularly rake weeds and floating fragments off their beaches.
Disposal of harvested vegetation can be an expensive and difficult. It takes time and additional money to transport the plants to shore, load the material and dispose of the cut material off site.
Costs of moving the cut vegetation from the harvester to shore will add significantly to the cost of operation. Harvesters move relatively slow, so the extra time traveling to and from the off load site must be factored into the operation.

Mechanical Harvesting Comparison with Herbicides

Table 10. Comparison of mechanical harvesting vs. herbicides (prepared by DNR). Source: LMCD Comprehensive Eurasian Watermilfoil and Curly-leaf Pondweed Management Plan, 2013).

Effectiveness of Control	Mechanical Harvesting	Herbicides
Reliability	Never fails [to remove plants]	Can fail
Time to relief	Immediate	7 to 14 days
Vegetation is collected and removed from the lake	Yes (Nutrients in plants are removed from lake)	No (Nutrients in plants are NOT removed from lake)
Duration of control (and need for multiple treatments)	Shorter?	Longer?
Creation of channels	Good	Not so good
Control of plants over a large area	Not so good	Good
Additional Considerations	**Mechanical Harvesting**	**Herbicides**
Cost	Often higher	Often lower
Percentage of cost attributable to labor	high	low
Capital investment	high	None [for customer]
Duration of work	Continues over the season	One or a few days
Variability in cost	higher	lower
Disposal of harvested plants	Can be difficult to find a place where plants can be delivered	Not applicable (plants decompose in lake)
Potential spread within a lake	Should not be employed on lakes where the distribution of milfoil is limited	Can be employed on lakes where the distribution of milfoil is limited
Effects on non-target organisms or lake ecosystem	**Mechanical Harvesting**	**Herbicides**
Removes invertebrates, fish, frogs, snakes, turtles, etc	Yes	No
When target plant is an exotic, removal or destruction of native vegetation	Yes	Yes or no, depending on particular herbicide used
Increased fragmentation	More	Less
Disturbs sediment and causes suspension of sediment in the water column, which in turn may reduce water clarity	Often does, likely to a greater extent	May do so, likely to a lesser extent
Potential negative effects of introducing chemicals into the aquatic environment	No (except hydraulic fluid and oil from breaks in lines)	Yes
Restrictions on use of water after treatment	No	In some cases
Selectivity	Limited or none	Some are, some are not
Minnesota Regulations (M.R. 6280)	**Mechanical Harvesting**	**Herbicides**
Small area can be treated without a permit to control milfoil or other submersed aquatic plants	Yes	No (Always requires a permit from the DNR)
Limit on the amount of area that may be treated	50% of the littoral zone	15% of the littoral zone

Mechanical Harvesting Case Studies

An overview of case studies which highlight the positive and negative impacts of mechanical harvesting on native plants and animals is shown in Table 11.

Table 11. Positive and negative impacts of mechanical harvesting and associated case studies.

Positive Impacts on Native Plants and Animals
✓ Olson et al. (1998) studied the impact of mechanical harvesting of aquatic macrophytes on fish in four Minnesota lakes. Based on the results they concluded that changing the strategy of harvesting from clear-cutting the top meter of vegetation to selectively cutting deep channels throughout the lake may simultaneously improve the fishery and recreational value of a lake **Case Study:** Managing Macrophytes to Improve Fish Growth: A Multi-lake Experiment
✓ Macrophyte harvesting can be a cost-effective means to remove phosphorus from an urban shallow lake system, and this management tool has the potential to factor into dynamic and creative lake and watershed management plans. A 2004 study conducted by Three Rivers Park District on Lake Minnetonka found that the mechanical harvesting program removes approximately 510 pounds of phosphorus per year at an estimated cost of $204 per pound, significantly lower than the estimated phosphorus removal costs for most watershed BMPs. **Case Study 1:** Phosphorus Removal by Plant Harvesting on Lake Minnetonka **Case Study 2:** Aquatic plant harvesting: An economical phosphorus removal tool in an urban shallow lake
✓ Mechanical harvesting conducted over an extended time period has the potential to result in a positive change in the aquatic plant community from watermilfoil to low growing native species that typically stay below the maximum, harvested depth. Repeated harvesting of EWM prevents it from forming a canopy and shading out other vegetation **Case Study:** Lake Noquebay Rehabilitation District Aquatic Plant Management Goals & Objectives
✓ Selective cutting of channels, paths, or openings is an effective means of creating valuable edge habitat (Engel 1995). Larger fish often associate with plant bed edges (Engel 1987) where macroinvertebrate prey resources are mostly concentrated (Sloey et al. 1997). Thus a reduction in dense vegetation, rather than eradication, should increase predator-prey interactions, improve fish growth (Bettoli et al. 1992, Bettoli et al. 1993) and augment fish production (Smith 1993) **Case Study:** Eurasian Watermilfoil as a Fishery Management Tool
Negative Impacts on Native Plants and Animals
✓ Mechanical harvesting can potentially have a significant negative impact on the abundance of the milfoil weevil (*Euhrychiopsis lecontei*) depending on the scale of harvesting efforts relative to the size of the lake **Case Study:** The Effects of Harvesting Eurasian Watermilfoil on the Aquatic Weevil *Euhrychiopsis lecontei*
✓ Research on fish catch during mechanical harvesting of submersed vegetation has noted that the impact is likely to vary tremendously between lakes, due to the differences in aquatic macrophytes, their densities, and different fish stocks. Haller et al. (1980), Mikol (1985), and Wile (1978) found that harvesting removed predominantly small sunfish or yellow perch **Case Study:** The interaction between biology and the management of aquatic macrophytes
✓ Mechanical harvesting can also incidentally remove vertebrates inhabiting the vegetation and lead to shifts in aquatic plant community composition **Case Study:** Vertebrates removed by mechanical weed harvesting in Lake Keesus, Wisconsin. Journal of Aquatic Plant Management

5.3. Implications for Lake Minnetonka

From 2010-2018, the LMCD harvested an average area of 346 acres per year. The littoral zone in Lake Minnetonka equates to an area of approximately 5,850 acres. Mechanical harvesting an average area of 346 acres/year equates to less than 1% of the entire littoral zone, significantly less than the 50% littoral limit that could be potentially harvested in accordance with DNR regulations. The small scale of the LMCD harvesting program relative to the total surface area of Lake Minnetonka suggests any positive or negative impacts to native plants and animals resulting from the LMCD harvesting program are likely minimal on a lake-wide basis. Nevertheless, mechanical harvesting may have localized impacts in the portions of the lake in which harvesting activities take place. Therefore, the LMCD should work with DNR fisheries biologists and wildlife professionals to screen areas of the lake that may provide critical fish or wildlife habitat. These critical areas include important fish spawning areas, sensitive wildlife areas, undeveloped shorelines, or sanctuaries for reptiles, especially turtles. Critical (no-cut) areas should clearly be identified on maps depicting harvesting priorities, see Lake Monona example in (Figure 3).

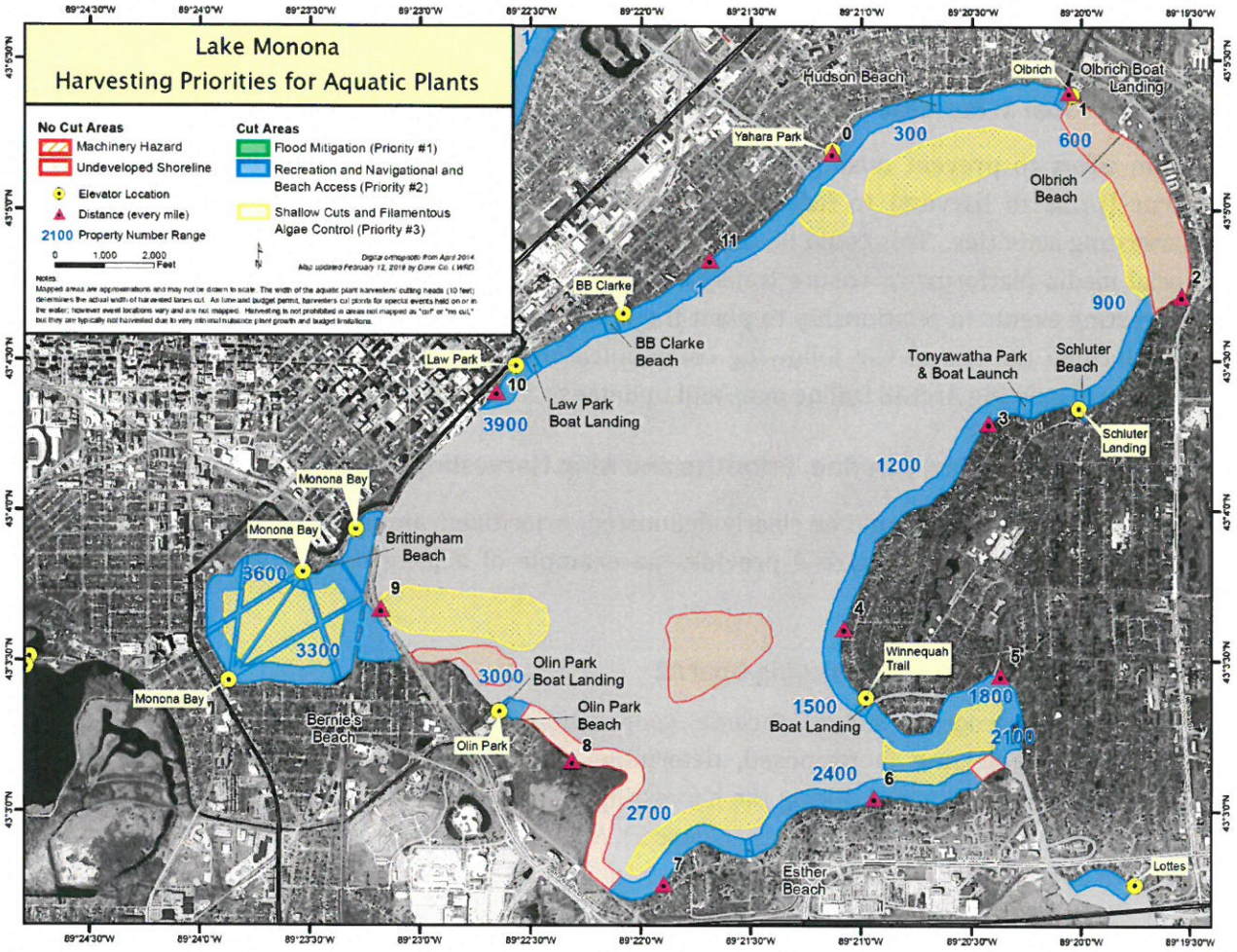

Figure 3. Lake Monona (Madison, Wisconsin) harvesting priorities for aquatic plants.

6. LMCD HARVESTING PROGRAM RECOMMENDATIONS

Based on available LMCD harvesting data, literature review, and financial analysis and comparison of the existing harvesting program, it is recommended harvesting continue on Lake Minnetonka. There are several key areas that need improvement for the harvesting program to continue, including but not limited to streamlined and efficient data collection of areas harvested, equipment upgrades, and refined SOP's. There will be a need for harvesting on Lake Minnetonka for the foreseeable future, especially considering the financial and permit limitations of herbicide application.

Mechanical harvesting should be evaluated as one component of a comprehensive, integrated aquatic plant management approach. Mechanical harvesting can be beneficial when applied appropriately in a clearly defined space and time. It is not a lake-wide solution that can be applied without specific plans or one that can be used in a reactionary nature. The following paragraphs outline recommended short-term and long-term goals for improving a harvesting program.

6.1. Short Term Goals

6.1.1. Goal 1: Increase Program Transparency through Social Media

In an effort to prevent misinformation from being transmitted, pre-emptive messaging should occur (prior to harvest) to inform cities, residents, and all vested stakeholders regarding all harvesting activities. This could be conducted through a website, via Social Pinpoint, and/or other social media platforms to ensure transparency and avoid misunderstandings about the timing of harvesting events in relationship to plant fragments at downwind locations. Such communications may include the use of the following communication tools: press releases to local newspapers, updates to existing ArcGIS Online map, and updates to Social Pinpoint.

6.1.2. Goal 2: Cleary Define, Prioritize and Map Harvesting Priorities.

The areas for harvest should be clearly delineated, prioritized, and mapped for areas best suited to mechanical harvesting. Figure 4 provides an example of a prioritized harvesting map for Lake Mendota.

Recommended Steps for Achieving Goal #2

A harvesting program should include cooperation with bay captains to determine where mechanical harvesting is proposed, determine site priorities, and streamline the harvesting schedule both prior to and during the harvesting season. This exercise should begin with a review of the most recently harvested areas (Figure 5). All areas within the lake should be categorized and mapped as to use, restrictions, and priority.

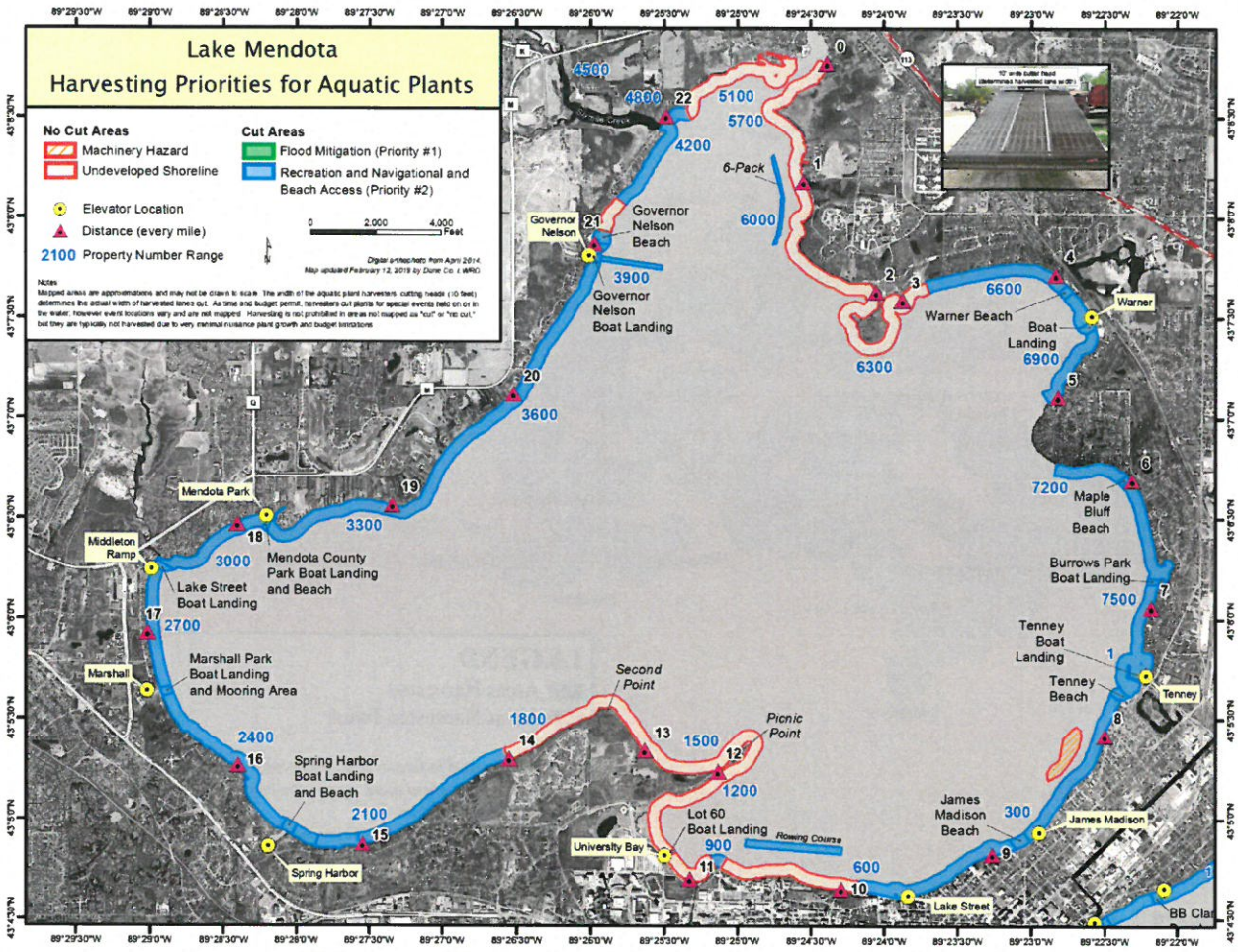

Figure 4. Lake Mendota (Dane County) Harvesting Priorities for Aquatic Plants (source: Dane County Aquatic Plant Management Harvesting Program).

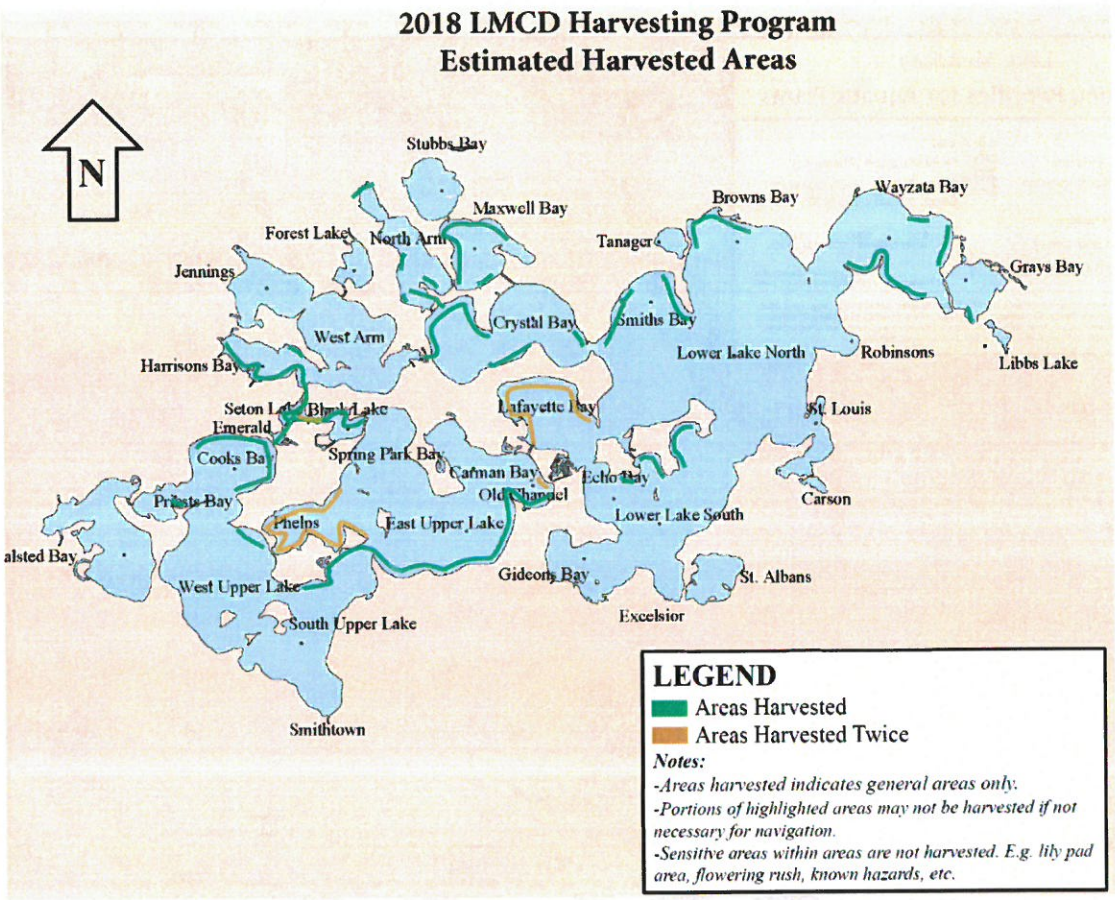

Figure 5. 2018 LMCD Harvesting Locations.

In Lake Minnetonka, areas that should be targeted for mechanical harvesting include (but are not limited to):

- Areas where vegetation is impeding navigation and an immediate solution is required (public accesses, licensed multiple dock sites)
- Areas where herbicides are not effective due to water movement such as connecting channels and/or bays with flows (e.g., Black and Seton)
- Primary contact recreation (swimming) areas where herbicide use may be undesirable
- Areas with dense natives (herbicides not allowed)
- Areas where genetic composition of EWM/Hybrid EWM suggests resiliency to herbicides
- Public access areas where aquatic plants accumulate and can be picked up

Once categorized, informed decisions must be made on the use of mechanical harvesting on a site-specific basis. Next, feedback and approval from affected cities, bay captains, residents, and the LMA on the specific areas of the lake that are most likely to benefit from mechanical harvesting should be solicited. Because aquatic plant growth varies from bay to bay and year to year, it will be necessary to evaluate plant growth conditions in bays and recommend appropriate harvesting on a year by year basis, within the limits of the planned harvesting priority areas and DNR permit.

While bay captains will be involved in the decision making process the administrator of the harvesting program should be responsible for making the final decision on the use of mechanical harvesting on a site-specific basis. Someone with aquatic plant experience is necessary to proactively balance staff and harvesting equipment resources and priorities with the needs and ecological conditions of the entire lake. AIS detector training is also preferred. Local groups or individuals would retain the option of contracting for additional harvesting or special event harvesting needs.

6.2. Long Term Goals

6.2.1. Native Aquatic Plant Community Restoration

Active restoration of native aquatic vegetation may be necessary following removal of invasive aquatic vegetation if natives do not naturally re-establish. Restoring a healthy native aquatic plant community represents a vitally important strategy for increasing the natural resiliency of the lake to future AIS invasions. Increasing the resiliency of the native plant community represents a measurable return on investment. As the percentage of the lake occupied by native aquatic plants increases, there is less opportunity for invasive species to take hold.

Natural re-establishment of native vegetation is primarily governed by competition with invasives, water clarity, and native propagule supply (Verhoeven, 2019). If native vegetation fails to re-establish under limited competition with invasives and suitable water clarity conditions, the native propagule supply is likely limiting re-establishment and active restoration of native aquatic plants via transplants or seeding may be necessary. Fortunately, Lake Minnetonka has an ample supply of native aquatic plants within the lake that should theoretically provide adequate supply if invasives can be reduced.

Case Studies

Ongoing research at the University of Minnesota is examining the effectiveness of seeding native aquatic plants into plots where CLP and EWM have been controlled (Verhoeven, 2019). The DNR has established preliminary methods for restoring native aquatic vegetation using transplants following herbicide treatments of invasive aquatic plants such as EWM. In 2018, the DNR worked with Coon Creek Watershed District and Freshwater Scientific Services, LLC to attempt native, submergent plant restoration efforts in Crooked Lake, Anoka County. Results from this effort can be evaluated by clicking on the Case Study, hyperlinked below.

Case Study: Submersed Aquatic Plant Restoration: A Case Study from Below the Surface

Aquatic plant restoration has also been attempted by Three Rivers Park District at Hyland Lake and Lake Rebecca. The projects were implemented following several years of CLP treatments and alum treatments to provide suitable conditions for native plant establishment. Plants selected for transplant included native pondweeds (*Potamageton* spp.) and water stargrass (*Heteranthera dubia*) which were hand-harvested from an un-infested donor lake. Data collection on native plant response is ongoing, but preliminary results indicate successful establishment of transplanted species in several plots.

The following list summarizes observations on preliminary outcomes and costs of native aquatic plant restorations.

1) A significant amount of permitting is involved in moving plants from one lake to another.
    a. Note: Lake Minnetonka has an ample, native aquatic plant community and native seedbank that may allow for in-lake transfers. This would significantly reduce the amount of time spent permitting and reduce travel time between sites.
2) Harvesting and transporting plants is very time and labor intensive, requiring manual labor to carefully harvest plants by hand, place in coolers, and transport.
3) Native plant transplants respond differently depending on the lake, despite apparently similar suitable conditions. Furthermore, certain areas within the same lake have been more successful than others as demonstrated in Crooked Lake where some plots were completely unsuccessful while other areas had multiple species take hold. There is not enough evidence to determine what makes any particular site more or less successful.
4) Initial start-up costs for experimental sized plots (10-20 square feet) typically involve staff time (team of 4-5 individuals working for two consecutive 8-hour days), gardening supplies, landscape stakes, burlap fabric, and sufficient fencing material to create an enclosure around the transported aquatic plants (optional).
5) To date, the scale of implementation has been quite small. Experimental plots have been between 9 square feet on Hyland Lake and Lake Rebecca to a maximum of 16 square feet on Crooked Lake. The small plot size is a reflection of the time and labor involved in harvesting, transporting, and re-planting the aquatic plants.
6) The most successful species in transplanting efforts was large-leaf pondweed (*Potamogeton amplifolius*); however, several other species have been attempted with mixed results including flat stem pondweed (*Potamogeton zosteriformis*), clasping-leaf pondweed (*Potamogeton richardsonii*), water celery (*Valisnera americana*) and water stargrass.

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DRAFT- Lake Minnetonka- Starry Stonewort Protection & Emergency Action Plan

Key Highlights of this Plan:
Characteristics of starry stonewort and its distribution nationally and locally
Suitability of starry stonewort in Lake Minnetonka based on water quality information
Protection Plan – including information on prevention and early detection actions
Emergency Action Plan – including information on steps to respond if starry stonewort is introduced in Lake Minnetonka and the most viable management options
Roles and responsibilities of partner entities regarding the protection plan steps and the emergency action plan steps
Funding and resources available to take the necessary steps in this plan

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1. SUMMARY AND INTRODUCTION

This Starry Stonewort (SSW) Protection and Emergency Action Plan is written for the purpose of outlining the necessary steps for 1) preventing the introduction of SSW into Lake Minnetonka, 2) early detection of SSW if it is introduced, and 3) acting quickly to contain and remove SSW if it is detected. It is expected that this plan be used for guidance in managing SSW in Lake Minnetonka.

The information found in this plan is based on research and results from other projects. However, it is important to recognize that these practices are based on limited information and experience on how SSW might spread in Lake Minnetonka's aquatic community. Additionally, the management approaches for SSW changes over time with the evolution of the science and management practices. New chemicals, technology, and research can change the way we respond to aquatic invasive species (AIS). Therefore, as science evolves, the plan should be expanded and modified to be consistent with those changes.

2. BACKGROUND

2.1. STARRY STONEWORT

SSW is a freshwater green algae in the Characeae family and is native to Europe and Asia. It is characterized as macro-algae, and has large, bright green branching branchlets. It produces distinctive white star-shaped bulbils that can produce new growth. It grows in a bushy manner underwater and can reach depths up to 9 meters (29.5 feet), but primarily occurs at a depth of 4.8 meters (15.7 feet) or less. Because it is dioecious, meaning that individuals are either male or female, it is capable of reproducing both sexually and asexually. SSW can spread via oocytes, which attach to the fur of animals or moving objects, or via fragmentation. However, only male clones are known in the United States.

2.2. EXPANSION OF STARRY STONEWORT IN THE UPPER MIDWEST

SSW was first documented in the St. Lawrence River in the 1970's, likely via international ballast water. Since then, SSW expanded eastward into Michigan in the mid-2000s before being discovered in Indiana in 2008. Starry stonewort was first found on Little Muskego Lake in Wisconsin in September of 2014, and on Lake Koronis in Minnesota in 2015. Currently, SSW is known to occur in Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Vermont, Wisconsin, and Ontario (**Figure 1**).

All recorded populations in the United States are male though there may be undiscovered females. The star-shaped bulbils (where the plant gets its name) are the most likely transport mechanism. Bulbils are short-lived (less than 24 hours) and can only be transported over short distances (Larkin et. al., 2018), therefore the most likely method of movement is via human movement of fragments from lake to lake rather than waterfowl movement of zygotes (or oospores) or other natural pathways (MAISRC, 2019). Because the arrival of SSW is so new to the Upper Midwest, there is an information gap with regards to the potential ecological impacts this species will have on the ecology and economics of Upper Midwest Lakes, including Lake Minnetonka. Data collected to date suggests that the impacts of SSW can vary from lake to lake. For example, when SSW was

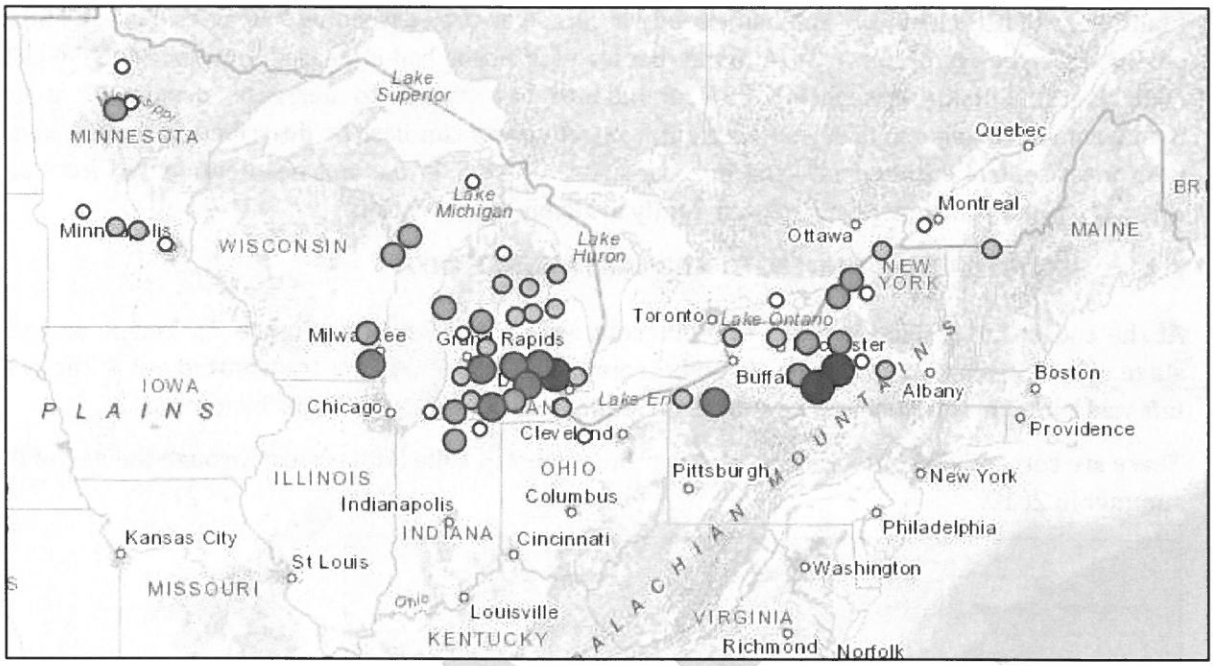

Figure 1. Starry Stonewort Distribution. (Source: USGS)

found in Lake Koronis in 2015, it had already occupied an area exceeding 250 acres. Survey efforts conducted three years later in 2018 found that its distribution had increased. However, in Pike Lake (Washington County, Wisconsin), SSW abundance has started to decrease, despite no active management. In general, SSW containment/control efforts can best be described as experimental with most control efforts producing mixed results. Since SSW has not been eliminated from any lakes, the best management strategy currently available is prevention.

2.3. OCCURENCES IN MINNESOTA AND LAKE MINNETONKA

At the end of 2018, thirteen lakes in Minnesota were listed for SSW (**Figure 2**). This is an early stage of lake infestation in Minnesota and theoretically, if SSW was not transported out of these 13 infested lakes, infestations into new lakes including Lake Minnetonka would be minimal.

There are currently no observations of Starry Stonewort in Lake Minnetonka through the end of the summer in 2019.

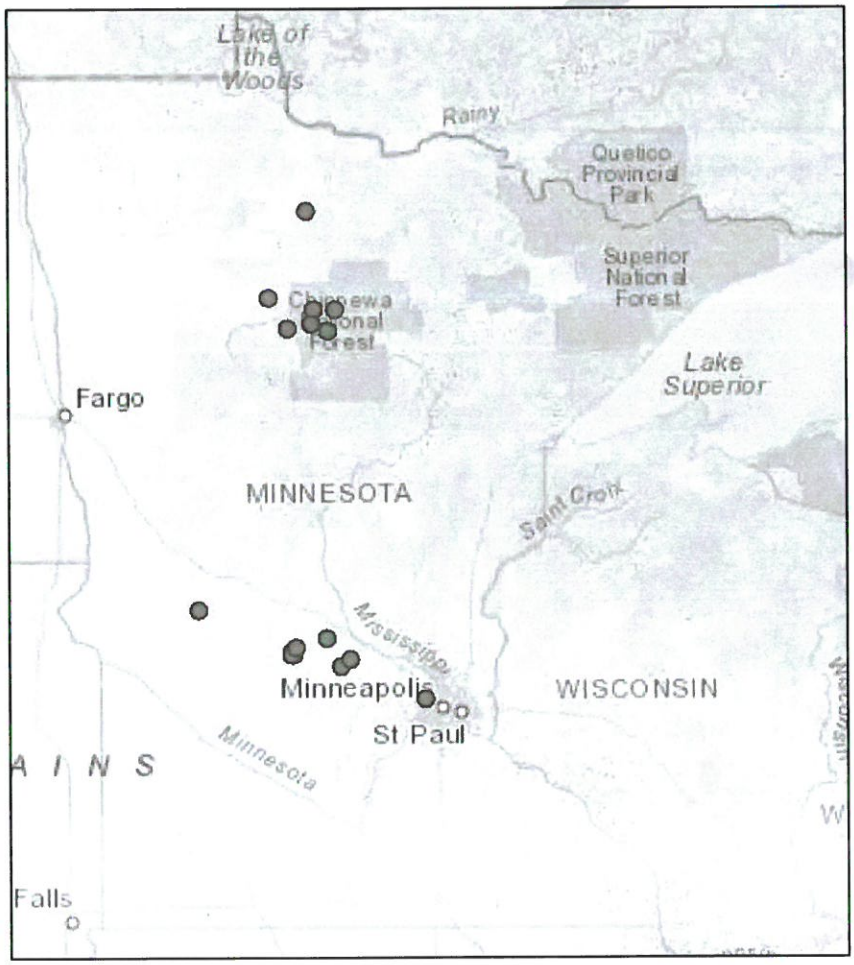

Figure 2. The thirteen known lakes with SSW infestations in Minnesota (source: USGS). Lake Koronis is shown with 2 dots.

2.4. CASE STUDY: LAKE GENEVA, WALWORTH COUNTY, WISCONSIN

Lake Geneva is a 5,401 acre lake located in Walworth County, Wisconsin. Analogous to Lake Minnetonka, Lake Geneva supports a large number of recreational boaters from destinations throughout the Midwest. Visitors have access to the lake from public boat landings, public beaches and via privately owned marinas and boating clubs. The lake's water clarity is very clear and the lake supports a wide variety of aquatic plants including both native and non-native species. Starry stonewort was found for the first time in Lake Geneva in the fall of 2018 near a privately operated marina (Trinke Lagoon). Since this finding, EOR has remained in contact with Ted Peters, President of the Geneva Lake Association to learn more about their process for reducing the spread of SSW. Furthermore, reviewing results from lake-wide point intercept studies has provided EOR with an opportunity to learn more about the potential ecological impact of this species in addition to available management options. The timeline presented below provides a snapshot of SSW growth in Lake Geneva from introduction to current. As time progresses and new management approaches are implemented, this timeline should be revisited from which potential lessons can be learned that could potentially be applicable to Lake Minnetonka. Creating a similar timeline for Lake Minnetonka represents one means of maintaining transparency amongst lake users, this is critical when managing lake-user expectations. If SSW is found, a similar timeline of events should be posted on the LMCD website and the Social Pinpoint page so that all parties involved are aware of management actions being implemented. Preliminary results from Lake Geneva should be interpreted with caution as these findings are subject to change.

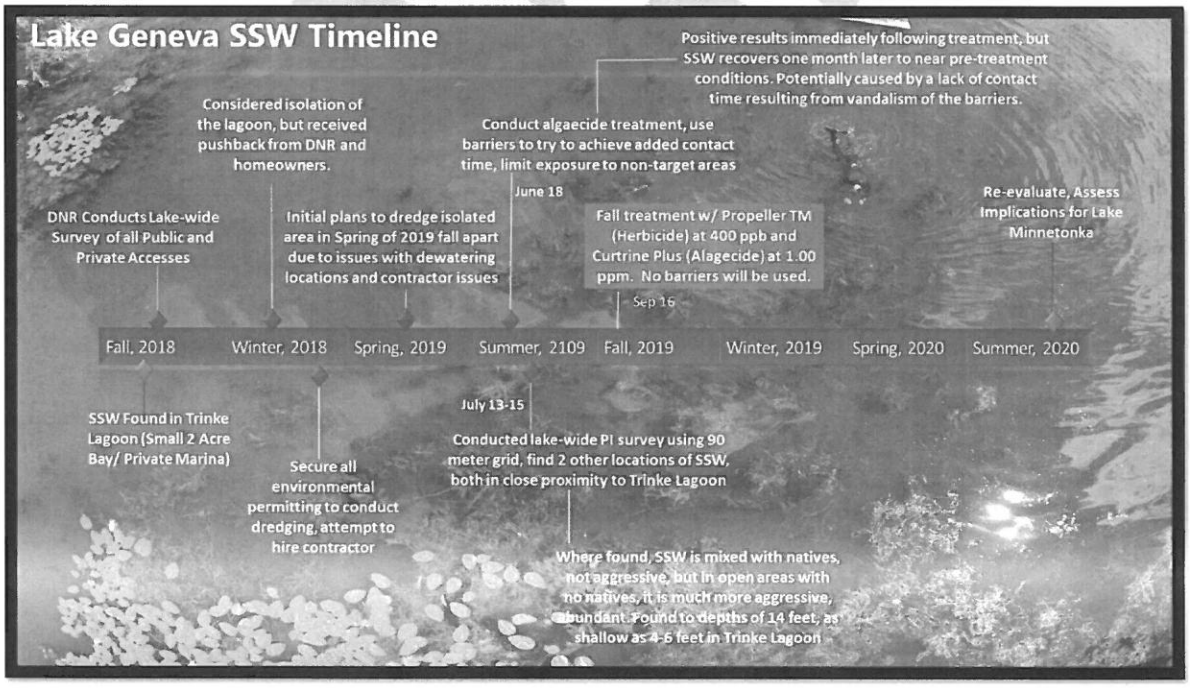

Figure 3. Timeline of events following the 2018 discovery of Starry Stonewort in Lake Geneva, Wisconsin.

3. SUITABILITY OF STARRY STONEWORT IN LAKE MINNETONKA

3.1. PARAMETERS ASSOCIATED WITH SSW GROWTH

Information on the suitability of SSW growth in lakes is increasing, but at the present time, critical growth factors are speculative. Based on available information, oligotrophic and mesotrophic lakes present the most suitable conditions whereas eutrophic lakes may support limited growth. Suitability of water quality parameters for SSW growth in Lake Minnetonka is listed in Table 1. It appears several of the eutrophic Lake Minnetonka bays would not be suitable for SSW growth (**Figure 4**).

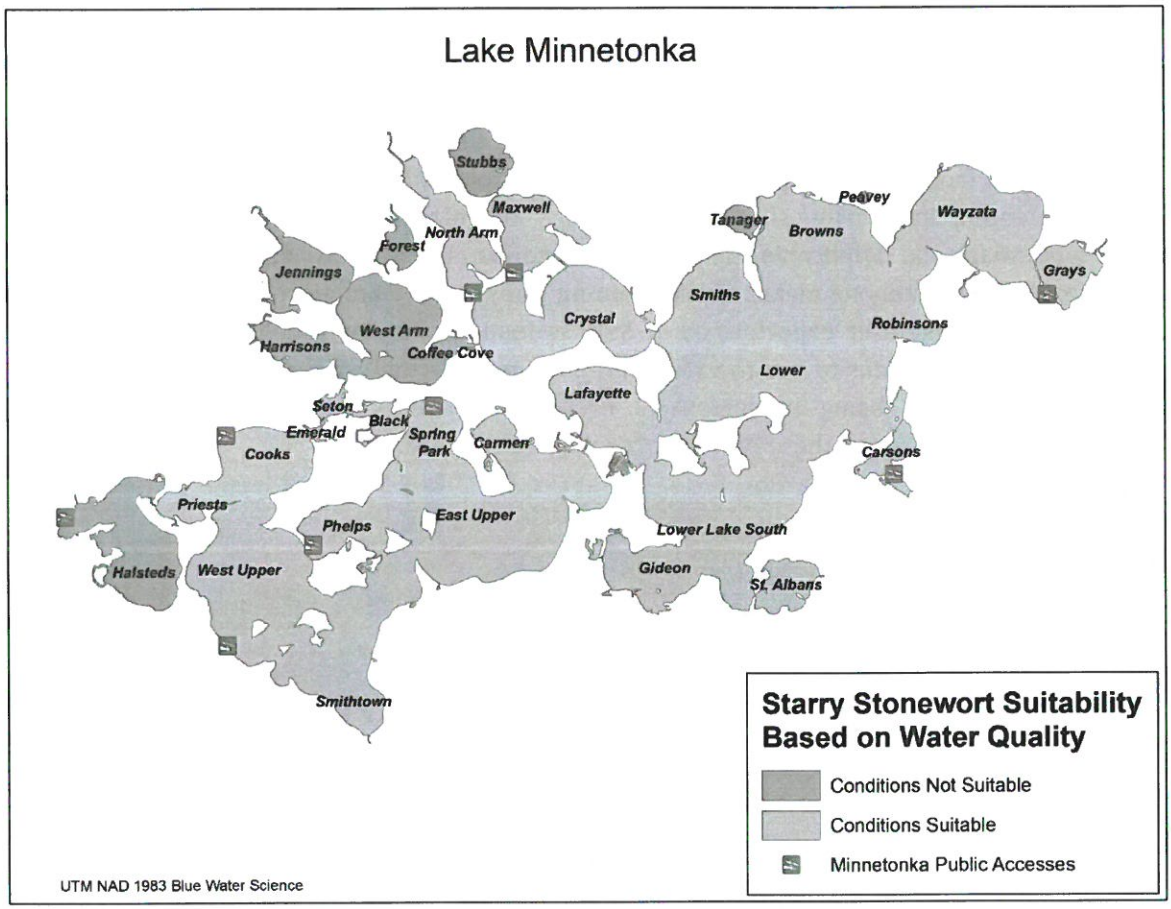

Figure 4. Suitability of starry stonewort growth in Lake Minnetonka based on water quality conditions. Suitability for SSW growth was derived from several sources.

Table 1. Starry stonewort suitability for establishment in Lake Minnetonka based on Lake Minnetonka water quality for each bay. Dark blue shading indicates water chemistry that is out of the range of known SSW established populations. Suitability ranges are from various sources.

	Bay size (Acres)	Year Data Collected	Secchi Disc (Meters)	Total Phosphorus (ug/L)	Chlorophyll a (ug/L)	pH	Alkalinity (mg/L)	Calcium (mg/L)	Conductivity
Median			**3.8**	**23**	**26**	**8.5**		**51**	**301**
(Range)			**(1-6)**	**(3-35)**	**(0-36)**	**(7.3-9.2)**	**(120-184)**	**(29-107)**	**(161-499)**
Black Lake	97	2015	2.68	32	18	7.9-8.3	130	33-34	405
Browns Bay		2015	5.53	16	3.3				
Carman Bay	413	2018	4.45	15	2.0	7.5-8.1	138	35	415
Carsons Bay	109	2015	5.58	23	2.0	7.8-8.4	123	32-36	420
Coffee Cove Bay		2014	1.15	89	62				
Cooks Bay	355	2018	2.69	25	7.2	7.8-7.1	128	35-36	400
Crystal Bay	805	2018	3.03	22	3.7	7.4-7.7	138	37-38	460
East Upper Bay		2015	5.44	19	2.6				
Forest Lake		2015	1.08	56	46	7.5-8.0	138	32-39	470
Gideon Bay		2015	5.26	18	4.0				
Grays Bay (Dam)	184	2018	3.69	18	2.4	8.0-8.4	135	35-36	420
Halsted Bay	571	2018	0.76	81	46	7.7-8.1	145	40-42	380
Harrisons Bay	255	2018	0.78	52	27	7.8-8.4	141	37-40	430
Jennings Bay	330	2015	0.74	115	56	7.9-8.5	152	43-44	440
Lafayette Bay		2015	5.19	20	3.8	7.7-8.5		35	425
Lower Lake	5909	2015	5.53	16	3.3	7.6-8.2	135	35-36	435
Lower Lake South	930	2018	3.71	19	1.7	7.4-8.0		36	435
Maxwell Bay	301	2015	3.76	27	7.5	7.4-7.8		38	450
North Arm Bay	314	2018	2.05	25	5.8	7.3-7.7	134	35-37	437
Peavey Lake		2015	1.48	86	9.3	6.6-6.7	215	72-80	1,640
Phelps Bay		2015	5.44	18	3.8	7.4-8.4		34	400
Priests Bay	158	2018	1.58	36	14	7.8-8.3	134	35-37	400
Robinsons Bay		2015	5.53	16	3.3				
St. Albans Bay	160	2018	4.03	19	3.8	7.8-8.5	114	28-33	405
St. Louis Bay		2015	5.53	16	3.3				
Smithtown Bay	843	2018	4.19	19	2.9	7.2-8.0		34-35	405
Spring Park Bay		2015	5.44	18	3.8	7.8-8.4	137	34-35	410
Stubbs Bay	197	2015	0.90	48	29	7.7-8.1		41-42	460
Tanger Lake	53	2018	0.74	83	39	7.8-8.4	152	44-46	430
Upper Bay	4229								
Wayzata Bay	720	2018	3.65	18	2.9	8.0-8.3	135	34-36	430
West Arm Bay	808	2018	0.84	56	25	7.8-8.3	146	38-41	440
West Upper Bay	901	2018	3.66	20	3.7	7.2-7.8		34-35	415

No data for Emerald Lake and Seton Lake.
pH, alkalinity, calcium, conductivity collected in 2009.

3.2. PROBABILITY OF SSW INTRODUCTION IN LAKE MINNETONKA

Based on boater movement analyses, there is a strong likelihood of SSW being introduced into Lake Minnetonka by 2025 (Phelps 2018) (Table 2). Therefore, watercraft inspections have to be effective to delay a potential new introduction.

Table 2. Starry stonewort: high-risk lakes by 2025 through boater movements (source: Phelps, N. 2018. Estimating AIS risk for Minnesota lakes. MAISRC Research and Management Showcase).

MN DNR Division of Waters (DOW) Number	Lake Name	Predicted Boater Risk (2025)
11020300	Leech	15.94%
48000200	Mille Lacs	15.88%
2713300	Minnetonka	14.20%
25001700	U.S. Lock & Dam # Pool	13.87%
56014100	Rush	13.77%
45000200	Mud	13.35%
25000100	Pepin	13.30%
19000100	U.S. Lock & Dam #2 Pool	12.98%
69061700	Sand Point	12.95%
3010200	Shell	12.87%
32005700	Heron	12.83%
43011500	Cedar	12.71%
77021500	Osakis	12.63%
18030800	Pelican	12.63%
15024500	Kiwosay Pool	12.62%
40009200	Jefferson	12.61%
37004600	Lac Qui Parle	12.55%
11030500	Gull	12.51%

4. INTRODUCTION OF STARRY STONEWORT

If SSW is introduced into Lake Minnetonka, four outcomes are possible using nomenclature from Blackburn et al (2011). Four possible outcomes after an introduction include failure, establishment, naturalization, or invasive growth (**Figure 5**).

At this time, not enough information of the phenology (life cycle and suitability conditions) of SSW is known to predict what type of SSW growth could be expected in various bays of Lake Minnetonka. A review of Starry Stonewort littoral zone percent frequency data for Wisconsin Lakes with recent SSW infestations suggests that the SSW may increase or decrease in abundance regardless of the management approach used. For example, SSW frequency has declined in Pike Lake in Washington County, Wisconsin despite no management efforts being attempted in this waterbody. In Little Muskego Lake, Waukesha County, Wisconsin, SSW has significantly increased despite aggressive management techniques including lake drawdowns and dredging. In Lake Koronis and other Minnesota lakes with SSW infestations, SSW appears to be displacing native *Chara* spp. Preliminary results from a 2019 survey following a 2018 finding of SSW in Lake Geneva in Walworth County, Wisconsin have found that SSW appears to be intermixed with native species in areas with healthy native plant communities. In other areas that are non-vegetated, SSW was observed to be more aggressive, and was the dominant species observed.

Although prevention of an introduction of SSW is the goal, early detection methods are critical as well. Currently, the sort of impacts this species will have in terms of ecology and economics are speculative. Because of the uncertainty, an emphasis should be placed on prevention with a strong rapid response plan in place as well.

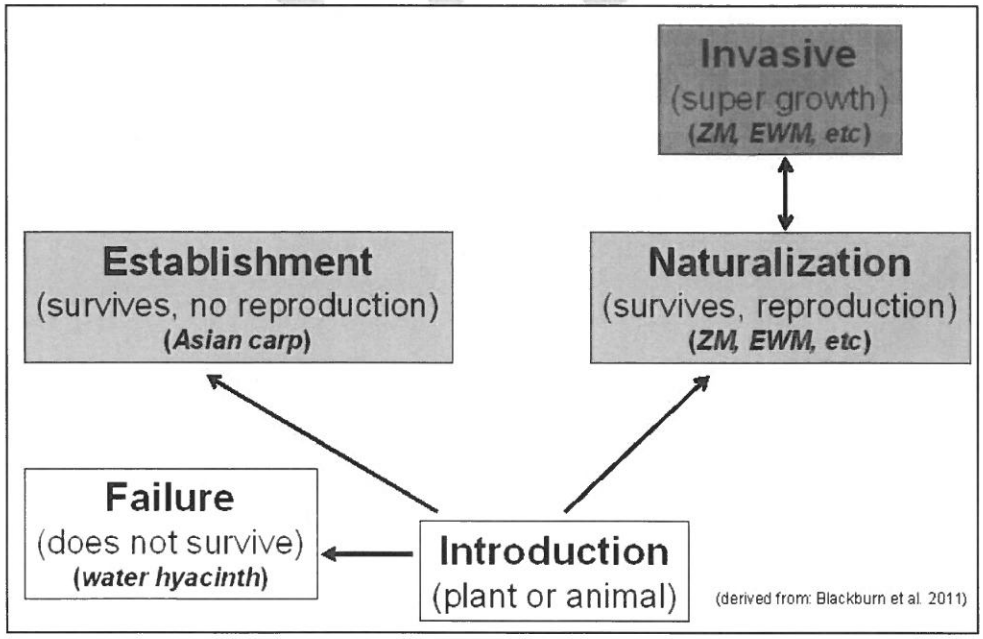

Figure 5. Possible outcomes of SSW introduction into Lake Minnetonka using nomenclature from Blackburn et al 2011.

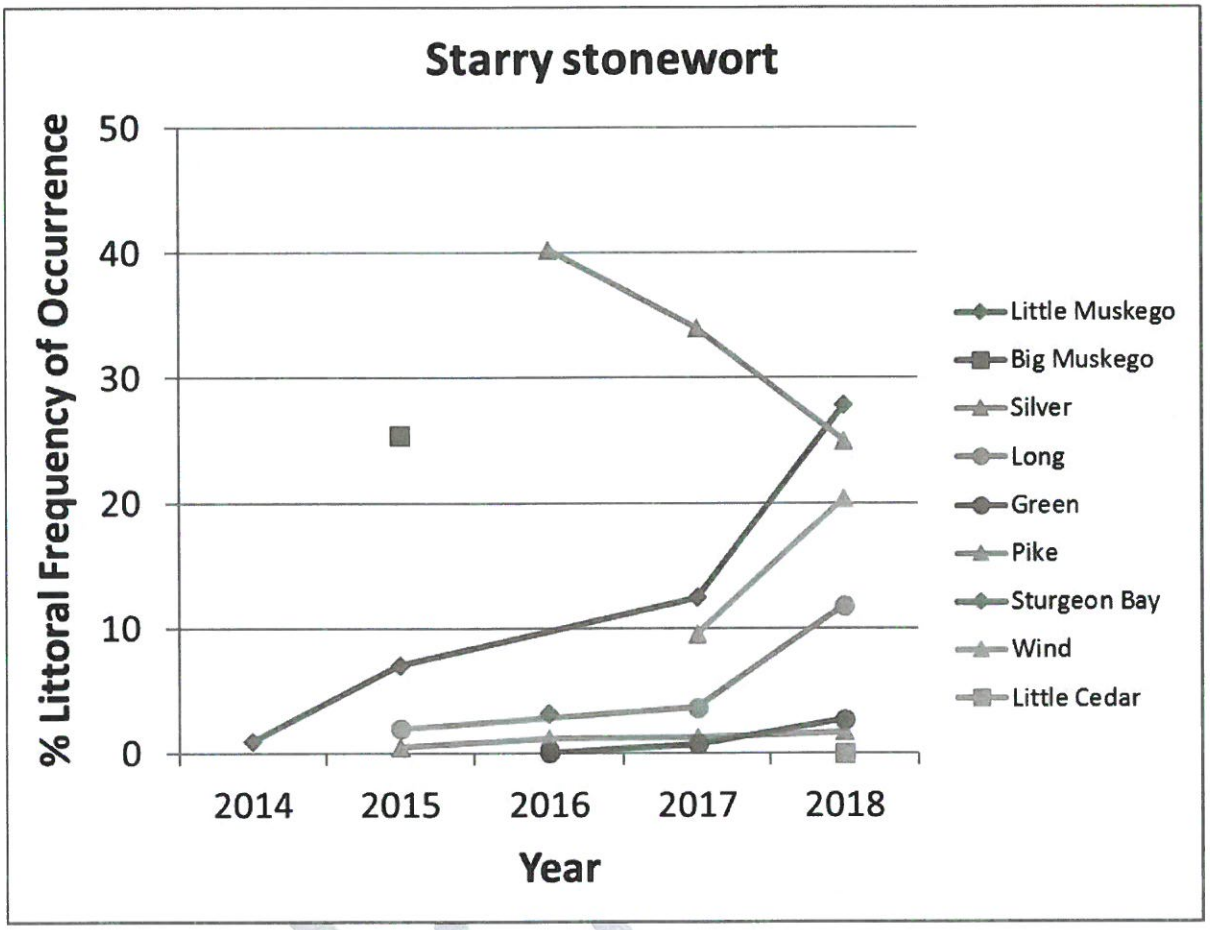

Figure 6. Frequency of occurrence for SSW for 9 Wisconsin lakes (source: WDNR).

5. STARRY STONEWORT PROTECTION PLAN

The following sections outline the components of an AIS management program that include prevention, early detection, rapid response, and management following invasion. The objective of the Starry Stonewort (SSW) Protection Plan is to first prevent a SSW introduction into Lake Minnetonka and to outline a sequence of events that follow an initial detection of starry stonewort in Lake Minnetonka.

Inspection and prevention programs are the foundation for aquatic invasive species (AIS) comprehensive management programs and represent an important component of an AIS management program. Unfortunately, existing inspection and prevention programs have not demonstrated a capacity to prevent the spread of other AIS such as Eurasian watermilfoil or zebra mussels in Lake Minnetonka as well as other Minnesota lakes. Therefore, the following sections outline critical measures that should be taken to enhance the existing inspection and prevention program. These measures include:

1) Lake Minnetonka Conservation District website information and citizen reporting.

The Lake Minnetonka Conservation District (LMCD) should maintain AIS information on its website and provide links to AIS identification pages to help lake residents identify AIS. Set-up a network for citizen reporting of any AIS observation. LMCD staff will develop and maintain additional tools (ArcGIS Online Maps, Social Pinpoint) to allow vested citizens to review spatial information, including mapped areas of infestation, identify areas where management actions may be needed, and inform citizens about critical AIS issues such as the potential discovery of SSW.

2) Development of a fundamental understanding of the suitability of SSW.

A preliminary evaluation of critical growth parameters was performed on a bay-by-bay basis to determine where SSW is most likely to result in the largest ecological/economic impact based on data collected to date. New data regarding SSW suitability and population abundance trends is currently being collected in the Upper Midwest. New information should be evaluated in an effort to better determine the suitability of SSW growth and subsequent potential for ecological and economic impacts on a bay-by-bay basis.

3) Optimizing boat inspections.

Two-types of boat inspections are recommended. One type of inspection involves exit inspections at all 13 Minnesota lakes with SSW present. The other type of inspection is for incoming boats to Lake Minnetonka with enhanced inspection for boats that have recently been in any of the 13 SSW lakes. There are five priority public accesses on Lake Minnetonka that should have extra inspection hours.

4) Enhanced starry stonewort early detection search programs:

Contract for bi-weekly searches using scuba diving, snorkeling, wading, and rake sampling from July-October. In addition, boat inspectors at the public access should spend a minimum of 1 hour a week using rake sampling to search for SSW. If starry stonewort is found, verify with DNR, produce a press release, notify lake residents, and implement a control plan.

5) **Licensed Multiple Dock Facility Inspections:**
The first infestation of SSW in Lake Geneva, Wisconsin came in an area immediately adjacent to a private marina licensed to provide storage for multiple boats. In addition to boat inspections conducted at public accesses, the LMCD should spend a minimum of 1 hour a week using rake sampling to search for SSW at private marinas and licensed boat storage facilities.

5.1. ROLES OF BOAT INSPECTIONS FOR SSW PREVENTION IN LAKE MINNETONKA

Inspections of incoming boats have value for educating the boating public and possibly slowing the spread of AIS. Boat inspections by themselves have not stopped the spread of Eurasian watermilfoil or zebra mussels into Minnesota and Wisconsin lakes (**Figure 7**).

The DNR places a significant emphasis on conducting watercraft inspections on Lake Minnetonka. In 2015, the DNR and Local Government Units conducted 36,133 watercraft inspections on Lake Minnetonka, equivalent to 11% of the total inspections conducted throughout the state.

Table 3. 2015 Watercraft Inspection Data

Month	Total Minnetonka Inspections	State-wide Monthly Inspections
April	299	1006
May	4639	42386
June	10113	78970
July	10060	85004
August	5281	49839
September	3777	26949
October	1964	9995
Total	**36,133**	**294,149**

Boat inspections continue to play a role but their ability to stop new introductions of AIS into lakes should be evaluated based on the pattern and spread of other AIS. Starry stonewort is a relatively new invader and it is difficult to predict its future rate of invasion into uninvaded lakes. Zebra mussels and Eurasian watermilfoil have had different rates of invading lakes. In Minnesota the Eurasian watermilfoil infestation rate has been linear (R^2=0.96) and the zebra mussel infestation rate has been exponential (R^2=0.97). It is possible that more efficient boat inspections could likely reduce the rate of new AIS infestations.

5.2. OPTIMIZING BOAT INSPECTIONS FOR PREVENTING SSW INTRODUCTIONS

Boat inspections are valuable. They slow the spread of AIS but do not prevent the spread of AIS. To delay the infestation of SSW into Lake Minnetonka for as long as possible, a two-pronged inspection program is recommended. The first component is to inspect boats leaving all Minnesota SSW infested lakes. The second component is to add additional inspection hours for incoming boats at priority accesses on Lake Minnetonka.

Conducting Exit Inspections at Lakes with Starry Stonewort: Based on available data from boat inspections, it was found that of the lakes with current SSW populations, Medicine Lake has the most inspected boats exiting the lake and then visiting Lake Minnetonka (**Figure 8**). As part of the exit inspection process, watercraft users are asked where they plan to take their watercraft next, and what county the waterbody is located in. Of the 10,187 respondents, nearly 70% of watercraft inspectors planned to return to waterbodies within Hennepin County. It should be noted that the DNR inspection data represents a fraction of the boats entering the lake in a given year. Extra hours of inspection for boats leaving Medicine Lake are recommended. Exit inspections at the other 12 lakes are recommended as well. Funding for additional exit inspections is not currently allocated at this time. Furthermore, it should also be noted that out of state boaters frequently visit Lake Minnetonka. Inspection data collected in 2018 found that a portion of these boaters were from States which contain waterbodies that are infested with Starry Stonewort (**Figure 9**).

Conducting Incoming Boat Inspections for Lake Minnetonka: Using incoming boat inspections to prevent the introduction of SSW is a goal for Lake Minnetonka. Public access inspections have been prioritized based on the probability of SSW introductions on a scale of high, moderate, or low priority (**Table 4** and **Figure 10**). The 5 high priority public accesses would be staffed for 10 hours per day, 7 days a week from June through October. The 2 moderate priority accesses would be staffed for 50 hours per week and the 2 low priority accesses would use existing inspection levels.

Even with this enhanced level of inspections, an unknown percentage of incoming boats would still not be inspected. For a large lake like Lake Minnetonka with multiple access points, 100% inspection of incoming boats is not practical. An enhanced boat inspection program could delay a SSW introduction, but there is no guarantee there would be 100% prevention of a SSW introduction over the next 50 to 100 years.

At this time, only drastic and expensive options could give close to 100% prevention, but cost and accessibility to the lake would not be publically acceptable.

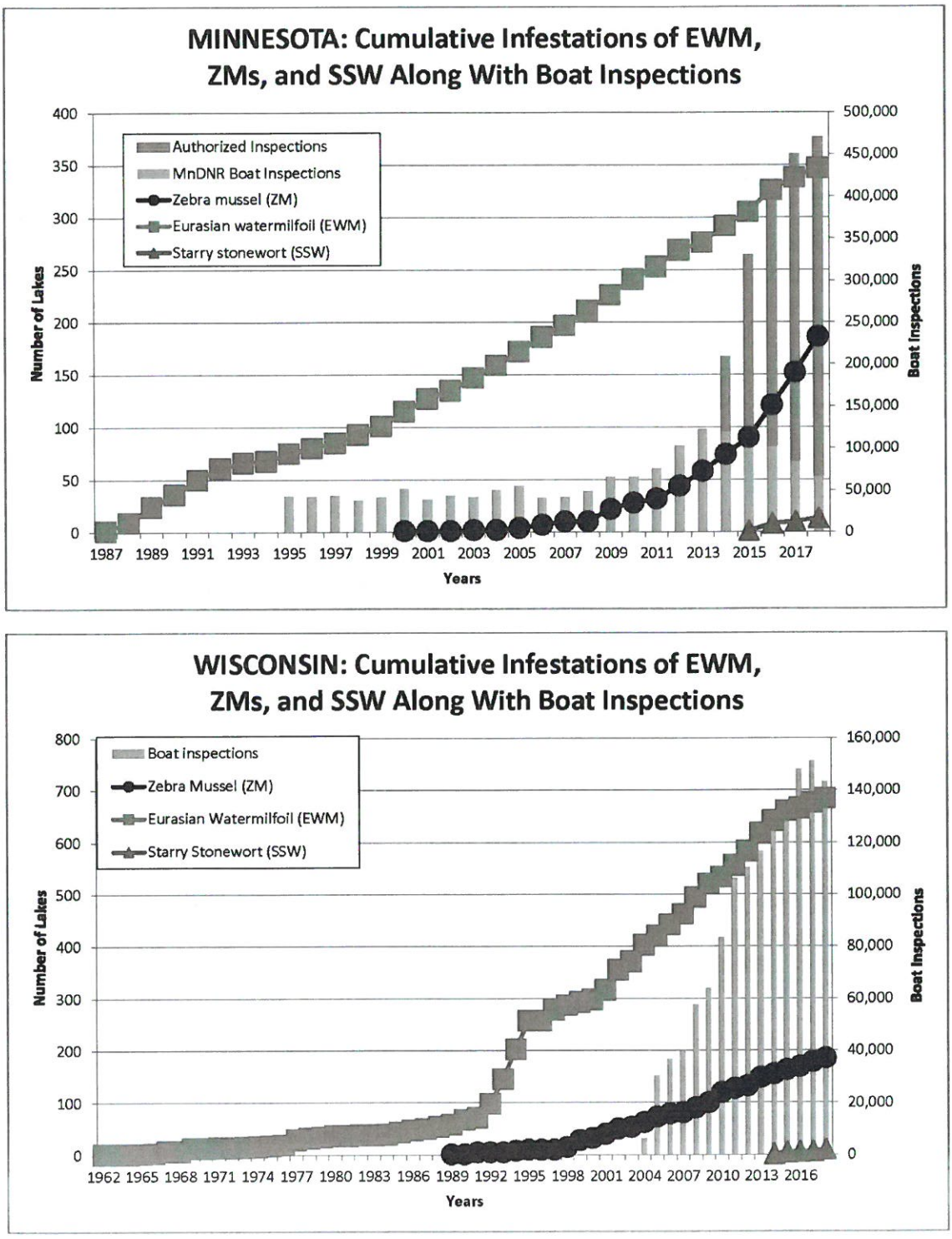

Figure 7. Cumulative number of lake infestations by year for Minnesota and Wisconsin lakes for Eurasian watermilfoil, zebra mussels, and starry stonewort along with annual boat inspections (source: DNR and WDNR AIS lists and boat inspection reports, various years).

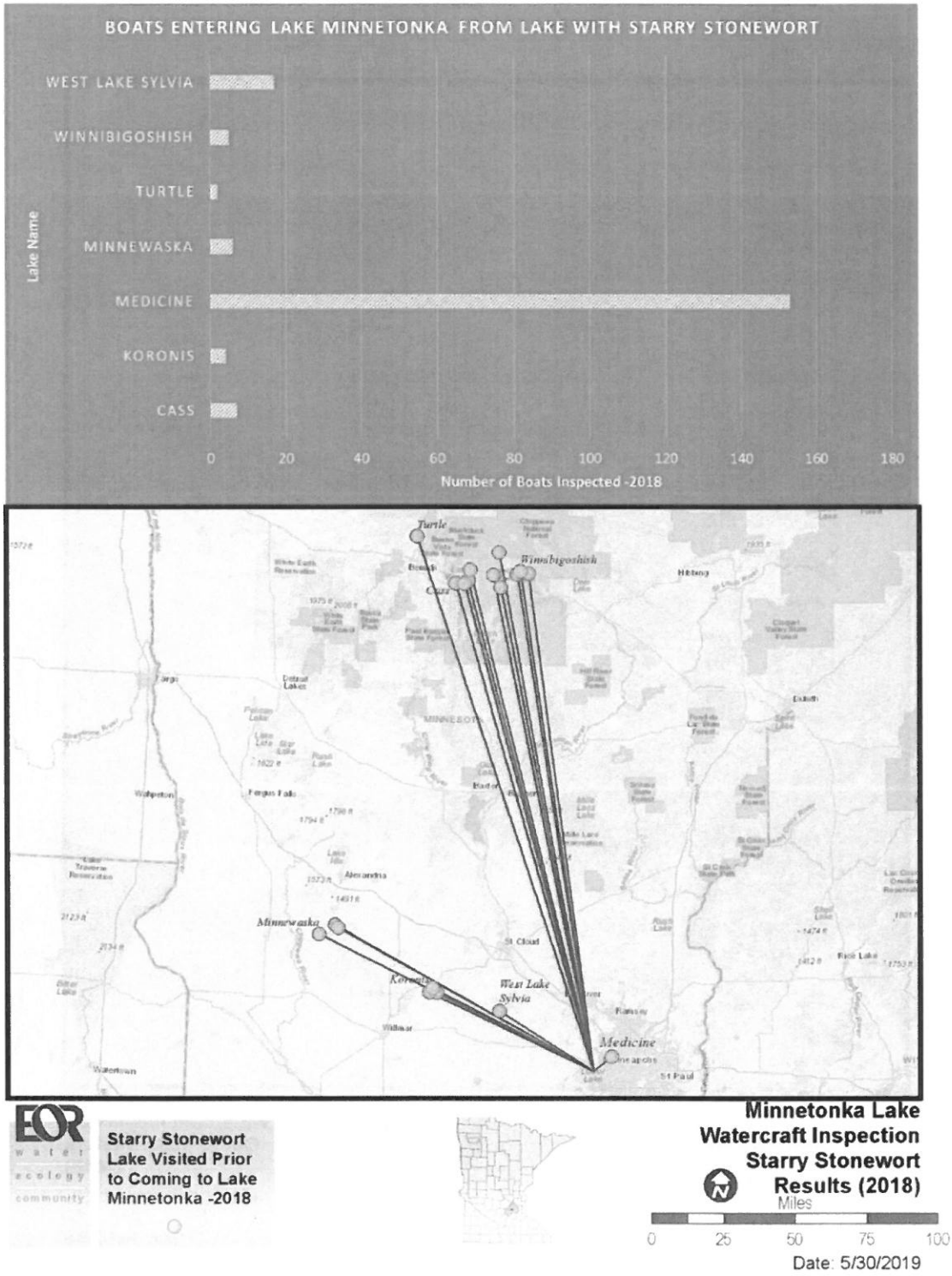

Figure 8. Inspected boats leaving starry stonewort lakes and then launching at Lake Minnetonka in 2018 (source: DNR). Bar graph (top) shows the number of DNR inspected boats in 2018 leaving SSW infested lakes and launching at Lake Minnetonka. Data is based on more than 20,000 watercraft inspections conducted on Lake Minnetonka in 2018. Inspected boats represent a small fraction of the total number of boats launching on Lake Minnetonka.

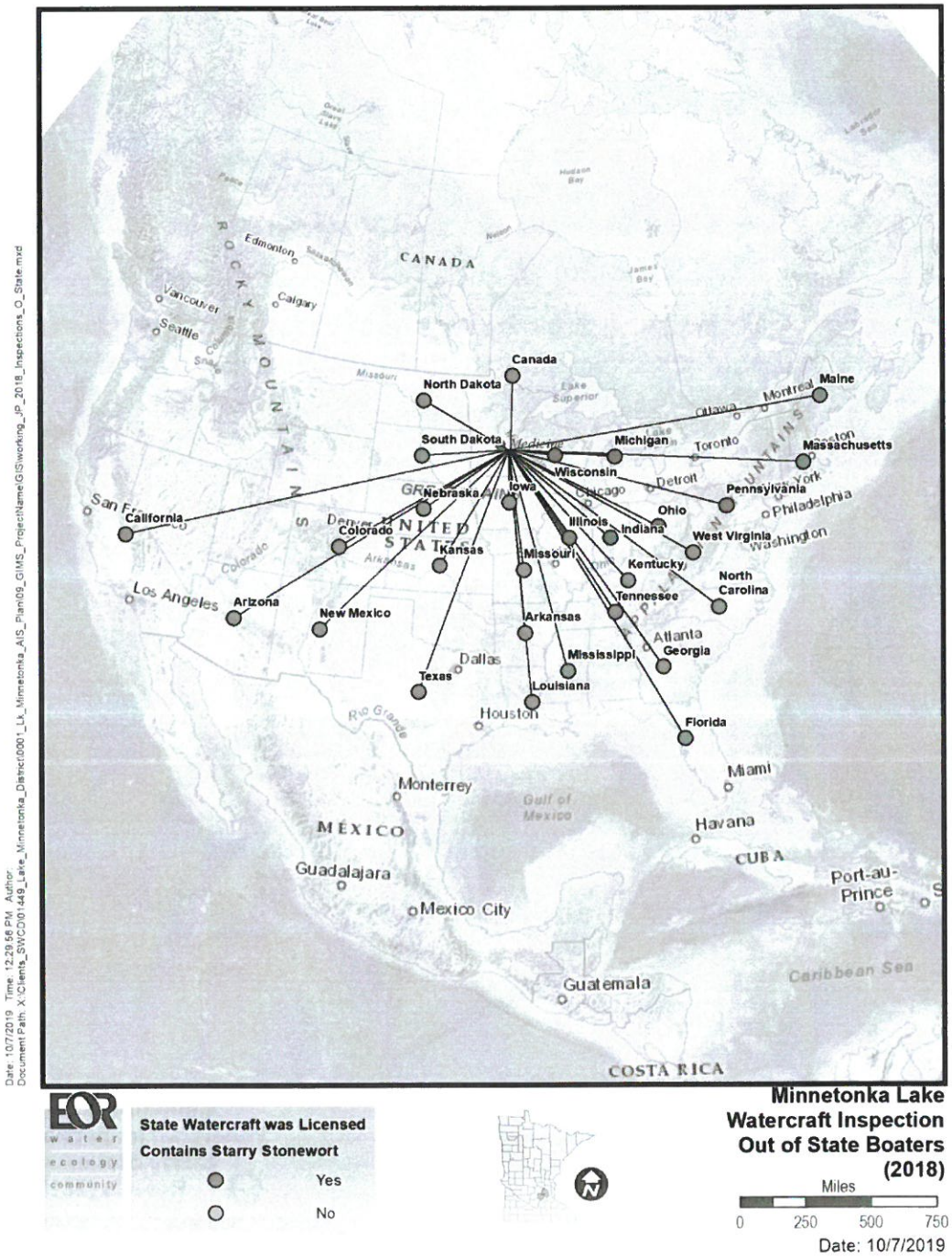

Figure 9. Boaters from 28 states and Canada visited Lake Minnetonka in 2018 including several boaters from states in which Starry Stonewort has been found.

Table 4. Lake Minnetonka public access priority inspection areas

Bay	Percent of Bay in Littoral Zone (Acres)	Public Access Parking Spaces	Multiple Dock Licenses Boat Storage Units (BSUs)	Priority for Inspection at Public Access
Carsons Bay	76% (88)	17 trailer plus additional nearby parking	203	**High**
Cooks Bay	31% (131)	17 vehicle/8trailer	30	Moderate
Grays Bay	71% (127)	20 vehicle/107 trailer	88	**High**
Halsted Bay	59% (322)	14 vehicle	153	Low
Maxwell Bay	58% (174)	15 vehicle/80 trailer	239	**High**
North Arm Bay	58% (186)	10 vehicle/51 trailer/3 accessible	6	**High**
Phelps Bay	79% (272)	1 vehicle/2 trailer	123	Low
Spring Park Bay	37%(141)	2 vehicles/8 trailer plus nearby parking/1 accessible	236	Moderate
West Upper Bay	22% (193)	100 vehicle/53 trailer/ 6 accessible	63	**High**

*** Private accesses, and local fire lane accesses are not included.While these accesses are lower risk do to a lower number of boaters, they do represent potential vectors for starry stonewort to become introduced.**

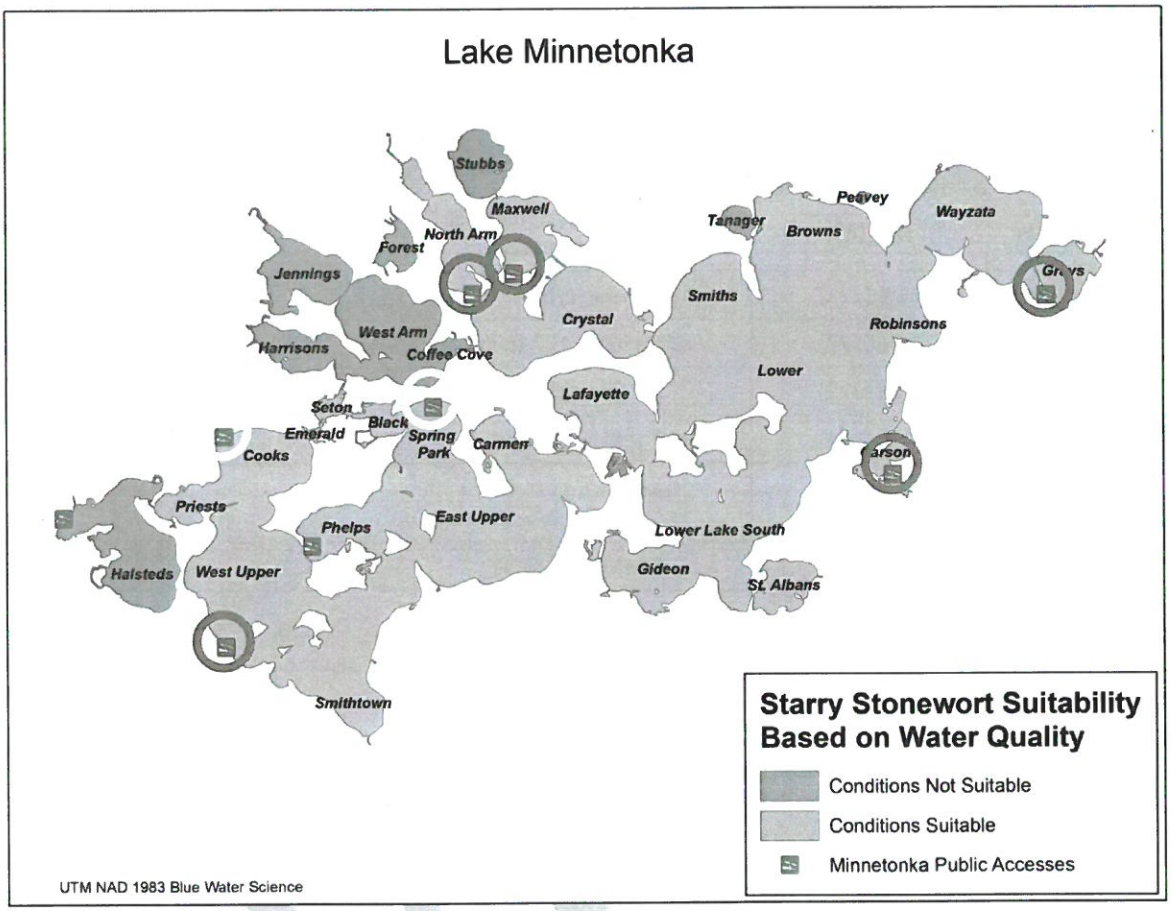

Figure 10. Suitability of starry stonewort survivability in Lake Minnetonka along with 9 public accesses. Public access inspection priorities are shown with red circles (high priority) and yellow circles (moderate priority). Four public accesses without a circle are lower priority for boat inspections.

5.3. PREVENTION AND EARLY DETECTION OPTIONS

Numerous proactive solutions are available to prevent a starry stonewort introduction into Lake Minnetonka, but few are practical and implementable. We have researched the literature and talked to the country's leading SSW experts. Based on available information we have formulated a SSW prevention option.

It should be noted that pre-emptive copper sulfate dosing at Lake Minnetonka accesses is not an introduction "prevention" strategy since this action would attempt to treat any SSW fragments already in the lake. Rather, a pre-emptive copper treatment is an early-detection option. A pre-emptive copper treatment could likely contain SSW but not eliminate it. For example, there have been 11 copper treatments in Lake Sylvia in the last 3 years. While these treatments have provided some control of SSW, they have not eradicated it.

The most realistic approach to preventing an introduction of SSW into Lake Minnetonka is a 2-step approach.

- First, exit inspections at all 13 lakes in Minnesota that currently have SSW should be conducted.
- Second, public access at all 13 SSW lakes should be treated with copper sulfate 2 to 4 times during the growing season

By keeping the SSW growth to a minimum at infested public accesses, the probability of a boat trailer picking up SSW is greatly reduced. Theoretically, this approach would insure the highest level of protection against transport of SSW into Lake Minnetonka as well as other lakes in Minnesota.
Following are two other introduction prevention methods our team evaluated that are not being endorsed at this time.
Chemical/mechanical decontamination solution for incoming boats to Lake Minnetonka.

This solution is not practical nor would it be 100% effective. As we learned in the first TAG meeting, only a fraction of the incoming boats are inspected. There are private accesses as well as uninspected marina accesses making it unreasonable to thoroughly inspect/treat 100% of the incoming boats. A point to note is the 2018 SSW infestation in Lake Geneva, WI occurred at a private access not a public access. Another case study is the Christmas Lake zebra mussel introduction. Even though 100% of the boats were inspected at the single public access and the access was closed when inspectors were not present, zebra mussels were still introduced into Christmas Lake.

Chemical treatments and decontamination methods for boats exiting SSW infested lakes.

Currently, SSW decontamination methods are being researched and it is unknown if they would be 100% effective. At this time, there are no algaecide/herbicides that have been proven to kill and eliminate 100% of the SSW. The WDNR has laid out some methods that they require WDNR employees to follow with regard to BMPs for boat, gear, and equipment AIS decontamination. Table 1 of the linked document below indicate there is not enough research available to determine what types of decontamination techniques are effective at killing SSW.
https://dnr.wi.gov/water/wsSWIMSDocument.ashx?documentSeqNo=113967385

A chart listing several prevention methods and the probability of a successful SSW prevention program for Lake Minnetonka is shown in Table 5. A combination of the first three methods has the best potential for preventing a SSW introduction based on politics, technical aspects, and costs. The highest initial priority is to work with the DNR, University of Minnesota and Lake Minnetonka Association to develop a pilot program to attempt preemptive copper sulfate applications at priority public access points in Lake Minnetonka.

Table 5. Evaluated methods to prevent a SSW introduction into Lake Minnetonka.

Method	Politically Acceptable	Technically Achievable	Economically Feasible	Probability of Preventing a SSW Introduction
1. Develop a Preemptive Pilot Study* which incorporates the use of pre-emptive copper sulfate dosing at prioritized Lake Minnetonka public accesses every 2 to 4 weeks during the growing season. Treatments are prioritized on a launch-by-launch basis, but focus will be on using pre-emptive copper sulfate at higher risk launches.	Unknown	Yes	Yes	**High**
2. Bi-weekly surveys at priority boat accesses.	Yes	Yes	Yes	**High**
3. Conduct exit inspections on 100% of the boats on all Minnesota lakes that currently have SSW. Also apply copper sulfate at public accesses at the 13 SSW lakes to reduce SSW biomass and prevent SSW transport by a boat trailer.	Unlikely – Who is responsible?	Yes	Yes	**High**
4. Extra boat inspections at priority Lake Minnetonka public accesses	Yes	Yes	Yes	**Moderate**
5. Inspect 100% of incoming boats.	No	No	No	**Moderate**
6. Put all boats and trailers through a chemical bath before entering Lake Minnetonka.	Unknown	No	No	**Moderate**
7. Don't allow any boats to visit Minnetonka, use a boat club approach.	No	Unlikely	Unlikely	**High**
8. I-LIDS: Motion detected video surveillance cameras at boat access are a potential option but rate as low priority.	Yes	Yes	Yes	**Low**
9. Using e-DNA monitoring for detecting SSW (not available at this time): Currently (as of 2019) there are no kits for sampling and identifying the presence of SSW in a lake using e-DNA. However, future research efforts may result in a method for detecting a low infestation.	Yes	No	No	**Low**

*note this is not an introduction prevention strategy. It assumes that SSW has already been introduced into Lake Minnetonka, but has not yet become fully established.

6. EMERGENCY ACTION PLAN

6.1. RAPID RESPONSE PROGRAM FOR STARRY STONEWORT INTRODUCTION

Rapid response assessment:
After the first verified observation of starry stonewort in a Lake Minnetonka bay, conduct an assessment effort. Contractors, DNR, and others should conduct an initial search in the most probable locations to determine the distribution of starry stonewort. From 10 - 20 hours of surveying should be conducted for a thorough assessment. All SSW locations should be sited with GPS.

Rapid response action:
If SSW is found only within a public access area (or an area less than 20-acres) after the rapid response assessment then the rapid response action could be a containment attempt. LMCD staff and managers would coordinate in decisions as to what type of a rapid response action should go forward. DNR permits are necessary for treatments and meetings should be conducted prior to any eradication treatments.

Starry stonewort containment:
When the management objective is to contain SSW in a small area, aggressive treatments should be considered. Apply a copper sulfate product to a delineated area, wait 2 weeks and resurvey. If SSW is found, treat with copper sulfate again. Repeat up to 4 times during the SSW growing season from June- October. A step by step description of the recommended rapid response action is provided in section 6.2, located on the next page of this document.

6.2. SUMMARY OF STEPS FOR A RAPID RESPONSE ACTION

1. Before the detection of an introduced species, a treatment action should be planned because the timing of rapid response to an initial observation is critical. Typically after the first detection for small areas (<20 acres), treatments can occur in 2-3 weeks.
2. After an early detection observation, meet with DNR AIS staff to discuss a protocol for actions and treatment.
3. Conduct the Rapid Response Assessment, beginning with priority accesses. If SSW is detected, move to a full search of the surrounding areas. If the extents of the infestation indicate a small, isolated location, the LMCD will consider placing physical barriers to prevent boat access through the infested areas. The LMCD has the jurisdiction to place physical barriers around any portion of Lake Minnetonka. The highest priority locations for barriers to be placed include public accesses and high traffic locations such as connecting channels where boaters are most likely to move SSW to new areas of the lake.
4. Evaluate the results of a rapid response assessment. Do results indicate conditions are suitable to contain the SSW in a small area? If a small area of SSW is identified within close proximity to a public landing, the LMCD will place physical barriers within the water which will effectively close the public access in which SSW was found. Boaters will be re-directed to other public accesses to minimize the ability for SSW to spread.
5. If treatment is to occur at a public access, determine if it needs to be closed. Discuss with DNR, LMCD, Angler Groups, and lake associations. Conduct an open meeting to discuss options.
6. Delineate a treatment polygon based on the full search survey results. For new infestations, the treatment area has ranged from 0.6 acres up to around 20 acres.
7. Containment of SSW should be measured based on results of a rapid response assessment. With early detection, the objective is to contain SSW in a small area of infestation. Previous projects (Sylvia, Rice, Pleasant) have found aggressive multiple treatments have successfully contained SSW at the public access. Once the initial infestation has spread and is widespread (> 50 acres) treatments are reduced to just the areas with the heaviest growth. Multiple treatments over large areas are not warranted due to excessive costs and ecological damage.
8. Estimated costs associated with the application and monitoring are up $20,000 for a containment treatment, dependent on the treatment dimensions and frequency of treatments.

7. MANAGEMENT OPTIONS

After reviewing SSW treatment results in Michigan, Wisconsin, and Minnesota, the most cost effective treatment has been the use of **copper sulfate.** Hand pulling can be considered for very limited infestations, but then a follow-up copper sulfate application should be considered. Other methods that have been attempted, but have been less effective include dredging, DASH (diver assisted suction harvesting), and drawdown. After a treatment, a post-treatment evaluation is necessary to determine the effectiveness of a containment treatment. This protocol is available from the DNR. Components will likely include a thorough search of the treatment area, and a post treatment survey of the treatment area and surrounding area. A flow chart showing a sequence of steps is shown in Figure 11.

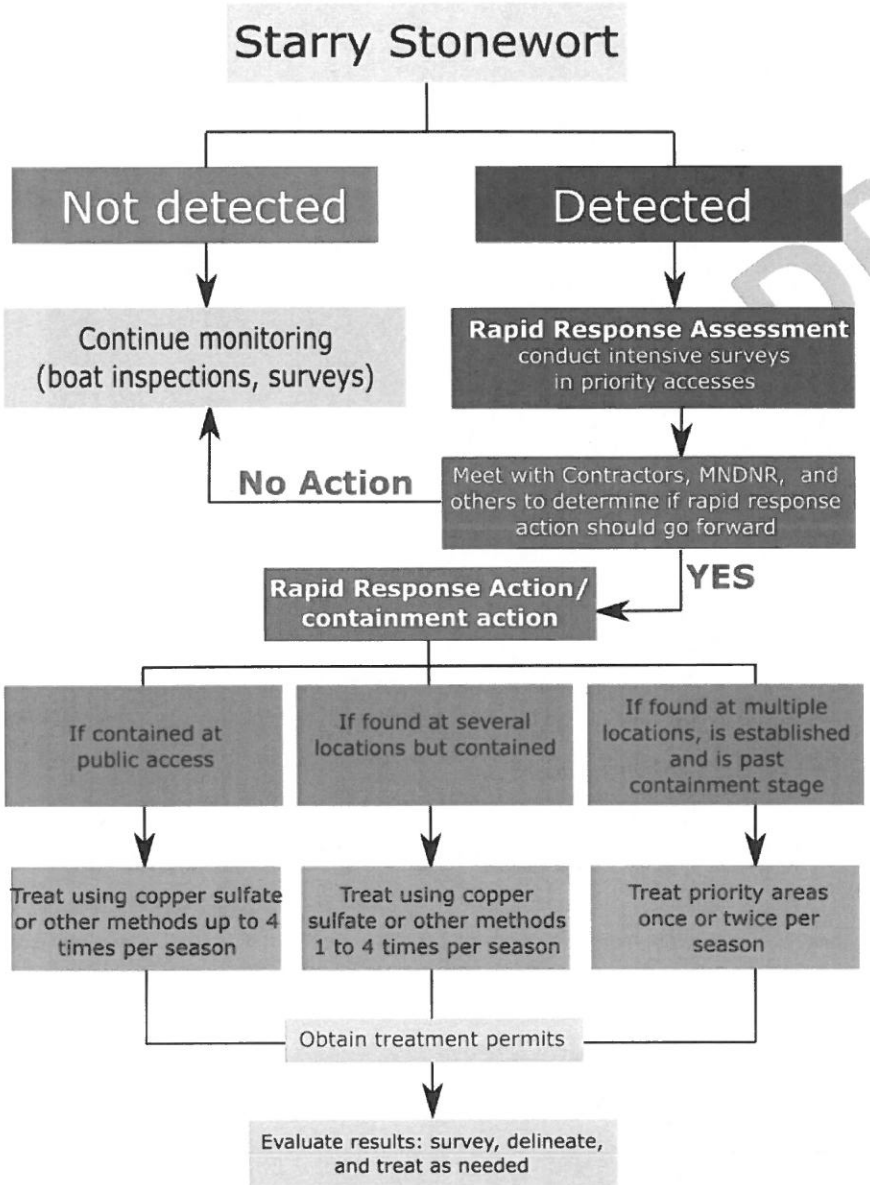

Figure 11. Starry Stonewort Rapid Response Plan Flow Chart.

8. ROLES AND RESPONSIBLITIES

	LMCD	DNR	MAISRC	Hennepin County	Three Rivers Park District	MCWD	LMA	LIDs	Treatment Contractors	Consultants	Bay Captains	Volunteers	Lake User Groups
Prevention & Early Detection													
Create website information.	X	X	X										
Designate contact person.	X	X		X	X	X	X						
Conduct training session for volunteer searchers (optional).													
Conduct monthly targeted searches (Jul-Oct).	X				?		?						
Boat Inspections	X	X			X								
Press release if AIS are found.	X	X											
Rapid Response Assessment													
Conduct an initial exploratory search after the first report of an AIS observation.		X		?	?	X				X			
Organize and train lake searchers for a full search effort.	?	X	X	?	?	X				?			
Conduct an expanded targeted search with diving.	?	X	?	?	?	X				X			
Meet to determine treatment options.	X	X			X	X	X						
Rapid Response Action													
Close public access, if necessary.	X	X											
Set-up containment area.		X		X						X			
Treat area within the containment area.										X			
Evaluate treatment (site dependent).		X	?			X				X			
Report all findings and results.	X	X				X							

9. FUNDING & RESOURCE OPTIONS

Funding and technical assistance for a SSW management program will have ongoing needs. A summary of potential participants along with funding and technical assistance possibilities is listed in Table 6.

Funding a comprehensive incoming boat inspection program for Lake Minnetonka would be challenging. For example to inspect incoming boats at 5 priority public accesses for 10 hours a day from June through October would take 7,000 inspection hours. Additional inspection hours at the 2 lower priority accesses would total an additional 2,000 hours. A total of 9,000 inspection hours would still not account for boat launching inspections at non-public accesses and marinas. The practicality and economics would dictate that 100% prevention based on incoming boat inspections is not likely feasible. A higher probability of SSW prevention is conducting exit inspections at Minnesota lakes with SSW, but that also involve around 10,000 hours of inspection. Therefore a second line of defense should be considered and the second line of defense is the rapid response action.

Table 6. Agencies or specialists that could provide funding, and/or technical assistance for a SSW program.

Agency	Funds	Technical Assistance
LMCD	X	X
DNR	X	X
Hennepin Co	X	X
MAISRC		X
Academic Professionals/ University Researchers		X
MCWD	X	X
LCCMR	X	

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WORK SESSION ITEM 2

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

DATE: October 9, 2018

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: Review of Reconfiguration Code Sections and Projects

WORK SESSION
Information will be provided and discussed regarding the LMCD regulations about various types of reconfigurations for commercial multiple dock facilities.

CONSIDERATIONS
Is the board in agreement with the regulations including more recent code amendments regarding nonconforming reconfigurations?

Does the board wish to adjust the flexibility that was provided within the nonconforming reconfiguration amendment?

What types of items would be helpful in providing a better understanding of different types of requirements for all stakeholders?

ITEM 6

LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS
7:00 P.M., September 25, 2019
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; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Orono; Chris Rich, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

Members absent: Mike Molitor, Minnetrista. Excelsior Vacant.

4. APPROVAL OF AGENDA

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

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas commented that following the last meeting an email was received from Eric Evenson noting that there was an item on the agenda where the Board had materials that were not made available to the public. He stated that staff had copies available but will make sure a public copy of materials provided to the Board is available to view on the table in the back.

Baasen provided an update on James J. Hill Days in Wayzata, noting that he staffed a booth for the LMCD for both days of the event. He stated that many people stopped by the booth with the most interest in weeds, harvesting and the Save the Lake boater safety class.

Chair Thomas thanked Kroll and Brandt who also helped to staff the booth on Sunday of the event.

Cook provided an update on Apple Day in Excelsior, noting that he began at 8:00 a.m. and staffed the event until 6:00 p.m. He thanked Baasen for assisting him during the event. He noted that many people stopped by with questions.

Chair Thomas thanked Baasen and Cook for coordinating those events. He stated that the LMCD staff has a box of materials available for any Board members that wish to staff similar events in their city.

6. APPROVAL OF MINUTES- 08/28/2019 LMCD Regular Board Meeting

MOTION: Kroll moved, Baasen seconded to approve the 08/28/2019 LMCD Regular Board Meeting minutes as submitted.

VOTE: Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Cook moved, Baasen seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (09/16/2019 – 09/30/2019); and **7B)** August Financial Summary and Balance Sheet.

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) Caribbean Marina and Restaurant (Tonka Bay Holdings, LLC), New Multiple Dock License Application to Reconfigure Nonconforming Multiple Dock Facility; Variances for Dock Use Area (Side Setbacks, Length, and Special Density); Located on Lower Lake South; 100, 110, and 135 Lakeview Avenue, Tonka Bay

Matt Cook presented an application from the Caribbean Marina and Restaurant for reconfiguration of nonconforming structure, special density license and variance applications. He stated that staff recommends continuance, bringing the application back with any requested changes to the October 9th Board meeting. Staff would like feedback on certain aspects of the proposal. He reviewed background information noting that the site was purchased in the 1960s and began operations during that decade. He stated that on September 28, 1978 the LMCD granted a variance to the site for encroachment beyond the west side site line and approved storage of 148 watercraft. He noted that the license was renewed on April 11, 1992 with the condition that one slip be removed and the total BSU at 147. He noted that the special density license is not applicable as the density is already greater than one unit per ten feet of shoreline. He summarized the reconfiguration of a nonconforming structure, noting that the shoreline would remain the same while the proposed BSUs would be reduced from 147 to 116 in the revised plan. He noted that the linear footage of boat storage would also decrease. He displayed an aerial photograph of the existing site as well as a revised sketch of the proposed structures. He compared the existing and proposed docks including BSUs, density, and linear BSU footage. He highlighted the relevant code sections that would be applicable in this review. He provided additional details on the variance criteria that must be considered. He stated that the typical 10-day public agency review was completed, noting that the City of Tonka Bay reviewed the request at their September 24th meeting with no comments provided to the LMCD. He reviewed the public comments received thus far by staff. He highlighted the currently existing posts at the gas dock, noting that the applicant

has proposed to leave those posts in place as they could be useful for storing a charter boat. He highlighted the location of the new gas facility, noting that three slips would be used solely for gas dock use. He recommended that the Board receive public comments and hold an active discussion. He noted that staff will then take the comments and bring back a proposal, with changes if needed, for consideration at the next meeting.

Baasen asked if there are any other exceptions to the 200-foot line that would be similar to this proposal.

Schleuning confirmed that there are provisions in the code and there are other gas docks that can extend past 200 feet. She stated that there is language specific for nonconforming structures that state the same distance into the lake can continue, but that length cannot be increased resulting in 20 feet instead of 25 feet.

Walesch referenced the poles that would remain and asked for details on whether there would be an environmental impact if the poles remain or are taken out.

Matt Cook stated that posts were going to be removed as part of the project and staff is not concerned. He noted that disruption is disruption.

Walesch clarified that the concern would be that there would be a remnant of the post in the ground. He referenced the gas dock which states that the relocation would improve safety and asked how pushing the area further into the lake would protect it from wake or wind.

Matt Cook replied that the applicant can address that question.

Walesch asked what is considered a lake facing slip and slide facing slip, as practically the slips on an angle would still require backing out and turning around in front of the neighboring property.

Gilchrist replied that he was not able to find a specific definition. He stated that in conversations with staff, the idea is that this is something for the Board to consider as the dock is not straight out to the side and whether the Board would be comfortable that meets the threshold of not being a slide facing slip.

Walesch referenced the findings of fact in the staff report that state the unusual configuration of the site creates a practical difficulty unique to the property. He asked what the unusual configuration would be.

Matt Cook referenced language within the reconfiguration code.

Walesch referenced deicing activity requirements and asked for additional information.

Matt Cook provided additional details noting that the deicing can occur to the side site line. He confirmed that a variance could be obtained to protrude into the fire lane no different than exists currently.

Zorn asked if the local dock installers were consulted regarding the environmental impacts of leaving the posts or removing them.

Matt Cook stated that it is his understanding that the applicant spoke with local dock installers about the posts in terms of practical difficulties of attempting to remove them. He was unsure if environmental concerns were discussed. He confirmed that staff could ask the DNR for that information or could ask the applicant to do so.

Zorn stated that she does have concerns with the gas dock location being so close to the public access point. She asked staff to provide additional information on how docks are allowed to be in front of a neighboring home as she has concerns with side setback and deicing capabilities, specific to the property on the east.

Matt Cook replied that property has been a part of the property for many decades. He stated that as far as the code is concerned, dock facilities can use adjacent residential properties for dock area as long as the properties are under common ownership.

Zorn referenced the resident on the western side and asked if input has been received from that resident.

Matt Cook stated that he is not aware of any input from that resident.

Zorn referenced the public comments that were reviewed in the presentation and asked if staff is going to inform the Board of the responses to those comments.

Matt Cook confirmed that responses would be provided to the Board at the next meeting.

Chair Thomas stated that it is his understanding that the home on the eastern side of the property is owned by the marina owner, but the lot is zoned residential and the city of Tonka Bay has previously stated that multiple docks can be placed in front of that property. He stated that some people have asked that the City reaffirm the variance that would allow that to happen.

Matt Cook confirmed that to be true and noted that the City will be considering that action.

Klohs asked if Tonka Bay will comment on the residential variance prior to the Board's next meeting.

Schleuning stated that Tonka Bay will not take action before the Board and is awaiting action from the Board.

Klohs noted that there would be reason to support that order being flipped. He explained that is an integral part of this request.

Chair Thomas stated that the Board could make its action conditional upon the variance approval from Tonka Bay, should that be the desire at the next Board meeting.

Schleuning stated that the City Administrator has been absent and therefore LMCD has been working with other City staff. She explained that Tonka Bay would like to hold off because of multiple iterations that may be made through the LMCD process as the LMCD considers many impacts to the lake.

Klohs asked for additional input on parking, as he did not believe that the LMCD has the ability to control parking.

Gilchrist stated that there is no question that there is a coordination that needs to occur, but the reality is that while the two entities would like to work together, each has its separate approval process. He stated that if something approved by the LMCD is also contingent upon City approval, the LMCD would just need to be upfront about that.

Walesch stated that he received a question from another marina owner in regard to the codes being applied. He stated that the submittal was for a nonconforming commercial dock application and it has been questioned as to whether the application should have been for a qualified commercial marina and whether elements of the code are being "cherry picked" for application.

Gilchrist stated that his initial reaction would be that it would be up to the applicant whether to seek a qualified commercial marina status and this applicant did not make that request. He was not aware of anything that would require the applicant to do so, as this is a nonconforming structure. He stated that it would be helpful for staff for the Board to identify elements they feel may be "cherry picked". He noted that one reason staff suggested continuing the action tonight is to receive and consider all the public input and Board comments received tonight.

Walesch referenced the nonconforming criteria and asked if the applicant would need to meet all of those criteria or just some elements.

Gilchrist stated that the criteria need to be met with the understanding that there is some flexibility. He stated that there is internal flexibility based on the language, but a variance could also be issued assuming the Board finds practical difficulty.

Zorn stated that these are permanent docks and asked if variances granted would need to be reviewed again in the future.

Gilchrist replied that typically variances would run with the dock as long as it is not being changed.

Chair Thomas asked if a change in ownership would impact a variance that has been granted.

Gilchrist replied that if a new owner was taking over the dock system as is, the variance would remain. He explained that if the new owner wanted to reconfigure the dock system, then all elements would be considered.

Zorn stated that the task of the Board would then be to determine if the variance from the 1960s should continue.

Gilchrist recommended the Board start from a higher level to see if the request is acceptable and then drill down on the details. He noted that some elements may not require a variance and provided examples.

Rich asked for details on the envelope concept and asked why this request would follow the contour of the shoreline.

Gilchrist replied that this is how the applicant submit the request.

Rich commented that would then contain that gas dock.

Kroll asked if this would be a convex hull perimeter, with no dents.

Gilchrist read aloud language from the envelope section of the code.

Kroll replied that would be a simple rectangle rather than a convex hull.

Thomas invited the applicant to address the Board.

Shawn Wischmeyer stated that he and his partner purchased the marina, along with their wives and are present to answer any questions. He stated that Rob Shatsall and his wife grew up on the lake and he and his wife recently moved here. He stated that they love the lake were proud to purchase this longstanding marina. He stated that their goal is to fix up the marina and make it something that everyone can be proud of. He noted that they are flexible to finding the right solution and are simply attempting to upgrade the facility to make this good for the community. He referenced the gas dock, which currently exceeds 20 feet from the 200-foot line, noting that moving that to the west would move that element into calmer water. He stated that moving it to the west would not make the wake disappear but would make it safer. He stated that they have a relationship with Bay to Bay Boat Club, which has professional drivers and the proposal would put those boats into the angled slips on the right to ensure trained drivers are using those slips. He stated that they would like to maintain access on the east without harming the residents to the east. He stated that the intent with practical difficulties is to offer slips to their customers that have been there for more than 30 years while still improving and decreasing the number of slips.

Robert Shatsall stated that the pilings in question are 18 inches and are quite cumbersome, while 95 percent of the dock supports/posts are insufficient and not sturdy.

Mr. Wischmeyer stated that there is concern that the 18-inch posts are buried so far that it would be difficult to remove. He stated that they felt it could be a reasonable consideration that if there are five 18-inch pilings in place, perhaps it would make sense to use those for charter boat storage. He stated that they would also be amenable to breaking or cutting those off.

Mr. Shatsall noted that storing a charter boat in that location would help to mitigate wake from boats that pass by as well.

Mr. Wischmeyer stated that they have spoken to the resident on the western side, whom is very comfortable with the plans as proposed. He noted that the concern from the resident on the west is more with the people

utilizing the public access that is located between the properties. He stated that Tonka Bay has stated that because changes to the application with LMCD were made, Tonka Bay is delaying action until the LMCD takes action as there is more involved with the LMCD request.

Klohs asked if Tonka Bay staff or Council have expressed concern with continuing the variance.

Mr. Wischmeyer stated that there has not been any concern expressed thus far, as the activity has been ongoing for many decades. He stated that they have counted the parking stalls and have created additional parking stalls by removing some of the old boats. He stated that they have been working to clean up trash and elements that have remained for many years. He stated that Mr. Shatsall and his wife own RSI Marine in Shakopee and therefore there would be an ability to store boats there in the winter if needed.

Klohs stated that to clarify if approved, the LMCD cannot regulate parking and therefore that should be addressed by Tonka Bay.

Mr. Wischmeyer referenced the envelope noting that the straight-line concept would provide additional capacity, but they attempted to stay within the available footprint as much as possible. He noted that they were going to shift to the east, but that was not desirable to the neighboring property owner and therefore that footprint was shifted to maintain the setbacks on the east. He stated that they are changing from two-foot walkways to proper four-foot walkways for safety and accessibility. He stated that the intent on angling the eastern docks is to avoid conflicts with the neighboring property owner. He referenced the west side, which would require a variance for some extensions into the water on the west. He noted that the furthest out point would be 14 or 15 feet into the fire lane. He stated that they would prefer a clean straight line rather than the meander. He stated that while they propose overnight slips on the western side that would be to provide flexibility throughout this process and with ice conditions. He noted that eventually the intention would be to use the western slips as transient slips but recognized that would require additional approvals in the future.

Chair Thomas asked how the proposed dock, extending over the side site lines, vary from what exists today.

Matt Cook replied that the difference is primarily in the south slips, closer to shore, noting that one of the first or second slips would stick out a few feet while it currently does not stick out at all. He noted that the gas dock slips to the north would also be different.

Chair Thomas stated that currently the marina has a variance to extend into the fire lane, while this would provide a slightly larger encroachment. He asked for details on the access and egress to the lake from the boat launch.

Mr. Wischmeyer stated that the boat launch is in the center and followed the path boats follow to get out on the lake. He stated that part of the redesign concept would make a straight shot out, which would provide a better ability to bring boats in and out.

Hoelscher noted that it is not directly related to the application, but asked if the redesign would allow the Minnehaha to be launched at the facility.

Mr. Shatsall commented that he could not be certain as that is a wood boat. He stated that he has seen the current storage location and could review the possibility.

Walesch stated that if the applicant is going to consider revising the plan, he would ask if the revisions could be made without variances, specifically on the west side. He noted that there is not just a zero setback but exceeds across the property line. He stated that personally he has heard a lot from other marina owners that have proposed similar actions in the past that have been denied and therefore were required to make revisions. He noted that reconfiguration often results in lesser boat slips and he wants to ensure that the code is enforced equally for all applicants. He agreed that this includes good improvements for the site and structures, but his criteria would be that the applicant does not need to exceed the envelope and should meet the setbacks.

Mr. Wischmeyer commented that he believes the difference to be qualified commercial marina versus nonconforming reconfiguration and that is why they are relying on the nonconforming language and meeting that intent. He stated that if there is a problem with the straight line on the west, they could continue to meet the current variance.

Walesch noted that on the western side they are not just up to the property line but are over by 30 to 40 feet. He recognized that slips may be lost to meet that requirement.

Mr. Wischmeyer stated that they believe that there is flexibility under the nonconforming language to meet their request but noted that they would consult with a lawyer.

Kroll stated that as a citizen he visited the site and visited the restaurant. He stated that he enjoyed the improvements to the restaurant area and the dock area also needs improvement. He stated that this clearly needs some work.

Thomas opened the public hearing at 8:19 p.m.

Matt Johnson, 1432 Shoreline Drive, stated that he understands that the new owners are trying to do the right thing and understands the interest in improving the docks. He stated that he lives next to a marina and lives with the experience of having side opening slips up to the property line with zero setback. He stated that he has experienced constant and consistent violations of no overhang. He stated that he is also a member of a City Council on the Lake and understands how difficult enforcement can be. He stated that as the plans are reviewed that include side opening slips on each side, the only way to ensure that the interest of the neighbors is protected would be to not include side opening slips on the outside. He stated that boats on the western side would need to go 40 feet back before they can swing around. He stated that if the applicant is concerned with observing the rights of the neighboring property owners, those side facing outside slips should be removed. He noted that because he is a member of a City Council, he would provide comments about having commercial activity on residential property. He stated that he agrees that he would want the opinion from the City to be received first before something is granted that could violate City Ordinance.

Mark Onstead, Attorney representing the Erdahls at 120 Sunrise Avenue, noted that his clients live at the property directly to the east of the marina property. He highlighted the concerns of his clients which include the docking of charter boats, noting that there has never been a charter boat docked at this property and that docking would interfere with the sightlines from the residential property. He stated that perhaps that charter boat could be parked in another location out of the sight of a residential property. He noted that his clients are also concerned with the increased boat traffic in front of their residence, explaining that the east most dock currently only has access from the north. He stated that the proposal would provide access from the east, which would increase the amount of traffic in front of their home. He stated that in the past there has been a bubbler system in the marina that keeps the area from freezing and does not hurt the docks. He noted that signs are then placed to ensure that snowmobile traffic is aware of the activity. He stated that if deicing is going to occur, he would want to know where the bubbling system is going to be and where the signs would be placed. He stated that if the deicing is going to go all the way out to protect the eastern docks, the bubbling system would need to go to the far edge on the right and would cause the sign placement further towards his clients' property. He asked why so many slips would be permitted in front of the residential property as there are currently about 15 slips. He explained that the slips are not connected to the residential lot and instead connects with a plank to the docks on the west. He stated that there is a proposed connection to the residential property and that would increase foot traffic on the property. He stated that if the proposal is allowed as presented, the marina would conduct more activity in front of his clients' property.

Richie Anderson, owner of Northshore Marina, distributed information to the Board. He provided information on the widths between the lanes. He stated that when he reconfigured his docks in 2005, he proposed side opening slips on a straight 25-foot setback and he was told he needed to be 50 feet from the property line. He stated that he also reconfigured his property on Maxwell Bay in 2007 without side opening slips and perfectly conforming to the rules and regulations. He presented a perfectly legal reconfiguration for this marina, using the same numbers for lane widths and size of the slips, noting that the proposal could have been approved by staff. He stated that the reason that no one else wanted to buy the property is because it would need to be reconfigured and slips would need to be reduced. He stated that he lost 15 slips at Northshore Marina, but it was worth it because the docks needed to be replaced. He stated that when he reconfigured Maxwell Bay, he lost 20 slips, but the area is more usable. He stated that there is no dock that exceeds 200 feet and he is not aware of a reason one would need to be. He stated that his reconfiguration in 2005 looked similar to this marina because it followed the shoreline as well. He stated that the reason this applicant did not go under qualified commercial marina is because they are already at 200 feet. He stated that the gas dock as proposed is 57 feet and instead could be ten feet wide and 25 feet out. He stated that it would be really quite simple to conform to the regulations of the LMCD as the other marinas have had to do. He stated that the other marina owners did not bid on the property because they were aware of the number of slips that would need to be lost.

Gabriel Jabbour, 985 Tonka Bay Road, stated that in 1976 the marinas were out beyond 300 feet and the LMCD asked the marinas to go back to 200 feet. He stated that all the marinas did that with the exception of one, which is now called Wayzata Marine. He stated that the City of Orono and the LMCD took the marina to court and the court stated that the marina does not have grandfathered rights. He stated that the LMCD then decided to change the regulation to 100 feet, which then in turn made all the marinas that voluntarily complied with the 200-foot request into legal nonconforming uses. He stated that he worked with the LMCD to tell the

marinas that what exists does not comply with any standards, using examples of ADA compliance or widths. He stated that he helped to write the envelope concept ordinance when he was on the Board. He stated that it was proven difficult to be existing with any future as a nonconforming status. He stated that at that time the Board worked together to develop the qualified commercial marina license. He stated that it is hard to sit in the audience and see all the speculation as there was a logical and well thought reason behind the development of that license. He stated that he owns four marinas and has worked diligently to work with other marina owners to be good legitimate citizens that do not request anything outside the parameters of the LMCD regulations. He stated that he would not want to see citizens view marinas as a source of problems on the water. He stated that the LMCD has had many applications since the development of the qualified commercial marina license. He provided examples of marinas that have submitted successful license applications that comply with the regulations since that time. He stated that this request breaks that tradition. He noted that additional marinas are going to come forward with reconfigurations, as is he. He stated that he has shown staff his thoughts for Shorewood Yacht Club that would comply and that does not rely on the number of slips but relies instead on following the regulations and setbacks. He stated that this would be a total breakaway from what the other marinas have done. He stated that this is not a case of practical hardship as the property line is a V shape, which opens up the whole lake. He provided an example of another request in the past that had a true practical hardship. He noted that a qualified commercial marina would not apply because 20 percent of the slips would need to be dedicated for boat club or restaurant. He asked that the Board not take the neighbor's rights and impose undue hardship. He stated that he is a founder of the corporation that owns the Minnehaha and noted that the Minnehaha has limited its ability to be on the road. He stated that there is no environmental problem with removing the posts, as posts break. He stated that the LMCD should work with the new owners but did not want to see this approved, which would open the door for additional requests that do not meet the requirements of the LMCD. He stated that his proposed reconfiguration does not include any side openings. He commented that marinas should be good citizens to the lake. He commented that charter boats should not be in a neighborhood and should instead be in a commercial district due to his belief of nuisances and safety hazards.

Mike Palm, commercial real estate broker, stated that he is the broker that sold the marina to the current owners. He stated that he served on the Planning Commission for the City of Minnetonka Beach and has been involved in various variance requests. He stated that he met with LMCD staff to ensure that as long as the residential property was owned by the marina owner, docks could be in front of that home. He stated that he marketed the property as such. He stated that it would be important for Tonka Bay to be aware that LMCD is okay with docks being in front of the residential property, as long as the marina owner owns both properties. He referenced the side yard setback and noted that the western setback would be different than a neighboring residential property as the property to the west is a boat landing area and therefore believes it would be a common sense variance to allow for that activity to continue. He referenced multiple property owners that are in support of the request and are excited about the improvements at the marina. He stated that the restaurant building with the deck has the original Tonka Boat House piers inside the property. He stated that the new owners have invested into the property to maintain the commercial marina activity and the restaurant, which provides a value to the neighboring property owners. He provided calculations on the value that would be added through the new dock improvements but noted that 116 slips would be needed to justify that investment. He believed that this should be a common sense decision as the property to the west is not a beach or residence.

No additional comments were offered, and the public hearing was closed at 9:04 p.m.

Walesch stated that he did not get the sense that the docks in front the residential property would be an issue as the properties are under common ownership.

Matt Cook stated that the docks being in front of the residential property is the decision of the LMCD, while the City's decision will be whether the dock is connected to the land of the residential property.

Walesch confirmed that there is no issue with the docks being in front of the property, to clarify the concern from the real estate broker.

Schleuning stated that when people come into the LMCD office, LMCD staff advises them to also speak with the City regarding land-based concerns.

Chair Thomas noted that the staff recommendation is to carry this over to the next meeting in order for staff to review the information received from the public.

Gilchrist stated that staff was hoping to not only gain input from the public but also from the Board. He stated that while staff could respond to public input there has not been much direction from the Board.

Brandt stated that he would encourage the applicant to do more to conform without variances.

Walesch agreed.

Zorn encouraged staff to work with the applicant to develop a conforming dock with no variances.

Hughes echoed the comments of Zorn.

Kroll stated that he would want to more understand the existing marina owners on the lake. He asked if the position was that allowing this new dock plan would mean that the existing marina owners would be interested in applying for more dock space whether or not there is an ownership change. He explained that he would want to better understand the precedent that could be set if this were approved.

Chair Thomas stated that staff met with some of the marina owners to obtain feedback and some of the marina owners spoke their concerns tonight as well. He was unsure what additional information would be requested. He noted that Mr. Anderson stated that he came into compliance, although it cost him slips. He stated that Mr. Jabbour stated that he is coming in next to reconfigure and if variances are granted on this, he will request variances as well.

Gilchrist noted that staff can follow up with that as well, noting that the marina owners would be happy to express their thoughts in more detail.

Stone stated that she feels that she needs to digest the information a little more. She noted that in preparing for the meeting she, like Kroll, thought this seemed pretty cut and dry but after hearing the input tonight she is unsure.

Hoelscher thanked the new property owners as this is a cool property in need of updating. She stated that it seems like the property owner is willing to work with the LMCD and would like the applicant to attempt to work within the envelope as that would be the easiest solution.

Baasen stated that this looks like a marina to him. He explained that when the LMCD worked five years ago to define a marina, the intent was to provide flexibility to work within a specific envelope. He stated that it would be nice to see the applicant tweak their application to work within that envelope as it is important to consistency and fairness. He commended the property owner for taking the project on but believed that in working together a desired result could be achieved.

Cook stated that he is concerned with the slide opening slips on the east side of the proposal and is also concerned with encroachments on the west side. He encouraged the applicant develop something that is closer to the requirements of the LMCD, if not meeting all the requirements. He stated that there are some significant impacts of the slide opening slips on the east and west.

Klohs stated that it is his understanding that Mr. Jabbour is simply stating that if this approved, every other marina on the lake would request similar densification and the Board should be aware that this would be precedent setting and could significantly impact residential properties all along the lake. He stated that staff did say that docks can be in front of the neighboring residential property, as long as things do not change on the land side as the City controls that element. He believed that the City should take action first on the residential variance before a lot more time is spent answering the questions of the LMCD. He stated that Tonka Bay will be the key stop related to the docking in front of the residential property.

Chair Thomas stated that it will be the discretion of the Board whether to allow public input when the topic is discussed at the next meeting and confirmed the consensus of the Board to allow public comments at the next meeting.

MOTION: Thomas moved, Baasen seconded to continue he public hearing for the Caribbean Marina and Restaurant's 2019 reconfiguration of nonconforming structure and variance applications to the October 9, 2019 Board meeting for further consideration.

VOTE: Motion carried unanimously.

Chair Thomas briefly recessed the meeting.

Chair Thomas reconvened the meeting.

10. OTHER BUSINESS

Hoelscher thanked the Water Patrol, noting that she attended a ride along this past week and really enjoyed the activity. She recognized that the activity takes time for the Water Patrol but noted that she found the information helpful and encouraged other members of the Board to participate.

Hughes noted that he also learned a lot on his ride along with the Water Patrol in the past and encouraged other Board members to do the same.

11. OLD BUSINESS

A) Watercraft Wastewater Discharge Suggested Code Amendment – Public Input

Walesch stated that the proposed language speaks for itself and commended Gilchrist noting that the drafted language is reflective of the intent. He thanked Mr. Jabour for his input and for the Sheriff's Department and DNR also provided. He noted that a number of marinas and service providers were consulted to ensure that this would not be too cumbersome for a boat owner. He noted that there were discussions with numerous people in attempt to find the best manner to proceed, as well as reviewing alternatives. He commented that a very thorough review was done and the best way to prohibit intentional or accidental discharge of waste into the water would be to remove the pump, which is an accessory. He noted that it would not be cost prohibitive. He noted that in addition to the research and outreach that his group has done, staff attempted to gain public input as well.

Chair Thomas asked the intent for tonight in regard to public input.

Schleuning stated that an update went out today from the LMCD to the cities, lake service providers, licensees, and email list about this topic. She noted that additional request for information will be placed on the LMCD website and Facebook page with the intent for the Board to consider adoption in October.

Kroll commented that this is very well written. He suggested that the word urinate be removed from the language and urine is typically sterile.

Walesch stated that he would be open to modify that language if desired.

Hoelscher commented that she looked that up today, whether urination in lakes is a problem, and noted that in the ocean it is fine but is not suggested for lakes. She agreed that language should be removed as it is not enforceable. She stated that she would be hesitant to amend an ordinance if it cannot be enforced. She referenced the language regarding launching a watercraft and asked if that would apply to the owner or the party that launches the boat. She also referenced the reporting violations and noted that if there is not a penalty for not reporting it would seem pointless to have that language included.

Walesch commented that the language was requested to be included by the service providers as a mechanism for reporting as a requirement of the LMCD. He stated that in terms of enforcement, a violation would need to be noticed by a marina when pumping or launching a boat. He noted that preferably the partners that help enforce the

code would help to enforce this code. He noted that the Sheriff's office can also help with enforcement. He acknowledged that not every boat would be able to be checked but the intent would be to help educate those that launch boats and boat owners. He confirmed that the intent would be that the owner would be liable as well as the person that is present when the violation occurs.

Chair Thomas clarified that it sounds that if a marina owner or service provider launches a boat with the pump installed, they would then be subject to the violation. He asked if the employee or the marina owner would be liable.

Gilchrist clarified that the employee that launches the boat would be liable, similar to an employee that sells tobacco to an underage person. He noted that if the owner fails to remove the pump that would be a separate violation. He explained that the ordinance has two parts, adoption of reference of the State statute rules that prohibit discharge into the lake and the other elements specific to the ordinance.

Chair Thomas asked staff to check with Minnesota Department of Health of Minnesota Pollution Control Agency regarding urination into the lake.

Schleuning stated that there have been problems in the past that required enforcement.

Mr. Jabour commented that it is illegal in Minnesota to urinate in public.

Chair Thomas commented that he would assume that is more in regard to public decency rather than public health.

Schleuning confirmed that she would follow up on that item.

Walesch stated that language was added related to ice houses as well.

Kroll commented that the law 30 years ago did not prohibit public urination and noted that it still does not.

Chair Thomas asked if the marina owners are okay with their employees potentially being fined.

Walesch confirmed that element was explained clearly and in terms of the responsibility. He noted that certain marinas initiated this conversation and one even wants to go further. He noted that some marinas do not have boats of this size that would support this equipment and therefore would not be an issue. He stated that universally there was support and understanding of what would be required and the exposure to employees that could exist.

Gilchrist stated that the message he received from marina owners was that they want to be required to follow this ordinance. He confirmed that it would not be a crime/jail time for employees, but there would be a fine.

Walesch stated that staff and the Board would have discretion in the situation where someone makes an honest mistake.

Baasen stated that some smaller boats also have the pumps and therefore marina owners should not assume that smaller boats do not have them. He stated that the LMCD needs the help of service providers and need to publicize

the information within the ordinance. He thanked Walesch for his efforts.

Hoelscher stated that it would seem that the distinction between intentional and non-intentional would need to be made if that is the intent.

Walesch provided an example of someone launching a boat without realizing that there was a pump, as the pump could be located elsewhere. He stated that perhaps that person constantly does good work for the lake and simply did not notice the pump because it was in a different location, compared to someone that has repeat violations. He stated that there would be no way to accidentally discharge as the pump should not be there.

Hoelscher commented that she would want to see the code enforced equally.

Chair Thomas asked when the Water Patrol would look for the pump.

Lieutenant Magnuson replied that Water Patrol would need probable cause, such as seeing discharge. He noted that they would need reasonable cause to go under deck to look for it. He noted that under certain circumstances under impound, that could be found but not under probable cause for DUI/BUI.

Rich thanked Walesch for his work. He stated that personally this needs to be punitive to the boat owner rather than punish the marina and to punish an hourly employee.

Walesch stated that this has been requested by the marina owners and therefore there would not be backlash.

Rich acknowledged that the marina owners have stated that but commented that logically the punishment should stop with the boat owner.

Walesch stated that the marina owners asked for that specific section as it would also be incumbent on the service providers and not just boat owners. He explained that the person launching the boat should have some responsibility. He noted that it would be easy to make contact and educate the service provider rather than attempting to reach every boat owner.

Rich commented that the Board should not take the preference of a few marina owners and apply that to every marina owner as they may not all share the same opinion.

Chair Thomas agreed that the marina owners Walesch worked with do not represent all marina owners. He stated that the intent would be that this draft ordinance would be noticed and brought back in October, noting that other marina owners can contact LMCD staff prior to the meeting or attend the meeting to provide input. He noted that boat owners may also have input.

Hughes stated that he has done some research on this subject and noted that no other entity or state has required the pump to be removed. He stated that instead the other regulations lock the Y valve. He noted that some boat owners use their boat here and in Florida and it would be an unreasonable cost to remove that pump only to reinstall.

Chair Thomas commented that Director Hughes' point was well stated.

Walesch acknowledged that this would most likely be the only place to remove the pump removal. He noted that Lake Minnetonka is unique in that it has its own governing body. He stated that there is only one function for the pumps, to discharge waste. He noted that it is only legal to dump into international waters and therefore it would be illegal to discharge into Florida waters. He stated that if someone can trailer a boat to travel to Florida, they would be able to pay for the $140 fee to remove and reinstall the pump.

Chair Thomas noted that this simply repeats the discussion on whether pump removal would be required versus Y valve. He noted that once public input is received the Board will need to make the decision on whether it wants to be unique in requiring removal of the pump or comply with State regulations to seal the Y valve. He thanked Walesch for his efforts on this topic.

12. NEW BUSINESS

There was no new business.

13. TREASURER REPORT

No report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning noted that included in the packet and on the back table is a copy of the September 20th updates sent to cities, which will also be posted on the website. Briefly, some items to note include:

- Solar light removal by October 14th and buoys by November 15th
- Importance of preparing for winter so watercraft and structures are off the lake before ice
- She attended the University of Minnesota AIS Showcase, which was a good event. Presentations and boards are available at https://www.maisrc.umn.edu/news/showcase-presentations-2.
- Hennepin County will be working on the sea wall at Henricksen Channel this fall, beginning soon. Updates are available at https://www.hennepin.us/hendricksonchannel.
- An article in the Lakeshore Weekly News related to students work about microplastics in Lake Minnetonka. She encouraged everyone to help reduce trash and pick up litter when observed.
- An update regarding www.adopt-a-drain.org and stated it would be great if all the storm drains around Lake Minnetonka were adopted to help prevent pollution.
- She highlighted upcoming events.

A) Lake Minnetonka Vegetation and AIS Master Plan Process

No additional comments other than in the September 2019 update document.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Save the Lake Committee: No report.

Strategic Plan Subcommittee: No report.

16. ADJOURNMENT

Being there no further business, the meeting was adjourned at 10:08 p.m.

_____ _____

Gregg Thomas, Chair Ann Hoelscher, Secretary

Lake Minnetonka Conservation District
Check Detail
October 1 - 15, 2019

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
10/10/2019	**EFT19-123**	**ADP Service Fee**		**Alerus Checking**		
			Payroll 10/1/19 - 10/15/19	4180M10 · Professional Services - Admin.	Admin.	-76.70
TOTAL						-76.70
10/15/2019	**EFT19-124**	**ADP**		**Alerus Checking**		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,408.82
			P. E.R.A.	2020 · Payroll Liabilities -	Admin.	1,174.63
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-629.27
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Me...	Admin.	-641.89
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-8,463.22
10/10/2019	**EFT19-125**	**SelectAccount Group Service ...**		**Alerus Checking**		
			HSA Employer Contribution for October 2019 (Vi...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for October 2019 (...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for October 2019 (T...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
TOTAL						-337.50
10/10/2019	**EFT19-126**	**P.E.R.A**		**Alerus Checking**		
			Payroll 10/1/19 - 10/15/19	2020 · Payroll Liabilities -	Admin.	-1,174.63
TOTAL						-1,174.63
10/10/2019	**EFT19-127**	**Unum Life Insurance**		**Alerus Checking**		
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	-136.60
TOTAL						-136.60
10/10/2019	**21680**	**AIS Advanced Imaging Soluti...**		**Alerus Checking**		
10/10/2019	Inv.#395896640		Copier Contract 9/20/19 - 10/20/19	4140M10 · Equipment R&M - Admin.	Admin.	-255.52
TOTAL						-255.52

Lake Minnetonka Conservation District
Check Detail
October 1 - 15, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
10/10/2019	**21681**	**Emmons & Oliver Resources, ...**		**Alerus Checking**		
10/10/2019	Inv.#01449-00...		EOR Lake Minnetonka AIS Master Plan	4181M30 · Prof. Services - AIS Prevention	AIS	-13,860.22
TOTAL						-13,860.22
10/10/2019	**21682**	**Kennedy & Graven**	**LK110-00004**	**Alerus Checking**		
10/10/2019	July, August, 2...		Legal Fees July, August, 2019	4620M10 · Legal Fees - Admin.	Admin.	-6,041.35
TOTAL						-6,041.35
10/10/2019	**21683**	**LMCC**		**Alerus Checking**		
10/10/2019	Inv.#1312		VOD Services for Meeting 9/25/19	4182M10 · Media (Cable/Internet) - Adm...	Admin.	-100.00
TOTAL						-100.00
10/10/2019	**21684**	**Mark Hodges Media Productio...**		**Alerus Checking**		
10/10/2019	Inv.#20190925		Meeting 9/25/19	4182M10 · Media (Cable/Internet) - Adm...	Admin.	-120.00
TOTAL						-120.00
10/10/2019	**21685**	**NCPERS Group Life Insurance**		**Alerus Checking**		
10/10/2019	October, 2019		Life Insurance, October 2019	4380M10 · Employee Benefits - Admin.	Admin.	-48.00
TOTAL						-48.00
10/10/2019	**21686**	**Vickie Schleuning**		**Alerus Checking**		
10/10/2019	AIS Research ...		2019 AIS Research and Management Showcase Parking	4531M30 · Software & Hardware/Training 4531M30 · Software & Hardware/Training	AIS AIS	-44.06 -7.00
TOTAL						-51.06

Lake Minnetonka Conservation District
Balance Sheet
As of September 30, 2019

ITEM 7B

	Sep 30, 19	
ASSETS		
Current Assets		
Checking/Savings		
Alerus Checking		
1024M10 · Alerus Checking - Gen	-270,056.28	
1024M20 · Alerus Checking - STL	202,648.08	
1024M30 · Alerus Checking - EWM	116,684.07	
Total Alerus Checking		49,275.87
USB Checking/4M Sweep		
1024M50 · USB Checking - 4M Sweep- EqpRl	745.00	
Total USB Checking/4M Sweep		745.00
1026M20 · PayPal Account		-0.20
1090M10 · Alerus Bank - Savings		518,920.30
1090M50 · Alerus Savings - Equip. Repl		119,167.32
Total Checking/Savings		688,108.29
Accounts Receivable		
1140M10 · Accrued Interest		-1,395.00
1150M20 · Accounts Rec. -STL		53.69
1150M30 · Accounts Rec. - EWM		-10,000.00
Total Accounts Receivable		-11,341.31
Other Current Assets		
Accounts Rec. - EWM-A*		10,000.00
1010M10 · Petty Cash		300.00
1300M10 · Due From Other Gov. - Gen.		1,824.00
1400M10 · Rent Deposit - Gen		0.25
Total Other Current Assets		12,124.25
Total Current Assets		688,891.23
Fixed Assets		
1640M90 · Fixed Assets		489,214.00
1645M90 · Accumulated Depreciation		-366,432.00
Total Fixed Assets		122,782.00
TOTAL ASSETS		**811,673.23**
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Accounts Payable		
2090 · Accounts Payable		
2090M10 · Accounts Payable - Gen	-892.85	
2090M30 · Accounts Payable - EWM	-960.67	
2090 · Accounts Payable - Other	-8,907.00	
Total 2090 · Accounts Payable		-10,760.52
Total Accounts Payable		-10,760.52
Other Current Liabilities		
2020-LT · Payroll Liabilities - UNUM		-99.13
2020 · Payroll Liabilities -		1,044.97
2020M10 · Accounts Payable - Gen		2,753.78
2020M20 · Accounts Payable - S/L		-9,946.31
2020M30 · Accounts Payable - EWM		10,000.00
2150 · M30 - Salaries Payable AIS EWM		-1,160.00
2150m10 · Salaries Payable		2,274.84
2150M90 · Accrued compensated absenses		5,789.00
2151M90 · Current portion of comp absens		7,192.93
Total Other Current Liabilities		17,850.08

Lake Minnetonka Conservation District
Balance Sheet
As of September 30, 2019

	Sep 30, 19
Total Current Liabilities	7,089.56
Total Liabilities	7,089.56
Equity	
Opening Bal Equity	102,800.32
Retained Earnings	617,250.52
2910M10 · Fund Balance - Admin.	18,951.51
2910M20 · Fund Balance - S/L	289,732.17
2910M30 · Fund Balance - EWM	5,348.85
2910M50 · Fund Balance - Equip Repl	79,749.07
2910M90 · Fixed Assets - Conversion Fund	-414,182.00
2970 · Current Year Excess Rev vs Exp	30,237.61
Net Income	74,695.62
Total Equity	804,583.67
TOTAL LIABILITIES & EQUITY	**811,673.23**

Lake Minnetonka Conservation District
Administrative Profit & Loss Budget vs. Actual
January through September 2019

	Jan - Sep 19	Budget	$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Grants & Other Income				
3080M10 · Interest - Admin.	6,513	500	6,013	1,303%
3300M10 · Other Income - Admin.	900	0	900	100%
3340M10 · Public Agency Grants - Adm	0	1,000	-1,000	0%
Total Grants & Other Income	7,413	1,500	5,913	494%
Licenses/Permits				
3110M10 · Multiple/Perm. Dock Lic -Admin.	79,585	83,000	-3,415	96%
3120M10 · DMA license - Admin.	3,350	3,600	-250	93%
3130M10 · Deicing License - Admin.	2,676	6,000	-3,324	45%
3170M10 · Variances - Admin.	500	1,000	-500	50%
3200M10 · Special Density - Admin.	0	500	-500	0%
3220M10 · Special Events - Admin.	0	0	0	0%
3240M10 · Charter Boats - Admin.	6,450	3,400	3,050	190%
3280M10 · Liquor/Beer/Wine License-Admin.	15,100	17,500	-2,400	86%
Total Licenses/Permits	107,661	115,000	-7,339	94%
3020M10 · Municipal Dues - Admin.	190,785	280,000	-89,215	68%
3260M10 · Court Fines - Admin.	27,076	50,000	-22,924	54%
Total Income	332,935	446,500	-113,565	75%
Gross Profit	332,935	446,500	-113,565	75%
Expense				
Legal				
4110M10 · Public Info./Legal - Admin.	372	1,000	-628	37%
4620M10 · Legal Fees - Admin.	18,906	40,500	-21,594	47%
4640M10 · Prosecution Fees - Admin.	18,725	38,000	-19,275	49%
4650M10 · Room & Board - Admin.	0	500	-500	0%
4670M10 · Recodification	4,992	5,000	-8	100%
Total Legal	42,994	85,000	-42,006	51%
Office & Supplies				
4060M10 · Telephone - Admin.	1,720	4,000	-2,280	43%
4070M10 · Web Page / Internet - Admin.	160	1,750	-1,590	9%
4080M10 · Postage - Admin.	805	6,500	-5,695	12%
4100M10 · Printing - Admin.	0	8,200	-8,200	0%
4220M10 · Office Supplies -Admin.	1,612	4,500	-2,888	36%
4230M10 · Meeting Exp. - Admin.	2,951	7,000	-4,049	42%
4320M10 · Office Rent - Admin.	15,743	19,200	-3,457	82%
4340M10 · Insurance - Admin.	4,589	4,000	589	115%
4360M10 · Subs/Memberships - Admin.	1,954	2,500	-546	78%
4400M10 · Mileage/Exp's - Admin.	257	1,500	-1,243	17%
4410M10 · Training/Prof. Devel. - ADM	0	1,000	-1,000	0%
4520M10 · Furniture & Equip - Admin.	0	1,550	-1,550	0%
4530M10 · Comp. Sftwr & Hdwr - Admin.	967	5,000	-4,033	19%
Total Office & Supplies	30,758	66,700	-35,942	46%
Personnel Expenses				
4020M10 · Salaries-002 - Admin	147,010	195,500	-48,490	75%
4021M10 · ER Share of Admin FICA/Medicare	11,130	16,000	-4,870	70%
4022M10 · ER PERA - Admin	10,911	15,000	-4,089	73%
4380M10 · Employee Benefits - Admin.	16,735	22,000	-5,265	76%
Total Personnel Expenses	185,787	248,500	-62,713	75%

Lake Minnetonka Conservation District
Administrative Profit & Loss Budget vs. Actual
January through September 2019

	Jan - Sep 19	Budget	$ Over Budget	% of Budget
Professional Services- ADM				
4040M10 · Auditing - Admin.	9,400	9,500	-100	99%
4180M10 · Professional Services - Admin.	9,121	5,500	3,621	166%
4181M10 · Professional Comp. Serv.-Admin.	1,003	1,000	3	100%
4182M10 · Media (Cable/Internet) - Admin.	2,720	4,000	-1,280	68%
Total Professional Services- ADM	22,244	20,000	2,244	111%
3900M10 · Transfer Out (General Fund)	0	6,200	-6,200	0%
4140M10 · Equipment R&M - Admin.	5,063	1,500	3,563	338%
4660M10 · Proactive Code Enforcement Prog	0	0	0	0%
4980M10 · Contingency - Admin.	434	14,800	-14,366	3%
4990M10 · Equip Rpl- Transfer Out - Admin	0	5,000	-5,000	0%
Total Expense	287,280	447,700	-160,420	64%
Net Ordinary Income	45,655	-1,200	46,855	-3,805%
Net Income	**45,655**	**-1,200**	**46,855**	**-3,805%**

Lake Minnetonka Conservation District
AIS Profit & Loss Budget vs. Actual (amended 04/24/2019)
January through September 2019

	Jan - Sep 19	Budget	$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
3020M30 · Municipal Dues - AIS	53,955.75	80,000.00	-26,044.25	67.4%
3080M30 · Interest - AIS	0.00	200.00	-200.00	0.0%
3300M30 · Public Agencies/Other Income	0.00	20,000.00	-20,000.00	0.0%
3400M30 · Transfers In - AIS	0.00	30,000.00	-30,000.00	0.0%
Total Income	53,955.75	130,200.00	-76,244.25	41.4%
Gross Profit	53,955.75	130,200.00	-76,244.25	41.4%
Expense				
AIS Prevention Program				
4151M30 · Equip. Supplies -AIS Prevention	0.00	0.00	0.00	0.0%
4152M30 · Equip. Supplies- Master Plan	0.00	25,240.00	-25,240.00	0.0%
4181M30 · Prof. Services - AIS Prevention	31,600.32	20,000.00	11,600.32	158.0%
4182M30 · Prof. Services- Master Plan	0.00	74,760.00	-74,760.00	0.0%
4383M30 · ER Share AIS Prevent. Fica-Med	0.00	0.00	0.00	0.0%
4981M30 · Contingency - AIS Prevention	0.00	0.00	0.00	0.0%
Total AIS Prevention Program	32,000.32	120,000.00	-87,999.68	26.7%
EWM Harvesting Program				
Equipment & Repair				
4150M30 · Equip. Supplies & Maint. - EWM	2,331.93	4,065.00	-1,733.07	57.4%
4160M30 · Fuel - Harvestor/Wk Boats-EWM	0.00	0.00	0.00	0.0%
4170M30 · Fuel/Supply - Van - EWM	39.53	0.00	39.53	100.0%
4720M30 · Contract Mechanic Fees - EWM	0.00	3,000.00	-3,000.00	0.0%
4721M30 · Specialty Mechanic - EWM	0.00	0.00	0.00	0.0%
Total Equipment & Repair	2,371.46	7,065.00	-4,693.54	33.6%
Office & Supplies- EWM				
4060M30 · Telephone - EWM	0.00	0.00	0.00	0.0%
4090M30 · DMV - EWM	0.00	35.00	-35.00	0.0%
4100M30 · Printing/Advertising - EWM	0.00	0.00	0.00	0.0%
4130M30 · Uniforms - EWM	0.00	0.00	0.00	0.0%
4350M30 · Ins./Equip. - EWM	579.25	400.00	179.25	144.8%
Total Office & Supplies- EWM	579.25	435.00	144.25	133.2%
Personnel Services- EWM				
4020M30 · Salaries - EWM	1,509.48	1,500.00	9.48	100.6%
4021M30 · ER Share of EWM FICA/Medicare	0.00	0.00	0.00	0.0%
4340M30 · Insurance W/C - EWM	953.00	1,000.00	-47.00	95.3%
Total Personnel Services- EWM	2,462.48	2,500.00	-37.52	98.5%
4740M30 · Truck Service - EWM	0.00	0.00	0.00	0.0%
4980M30 · Contingency - EWM	0.00	200.00	-200.00	0.0%
Total EWM Harvesting Program	5,413.19	10,200.00	-4,786.81	53.1%
Total Expense	37,413.51	130,200.00	-92,786.49	28.7%
Net Ordinary Income	16,542.24	0.00	16,542.24	100.0%
Net Income	**16,542.24**	**0.00**	**16,542.24**	**100.0%**

Lake Minnetonka Conservation District
Save the Lake Profit & Loss Budget vs. Actual
January through September 2019

	Jan - Sep 19	Budget	$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Contributions				
3001M20 · Donations (General) - S/L	19,682	39,500	-19,818	50%
3002M20 · Donations (Photograph) - S/L	0	0	0	0%
3004M20 · Donations (Solar Light) - S/L	992	500	492	198%
Total Contributions	20,674	40,000	-19,326	52%
3080M20 · Interest - S/L	0	500	-500	0%
Total Income	20,674	40,500	-19,826	51%
Gross Profit	20,674	40,500	-19,826	51%
Expense				
Office & Supplies- STL				
4080M20 · Postage - S/L	20	1,000	-980	2%
4100M20 · Printing - S/L	2,321	1,000	1,321	232%
4220M20 · Office Supplies - S/L	0	300	-300	0%
Total Office & Supplies- STL	2,341	2,300	41	102%
Projects & Activities- STL				
4110M20 · Environmental- S/L	0	2,000	-2,000	0%
4111M20 · Public Service/Education - S/L	1,769	2,000	-231	88%
4160M20 · Public Safety - S/L	4,216	36,000	-31,784	12%
Total Projects & Activities- STL	5,985	40,000	-34,015	15%
4980M20 · Contingency - S/L	0	0	0	0%
Total Expense	8,326	42,300	-33,974	20%
Net Ordinary Income	12,348	-1,800	14,148	-686%
Net Income	**12,348**	**-1,800**	**14,148**	**-686%**

ITEM 7C

RESOLUTION NO. 193

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;

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;

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;

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

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;

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 9th day of October, 2019.

_____
Gregg Thomas, Chair

ATTEST:

_____
Ann Hoelscher, Secretary

ATTACHMENT

Lake Minnetonka Conservation District
Transaction Detail By Account
August 21 through September 24, 2019

Resolution #193 Attachment 1 - Save the Lake Contributions

Date	Num	Contributor	Memo	Amount
08/23/2019		Benevity Fund Donation	Andrew Punch 30.00	28.56
09/04/2019		PayPal	Carol Suggs 50.00	48.25
09/04/2019		PayPal	Ann Hoelscher 250.00	242.45
09/05/2019	12744	Douglas A. Jolstad	STL Donations (General)	50.00
09/05/2019	6289	Dean Akins	STL Donations (General)	250.00
09/05/2019	19872	Irving Properties, Inc.	STL Donations (General)	100.00
09/05/2019	995034	H. Richard Zuckman	STL Donations (General)	25.00
09/05/2019	14822	William Trubeck	STL Donations (General)	100.00
09/05/2019	3123	Robert & Judy Alexander	STL Donations (General)	25.00
09/05/2019	15954	Jerry & Lois Mader	STL Donations (General)	50.00
09/05/2019	9477	Shari Ballard	STL Donations (General)	100.00
09/05/2019	7927	Clifford Otten	STL Donations (General)	250.00
09/05/2019	2411	Edward Malone	STL Donations (General)	50.00
09/05/2019	086271	Lafayette Club	STL Donations (General)	100.00
09/05/2019	225223	Carisch, Inc.	STL Donations (General)	200.00
09/05/2019	4977	Richard Ragatz	STL Donations (General)	100.00
09/05/2019	7706	John Gabbert	STL Donaitons (General)	100.00
09/05/2019	115181	Kenneth & Annette Kaiser	STL Donations (General)	250.00
09/05/2019	1296	Jeffrey Engler	STL Donations (General)	50.00
09/05/2019	5396	Alan Miller	STL Donations (General)	50.00
09/05/2019	6141	Elizabeth Hayes	STL Donations (General)	25.00
09/06/2019		PayPal	Joe Fronius 7.00	6.50
09/12/2019	1002	Frank D. Kreiser	STL Donations (General)	25.00
09/12/2019	15195	Chris and julie Johnson	STL Donations (General)	50.00
09/12/2019	3665	Michael J. Rude	STL Donations (General)	100.00
09/12/2019	3339	Christine A. Schultz	STL Donations (General)	50.00
09/12/2019	13386	Frank Wilkinson	STL Donations (General)	100.00
09/19/2019	7540	Jennifer Morris	STL Donations (General)	50.00
09/19/2019	13113	L. G. Truesdell	STL Donations (General)	250.00
09/24/2019	20607	Michael Huntley	STL Donations (General)	25.00
09/24/2019	11383	Carolyn A. Taylor	STL Donations (General)	100.00
09/24/2019	1069	Michael J. Blum	STL Donations (General)	250.00
			Total	3,200.76

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

DATE: October 9, 2019

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

RE: Caribbean Marina & Restaurant Reconfiguration

ACTION
Continuation of a public hearing and Board decision regarding Caribbean Marina & Restaurant (Tonka Bay Holdings) 2019 Reconfiguration of Nonconforming Structure and Variance applications. The site is located at 100, 110, and 135 Lakeview Avenue in the City of Tonka Bay. The site has shoreline on Lower Lake South. Two nearby upland parcels (PIDs 27-117-23-24-0067 and 27-117-23-24-0068) are also associated with the site.

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

Approval:
I make a motion to approve the Findings of Fact and Order approving Caribbean Marina & Restaurant 2019 Reconfiguration of Nonconforming Structure and Variance applications for the property located at 100, 110, and 135 Lakeview Avenue in the City of Tonka Bay as presented and authorize the Chair and Secretary to sign the Findings of Fact and Order once legal counsel finalizes the language.

Approval with Amendment:
I make a motion to approve the Findings of Fact and Order approving Caribbean Marina & Restaurant 2019 Reconfiguration of Nonconforming Structure and Variance applications for the property located at 100, 110, and 135 Lakeview Avenue in the City of Tonka Bay as amended and direct legal counsel to finalize Findings of Fact and Order for consideration at the October 23, 2019 Board meeting with the following amendments…

Denial:
I make a motion to direct LMCD legal counsel to draft Findings of Fact and Order denying Caribbean Marina & Restaurant 2019 Reconfiguration of Nonconforming Structure and Variance applications for the property located at 100, 110, and 135 Lakeview Avenue in the City of Tonka Bay based on the following reasons… for consideration at the October 23, 2019 Board meeting.

APPLICATION BACKGROUND
A public hearing was conducted on September 25, 2019 for the application for a reconfiguration of a non-conforming structure for the Caribbean Marina and Restaurant. Several public comments were made, and the Board directed staff to bring back information for further consideration by the board. The following is a brief summary of the current proposal.

Mr. Shawn Wischmeier, co-owner and representative of the Caribbean Marina & Restaurant (Tonka Bay Holdings; "Applicant") submitted applications for the dock facility located at 100, 110, and 135 Lakeview Avenue in the City of Tonka Bay. The Applicant proposes to reconfigure the existing dock structure within the perimeter of the existing structures on site to improve internal navigation and address dock structure maintenance concerns.

The facility has been considered a legal nonconforming facility due to pre-existing nonconforming components of the facility (length of the fuel dock) and watercraft density of 1:3. On March 15, 1978, the LMCD granted a variance for the western side setback in which the Village of Tonka Bay consented to on December 7, 1977. The site is currently licensed for 147 boat storage units ("BSUs"). The site has approximately 440 feet of 929.4-foot OHW shoreline, with a boat storage density of 1:3.

A revised site plan was received on October 4, 2019. A brief analysis of the site plan is below.

APPLICATION SUMMARY
The following items are primary code considerations related to the proposal:

- **Perimeter**. The Applicant proposes to remain within the perimeter of the existing structures. Additionally, the Applicant proposed that the dock facility does not extend beyond 200 feet from shore, except for the fuel sales dock described below.

- **Length – Fuel Dock**. The Applicant proposes to relocate and reconfigure the fuel dock. The current fuel dock is located in the center of the site extending 220 feet from shore, 20 feet beyond the rest of the dock structure. The Applicant proposes to extend the new fuel dock to the same length, locating the new fuel dock on the west side of the site.

- **East Setback**. The Applicant has relocated the dock structure within the existing perimeter and proposes to install diagonally angled BSUs to the eastern side site line. Setbacks from the proposed BSUs appear to match or exceed the length of each BSU.

- **West Setback**. The Applicant proposes to maintain the current position of the dock on the west side. The existing encroachment westward would not increase farther beyond the western side site line. The applicant proposes to install the fuel dock on the northern end of the westernmost dock, extending beyond the extended side site line no more than the existing dock does.

- **Variance(s)**. To the extent to which portions of this proposal may not adhere to the Board's interpretation of LMCD Code Section 2.015, Reconfiguration of Nonconforming Structures, the Applicant is requesting to continue the variance for the westernmost

extent of the facility with the location fuel dock.

- **Charter Boat**. The previously proposed BSU located where the existing fuel dock is removed from the most recent proposal dated 10/04/2019. The existing fuel dock pilings will be broken off or removed. If any charter boat is stored on the site, it would be stored in a BSU located within 200 feet from shore.

- **Classification**. The Applicant is requesting all BSUs for overnight storage, eliminating transient BSUs at this time.

- **Boat Density and Total BSUs**. The existing 147 BSUs with 440 feet of continuous 929.4 ft OHW shoreline provides a BSU density of 1:3. The Applicant proposes reducing the number of BSUs to 123, decreasing the density to approximately 1:3.6.

- **Linear Footage of Boat Storage**. The site plan for the existing dock facility shows approximately 3,709 linear feet of boat storage. The applicant has estimated that the entire dock facility constitutes approximately 3,537.6 linear feet of boat storage – a decrease of 171.4 feet. Staff comparison indicates that the total linear footage may be as low as 3,531 feet. The discrepancy, though inconsequential for this criterion as both counts indicate a decrease in linear footage, will be addressed and final numbers provided at the meeting.

PUBLIC HEARING AND COMMENTS
The public hearing held on September 25, 2019 was continued by the LMCD Board to the October 9, 2019 Board meeting. Public comments made at the hearing and otherwise received by the LMCD office are attached with staff responses as applicable.

RECOMMENDATION
If the Board seek to approve the Applicant's current proposal, as represented by the Updated Site Plan (Attachment 2), staff recommend revision of the Findings of Fact and Order (Attachment 1) for final approval and signature on October 23, 2019.

ATTACHMENTS
1. Findings of Fact and Order Rough Draft
2. Updated Site Plan, dated 10/04/2019
3. Public Hearing Comments
4. September 25, 2019 Public Hearing Memo and Attachments

Type: Commercial Marina
Reconfiguration of Nonconforming Structure; Variances
Date: October 10, 2019
PID(s): 27-117-23-24-0050
27-117-23-24-0051
27-117-23-24-0052
Address: 100, 110, and 135 Lakeview Ave
Tonka Bay, MN 55331

LAKE MINNETONKA CONSERVATION DISTRICT
HENNEPIN COUNTY, MINNESOTA

IN RE:

Application of Caribbean Marina & Restaurant (Tonka Bay Property Holdings, LLC) for Reconfiguration of a Nonconforming Structure located at 100, 110, and 135 Lakeview Ave in the City of Tonka Bay.

FINDINGS OF FACT AND ORDER

The Lake Minnetonka Conservation District ("LMCD") received an application from Caribbean Marina & Restaurant (Tonka Bay Property Holdings, LLC), ("Applicant") for a Multiple Dock License for the property Caribbean Marina & Restaurant (Tonka Bay Property Holdings, LLC) owns located at 100, 110, and 135 Lakeview Ave Tonka Bay, MN 55331 ("Subject Property"). The multiple dock facility is also associated with PIDs 27-117-23-24-0067 and 27-117-23-24-0068. The Applicant is seeking approval for reconfiguration of a nonconforming structure and variances for an existing licensed nonconforming multiple dock facility located at the Subject Property. The LMCD Board of Directors ("Board") has in the past issued various approvals for the Subject Property as part of its status as a licensed nonconforming facility. Due to the extent of the reconfiguration, the Applicant is required to obtain a new license. The Board provided the Applicant and the general public an opportunity to be heard at the public hearing held on September 25, 2019, and now, based on its proceedings and the record of this matter, hereby makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Applicant operates what has previously been designated a licensed nonconforming multiple dock facility ("Marina") and has an existing license for the Subject Property, the order for which is dated March 15, 1978.

2. The Applicant submitted a site plan which is attached hereto as Exhibit A and is incorporated herein ("Site Plan"). The Site Plan identifies the proposed 123 boat storage units (BSUs) and reconfigured dock structures.

3. Under Section 2.015, subdivision 8 of the LMCD Code, the proposed reconfiguration of a nonconforming structure requires the Applicant to seek a new dock license.

4. Additional background material and description of the Applicant's requests is included in the LMCD staff report dated September 25, 2019, which is attached hereto, without exhibits, as Exhibit B and is incorporated herein ("Staff Report"), except that this document shall be controlling to the extent there are any inconsistencies.

5. Section 2.015 of the LMCD Code authorizes the LMCD to issue a new dock license for a reconfigured nonconforming structure. The Board finds the Marina and the Applicant's proposed reconfiguration satisfy the requirements of this Section including number of BSUs, total linear footage of boat storage, perimeter, but the Applicant's proposal will require variances to be issued for the Subject Property in accordance with Section 1.07 of the LMCD Code.

6. On September 28, 1978, the Board granted a variance to adjust the dock use area of the Subject Property in order to remove the practical difficulties associated with the pre-existing nature of the site's nonconformity, as alteration to the dock facility on site sufficient to reach conformity would have caused undue hardship on the site's owners. The Board determines it is appropriate under the circumstances to allow those previous approvals to carry forward and continue, and to grant the additional variance to continue the dock's placement beyond the west side site line as shown on Exhibit A. The City of Tonka Bay has consented to this encroachment on December 7, 1977, and is currently reviewing this encroachment.

7. The Board finds the requested reconfiguration of a nonconforming structure and variances for the western side encroachment and length of the fuel dock and dock use area comply with the requirements of the Code and that the issuance of the requested license and variances are appropriate with certain conditions. Specifically, the Board has reviewed the criteria in Sections 2.01, 2.02, 2.015, and 2.10 related to the issuance of a dock license for a reconfiguration of a nonconforming structure and Section 1.07 related to variances and has determined that the proposed are appropriate.

ORDER

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

1. Approvals. The following approvals requested by the Applicant are hereby approved and issued for the Subject Property for the 2019 boating season, subject to the conditions identified herein:

    (a) Reconfiguration of a Nonconforming Structure. A dock license for 123 overnight storage BSUs as shown on the Site Plan (Exhibit A).

    (b) Variances. The following variances:

i. West side encroachment for portions of dock structure that extend beyond the western side site line into the adjacent dock use area as indicated by the legal description and Site Plan; and

ii. Length extension for the fuel dock and fuel dock slips as indicated by the legal description and Site Plan;

2. Conditions. The approvals granted in this order are subject to, and condition upon, compliance with the following:

(a) The Applicant will provide adequate sanitation facilities using the dock facility.

(b) The dock license issued herein is unique to the Applicant. Upon transfer of ownership of the Subject Property to another individual or entity, such individual or entity will be required to apply for a new license and any other approvals from the Board that may be required.

(c) Failure of the Applicant to comply with any relevant regulation of the LMCD or other regulatory body may result in revocation of these approvals.

(d) Watercraft stored at the subject facility shall be not extend beyond 200 feet from the 929.4-foot elevation contour. Length overall is defined as the horizontal measurement for the foremost to the outmost points of the watercraft including all equipment and attachments in their normal operating position.

(e) The lighting must be in compliance with a submitted lighting plan approved by the LMCD staff. The lighting plan must provide safe lighting of the dock and minimize nuisances to adjacent properties.

(f) No temporary low water variances shall be granted during the period when the Lake level falls below elevation 928.0 National Geodetic Vertical Datum.

(g) Dock structures shall be constructed and maintained in strict compliance with the Site Plan (Exhibit A) as approved.

(h) 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.

3. Authorizations. The LMCD staff is hereby authorized and directed to issue the approved commercial 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 9th day of October, 2019.

_____
Gregg Thomas, Chair

ATTEST:

_____
Ann Hoelscher, Secretary

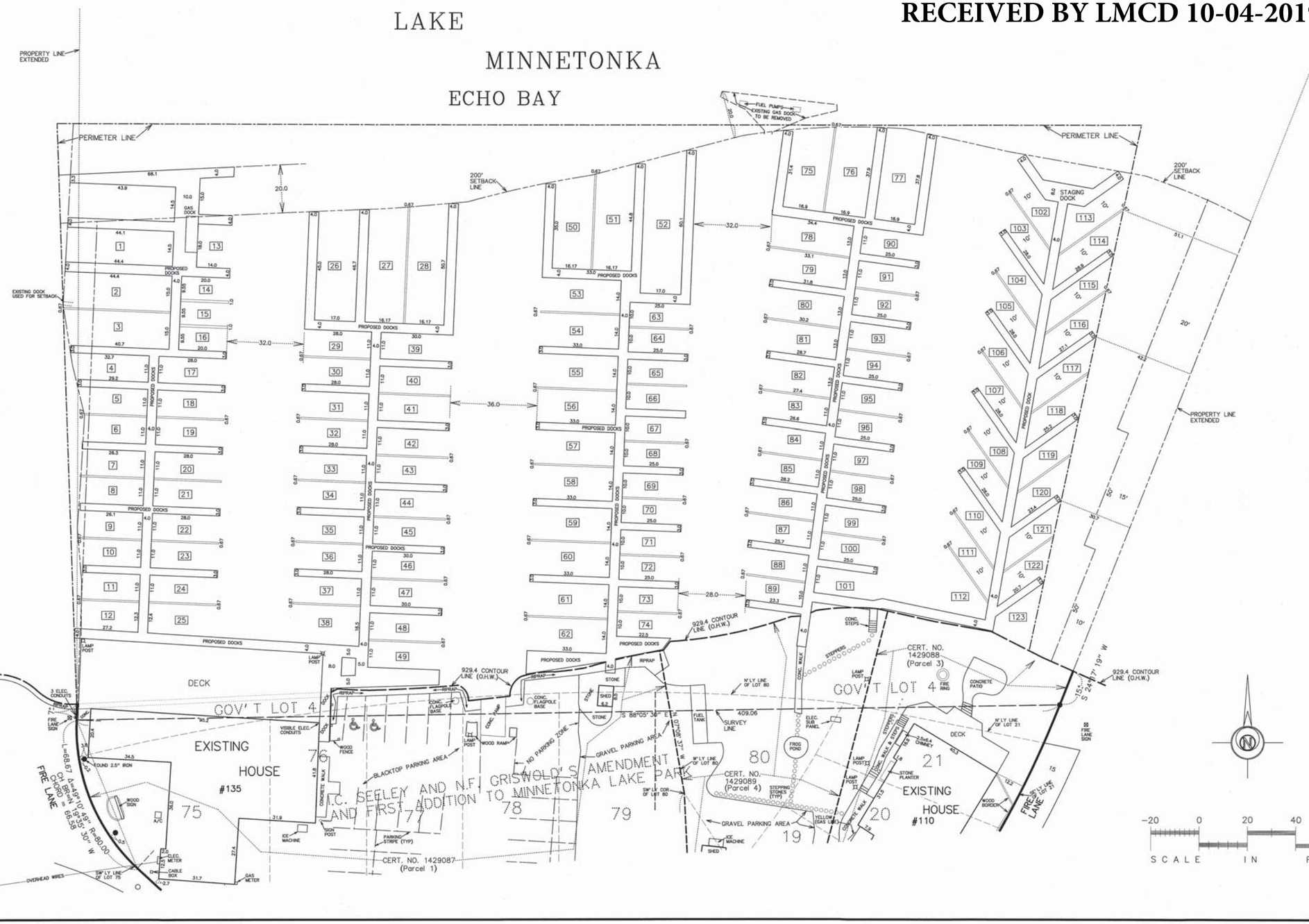
ITEM 9A ATTACHMENT 2

PROPOSED DOCK SURVEY FOR

TONKA BAY PROPERTY HOLDINGS, LLC

IN I.C. SEELEY AND N.F. GRISWOLD'S AMENDMENT AND FIRST ADDITION TO MINNETONKA LAKE PARK AND IN GOV'T LOT 4, SEC. 27–117–23
HENNEPIN COUNTY, MINNESOTA

RECEIVED BY LMCD 10-04-2019



GRONBERG & ASSOCIATES, INC.
CIVIL ENGINNERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

SHEET 2 OF 2 SHEETS
5-28-19
SCALE 1"=20'
JOB NO. 19-139

PROJECT

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.
Mark S. Gronberg
Minnesota License Number 12755

DATE	REMARKS
8-5-19	
8-16-19	REVISED PROPOSED DOCKS
10-3-19	

19139A6.SCJ

ITEM 9A ATTACHMENT 3

Caribbean Marina and Restaurant
Reconfiguration of a Nonconforming Structure
09/25/2019 Public Hearing Comments

The following summarizes comments made during the public hearing process, with brief staff responses where applicable, to provide context or background information.

1. Many neighbors are in support of the improvements to the neighborhood.

2. The marina provides value to the neighboring properties with the marina and restaurant. A certain number of boat slips are required to make this investment economical.

3. The opening of a straight path through the to the Caribbean's launch ramp would allow for safer launching and winter storage, possibly of charter boats.

4. A variance was issued for an adjacent property and I didn't have concerns about that. (500 NNL)

5. A marina owner stated that charter boats should not be considered positive amenities as the marina owner has seen charter boats start fires and cause noise during trash removal.

6. The dock facility should not encroach further west than it already does (toward public access) or be brought into better compliance with the Code.
    a. *The city previously consented to the encroachment that has existed at this site. Staff asked the city comment on the encroachment issue and any further proposed encroachment.*

7. De-icing operations should not cause increased impact to public access on west side during the winter.
    a. *The existing site currently has a deicing license and is similar to the proposed plan.*

8. Concerns regarding parking areas and any increased needs for parking, potentially due to restaurant and watercraft rental company.
    a. It is staff's understanding that the City of Tonka Bay will be considering those issues.

9. The Caribbean Marina & Restaurant should / does not / cannot meet the qualified commercial marina requirements.
    a. See item 10 below.

10. What is the difference between nonconforming and qualified commercial marina?
    a. Guidelines and standards for applications to reconfigure structures with a nonconforming status are found in Section 2.015 of the LMCD Code. Qualified

Commercial Marina standards and evaluation criteria are found in Section 2.03 of the LMCD Code. The license classification of Qualified Commercial Marina may only be applied to conforming structures (which may include variances). The Caribbean Marina & Restaurant is not a conforming structure, and the applicant is applying under the nonconforming structure standards. For more information regarding the intent of the flexibility provided to nonconforming structures, please see LMCD Code Section 2.015, Subdivision 1. "Purpose."

11. Other potential purchasers of the Marina passed on the property because they believed a viable rebuild was not possible.
    a. *The broker and some potential buyers reached out to LMCD staff, who conveyed Code requirements and information regarding site constraints.*

12. They should have to meet the standards of the "envelope concept" developed years ago.
    a. *The standard in effect in the code for nonconforming reconfigurations refers to Section 2.015 – the "perimeter" of the existing structure.*

13. What is the definition of envelope versus perimeter?
    a. *Envelope – envelope or its definition is not included in the current Code. However, it has been used to refer to the perimeter area in which a nonconforming dock can be reconfigured.*
    b. *Perimeter – as defined in LMCD Code Section 2.015, Subdivision 7, paragraph (e)(2): "The perimeter of the existing nonconforming structure shall be a closed line that extends from shoreline to shoreline around the outside portions of the structure (boxing in the structure). The perimeter shall be drawn by extending straight lines from the shoreline on either side of the structure to the furthest point of the structure into the Lake, and then drawing a straight line between the two side lines that parallels the shoreline."*

14. A marina owner stated that in 2005, a proposed reconfiguration of what is now Browns Bay Marina was required to have a 50-foot setback, double the length of the adjacent 25-foot side-opening slips.
    a. *LMCD Code Section 2.01, Subdivision 2, paragraph (b)(2) states: "Setbacks shall be doubled for all multiple docks or mooring areas and commercial docks on each side where such multiple docks are not located adjacent to another multiple dock or mooring area or commercial docks…"*
    b. *The site of the 2005 proposal was located next to land owned by the City of Orono. Given that the City did not have a multiple dock license for that site, a double setback was recommended by LMCD staff at that time.*
    c. *The city properties fire lanes/launch, designated "N. Waseca" and "N. Sunrise" by the City, is part of the city's multiple dock license and a commercial dock (municipal) could be located on the sites. Therefore LMCD staff do not recommend requiring a double setback.*

15. A marina owner stated that a reconfiguration of North Shore Marina – Maxwell Bay in 2007- did not result in side-opening slips and conformed with LMCD Code.
    a. *Prior to 2007, the dock facility at the site had a setback of approximately 20 feet to the west and 19.5 feet to the east, according to the site plan received November 25, 1986. The dock facility proposed and approved in 2007 had 20-foot setbacks on each side. The staff memo dated December 7, 2007 provided the following rationale:*
        "The proposed dock and boat storage are within the 200' envelope of the previously approved dock… The applicant has proposed to maintain the grandfathered 20' side setbacks to the extended lot lines on the east and west sides of the dock use area."
    b. *Maxwell Bay remains a non-conforming facility.*

16. Wayzata Marine replaced their docks and didn't have to go to the full board because they are in compliance.
    a. *Wayzata Marine completed a replacement of the current layout with a minor reconfiguration to a portion of the dock facility. The facility remains a nonconforming facility.*

17. The slips are still side opening. How do you determine a side opening slip?
    a. *LMCD Code Section 2.01, Subdivision 2, paragraph (b)(1) states: "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. *What constitutes a side-opening slip is based on the angle to the shoreline and adjacent properties. The Board has previously approved slips at an angle as not constituting side opening slips.*

18. To be consistent, every other marina has had to bring their property into compliance and did not have any variances.
    a. *In reviewing records, many marinas have nonconformities or variances associated with their sites.*

19. There are no docks that extend beyond 200 feet.
    a. *Multiple nonconforming facilities extend beyond 200 feet, without including gas dock extensions.*

20. What does it mean that there would be less environmental impact if former fuel dock pilings were left in? Charter boats break off pilings routinely. LMCD staff or the applicant should speak with DNR regarding environmental disturbance.
    a. *LMCD staff spoke with MNDNR staff. MNDNR staff confirmed that repurposing and leaving in pilings instead of removing them and installing others elsewhere helps to minimize impact, avoiding environmental disturbance where possible. MNDNR staff*

noted that breaking off or removing existing pilings does not require a permit. Please note that it is considered a common practice to break or remove pilings.

21. This site has the opposite of practical difficulties. The extended side site lines open up as they extend into the lake.
    a. *To the extent a new variance is requested, the Board will have to determine whether the request is supported by a sufficient demonstration of a practical difficulty.*

22. Concerns expressed regarding expansion of the deicing activities and the orange signs that are unattractive.
    a. *Fencing and signs are required for safety reasons. The current proposal would not constitute a change to the de-icing area on the east side of the site. The signs, fencing, and other safety materials would not need to be installed any closer to the eastern side site line.*

23. Concerns expressed regarding having to look at charter boat and line of sight from residential area in general.
    a. *The charter boat slip, as located on previously-proposed site plans, is no longer proposed. Any charter boats stored at the site would need to be stored in a slip within 200 feet from shore.*

24. Will Tonka Bay comment on the land related activities prior to the next meeting?
    a. *The City of Tonka Bay has indicated that they will wait for the LMCD to make a ruling on the application so there is a final plan to consider prior to formal consideration by the City.*

25. A neighbor next to a marina has noted constant and consistent violations of a zero setback / overhang with the marina and enforcement can be challenging.
    a. *The west side of the site in questions has two additional DUAs, under common ownership with the marina, between the commercial zero-foot setback property and the nearest residential property. As the DUAs for the marina are effectively combined, the functional setback is far greater than zero feet – much closer to 110 feet.*
    b. *The north side of the site has a 20-foot setback.*
    c. *Several site visits have been conducted noting compliance with license conditions.*
    d. *When violations are found, actions are taken to achieve compliance.*
    e. *It can be challenging to observe and enforce intermittent types of issues.*

ITEM 9A ATTACHMENT 4

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

DATE: September 25, 2019

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

RE: Caribbean Marina & Restaurant Reconfiguration

ACTION
Board consideration of the Caribbean Marina & Restaurant (Tonka Bay Holdings) 2019 Reconfiguration of Nonconforming Structure, Special Density License, and Variance applications and receive public input as part of the public hearing for the applications. The site is located at 100, 110, and 135 Lakeview Avenue in the City of Tonka Bay. The site has shoreline on Lower Lake South. Two nearby upland parcels (PIDs 27-117-23-24-0067 and 27-117-23-24-0068) are also associated with the site.

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

Approval:
I make a motion to approve the Findings of Fact and Order approving Caribbean Marina & Restaurant 2019 Reconfiguration of Nonconforming Structure and Variance applications for the property located at 100, 110, and 135 Lakeview Avenue in the City of Tonka Bay as presented and authorize the Chair and Secretary to sign the Findings of Fact and Order once legal counsel finalizes the language.

Approval with Amendment:
I make a motion to approve the Findings of Fact and Order approving Caribbean Marina & Restaurant 2019 Reconfiguration of Nonconforming Structure and Variance applications for the property located at 100, 110, and 135 Lakeview Avenue in the City of Tonka Bay as amended and direct legal counsel to finalize Findings of Fact and Order for consideration at the October 9, 2019 Board meeting with the following amendments…

Continue Hearing:
I make a motion to continue the public hearing for the Caribbean Marina & Restaurant's 2019 Reconfiguration of Nonconforming Structure and Variance applications to the October 9, 2019 Board meeting for further consideration.

Denial:
I make a motion to direct LMCD legal counsel to draft Findings of Fact and Order denying Caribbean Marina & Restaurant 2019 Reconfiguration of Nonconforming Structure and Variance applications for the property located at 100, 110, and 135 Lakeview Avenue in the City of Tonka Bay based on the following reasons… for consideration at the October 9, 2019 Board meeting.

APPLICATION BACKGROUND

Mr. Shawn Wischmeier, co-owner and representative of the Caribbean Marina & Restaurant (Tonka Bay Holdings), ("Applicant") submitted applications for the dock facility located at 100, 110, and 135 Lakeview Avenue in the City of Tonka Bay. The Applicant proposes to reconfigure the existing dock structure to improve internal navigation and address dock structure maintenance concerns. The reconfiguration would occur generally within the existing perimeter or navigation area. The site is currently licensed for 147 boat storage units ("BSUs"), and the applicant is proposing to store 116 BSUs at the site. The site has approximately 440 feet of 929.4 OHW shoreline. Of the BSUs, 125 are overnight storage, 20 are transient, and 2 are for private use.

The facility has been considered a legal nonconforming facility due to pre-existing nonconforming components of the facility (length of the fuel dock) and watercraft density of 1:3. On March 15, 1978, the LMCD granted a variance for the western side setback in which the Village of Tonka Bay provided consent/approval on December 7, 1977.

The applicant proposes a code-compliant setback on the eastern side of 10, 15, and 20 feet extending to 50, 100, and 200 feet from shore, respectively. The applicant proposes that the variance be continued to extend past the western side site line to an extent similar to the existing approval, a graduated distance of approximately 14 feet at the lake end of the dock. The applicant also proposes to keep the posts for the existing fuel dock beyond 200 feet from shore for use in storing a charter boat due to offset the potential environmental impact of removing the posts. Further, the applicant proposes to install a fuel dock that would extend 220 feet from shore, similar to the distance of the current fuel dock. While the proposed dock structures would improve navigation safety and pedestrian safety, the fuel dock is also relocated to improve safety from wakes and wind.

RECONFIGURATION AND VARIANCES

As part of this license application, the following items are being considered for approval:

- Reconfiguration of Nonconforming Structure
- Variance(s) for adjustment of the dock use area
    - Western side setback / encroachment
    - Length

SPECIAL DENSITY
Based on the nonconforming reconfiguration application of the code, a special density license is not required at this time.

APPLICATION SUMMARY
The following items are primary code considerations related to the proposal:

- **Perimeter**. The applicant's measurements of the square footage and perimeter indicate generally similar use of the lake. While the eastern side setback meets code requirements, the overall width is expanded.
- **East Setback.** The applicant proposes code-compliant setbacks from the eastern side site line.
- **West Setback.** The applicant proposes to roughly maintain the distance to which the dock facility extends past the western side site line. The applicant proposes that the furthest extent of encroachment to the west would not increase, but some individual dock portions would encroach further to the west.
- **Boat Density**. The existing 147 BSUs with 440 feet of continuous 929.4 ft OHW shoreline provides a BSU density of 1:3. The applicant proposes reducing the number of BSUs to 116, slightly decreasing the density to approximately 1:3.8.
- **Linear Footage of Boat Storage**. The site plan for the existing dock facility shows approximately 3,709 linear feet of boat storage. The site plan for the proposed dock facility shows approximately 3,549 linear feet of boat storage – a decrease of 160 linear feet.
- **Classification**. The applicant is requesting all BSUs for overnight storage, eliminating transient slips at this time.
- **Variance(s)**. To the extent to which portions of this proposal may not adhere to the Board's interpretation of LMCD Code Section 2.015, Reconfiguration of Nonconforming Structures, the applicant is requesting a variance for the length and westernmost extent of the facility.
- **Port of Call**. A BSU for a charter boat is proposed. A request has not been made for a Port of Call for this location at this time.

SITE HISTORY
The following is a brief summary of significant actions related to the current property conditions:

- On September 28, 1978, the LMCD Board approved a multiple dock license for 148 BSUs, for the Caribbean Marina & Restaurant, with a variance for western side setbacks and 30 additional BSUs.

- On April 22, 1992, the LMCD Board approved a renewal of the multiple dock license for 147 BSUs for the Caribbean Marina & Restaurant, which removed one BSU on the east side.

PUBLIC COMMENTS
In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Tonka Bay were provided copies of the proposed applications, with comments due in the LMCD office by September 24, 2019. Any comments will be provided at the Board meeting for review.

As of September 20, 2019, three general public comments received by LMCD staff are summarized below:

- The dock facility should not encroach further west than it already does (toward public access) or be brought into better compliance with the code.
- De-icing operations should not cause increased impact to public access on west side during the winter.
- The opening of a straight path through the to the Caribbean's launch ramp would allow for safer launching and winter storage, possibly of charter boats.
- Concerns regarding parking areas and any increased needs for parking, potentially due to restaurant and watercraft rental company. It is staff's understanding that the city will be considering those issues.

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 reviewing the impact of a project. Only items under the LMCD Code and Board authority may be considered as part of any approval or denial decision.

The public hearing notice was published in the September 12, 2019 edition of the Lakeshore Weekly News and posted on the LMCD Bulletin Board. Residents and owners of property within 350 feet of the site were notified via a mailing sent out September 12, 2019. In addition, the Board packet will be posted online.

SUMMARY OF CODE CONSIDERATIONS
In consult with legal counsel, key LMCD Code items are listed below, with a description of the code section as it relates to this application. Relevant code excerpts are attached at the end of this report.

Section 2.015. Reconfiguration of Non-Conforming Structures.

- **Section 2.015, Subd. 5. Code Requirements.** "The reconfiguration of nonconforming structure must comply, in all respects, with the requirements of this Code except as otherwise provided in this section and as follows:"

    a) Prohibition of docks extending more than 100 feet from shoreline;
    b) Prohibition of changes to slip size(s) without a special density license; and,
    c) Prohibition of expansion of non-conforming uses.

- **Section 2.015, Subd. 6. Limitations.** This subdivision states that a license "shall not" be issued to a reconfiguration which results in the any of the outcomes listed below. Under each item, staff have indicated whether or not the applicant's proposal meets said item.

    a) "An increase in boat storage units;"
        - The applicant proposes to reduce BSUs from 147 to 116.

    b) "An increase in the linear footage of the boat storage units as determined in subdivision 7 of this section;"
        - The applicant proposes to reduce the linear footage of boat storage from 3,709 feet to 3,549 feet.

    c) "An increase in slip length of any slip structures opening toward a nonconforming side setback area;"
        - Regarding the western side site line, the lengthening of slips by moving the walkway to the east (toward the interior of the site) does not necessarily violate the intent of this code section, but the extension of dock fingers further west would violate the intent of this item. Any expanded nonconformity would require a variance from the LMCD Board.

    d) "An adverse effect on nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment;"
        - The City of Tonka Bay owns the properties immediately adjacent to the west and east of the site. The eastern side of the site does not appear to present a hazard to navigation due to the setback and non-side-opening slips. The western side of the site does encroach beyond the western side site line and is similar to the existing dock structures. The proposed facility has a longstanding history in its current location and has not been reported to create significant increases in burden with respect to navigation, vegetation, the environment, or safety.

    e) "An increase in the nonconforming nature of the structure;"
        - Some proposals in the application reduce nonconformity, while other areas are maintained or increased. Areas where nonconformity increase, variances are sought.

    f) "The creation of any new nonconformities; or"
        - See items c), e) and g)

    g) "The structure extending further into any nonconforming side setback area than the existing structure, except that extension into a double setback area, if applicable, may be allowed upon issuance of a variance."

- The Board may allow the encroachment beyond the western side site line via variance. The applicant is working with the City of Tonka Bay regarding their consent through a variance application.

- **Section 2.015, Subd. 8. License for Reconfigured Nonconforming Structure.** Paragraph (e) states: "The Board… may allow minor modifications to the perimeter in order to accommodate changes to the structure than otherwise comply with this Code."

  The extension of the perimeter of the proposed structure to the east results in a code-compliant setback and allows for safer internal navigation of the site.

Section 2.02. Shoreline Requirements.

- **Section 2.02, Subd. 4. Special Rule for Non-Conforming Docks and Moorings in Existence on May 23, 1978.** "Docks and mooring areas lawfully in existence on May 3, 1978 may continue provided the number of restricted watercraft moored or docked at such docks and mooring areas does not exceed the number moored or docked on May 3, 1978."

VARIANCE REQUEST
A variance from the strict application of the provisions of the Code may be granted if the applicant is able to demonstrate to the satisfaction of the Board that practical difficulties exist that make the granting of the requested variance necessary. A variance may only be granted if doing so does not adversely affect: (1) the purposes of the Code; (2) the public health, safety, and welfare; or (3) reasonably access to or use of the Lake by the public or riparian owners.

A practical difficulty is the existence of one or more unique conditions of a property that prevent the property owner from using the Lake in a reasonable manner permitted by the Code. A practical difficulty only exists with respect to a particular property if the conditions preventing the proposed reasonable use of the property are: (1) unique to the property; (2) were not created by the property owner; and (3) are not based solely on economic considerations.

The unusual configuration of the site creates a practical difficulty that is unique to the property, was not created by the owner, and granting the proposed variance would not be based solely on economic considerations.

WEST SIDE SETBACK / ENCROACHMENT
The existing facility does not have a straight approach to the lake from the launch (and vice versa), making the launching and trailering of boats difficult at the site. The reconfigured dock facility would require relocation of boat storage to accommodate this straight navigation lane to/from the launch near the lateral center of the site, pushing docks and BSUs west and east.

Locations for charter boat dockage have become increasingly limited the past few years since some sites are no longer accommodating them due to their size, utility needs, etc. This has created practical difficulties for this use, which was not created by the Applicant and not solely based on economic considerations.

Charter boat operations also align with the LMCD's objective of promoting public access to Lake Minnetonka. The Applicant desires to maintain the 116 BSUs, while improving the navigability and safety of the dock facility. Clarifying the dock use area for this site through the issuance of a variance is needed to ensure reasonable use of the Lake by the owners. Granting the requested variance would be consistent with the purpose of the Code, would not adversely affect the public health, safety, or welfare, and would not interfere with reasonable access to the Lake by the public or other owners. In cases where the boat slip fingers extend further past the side site line, it is recommended they be reduced.

LENGTH
The applicant proposes to install a new fuel dock which extends 220 feet from shore. This 20-foot extension allows for a functional separation of traffic, minimizing navigational overlap for customers purchasing fuel and slip renters.

RECOMMENDATION
Staff offer some recommendations for Board consideration and possible approval at the October 9, 2019 board meeting. Unless new information is provided during the public hearing process that needs further consideration, staff recommend the following based on the current proposal:

- If the Board approves the variance for the western side setback, staff recommend reducing any dock portions that extend further than the existing dock structure (no increase to the existing encroachment);

- Further discussion regarding an option to the proposed fuel dock slips and whether they should be altered to not extend past the western side site line (two total slips, opening to the north, alongside the fuel platform), given there are advantages and disadvantages to both scenarios; and,

- That the staging dock platform be reduced to be no more than eight (8) feet in one direction. The code requires dock dimensions to be no greater than eight (8) feet in both length and width. Further, a space to accommodate the Caribbean and Bay to Bay Boat Club staff to park boats for loading and unloading customers could be provided such that the docked watercraft do not extend beyond the 200-foot length or the side setback requirements.

- Feedback from the City of Tonka Bay; reconfirmation of the setback encroachment consent is pending as of September 20, 2019.

ATTACHMENTS

1. LMCD Code Excerpts
2. Draft Findings of Facts and Order
3. Reconfiguration of Nonconforming Structure Application
4. Special Density License Application
5. Variance Application(s)
6. Site Plan
7. Aerial Map(s) of Proposed Area
8. Public Hearing Notice
9. Public Hearing Notification to Property Owners

Section 1.02. Definitions.

Subd. 40a. "Qualified Commercial Marina" means a privately owned, revenue-producing business that rents storage space at one facility for thirteen or more watercraft on the Lake. A facility does not qualify as a Qualified Commercial Marina unless all rented Boat Storage Units on the Lake are freely available to members of the public without requiring membership in any organization and without providing any priority or preference to members of any organization. Except as allowed in paragraphs a) and b) below, a facility does not qualify as a Qualified Commercial Marina if any part of the facility meets the definition of any of the following classifications of use as defined in Section 2.11, Sub. 2: Club Facilities, Municipal Facilities, Outlot Association Facilities, Multiple Dwelling Facilities, or Private Multiple Facilities. Additional Boat Storage Units may be used for purposes other than rental to the general public, subject to the following limitations:

a) No more than twenty percent of all Boat Storage Units at the facility may be used for any combination of the following uses: watercraft held for sale by the marina owner, watercraft being repaired by the marina owner, rental watercraft, emergency storage of a disabled watercraft for up to three business days or Boat Storage Units made available under a priority or preference to owners of specified real property under real estate interests created prior to 1995;

b) No more than the number of Boat Storage Units rented to the general public may be used for any combination of the following uses: transient use, storage of commercial or governmental lake maintenance watercraft, or storage of governmental watercraft for emergency response or law enforcement uses.

Section 1.07. Variance.

Subd. 1. General Statement. 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 variances granted by the district 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 ordinance or to permit or require the owner of any adjacent or nearby site to do so.

Section 2.01. Authorized Dock use area.

Subd. 2. Description of Authorized Dock use area. An authorized dock use area is described as follows:

a) Length - The authorized dock use area for sites bordering on the Lake extends into the Lake a distance equal to the site Lake frontage to be measured at right angles to the side site lines and, except as provided herein, shall not extend into the Lake a distance of greater than 200 feet in the case of commercial docks in existence on August 30, 1978, and 100 feet in the case of other docks to be measured on a line parallel to the site side lines as extended into the Lake. In the case of commercial docks in existence on August 30, 1978, the lakeward extension of the 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.

The authorized dock use area for Qualified Commercial Marinas, Qualified Sailing School and Qualified Yacht Clubs extends into the Lake 200 feet.

A site in existence on February 5, 1970, which has a Lake frontage of 40 feet or more, but less than 60 feet, may have a dock extending up to 60 feet into the lake. Any such site which has a Lake frontage of less than 40 feet may have a dock which extends beyond the authorized dock use area to the point necessary to reach a water depth of four feet, measured from 929.4 feet NGVD, and no further; provided that no such dock shall be located or extended more than 60 feet into the Lake. Side setbacks requirements shall be observed, however, unless a variance is granted by the Board under Section 1.07.

The authorized dock use area for dock facilities owned and operated by state agencies, Hennepin County, the LMCD or cities bordering on the Lake and used exclusively for law enforcement, public safety or LMCD purposes may extend up to 125' into the Lake.

a) Width - The authorized dock use area for sites bordering on the Lake is limited in width by the setback limitations prescribed herein. The setback from side site lines as extended in the Lake shall be as follows:

For that portion of the length of the authorized dock use area which extends from the shore	The setback shall be
Zero to 50 feet	10 feet
50 to 100 feet	15 feet
100 to 200 feet	20 feet

1) 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.
2) Setbacks shall be doubled for all multiple docks or mooring areas and commercial docks on each side where such multiple docks are not located

adjacent to another multiple dock or mooring area or commercial docks; provided, however, that multiple docks or mooring areas and commercial docks in existence on May 3, 1978, shall be non-conforming structures and shall not be subject to this subparagraph 2.) as long as such structures are not expanded, and further provided that setbacks established by Section 2.12, Subd. 3 are not required to be doubled pursuant to this subparagraph 2).

3) The authorized dock use area, in the case of sites 50 feet in width or less in existence on February 2, 1970, may be expanded to a side setback limitation of five feet, provided that such setback in no way impairs access to neighboring docks.
4) A canopy, as defined in Section 1.02, must be setback from side site lines a minimum distance of 20 feet.

Section 2.015. Reconfiguration of Nonconforming Structure.

Subd. 1. Purpose. The protection and preservation of the Lake has required increasingly strict regulatory measures. While the Board has determined that these measures are generally appropriate on a lake-wide basis, it has recognized that requiring existing nonconforming structures to come into compliance with new requirements of the Code can impose substantial hardships. Therefore, as regulation of docks and boat storage on the Lake has changed, the Board, in some cases, has allowed docks lawfully in existence at the time of adoption of new ordinances to continue. In conferring such nonconforming status, the Board has imposed limitations on alterations or expansions of such facilities to protect the Lake and to otherwise further the purposes of this Code. However, the Board has determined that these limitations may be unduly restrictive without significantly advancing the public interest. The purpose of this section is to alleviate the hardship created by prohibiting changes or alterations to nonconforming structures by allowing reconfigurations and minor changes within certain limitations imposed to protect the spirit and intent of this Code. The Board also recognizes a need to allow some reasonable flexibility in the reconfiguration of nonconforming structures to enable owners to enhance the safety of their structures and respond to changing market demands and watercraft designs. The Board further recognizes that there may be alterations proposed to a nonconforming structure that comply with the requirements of the Code. The intent of the Board is to allow for such changes as part of an approved reconfiguration or minor change, provided the Board or the Executive Director finds the proposed changes do not increase the nonconforming nature of the structure and is otherwise consistent with the purpose of this section. It remains a priority of the Board to encourage owners to bring their nonconforming structures into compliance with Code to the extent reasonably possible, but the Board determines it is not necessary, and can result in unreasonably hardships, for an owner to be required to bring their nonconforming structure into conformance with the Code simply for seeking a reconfiguration of, or minor change to, the structure.

Subd. 2. Applicability. This section applies to all permanent docks, seasonal docks, and district mooring areas that are not in compliance with the requirements of the Code applicable to new facilities, but that are lawfully in existence by reason of Code provisions explicitly allowing such nonconformities to continue.

Subd. 3. Reconfigurations and Minor Changes Generally. This section sets out the procedure to seek approval for the reconfiguration of a nonconforming structure and also provides a process to obtain administrative approval for a minor change to a nonconforming structure. Without limiting the specific requirements of this section, the primary distinction

between a reconfiguration and a minor change with respect to a nonconforming dock is that a reconfiguration proposes to substantially alter the principal structure of a dock, while a minor change only alters a minimal portion of the principal structure or the secondary structure of a dock. For the purposes of this section, the "principal structure" of a dock is the main walkway, and the "secondary structure" of the dock includes the slip structures, dolphin poles, and other ancillary components affixed to or adjacent to the principal structure.

The reconfiguration of a nonconforming structure, to the extent allowed by this section, requires the submission of an application to the LMCD in accordance with subdivision 8 of this section requesting a new dock license or new district mooring area license for the proposed reconfigured nonconforming structure. If a proposed reconfiguration qualifies as a minor change, a minor change application may be submitted to the LMCD in accordance with subdivision 9 of this section and the Executive Director may approve the application without a public hearing, Board review, and without requiring a new license. The minor change process is only available if, in the determination of the Executive Director, the proposed reconfiguration complies with the limitations and criteria in subdivisions 6 and 9 of this section.

In considering a proposed reconfiguration or minor change to a nonconforming structure, the LMCD shall determine the number of boat storage units, total linear footage of the boat storage units, and the perimeter of the existing nonconforming structure. Each of these determinations, which must be made in accordance with subdivision 7 of this section, serve as limitations on the proposed and all future reconfigurations and minor changes to the structure. To the extent a proposed reconfiguration or minor change results in less than the full amount of the boat storage units, total linear footage, or perimeter area of the existing nonconforming structure being utilized, they are preserved as provided in subdivision 10 of this section for future use.

Subd. 5. Code Requirements. The reconfiguration of nonconforming structures must comply, in all respects, with the requirements of this Code except as otherwise provided in this section and as follows:

(a) The provisions of section 2.01, subd. 2(a) which prohibit alteration of docks extending more than 100 feet from the shoreline;

(b) The provisions of section 2.05, subd. 9, which prohibit changes involving an increase in slip size without first securing a special density license pursuant to section 2.05; and

(c) The provisions of 2.10, subd. 3, which prohibit the expansion of non-conforming uses.

Subd. 6. Limitations. Except to the extent expressly allowed by this section, the reconfiguration of, or a minor change to, a nonconforming structure is not allowed, and the LMCD shall not issue a new dock license, a new district mooring area license, or grant administrative approval, if the proposed reconfiguration would result in any of the following:

(a) An increase in boat storage units;

(b) An increase in the linear footage of the boat storage units as determined in subdivision 7 of this section;

(c) An increase in slip length of any slip structures opening toward a nonconforming side setback area;

(d) An adverse effect on nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment;

(e) An increase in the nonconforming nature of the structure;

(f) The creation of any new nonconformities; or

(g) The structure extending further into any nonconforming side setback area than the existing structure, except that extension into a double setback area, if applicable, may be allowed upon the issuance of a variance.

Subd. 7. Determination of Existing Boat Storage Units, Linear Footage and Perimeter. The Board desires to allow the reconfiguration of, and minor changes to, nonconforming structures to accommodate the changing widths of watercraft and the needs of owners, but to do so in a way that ensures the reconfigured structure does not extend beyond the perimeter of the existing structure and that preserves for the owner, as a maximum, the original number and linear footage of the boat storage units of the existing structure. This subdivision sets out the process for confirming the number of existing boat storage units, the calculation of the total linear footage of the boat storage units, and for determining the perimeter of the existing nonconforming structure as part of a proposed reconfiguration. The determinations made under this subdivision are based on the existing licensed structure, not on any past or proposed future configuration of the structure. The LMCD may prepare and make available to the public diagrams to demonstrate how one or more of these determinations are made. Any such diagrams are for illustration only and are not controlling on the determinations made by the Executive Director or the Board under this subdivision regarding any particular application.

(a) Boat Storage Units. The number of boat storage units for the nonconforming structure is established as part of the license issued by the LMCD for the dock or the district mooring area. If a proposed reconfiguration will result in a reduction of the number of boat storage units, the new dock license, district mooring area license, or minor change permit issued for the reconfigured structure shall identify the number of boat storage units before and after the reconfiguration.

(b) Linear Footage. Part of the flexibility the Board desires to provide in the reconfiguration of nonconforming structures is to allow the transfer of linear footage of the boat storage units among slips and to otherwise reconfigure the boat storage units as the owner determines is appropriate, provided the total linear footage of the boat storage units of the existing structure is not exceeded. Where the license is based on multiple sites with non-continuous shoreline, the linear footage may be transferred among sites. The linear footage shall be determined as follows:

(1) General Linear Footage Calculation. The linear footage of a boat storage unit contained by a slip structure shall be determined by a straight line measurement from the center of dock-side end of the slip to a point even with the outside edge

of the slip structure, whether that is the end of the slip fingers, or other similar portion of the dock structure reasonably constituting the end of the slip.

(2) Dolphin Poles or Similar. The linear footage of a boat storage unit with dolphin poles or that is not contained by a slip structure shall be determined based on the linear footage of the nearest slip finger or other similar portion of the dock structure reasonably constituting the end of the slip.

(3) Mooring Areas. The linear footage of a district mooring area shall be determined based upon the combined length of the watercraft, as identified in the most current license issued for the structure, allowed to be moored at the mooring area.

(4) Total Linear Footage. The total linear footage of the nonconforming structure shall be the combined linear footage of all the boat storage units.

(c) Reduction in Linear Footage. If a proposed reconfiguration of, or minor change to, a nonconforming structure will result in reducing the amount of linear footage used for boat storage units, the new dock license, district mooring area license, or minor change permit issued for the reconfigured structure shall identify the total linear footage before and after the reconfiguration.

(d) Linear Footage Appeal. The Executive Director is authorized to resolve any questions and to decide the total linear footage of a nonconforming structure. The Executive Director may bring a question regarding the determination of the linear footage to the Board for a final decision. If an applicant disagrees with the Executive Director's determination of the total linear footage, that person may appeal the determination to the Board for consideration at a regular meeting. The Board will consider the Executive Director's decision, give the applicant an opportunity to be heard, and make a final decision regarding the total linear footage.

(e) Perimeter. Another part of the flexibility the Board desires to provide in the reconfiguration of nonconforming structures is to allow reconfigurations without being limited to a particular structural design or configuration, provided the reconfigured structure does not extend beyond the perimeter of the existing structure. Confining the reconfigured structure to the perimeter of the existing structure will help avoid the negative impacts that can result to the Lake and neighboring owners if the structure was allowed to expand or extend further into the Lake.

(1) Perimeter Structure and Storage. All docks, moorings, watercraft storage, swimming floats, ski jump storage, diving towers, and similar items must be located within the perimeter as approved in accordance with this Code.

(2) Perimeter Determination. The perimeter of the existing nonconforming structure shall be a closed line that extends from shoreline to shoreline around the outside portions of the structure (boxing in the structure). The perimeter shall be drawn by extending straight lines from the shoreline on either side of the structure to the furthest point of the structure into the Lake, and then drawing

a straight line between the two side lines that parallels the shoreline. The Executive Director is authorized to resolve any questions and to decide the perimeter of a nonconforming structure. The Executive Director may bring a question regarding the determination of the perimeter to the Board for a final decision. The established perimeter shall be included in and made part of the new dock license, district mooring area license, or minor change permit issued for the reconfigured nonconforming structure. The established perimeter shall also be shown on any survey submitted with a proposed reconfiguration of the nonconforming structure.

(3) Perimeter Appeal. If an applicant disagrees with the Executive Director's determination of the perimeter, that person may appeal the determination to the Board for consideration at a regular meeting. The Board will consider the Executive Director's decision, give the applicant an opportunity to be heard, and make a final decision regarding the perimeter.

Subd. 8. License for Reconfigured Nonconforming Structure. The reconfiguration of a nonconforming structure may only occur to the extent allowed by this section, and in accordance the procedures established in this subdivision. The reconfiguration of a nonconforming structure under this subdivision requires the issuance of a new dock license or a new district mooring area license.

(a) Eligibility. The Board may only issue a new dock license or a new district mooring area license if the proposed reconfiguration of the nonconforming structure does not result in any of the conditions identified in subdivision 6 of this section and complies with the requirements of section 2.03, this section, and the other requirements of the Code, to the extent applicable or not otherwise exempted by the express provisions of this section.

(b) Application and Process. A person proposing to reconfigure a nonconforming structure shall file a new dock license or new district mooring area license application with the LMCD, together with the applicable application fee and escrow deposit to be used by the LMCD to reimburse itself for legal, surveying, engineering, inspection, maintenance and other expenses it incurs to process and act on the application. Except as provided in this section, the application for the new license shall be processed in accordance with section 2.03. The application for the new license shall include, in addition to the information required by section 2.03, subdivision 2, the following information:

(1) A survey map of the nonconforming structure in its current configuration identifying the existing number of boat storage units, the linear footage of each boat storage unit, and the perimeter of the structure in accordance with subdivision 7 of this section; and

(2) A survey map of the proposed reconfigured nonconforming structure showing the boat storage units used, the total linear footage of the boat storage units used, and the perimeter area of the reconfigured structure in accordance with subdivision 7 of this section.

Upon the receipt of a complete application, the Executive Director shall decide whether the boat storage units, linear footage, and perimeter determinations shown on the map were made in accordance with subdivision 7 of this section and require adjustments as needed.

(c) Variances. If a proposed reconfiguration of a nonconforming structure requires the issuance of a new variance, or an amendment to an existing variance, the applicant shall submit a variance application together with the application for a new dock or district mooring license application. Proceedings for consideration of such variance application and new dock or district mooring area license application shall be conducted concurrently.

(d) Public Hearing. Once an application is deemed complete, a public hearing shall be scheduled before the Board to consider the application.

(e) Board Determination. After conducting the public hearing, the Board shall make the final decision on whether to approve the requested new dock license or new district mooring area license for the reconfigured nonconforming structure. The Board, as part of an approval, may allow minor modifications to the perimeter in order to accommodate changes to the structure that otherwise comply with the Code. The Board may impose conditions on a license it issues as it determines is reasonably needed to address navigation, safety, and environmental concerns including, but not limited to, imposing restrictions on the length of watercraft. If the application is approved, the applicant may seek annual renewal of the license following the same annual licensing procedures required of conforming structures.

Subd. 10. Preservation of Unused Boat Storage Units, Linear Footage, and Perimeter Area. If the reconfigured or changed nonconforming structure does not utilize the full number of boat storage units, the total linear footage, or the full perimeter area of the existing nonconforming structure, as determined in accordance with subdivision 7 of this section, the unused boat storage units, unused linear footage, and unused perimeter area shall be preserved and may be used for a future reconfiguration of the nonconforming structure, provided that any such future reconfiguration is in compliance with this section. The utilization of any preserved boat storage units, linear footage, or perimeter area for a proposed future reconfiguration done in accordance with this section does not constitute an unlawful expansion of the nonconforming structure. No expansion beyond the preserved number of boat storage units, linear footage, or perimeter shall be allowed unless such expansion is otherwise allowed by this Code or a variance is applied for and obtained prior to, or as part of, the issuance of the new dock license, district mooring area license, or minor change permit for the newly reconfigured nonconforming structure.

Subd. 11. No Vested Rights. It is anticipated that in the future it may become necessary for the LMCD to attempt to make an allocation or apportionment of multiple dock, mooring area, commercial dock, and launching facility privileges on and within the Lake, on an equitable basis, in order to avoid overcrowding of the Lake, or portions thereof, and in order to balance the many conflicting demands upon the Lake. In order to give notice to licensees that the license does not create any vested rights and that future regulatory actions by the LMCD may necessitate modifying or discontinuing the facility for which the license is granted, each license shall state upon its face that the licensed facility is subject to existing and future density policies and regulations adopted by the Board.

Section 2.02. Shoreline Requirements.

Subd. 1. General Rule. 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 one for each 50 feet of continuous shoreline in existence on May 3, 1978, unless authorized to do so by special density license pursuant to Section 2.05. For sites with continuous shoreline greater than 100 feet, when measurements determining the number of restricted watercraft allowed result in the provision of a fractional restricted watercraft, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall be counted as one additional restricted watercraft.

Section 2.03. Multiple Docks, Mooring Areas, Commercial Docks, and Launching Ramps.

Subd. 1. License Required. No person may locate, construct, install or maintain a multiple dock or mooring area or a commercial dock or a launching ramp on the shoreline of the Lake, or in the waters of the Lake unless licensed by the Board to do so.

Subd. 2. Application for License. Application for a license shall be made on forms provided by the Executive Director. The application for license shall contain (a) the name and address of the applicant, (b) the description of the property on which the facility is to be located, (c) the name and address of the owner of the premises, if different from the applicant, (d) if the applicant is not the owner, an explanation of the interest which the applicant has in the property, (e) a showing that all requisite permits, licenses and approvals from the local municipality have been obtained and that the requirements of any other governmental authority have been met, and (f) a plan showing the design and location of the facility including all Boat Storage Units. The application shall include such other information as the Executive Director may require to assist the Board in consideration of the application for the license. The application shall also be accompanied by a license fee which shall be established from time-to-time by resolution of the Board; provided that no fee shall be required for applications for launching ramps owned and operated by municipalities or other governmental agencies which are available for use by the general public without payment of fees or other charges. An additional deposit in an amount established from time to time by resolution of the Board shall accompany the application to cover legal, surveying, engineering, inspection, maintenance or other expenses incurred by the District. The Board shall approve all expenses charged against the deposit, and the unused portion thereof shall be returned to the applicant. The application shall state that the applicant agrees 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 deposit. No such deposit shall be required in the case of renewal applications under Subdivision 13 of this Section or new license applications required by Subdivision 7 of this Section which do not require a public hearing, unless a hearing is requested by the applicant pursuant to Section 1.06, Subd. 12.

Subd. 3. Issuance of License. Licenses required by this section may be issued after a public hearing by the Board. Proceedings for the issuance of a license and the granting of a variance under Section 1.07 may be combined and conducted as one proceeding. The Board may impose conditions on the granting of a license, which conditions shall be in writing.

a) Review Criteria. In exercising its discretion in granting or denying licenses, the Board may consider, among other things, the following:
   1) Whether the proposed facility is compatible with the LMCD watercraft density classification criteria.
   2) Whether the proposed facility will be structurally safe for use by the intended users.
   3) the facility will comply with the regulations contained in this ordinance.
   4) Whether the proposed facility will create a volume of traffic on the Lake in the vicinity of the facility which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the facility.
   5) Whether the proposed facility will be compatible with the adjacent development.
   6) Whether the proposed facility will be compatible with the maintenance of the natural beauty of the Lake.
   7) Whether the proposed facility will affect the quality of the water of the Lake and the ecology of the Lake.
   8) Whether the proposed facility, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the facility.
   9) Whether adequate sanitary and parking facilities will be provided in connection with the proposed facility.
   10) Whether the proposed facility will serve the general public as opposed to a limited segment of the public or a limited geographical area.
   11) Whether the facility will obstruct or occupy too great an area of the public water in relationship to its utility to the general public.

Subd. 10. Fuel Sales Facilities. Notwithstanding the provisions of section 2.01, subd. 2a), a 25-foot addition may be allowed in the discretion of the Board, at the outer end of a commercial dock which does not extend more than 100 feet from the shoreline, for the purpose of fuel sales and related service. In the case of non-conforming dock which extends more than 100 feet from the shoreline, the Board may allow the construction of a 25 foot dock addition for fuel sales provided the additional docks extend no further lakeward than the original non-conforming docks. In no case shall docks authorized under this subdivision be used for the storage of watercraft or rental of dock space.

Section 2.05. Special Density License.

Subd. 3. Application for License. … Applications may be received for densities greater than one watercraft per 50 feet but not greater than one watercraft per 10 feet of shoreline.

Section 2.10. Nonconforming Structures.

Subd. 1. Compliance with this Code. From and after May 3, 1978, docks, mooring areas and other structures in the Lake shall be in conformity with the provisions of this Code except as is otherwise provided.

Nonconforming structures in existence on February 5, 1970, were required to be terminated on February 5, 1971; provided, however, that the length limitations applicable to docks under

Section 2.01 were not applicable until February 5, 1975, to docks legally existing on February 5, 1970, which were not seasonally removed from the Lake.

Section 2.12. Miscellaneous Provisions.

Subd. 12. Dock Dimensions. A dock may exceed eight feet, excluding posts, in either its length or width, but not both. In connection with issuance of a license under section 2.03, the Board may authorize the construction and maintenance of docks used in conjunction with the sale of fuel to the public of up to ten feet in width to the extent deemed necessary by the Board for safe and efficient fuel sales activities. Docks that were in existence on June 30, 1982 and that are in compliance with all the provisions of the LMCD Code other than this section shall be allowed to continue in their present form without expansion or modification until such time as such docks are replaced or until 50% or more of any such dock is damaged or destroyed. A ski jump may exceed eight feet in width provided it is no wider than 12 feet and meets all other requirements of the Code.

Type: Reconfiguration of Nonconforming Structure; Variances
Date: October 10, 2019
PID(s): 27-117-23-24-0050
27-117-23-24-0051
27-117-23-24-0052
Address: 100, 110, and 135 Lakeview Ave
Tonka Bay, MN 55331

LAKE MINNETONKA CONSERVATION DISTRICT
HENNEPIN COUNTY, MINNESOTA

IN RE:

Application of Caribbean Marina & Restaurant (Tonka Bay Property Holdings, LLC) for Reconfiguration of a Nonconforming Structure located at 100, 110, and 135 Lakeview Ave in the City of Tonka Bay.

FINDINGS OF FACT AND ORDER

The Lake Minnetonka Conservation District ("LMCD") received an application from Back Channel Brewing Collective, on behalf of Caribbean Marina & Restaurant (Tonka Bay Property Holdings, LLC), ("Applicant") for a Multiple Dock License for the property Caribbean Marina & Restaurant (Tonka Bay Property Holdings, LLC) owns located at 100, 110, and 135 Lakeview Ave Tonka Bay, MN 55331 ("Subject Property"). The multiple dock facility is also associated with PIDs 27-117-23-24-0067 and 27-117-23-24-0068. The Applicant is seeking approval for reconfiguration of a nonconforming structure and variances for an existing licensed nonconforming multiple dock facility located at the Subject Property. The LMCD Board of Directors ("Board") has in the past issued various approvals for the Subject Property as part of its status as a licensed nonconforming facility. Due to the extent of the reconfiguration, the Applicant is required to obtain a new license. The Board provided the Applicant and the general public an opportunity to be heard at the public hearing held on September 25, 2019, and now, based on its proceedings and the record of this matter, hereby makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Applicant operates what has previously been designated a licensed nonconforming multiple dock facility ("Marina") and has an existing license for the Subject Property, the order for which is dated March 15, 1978.

2. The Applicant submitted a site plan which is attached hereto as Exhibit A and is incorporated herein ("Site Plan"). The Site Plan identifies the proposed 116 boat storage units (BSUs) and reconfigured dock structures.

3. Under Section 2.015, subdivision 8 of the LMCD Code, the proposed reconfiguration of a nonconforming structure requires the Applicant to seek a new dock license.

4. Additional background material and description of the Applicant's requests is included in the LMCD staff report dated September 25, 2019, which is attached hereto, without exhibits, as Exhibit B and is incorporated herein ("Staff Report"), except that this document shall be controlling to the extent there are any inconsistencies.

5. Section 2.015 of the LMCD Code authorizes the LMCD to issue a new dock license for a reconfigured nonconforming structure. The Board finds the Marina and the Applicant's proposed reconfiguration satisfy the requirements of this Section including number of BSUs, total linear footage of boat storage, perimeter, but the Applicant's proposal will require variances to be issued for the Subject Property in accordance with Section 1.07 of the LMCD Code.

6. The Staff Report acknowledges the benefits of adding more opportunities for the general public to access the Lake and storage of a charter boat, but also identifies some potential concerns regarding the Applicant's requests including the encroachment of the dock facility beyond the western side site line.

7. On September 28, 1978, the Board granted a variance to adjust the dock use area of the Subject Property in order to remove the practical difficulties associated with the pre-existing nature of the site's nonconformity, as alteration to the dock facility on site sufficient to reach conformity would have caused undue hardship on the site's owners. The additional practical difficulties presented by the availability of dockage for charter boats for public access adds to the practical difficulties addressed by the site. The Board determines it is appropriate under the circumstances to allow those previous approvals to carry forward and continue, and to grant the additional variance to continue the dock's placement beyond the west side site line as shown on Exhibit A. The City of Tonka Bay has consented to this encroachment on December 7, 1977 and is reviewing this proposal. consents to this encroachment.

8. The Staff Report acknowledges that the Applicant's request to leave in five (5) large pilings previously used to secure a fuel dock as part of a new charter boat slip appears to provide the benefit not only of storing a charter boat, but of avoiding the unnecessary environmental damage which would be caused by removal or cutting off the pilings near the lakebed.

9. The Staff Report acknowledges that the relocation of the fuel dock from its current position not only allows an easily-accessed slip for a charter boat to be built in its previous location, but that the new location on the northwestern corner of the site allows for traffic to the fuel dock to utilize as little overlapping navigational space as possible with traffic to the rented dock slips.

10. The Board finds the requested reconfiguration of a nonconforming structure and variances for the western side encroachment and length of the dock use area comply with the requirements of the Code and that the issuance of the requested license and variances are appropriate with certain conditions. Specifically, the Board has reviewed the criteria in

Sections 2.01, 2.02, 2.015, and 2.10 related to the issuance of a dock license for a reconfiguration of a nonconforming structure and Section 1.07 related to variances and has determined that the proposed are appropriate.

ORDER

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

1. Approvals. The following approvals requested by the Applicant are hereby approved and issued for the Subject Property for the 2018 boating season, subject to the conditions identified herein:

    (a) Reconfiguration of a Nonconforming Structure. A dock license for 116 overnight storage BSUs as shown on the Site Plan (Exhibit A).

    (b) Variances. The following variances:

        i. West side encroachment for portions of dock structure that extend beyond the western side site line into the adjacent dock use area as indicated by the legal description and Site Plan; and

        ii. Length extension for the fuel dock and fuel dock slips as indicated by the legal description and Site Plan; and

        iii. Length extension for the charter boat slip, which remains in the same location as the previous fuel dock, as indicated by the legal description and Site Plan.

2. Conditions. The approvals granted in this order are subject to, and condition upon, compliance with the following:

    (a) The Applicant will provide adequate sanitation facilities and parking for persons using the dock facility.

    (b) The dock license issued herein is unique to the Applicant. Upon transfer of ownership of the Subject Property to another individual or entity, such individual or entity will be required to apply for a new license and any other approvals from the Board that may be required.

    (c) Failure of the Applicant to comply with any relevant regulation of the LMCD or other regulatory body may result in revocation of these approvals.

    (d) Watercraft stored at the subject facility shall be not extend beyond 200 feet from the 929.4-foot elevation contour. Length overall is defined as the horizontal measurement for the foremost to the outmost points of the watercraft including all equipment and attachments in their normal operating position.

(e) The lighting must be in compliance with a submitted lighting plan approved by the LMCD staff. The lighting plan must provide safe lighting of the dock and minimize nuisances to adjacent properties.

(f) No temporary low water variances shall be granted during the period when the Lake level falls below elevation 928.0 National Geodetic Vertical Datum.

(g) Dock structures shall be constructed and maintained in strict compliance with the Site Plan (Exhibit A) as approved.

(h) 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.

3. Authorizations. The LMCD staff is hereby authorized and directed to issue the approved 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 9th day of October, 2019.

_____
Gregg Thomas, Chair

ATTEST:

_____
Ann Hoelscher, Secretary

Please find attached an application for a new dock license based on a reconfiguration of a non-confirming dock structure and an application for a new special density license. The docks are utilized by The Caribbean Marina under lease from Tonka Bay Property Holdings, LLC (property owner). This document will help provide explanations to one or more sections of information that has been submitted. Per Section 2.02 Subd. 4, the existing BSUs were in existence on May 3, 1978. The marina is currently permitted for 147 slips.

1. We plan to reduce the number of docks from the currently permitted 147 down to 130 slips. This would include 126 regular slips, 3 gas dock slips, and 1 larger slip for a charter boat. Please see the attached schematic for each slip numbered. Layouts for both the existing and proposed dock designs have been included for reference. As the reconfigured nonconforming structure will not utilized the full number of BSUs currently permitted, we would plan to reserve any unutilized BSUs for possible future use.

2. Our intent is to comply with LMCD's legal non-confirming rules and keep the footprint of the docks in the water essentially the same as they are today. However, given the current docks positioned at the NW corner extend slightly into the fire lane, it is our intention to pivot or shift all of the docks slightly to the east so at to eliminate having any docks reconstructed into the fire lane. Again, our plan is to keep substantially the same footprint of approximately 90,000 square feet of area in the water, but to stay within the boundaries of the fire lanes on both the east and west sides. Pursuant to Section 2.015 Subd. 7(E)(2), the perimeter has been calculated under both the existing and proposed structures and in each case determined to be slightly over 850 feet. The existing perimeter has been calculated using the survey and estimated using Hennepin County's property map tool. In both cases the calculations were very close and consistent with the perimeter under the proposed dock design. Given we are using substantially the same footprint, we believe we meet the intent of the ordinances and would not need to file an application for any type of variance related to this pivot or shift. Please let us know if we need to do anything further.

3. Pursuant to Section 2.03 Subd. 10, we would plan to move the gas dock from the current location to another pier further to the west that is more accessible and more protected from waves, thus allowing for safer fueling of boats. The current non-confirming use of the gas dock extends 20 feet out into the water past the 200 feet. We would request that we keep this extension out into the water pursuant to the code which states "provided the additional docks extend no further lakeward than the original non-conforming docks." Given the concept is clearly laid out in the code of ordinances, we do not believe that we need to submit a variance request related to moving the gas dock and keeping it at the same distance out into the water. Please let us know if we need to anything further.

4. As a result of moving the gas dock, we will end up with five very large (18" in diameter or larger) pilings left over from the old gas dock. Per consultations, there is no way to physically pull these pilings so they would have to be broken off or cut off under water (not easy and will leave debris in the floor of the lake). As such, we are proposing to LMCD that we leave those pilings in the water (which are beyond the 200-foot setback

out into the water) for the purpose of parking a charter boat there. You will see this on the schematic. We will not end up with any more slips on net as we had to reduce other slips to make this fit, but we feel it's the right thing to do in this situation. We will be asking LMCD for a variance to utilize these pilings for purpose of parking a charter boat. We believe that this variance request is consistent with their mission/charter of increasing public access to the lake. The addition of the charter slip would require permission to keep the existing pilings out beyond the 200-foot setback and to allow for a slight increase in the footprint or perimeter of the total dock area.

5. We do not plan to touch or affect the shore or land in any way. The point at which the dock sections meet the shore may be shifted somewhat, but we don't have plans to modify the seawall or add in any new hardcover or structures around the water.

6. Please note that we are concurrently submitting information to the City of Tonka bay to request variances for setbacks on both the east and west sides from our property lines, which are bordered by fire lanes on both sides. We will also need to reconfirm with the City of Tonka Bay the continued support of the variance to keep docks in front of the house on the property, which is zoned residential. A variance has been in place for this property for a long time; however, we will need to re-apply for this variance.

RECONFIGURATION OF NON-CONFORMING, MULTIPLE DOCK LICENSE APPLICATION

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Phone (952) 745-0789

LMCD Receipt # _____

Because this form is to be copied, please use black ink or type. The form may be filled out online and printed.

Pursuant to LMCD Code Section 2.015, an application to reconfigure a non-conforming multiple dock license is requested in accordance with all data and other information submitted herewith and made a part hereof.

The person completing this form is the ☐ **authorized agent** or ☑ **property owner** (select one).

Applicant: Tonka Bay Property Holdings, LLC

Address: 135 Lakeview Avenue

City, State, Zip: Tonka Bay, MN 55331

Phone: (919) 448-8884 Fax: _____ Email: shawn@caribbeanmn.com

Property owner (if different from applicant): _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

PROPERTY LOCATION:

The property is located in the city of: Tonka Bay

The property is riparian to LMCD bay/area(s): Echo Bay

1. Classification of user per Section 2.11, Subd. 2 (please select one):
   - ☑ a) commercial marina
   - ☐ b) private club
   - ☐ c) municipal
   - ☐ d) transient
   - ☐ e) outlot association
   - ☐ f) multiple dwelling
   - ☐ g) private residence
   - ☐ h) other (explain)

2. Type of dock construction, describe and attach to-scale drawing:
   Piling/Pier, Wood Construction (schematic attached)

3. Please submit names and mailing addresses of owners within a 350-foot radius of the property. Such owners must be verified by checking with the Hennepin County Auditors Office, (612) 348-5910, (or a private abstract company) which can provide actual mailing labels at a cost of $1.25 per tax parcel (minimum of $25.00). This service usually takes two days, and you must have your tax parcel identification number (PIN) ready when calling for this assistance.

4. Documents listed below are required; check that they are attached:
   - [✓] Locator map
   - [✓] County plat map
   - [✓] Certified land survey, legal description
   - [✓] Scaled drawing of docks on abutting properties
   - [✓] Slip size report (approved and proposed)
   - [✓] Proposed facility site plan
   - [✓] Existing facility site plan

Absence of significant data requested above could result in a processing delay.

5. All required permits, licenses, and approvals have been obtained from the MN DNR and from the city in which the multiple dock, ramp, and/or mooring is located, copies attached?
   Yes [ ] No [✓] if no explain: Not Applicable

6. Check the parking requirements of the City if you provide the following services:

Boat Storage	Provided, off-season only
Launching ramps	Provided, but not parking
Sales	Not Provided
Service	Provided, slip customer only
Boat Rentals	Provided
Restaurant	Provided
Other (explain)	
TOTAL	Have 115 parking spaces for all uses

8. Restroom facilities provided: Yes [✓] No [ ] Indoor X Outdoor portable (number)_____

9. Boat toilet pumping service provided? Yes [✓] No [ ]

10. Total square footage of dock area including maneuvering space = 90000 sq. ft.
    If 20,000-sq. ft. or over, an Environmental Assessment Worksheet (EAW) is required.

11. Boat Storage Units (BSU) computation: Lakeshore Frontage 440 feet divided by 50 = 9 BSU's allowable under the one-boat -per-fifty-foot rule. **If this number is less than the total BSU's applied for in No. 12 below, an application for a Special Density License is required per Code Section 2.05.**

12. Number of BSU's applied for:

LOCATION	
Slips	130
Slides	
Lifts	
Tie-ons	
Moorings	
Off Lake Rack Storage	
Other	
TOTAL BSU's	130

USE	
Rent, lease, etc.	117
Service work	
Company use	
Private use	
Transient use	10
Other	
Gas Dock Slips	3
TOTAL BSU's	130

13. Watercraft Storage Unit (WSU) computation schedule:

SLIP SIZE CATEGORIES

60	BSU @ 1 WSU (each slip up to 20' long and/or up to 10' wide)	60.00
0	BSU @ 1.5 WSU (each slip up to 20'-24' long and/or up to11' wide)	0.00
4	BSU @ 2 WSU (each slip up to 24-32' long and/or up to 12' wide)	8.00
61	BSU @ 2.5 WSU (each slip up to 32-40' long and/or up to14' wide)	152.50
5	BSU @ 3 WSU (each slip up to 40-48' long and/or up to 16' wide	15.00
0	BSU @ 4 WSU (each slip over 48' long and/or over 16' wide)	0.00
130	**BSU and WSU Totals**	235.50

14. Fee Calculation:

Base fee >>>>>>>>>>>>>>>>>>>>>>>>>>> $500.00

Number of Watercraft Storage Units (WSU) 235.50 x $7.50 = $ 1,766.25

Total Fee Enclosed ....$ 2,266.25

I certify that the information provided herein and the attachments hereto are true and correct; I understand that any license issued may be revoked by the District for violation of 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 all 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.

[signature]
Authorized Signature

August 26, 2019
Date

Managing Member
Title

Owner
Relationship to Owner

Return this application, attachments and fee to:

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Fax: (952) 745-9085

SPECIAL DENSITY LICENSE APPLICATION

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Phone (952) 745-0789

LMCD Receipt # _____

Because this form is to be copied, please use black ink or type. The form may be filled out online and printed.

Pursuant to LMCD Code Section 2.05, a Special Density License is requested, in accordance with all data and other information submitted herewith and made a part hereof.

The person completing this form is the ☐ **authorized agent** or ☑ **property owner** (select one).

Applicant: Tonka Bay Property Holdings, LLC

Address: 135 Lakeview Avenue

City, State, Zip: Tonka Bay, MN 55331

Phone: (919) 448-8884 Fax: _____ Email: shawn@caribbeanmn.com

Property owner (if different from applicant): _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

PROPERTY LOCATION:

The property is located in the city of: Tonka Bay

The property is riparian to LMCD bay/area(s): Echo Bay

1. Classification of user per Section 2.11, Subd. 2 (please circle one):
   - ☒ a) commercial marina
   - ☐ b) private club
   - ☐ c) municipal
   - ☐ d) transient
   - ☐ e) outlot association
   - ☐ f) multiple dwelling
   - ☐ g) private residence
   - ☐ h) other (explain)_____

2. Intended use of the facility: Marina

3. Please submit names and mailing addresses of owners within a 350-foot radius of the property. Such owners must be verified by checking with the Hennepin County Auditor's Office, (612) 348-5910, (or a private abstract company) which can provide actual mailing labels at a cost of $1.25 per tax parcel (minimum of $25.00). This service usually takes two days, and you must have your tax parcel identification number (PIN) ready when calling for this assistance.

4. Documents listed below are required; check that they are attached:
   - [x] Locator Map
   - [x] County Plat Map
   - [x] Certified Land Survey, Legal Description
   - [x] Scaled drawing of existing docks
   - [x] Scaled drawing of proposed docks
   - [ ] Scaled drawing of docks on abutting properties

   Absence of significant data requested above could result in a processing delay.

5. Site Lake Frontage (at 929.4 Normal High water Level): 440 feet.

6. Computation of number of boat Storage Units (BSU):
   Frontage 440 feet ÷ 50 = 9 BSU's at one boat per 50 feet.

7. Number of BSU's applied for: 130

8. Density of BSU's applied for:
   Frontage 440 feet ÷ 130 (number of BSU's) = 3.384615 feet per BSU.

9. Special requirements (§2.05), Subd. 4): Please indicate benefits to the Lake and other factors upon which this permit should be considered. Amenities may be from Group B, Group C, and /or Group D below, but at least one must be from Group A. Attach description, photos, scaled drawings, etc.

   A. Public Access
      (1) Boat Club and Boat Rental (24+ boats available through Bay to Bay Boat Club)
      (2) Restaurant with transient slips allowing public access from the water
      (3) Public restrooms which available 24 hours; launch ramp with no trailer parking
      (4) If reconfiguration plan is approved, will dock a charter boat allowing public access

   B. Environmental Protection
      (1) Shoreline protection and riprap
      (2) We use mechanical means to remove floating Eurasian milfoil for disposal
      (3) Post materials related to invasive species
      (4)

   C. Public Service
      (1) Offer boat towing and repair, including emergency repair services
      (2) Launch ramp available for emergencies or public servant use
      (3) Food service in a seated facility
      (4) Full gas dock and sanitary pump out facilities

   D. Other Amenities
      (1)
      (2)
      (3)
      (4)

   E. Other Factors
      (1)
      (2)
      (3)

10. Have all the required permits, licenses and approvals been obtained from the MN DNR and from the city in which the multiple docks ramp, and/or mooring is located?

☐ Yes ☑ No: If yes, attach copies now; if no, attach copies when received.

11. Base Fee:.....$300.00

Plus number of Boat Storage Units (BSU's) _____X $10.00 ea = $0

Or

For approved Special Density License Applications, Net increase in BSU's 0 x $10.00 = $0

Total fee enclosed
(This fee is for processing of the application and does not entitle the applicant to a license) $300.00

I certify that the information provided herein and the attachments hereto are true and correct; I understand that any license issued 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 all 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.

_____ August 26, 2019
Authorized Signature **Date**

Managing Member
Title

Owner
Relationship to Owner

Return this application, attachments and fee to:

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Fax: (952) 745-9085

VARIANCE APPLICATION

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Phone: (952)745-0789
Fax: (952)745-9085

LMCD Receipt # _____

In accordance with LMCD Code Section 1.07, where practical difficulties occur or where necessary to provide access to the handicapped, the Board may permit a variance from the requirements of the Code, or may require a variance from what is otherwise permitted the Code provided that such variance with whatever conditions are deemed necessary by the Board, does not adversely affect the purposes of this ordinances, the public health, safety, and welfare, and reasonable access to or use of the Lake by public or riparian owners. The following application, when completed, shall be filed with the Executive Director of the District along with surveys, photos, and such other information as required.

Because this form is to be copied, please use black ink or type. The form may be filled out online and printed.

The person completing this form is the ☐ **authorized agent** or ☑ **property owner** (select one).

Applicant: Tonka Bay Property Holdings, LLC

Address: 135 Lakeview Avenue

City, State, Zip: Tonka Bay, MN 55331

Phone: (919) 448-8884 Fax: _____ Email: shawn@caribbeanmn.com

Property owner (if different from applicant): _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

PROPERTY LOCATION:

Located in the city of: Tonka Bay

Address & Property Identification No (PID): 135 Lakeview Avenue (Address) : _____ (PID#)

TYPE OF VARIANCE: Practical difficulty variance request for a structure more than 200 feet from shore

State practical difficulties causing variance to be required:

We plan to move our gas dock to a new, safer location. This will result in five long, large wood pilings to be remaining in the water out past 200 feet. The only way to remove these is to cut off or break off with a crane. They are too large and deep to pull out of the water.

ABUTTING LAKESHORE PROPERTY OWNERS:

North or West: David and Christine Peterson, 85 Lakeview Avenue, Tonka Bay, MN 55331
(Name and mailing address)

South or East: James and Christine Erdahl, 120 Sunrise Avenue, Tonka Bay, MN 55331
(Name and mailing address)

Other affected parties (attach sheet if necessary):

Requested from Auditors Office
(Name and mailing address)

Please submit names and mailing addresses of owners within a 350-foot radius of the property. Such owners must be verified by checking with the Hennepin County Auditors Office, (612) 348-5910 (or a private abstract company) which can provide actual mailing labels at a cost of $1.25 per tax parcel (minimum of $25.00). This service usually takes two days, and you must have your tax parcel identification number (PIN) ready when calling for this assistance.

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

- ☑ **Locator Map** (U.S.G.S area map with scale, North direction, Site clearly marked, Name or Title, LMCD Area Name, LMCD number)
- ☑ **County Plat Map** (Site clearly marked, Name, LMCD area name, LMCD number)
- ☑ **Certified Land Survey** (Legal description, Name, LMCD area name, LMCD number, 929.4 N.G.V.D. shoreline)
- ☑ **Proposed facility site plan** (to scale, 929.4' N.G.V.D. shoreline, LMCD area name, LMCD number, Scale, North direction, affected neighbors, locate setback area, locate dock use area, location of dock structure with dimensions and slip numbers, indicate type of slip if applicable)
- ☑ **Existing facility site plan,** if applicable (to scale, 929.4' N.G.V.D. shoreline, LMCD area name, LMCD number, Scale, North direction, affected neighbors, locate setback area, locate dock use area, location of dock structure with dimensions and slip numbers, indicate type of slip if applicable)
- ☑ **Scaled drawing of docks on abutting properties** and other affected dockage

Absence of significant data requested above could result in a processing delay.

FEE CALCULATION

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.

Authorized Signature

August 26, 2019
Date

Managing Member
Title

Owner
Relationship to Owner

Return this application, attachments and fee to:

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Fax: (952) 745-9085

97 27-117-23 24 0004
OTIS ADERMAN & CAREY ADERMAN
55 LAKEVIEW AVE
TONKA BAY MN 55331
OTIS ADERMAN & CAREY ADERMAN
55 LAKEVIEW AVE
TONKA BAY MN 55331

97 27-117-23 24 0006
J W ERDAHL & C M ERDAHL
120 SUNRISE AVE
TONKA BAY MN 55331
JAMES W & CHRISTINE M ERDAHL
120 SUNRISE AVE
TONKA BAY MN 55331

97 27-117-23 24 0007
M SOMMER & S SOMMER
130 SUNRISE AVE
TONKA BAY MN 55331
MICHAEL SOMMER
SUSAN SOMMER
130 SUNRISE AVE
TONKA BAY MN 55331

97 27-117-23 24 0008
ITASCA INDUSTRIES LLC
95 SUNRISE AVE
TONKA BAY MN 55331
ITASCA INDUSTRIES LLC
2500 BANTAS POINT RD
WAYZATA MN 55391

97 27-117-23 24 0011
JEFF R ANDERSON
100 LAKEVIEW AVE
TONKA BAY MN 55331
JEFF R ANDERSON
100 LAKEVIEW AVE
TONKA BAY MN 55331

97 27-117-23 24 0012
BARBARA M WARREN
90 LAKEVIEW AVE
TONKA BAY MN 55331
BARBARA M WARREN
4636 HAMPTON RD
MOUND MN 55364

97 27-117-23 24 0015
B J SYLVESTRE & M J MCCOURT
15 WASECA AVE
TONKA BAY MN 55331
BRANDT J SYLVESTRE
MOLLIE J MCCOURT
25 WASECA AVE
TONKA BAY MN 55331

97 27-117-23 24 0016
B J SYLVESTRE & M J MCCOURT
25 WASECA AVE
TONKA BAY MN 55331
BRANDT J SYLVESTRE
MOLLIE J MCCOURT
25 WASECA AVE
TONKA BAY MN 55331

97 27-117-23 24 0019
VICKI DIXON & MIKE S DIXON
55 WASECA AVE
TONKA BAY MN 55331
VICKI DIXON & MIKE S DIXON
55 WASECA AVE
TONKA BAY MN 55331

97 27-117-23 24 0040
STEPHEN E JONES
130 LAKEVIEW AVE
TONKA BAY MN 55331
STEPHEN E JONES
130 LAKEVIEW AVE
TONKA BAY MN 55331

97 27-117-23 24 0041
KATHRYN ROCHELLE AANENSON
120 LAKEVIEW AVE
TONKA BAY MN 55331
KATE AANENSON
16512 EAGLE RIDGE DR
MINNETONKA MN 55345

97 27-117-23 24 0042
A J MARCEAU & L MARCEAU
110 LAKEVIEW AVE
TONKA BAY MN 55331
ANTHONY J & LORA MARCEAU
110 LAKEVIEW AVE
TONKA BAY MN 55331

97 27-117-23 24 0046
DIANE E MCLEAN
25 SUNRISE AVE
TONKA BAY MN 55331
DIANE E MCLEAN
25 SUNRISE AVE
TONKA BAY MN 55331

97 27-117-23 24 0047
J I KOYAMA & M L KOYAMA
35 SUNRISE AVE
TONKA BAY MN 55331
JOEL & MICHELLE KOYAMA
35 SUNRISE AVE
TONKA BAY MN 55331

97 27-117-23 24 0048
HELEN A RONAY
45 SUNRISE AVE
TONKA BAY MN 55331
HELEN A RONAY
6940 NEWTON AVE S
MPLS MN 55423

97 27-117-23 24 0050
TERRI LYNN BIEDLER ET AL
135 LAKEVIEW AVE
TONKA BAY MN 55331
THE CARIBBEAN
135 LAKEVIEW AVENUE
TONKA BAY MN 55331

97 27-117-23 24 0051
TERRI LYNN BIEDLER ET AL
100 SUNRISE AVE
TONKA BAY MN 55331
THE CARIBBEAN
135 LAKEVIEW AVENUE
TONKA BAY MN 55331

97 27-117-23 24 0052
TERRI LYNN BIEDLER ET AL
110 SUNRISE AVE
TONKA BAY MN 55331
THE CARIBBEAN
135 LAKEVIEW AVENUE
TONKA BAY MN 55331

97 27-117-23 24 0053
MAUREEN E CHRISTIANSEN
175 LAKEVIEW AVE
TONKA BAY MN 55331
MAUREEN E CHRISTIANSEN
175 LAKEVIEW AVE
TONKA BAY MN 55331

97 27-117-23 24 0055
ITASCA INDUSTRIES LLC
85 SUNRISE AVE
TONKA BAY MN 55331
ITASCA INDUSTRIES LLC
2500 BANTAS POINT RD
WAYZATA MN 55391

97 27-117-23 24 0056
J T MEGNA & J A MEGNA TRUSTE
140 SUNRISE AVE
TONKA BAY MN 55331
JEFFREY TODD MEGNA
4811 CAMBRIDGE ST
SUGAR LAND TX 77479

97 27-117-23 24 0057
C E BRENNER & J J BRENNER
150 SUNRISE AVE
TONKA BAY MN 55331
CRAIG E BRENNER
JERILYN J BRENNER
150 SUNRISE AVE
TONKA BAY MN 55331

97 27-117-23 24 0058
R L STEELE & S M STEELE
160 SUNRISE AVE
TONKA BAY MN 55331
ROBERT L/SUZANNE M STEELE
160 SUNRISE AVE
TONKA BAY MN 55331

97 27-117-23 24 0059
FRED BADIYAN REV TR ET AL
170 SUNRISE AVE
TONKA BAY MN 55331
FRED BADIYAN
JOAN LORIE BADIYAN
170 SUNRISE AVE
TONKA BAY MN 55331

97 27-117-23 24 0067
TERRI LYNN BIEDLER ET AL
97 ADDRESS UNASSIGNED
TONKA BAY MN 00000
THE CARIBBEAN
135 LAKEVIEW AVENUE
TONKA BAY MN 55331

97 27-117-23 24 0068
TERRI LYNN BIEDLER ET AL
97 ADDRESS UNASSIGNED
TONKA BAY MN 00000
THE CARIBBEAN
135 LAKEVIEW AVENUE
TONKA BAY MN 55331

97 27-117-23 24 0074
ALINA SALOMONS KASBOHM
65 WASECA AVE
TONKA BAY MN 55331
ALINA SALOMONS KASBOHM
65 WASECA AVE
TONKA BAY MN 55331

97 27-117-23 24 0077
BRIAN EDWARD HEMSEY
180 LAKEVIEW AVE
TONKA BAY MN 55331
BRIAN EDWARD HEMSEY
180 LAKEVIEW AVE
TONKA BAY MN 55331

97 27-117-23 24 0092
CHEZ LAKEVIEW LLC
65 LAKEVIEW AVE
TONKA BAY MN 55331
STEPHEN & DEBRA SPELLMAN
80 INTERLACHEN LANE
EXCELSIOR MN 55331

97 27-117-23 24 0093
D PETERSON & C LOBERG
85 LAKEVIEW AVE
TONKA BAY MN 55331
DAVID PETERSON
CHRISTINE LOBERG
85 LAKEVIEW AVE
TONKA BAY MN 55331

97 27-117-23 24 0094
D E & M M BABCOCK
75 LAKEVIEW AVE
TONKA BAY MN 55331
DOUGLAS & MARY BABCOCK
75 LAKEVIEW AVE
TONKA BAY MN 55331

97 27-117-23 24 0095
KELLY DOBSON
20 WASECA AVE
TONKA BAY MN 55331
KELLY DOBSON
20 WASECA AVE
TONKA BAY MN 55331

97 27-117-23 24 0108
STEVEN M KOHLS
80 LAKEVIEW AVE
TONKA BAY MN 55331
STEVEN M KOHLS
80 LAKEVIEW AVE
TONKA BAY MN 55331

97 27-117-23 24 0110
JUAN VAZQUEZ/PAMELA VAZQUEZ
30 SUNRISE AVE
TONKA BAY MN 55331
JUAN VAZQUEZ/PAMELA VAZQUEZ
30 SUNRISE AVE
TONKA BAY MN 55331

97 27-117-23 24 0111
RONALD D & DIAN PIERCE
10 SUNRISE AVE
TONKA BAY MN 55331
RONALD D PIERCE
DIAN PIERCE
10 SUNRISE AVE
TONKA BAY MN 55331

97 27-117-23 24 0128
KEVIN G BROAS
15 SUNRISE AVE
TONKA BAY MN 55331
KEVIN G BROAS
15 SUNRISE AVE
TONKA BAY MN 55331

97 27-117-23 24 0132
DOUGHLAS H FAIRCHILD
45 WASECA AVE
TONKA BAY MN 55331
DOUGLAS H FAIRCHILD
45 WASECA AVE
TONKA BAY MN 55331

97 27-117-23 24 0135
STEVEN J EILERTSON
55 SUNRISE AVE
TONKA BAY MN 55331
STEVEN J EILERTSON
55 SUNRISE AVE
TONKA BAY MN 55331

97 27-117-23 24 0137
T A WEATHERS & J M WEATHERS
97 ADDRESS UNASSIGNED
TONKA BAY MN 00000
TRACEY WEATHERS
JEAN M WEATHERS
14545 SALEM AVE
NORWOOD MN 55368

97 27-117-23 24 0142
S SCHMITT & M R SCHMITT
165 LAKEVIEW AVE
TONKA BAY MN 55331
SCOTT & MICHELLE SCHMITT
165 LAKEVIEW AVE
TONKA BAY MN 55331

97 27-117-23 24 0146
ALAN CHAZIN HOMES INC
145 SUNRISE AVE
TONKA BAY MN 55331
ALAN CHAZIN HOMES INC
5358 WAYZATA BLVD #602
ST LOUIS PARK MN 55416

97 27-117-23 24 0147
ALAN CHAZIN HOMES INC
155 SUNRISE AVE
TONKA BAY MN 55331
ALAN CHAZIN HOMES INC
5358 WAYZATA BLVD #602
ST LOUIS PARK MN 55416

97 27-117-23 24 0148
ALAN CHAZIN HOMES INC
185 LAKEVIEW AVE
TONKA BAY MN 55331
ALAN CHAZIN HOMES INC
5358 WAYZATA BLVD #602
ST LOUIS PARK MN 55416

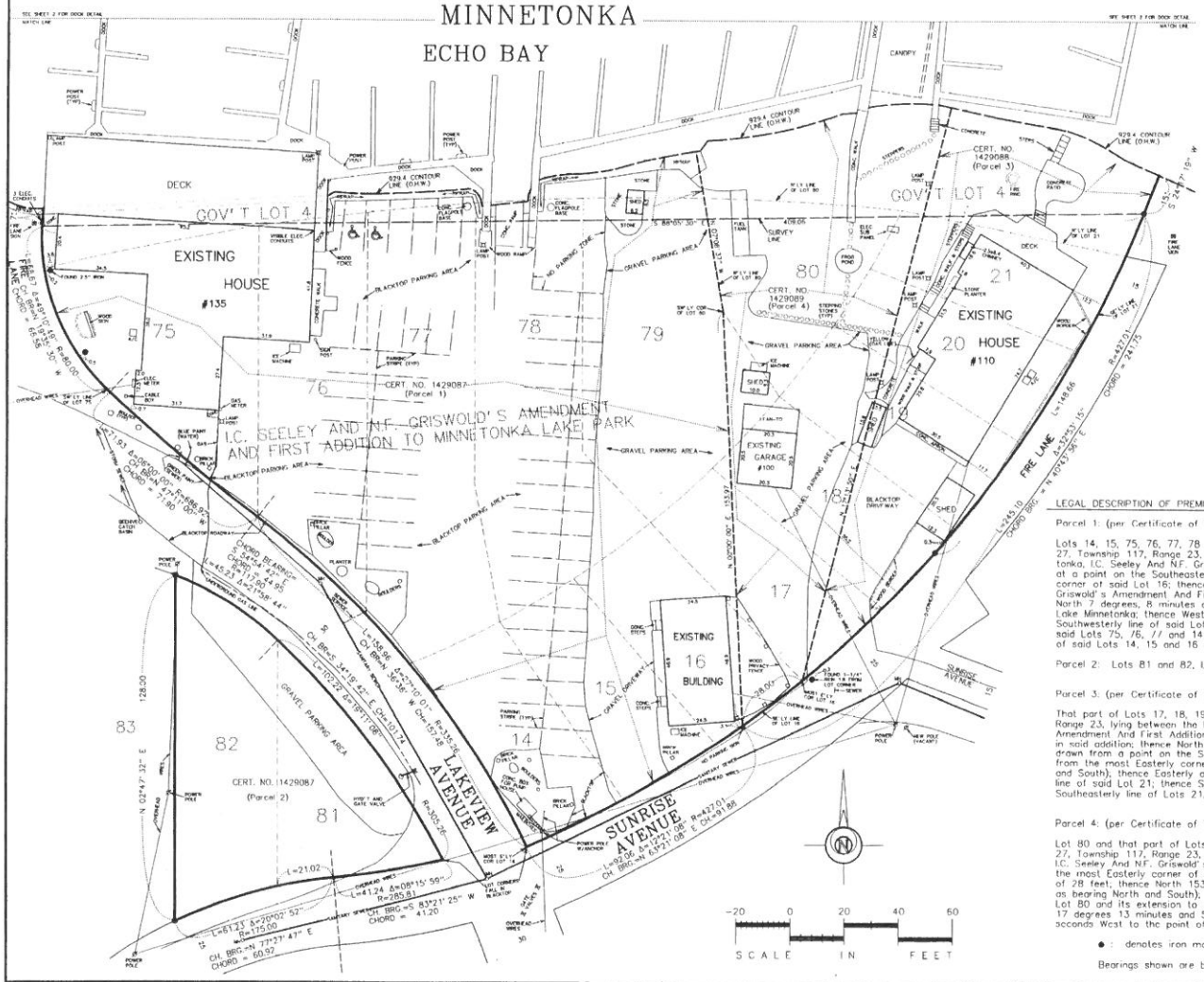
97 27-117-23 24 0150
CHEZ WASECA LLC
5 WASECA AVE
TONKA BAY MN 55331
CHEZ WASECA LLC
80 INTERLACHEN LANE
EXCELSIOR MN 55331

Hennepin County has developed electronic forms of certain property information databases. Hennepin County makes reasonable efforts to produce and publish the most current property information available. The viewer should understand, however, that Hennepin County makes no representation or warranties, either express or implied, or as to merchantability or fitness for a particular purpose regarding the accuracy and/or completeness of the information contained herein.

ALTA/ACSM LAND TITLE SURVEY FOR

TONKA BAY PROPERTY HOLDINGS, LLC, COMMERCIAL PARTNERS TITLE, LLC, CHICAGO TITLE INSURANCE COMPANY AND FIRST NATIONAL BANK OF WASECA

IN I.C. SEELEY AND N.F. GRISWOLD'S AMENDMENT AND FIRST ADDITION TO MINNETONKA LAKE PARK AND IN GOV'T LOT 4, SEC. 27-117-23
HENNEPIN COUNTY, MINNESOTA



To Tonka Bay Property Holdings, LLC, Commercial Partners Title, LLC, Chicago Title Insurance Company and First National Bank of Waseca :

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1,2,7a, 8,9 & 11 of Table A thereof.

The fieldwork was completed on May 28, 2019.

Date of Plat or Map: May 28, 2019.

GRONBERG & ASSOCIATES, INC.

Mark S. Gronberg Date: 5-28-19
Mark S. Gronberg Reg. No. 12755
Licensed Land Surveyor

NOTES :

1) Legal descriptions are from Commercial Partners Title Commitment No. 55630 dated April 29, 2019. No easements are listed for the four parcels in this Title Commitment.

2) As to Table A item 11, utilities shown are those that are visible, or as marked by Gopher State One Call.

3) Addresses are :

Parcel 1: 135 Lakeview Ave., Tonka Bay
Parcel 2: unassigned,
Parcel 3: 110 Sunrise Ave., Tonka Bay
Parcel 4: 100 Sunrise Ave., Tonka Bay

LEGAL DESCRIPTION OF PREMISES :

Parcel 1: (per Certificate of Title No. 1429087)

Lots 14, 15, 75, 76, 77, 78 and that part of Lots 16, 17 and 79 and that part of the land in Government Lot 4, Section 27, Township 117, Range 23, lying between the Northerly line of Lots 75, 76, 77, 78 and 79 and the shore of Lake Minnetonka, I.C. Seeley And N.F. Griswold's Amendment And First Addition To Minnetonka Lake Park, all described as beginning at a point on the Southeasterly line of said Lot 16 distant 28 feet along said Southeasterly line from the most Easterly corner of said Lot 16; thence North 153.99 feet, more or less to the Southwesterly corner of Lot 80, I.C. Seeley And N.F. Griswold's Amendment And First Addition To Minnetonka Lake Park (assuming said line as bearing North and South); thence North 7 degrees, 8 minutes and 37 seconds West along the Westerly line of said Lot 80 and its extension to the shore of Lake Minnetonka; thence Westerly along said shore to its intersection with the Northerly continuation of the curve in the Southwesterly line of said Lot 75; thence Southerly along said curve and Southeasterly along the Southwesterly lines of said Lots 75, 76, 77 and 14 to the most Southerly corner of said Lot 14; thence Northeasterly along the Southeasterly lines of said Lots 14, 15 and 16 to the point of beginning.

Parcel 2: Lots 81 and 82, I.C. Seeley And N.F. Griswold's Amendment And First Addition To Minnetonka Lake Park.

Parcel 3: (per Certificate of Title No. 1429088)

That part of Lots 17, 18, 19, 20 and 21, and and that part of the land in Government Lot 4, Section 27, Township 117, Range 23, lying between the Northerly line of Lot 21 and the shore of Lake Minnetonka, in I.C. Seeley And N.F. Griswold's Amendment And First Addition To Minnetonka Lake Park, all described as beginning at the most Easterly corner of said Lot 16; thence Southwesterly along the Southeasterly line of said Lot 16 a distance of 28 feet; thence North 153.99 feet, more or less, to the Southwesterly corner of said Lot 80 (assuming said line as bearing North and South); thence North 7 degrees, 8 minutes and 37 seconds West along the Westerly line of said Lot 80 and its extension to the shore of Lake Minnetonka; thence Easterly along said shore to a line bearing North 17 degrees 13 minutes and 50 seconds East from the point of beginning; thence South 17 degrees, 13 minutes and 50 seconds West to the point of beginning.

Parcel 4: (per Certificate of Title No. 1429089)

Lot 80 and that part of Lots 16, 17, 18, 19, 20, 21 and 79, and that part of the land in Government Lot 4, Section 27, Township 117, Range 23, lying between the Northerly line of Lots 21 and 80 and the shore of Lake Minnetonka, in I.C. Seeley And N.F. Griswold's Amendment And First Addition To Minnetonka Lake Park, all described as beginning at the most Easterly corner of said Lot 16; thence Southwesterly along the Southeasterly line of said Lot 16 a distance of 28 feet, thence North 153.99 feet, more or less, to the Southwesterly corner of said Lot 80 (assuming said line as bearing North and South); thence North 7 degrees, 8 minutes and 37 seconds West along the Westerly line of said Lot 80 and its extension to the shore of Lake Minnetonka; thence Easterly along said shore to a line bearing North 17 degrees 13 minutes and 50 seconds East from the point of beginning; thence South 17 degrees, 13 minutes and 50 seconds West to the point of beginning.

● : denotes iron marker found

Bearings shown are based upon an assumed datum.

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.

Mark S. Gronberg Minnesota License Number 12755

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

PROJECT

SHEET 1 OF 2 SHEETS
5-28-19
1" = 20'
19-139

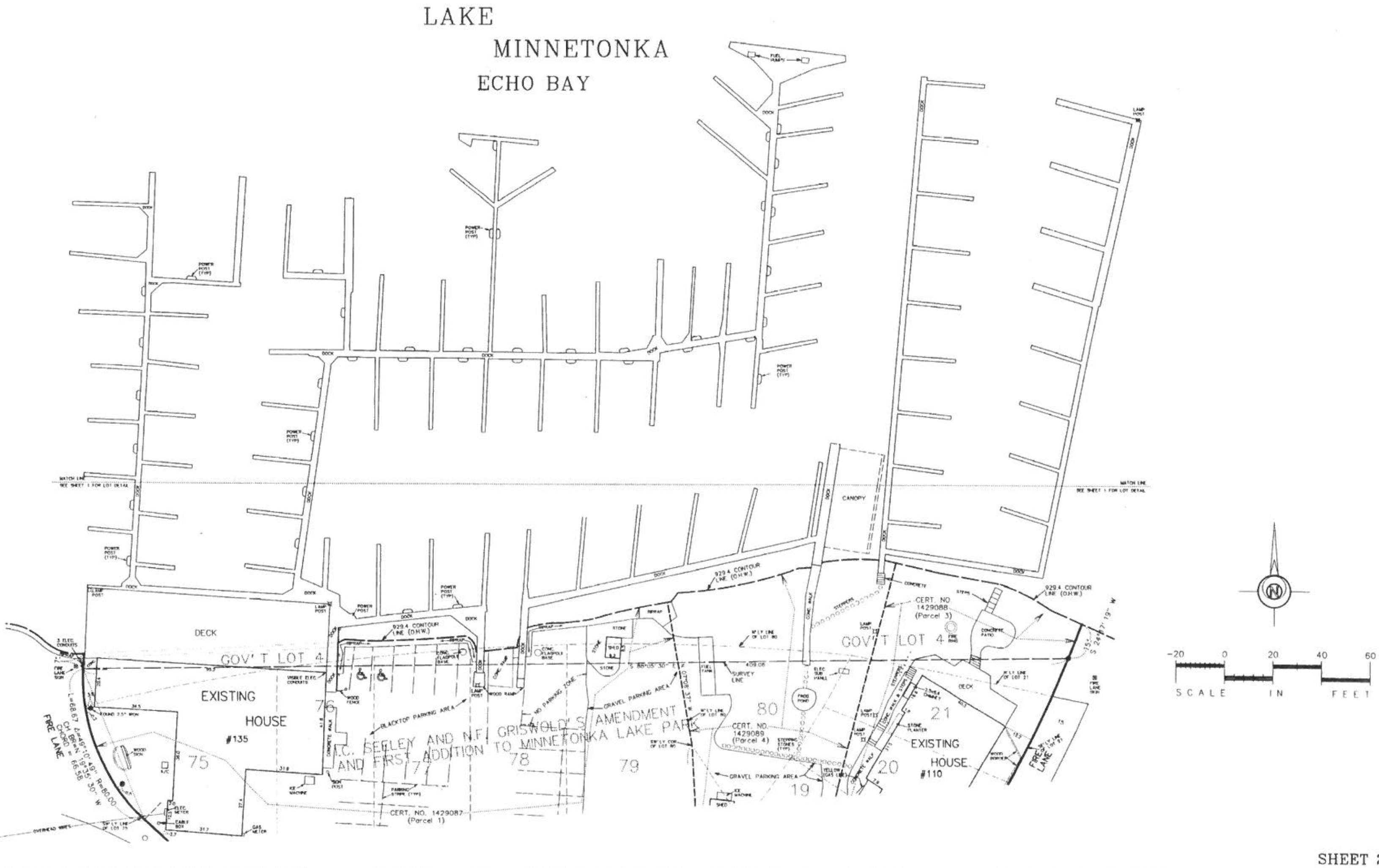
DATE | REMARKS

19-139

ALTA/ACSM LAND TITLE SURVEY FOR

TONKA BAY PROPERTY HOLDINGS, LLC, COMMERCIAL PARTNERS TITLE, LLC, CHICAGO TITLE INSURANCE COMPANY AND FIRST NATIONAL BANK OF WASECA

IN I.C. SEELEY AND N.F. GRISWOLD'S AMENDMENT AND FIRST ADDITION TO MINNETONKA LAKE PARK AND IN GOV'T LOT 4, SEC. 27-117-23
HENNEPIN COUNTY, MINNESOTA



SHEET 2

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.

Mark S. Gronberg Minnesota License Number 12755

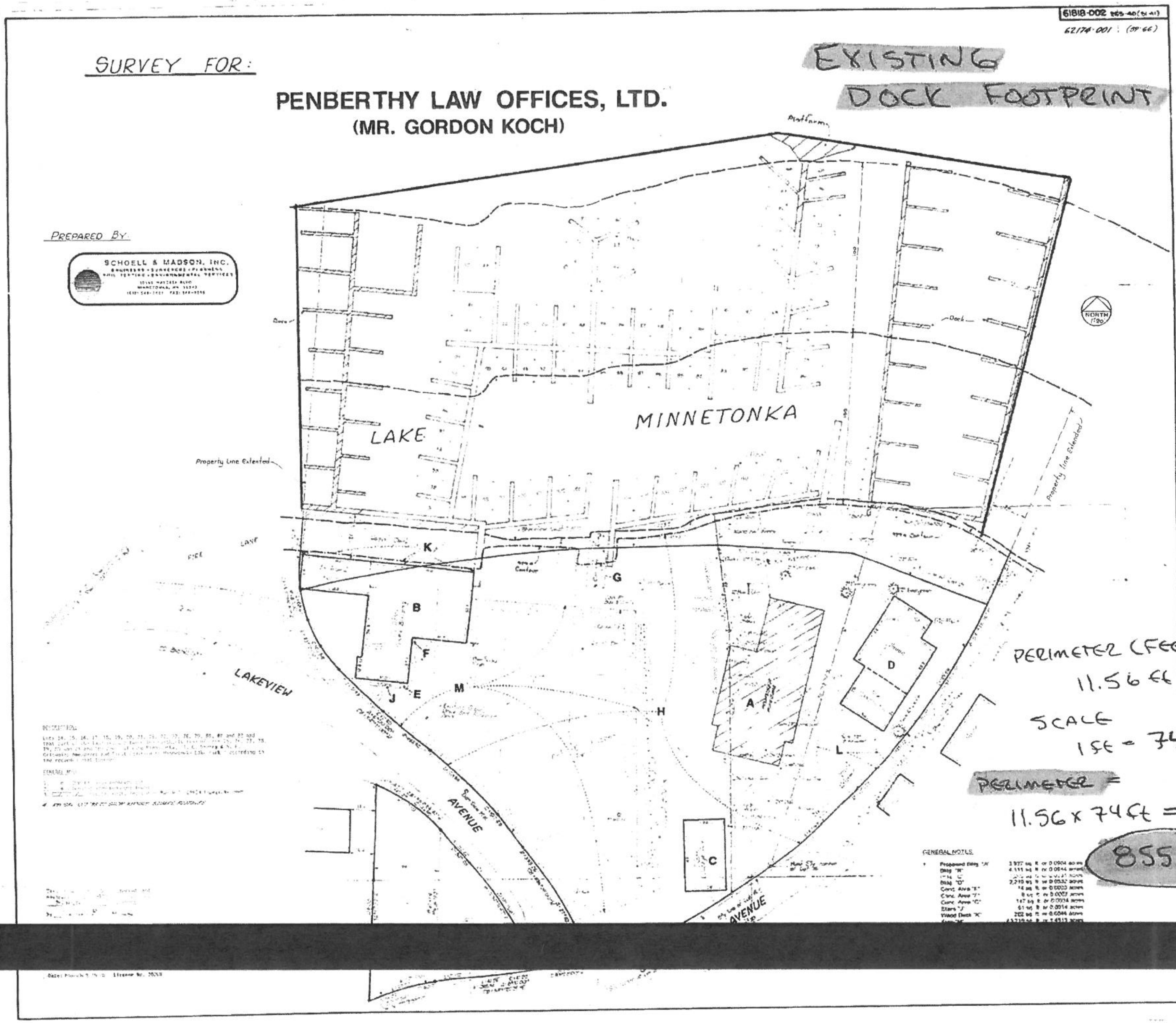
DATE	REMARKS

PROJECT

SHEET 2 OF 2 SHEETS
DATE 5-28-19
SCALE 1"=20'
JOB NO. 19-139

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

19-139


61818-002
62174-001
SURVEY FOR:
PENBERTHY LAW OFFICES, LTD.
(MR. GORDON KOCH)
EXISTING
DOCK FOOTPRINT
PREPARED BY:
SCHOELL & MADSON, INC.
Platform
Dock
NORTH
LAKE
MINNETONKA
Property Line Extended
Property line Extended
A
B
C
D
E
F
G
H
J
K
L
M
LAKEVIEW
AVENUE
AVENUE
PERIMETER (FEET)
11.56 ft
SCALE
1 ft = 74 ft
PERIMETER =
11.56 x 74 ft =
855 ft
GENERAL NOTES

[redacted]

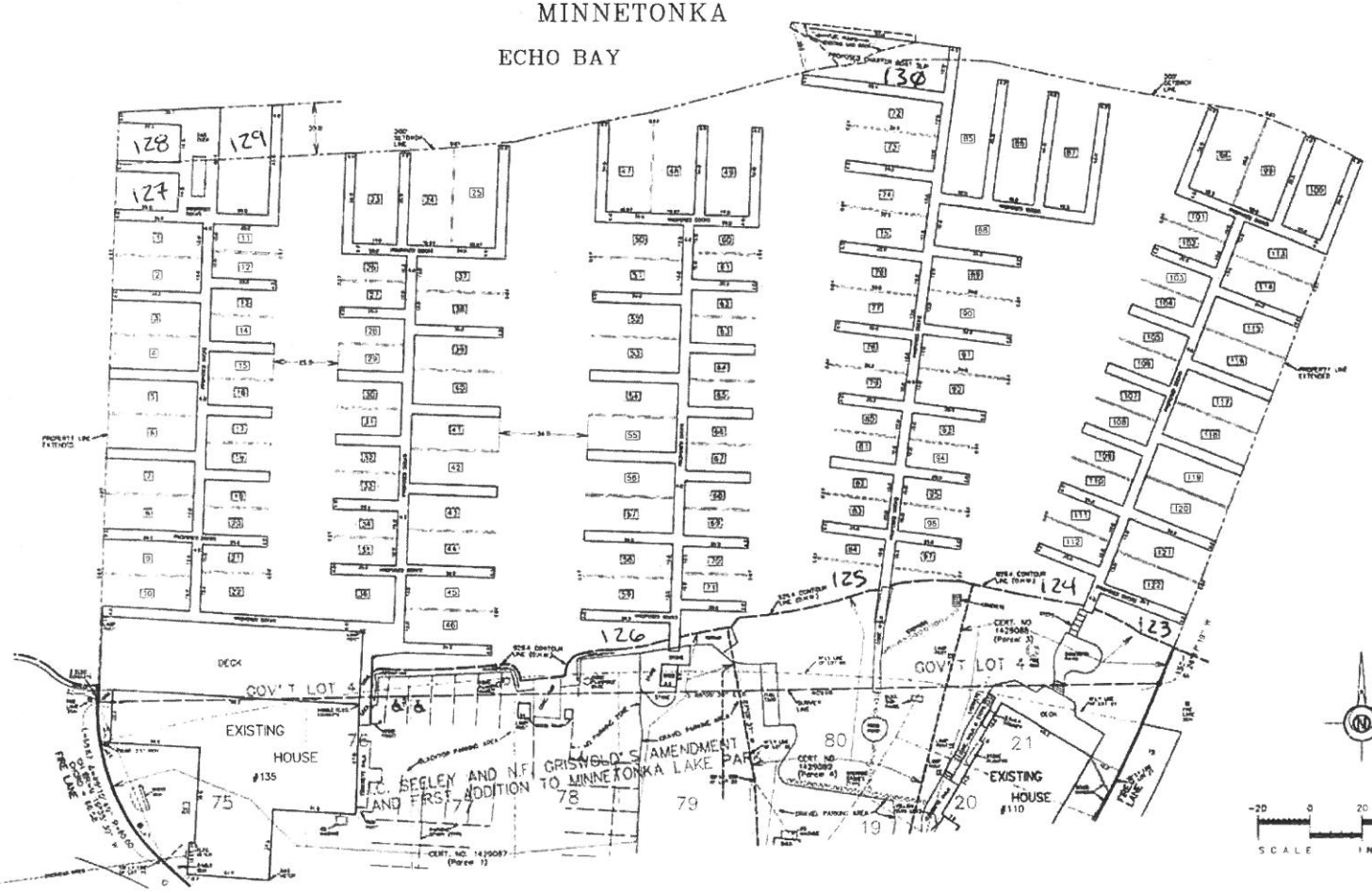

Feet
Measurement Result
852.5 Feet
Disclaimer: Results not survey-grade

PROPOSED DOCK SURVEY FOR

TONKA BAY PROPERTY HOLDINGS, LLC

IN I.C. SEELEY AND N.F. GRISWOLD'S AMENDMENT AND FIRST ADDITION TO MINNETONKA LAKE PARK AND IN GOV'T LOT 4, SEC. 27-117-23
HENNEPIN COUNTY, MINNESOTA

130 SLIPS



GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE, LONG LAKE, MN 55356
952-473-4141

PROJECT

19-130A

PROPOSED

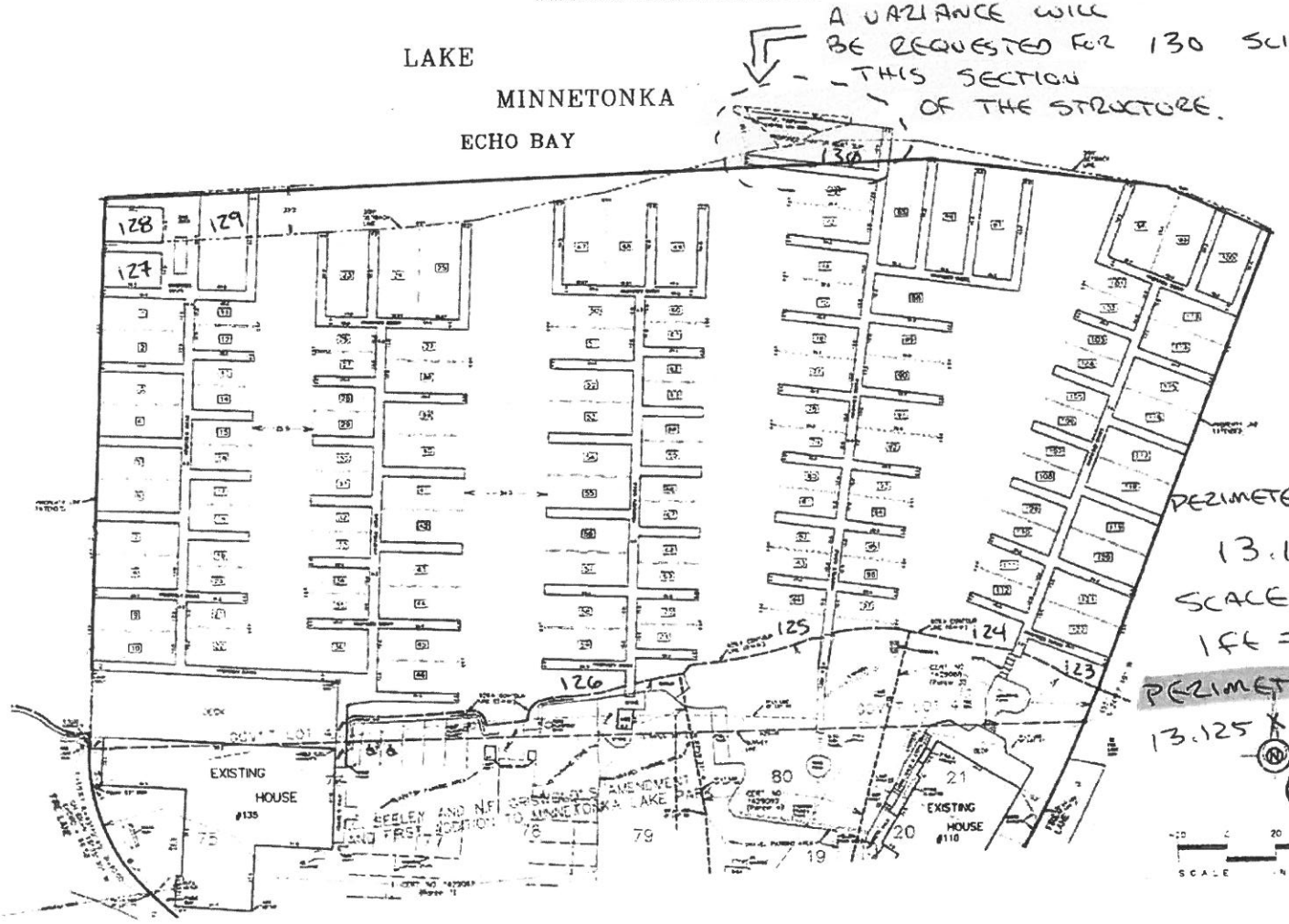
DOCK FOOTPRINT

PROPOSED DOCK SURVEY FOR

TONKA BAY PROPERTY HOLDINGS, LLC

IN I.C. SEELEY AND N.F. GRISWOLD'S AMENDMENT AND FIRST ADDITION TO MINNETONKA LAKE PARK AND IN GOV'T LOT 4, SEC. 27-117-23
HENNEPIN COUNTY, MINNESOTA

A VARIANCE WILL BE REQUESTED FOR 130 SLIPS - - THIS SECTION OF THE STRUCTURE.



PERIMETER (FEET)

13,125 ft

SCALE

1 ft = 65 ft

PERIMETER =

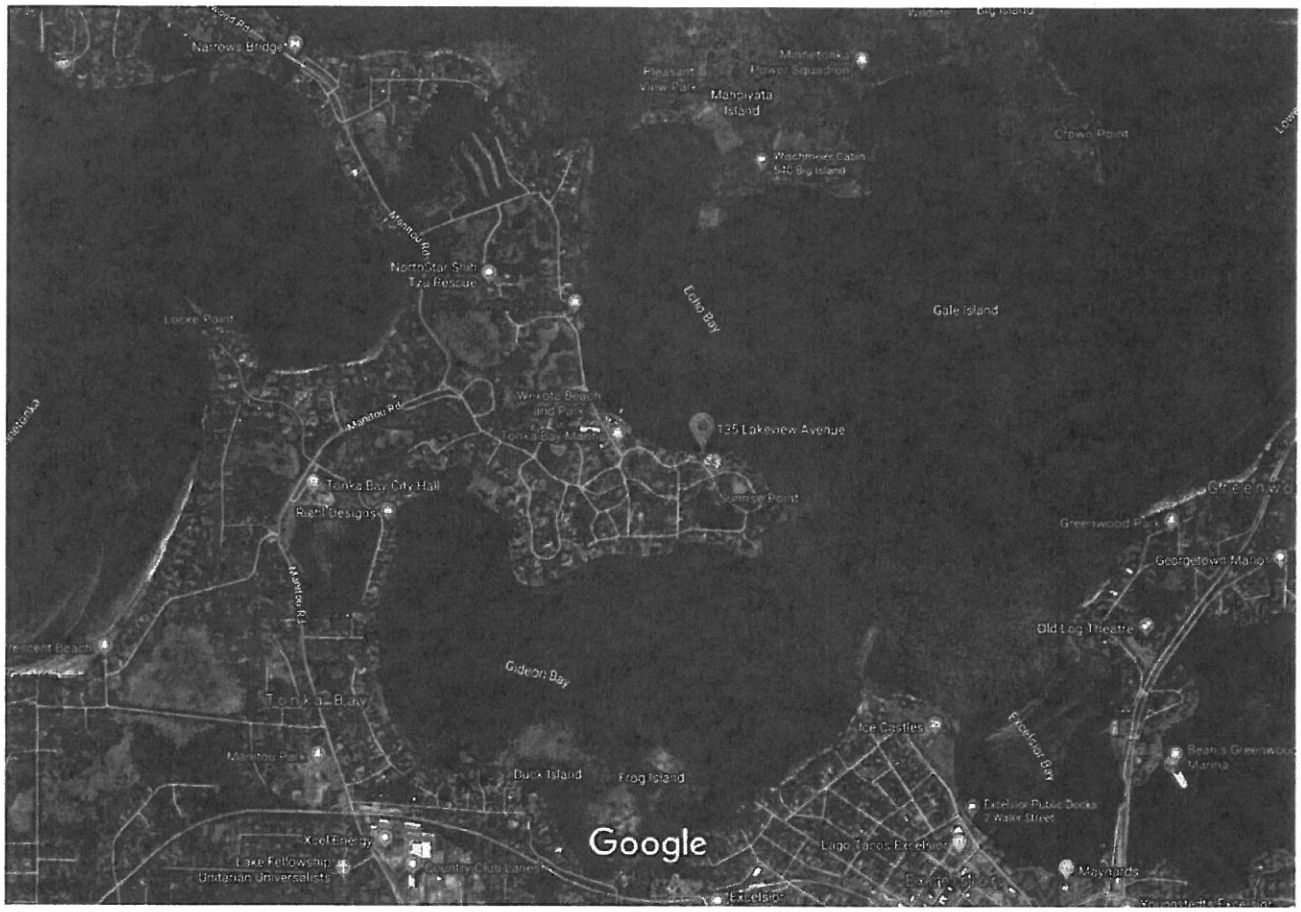
13,125 x 65 ft =

853 ft

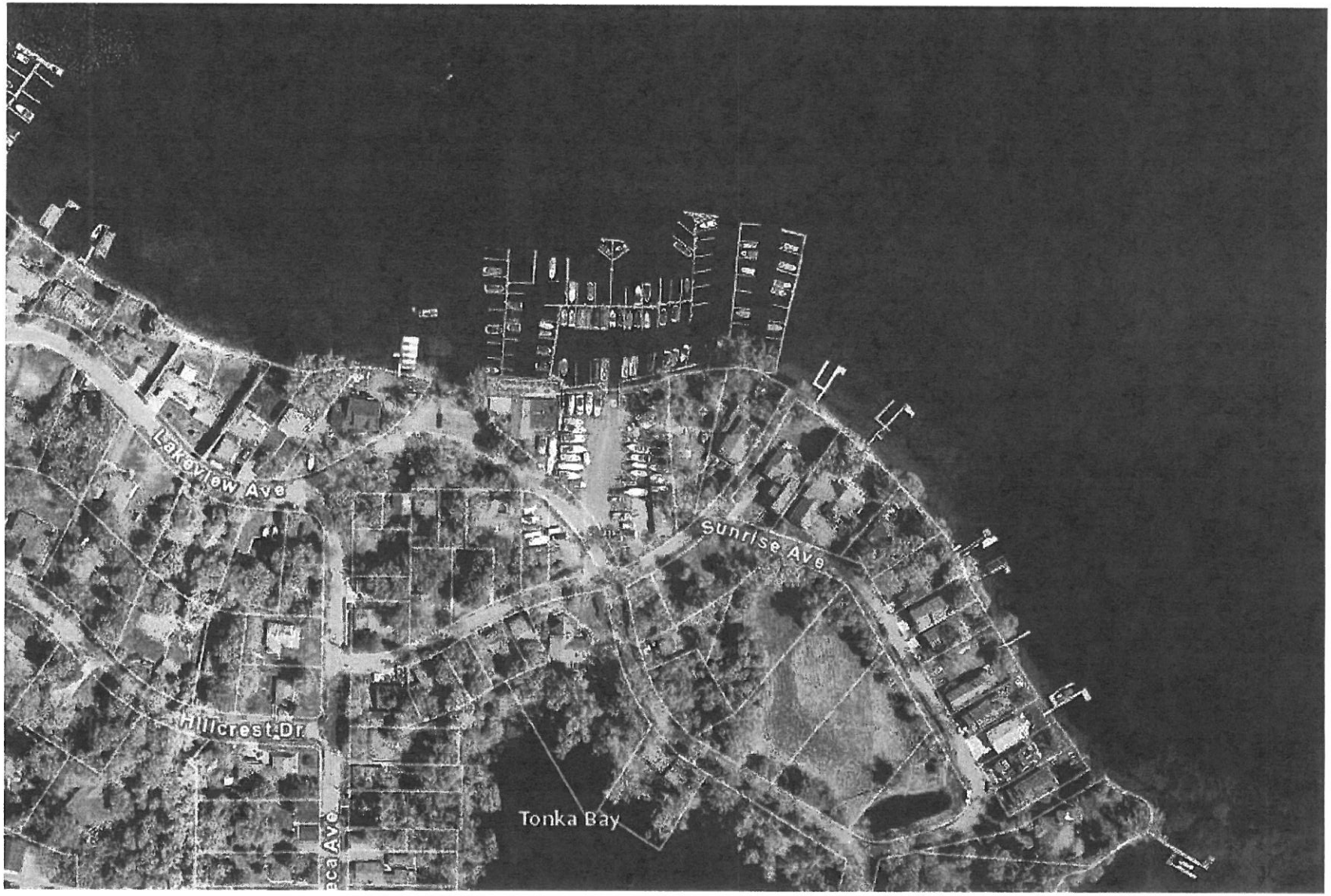
GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
449 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

PROJECT

Google Maps 135 Lakeview Ave



Imagery ©2019 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency 1000 ft


Lakeview Ave
Sunrise Ave
Hillcrest Dr
Tonka Bay

Hennepin County Property Map

Date: 8/25/2019

PARCEL ID: 2711723240068

OWNER NAME: Terri Lynn Biedler Et Al

PARCEL ADDRESS: 97 Address Unassigned,
Tonka Bay MN 00000

PARCEL AREA: 0.11 acres, 4,900 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Seasonal Marina
HOMESTEAD: Non-Homestead
MARKET VALUE: $80,000
TAX TOTAL: $1,372.86

ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Unavailable
HOMESTEAD: Non-homestead
MARKET VALUE: $102,000

Comments:

Hennepin County Property Map

Date: 8/25/2019

PARCEL ID: 2711723240067

OWNER NAME: Terri Lynn Biedler Et Al

PARCEL ADDRESS: 97 Address Unassigned,
Tonka Bay MN 00000

PARCEL AREA: 0.1 acres, 4,308 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Seasonal Marina
HOMESTEAD: Non-Homestead
MARKET VALUE: $80,000
TAX TOTAL: $1,372.86

ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Unavailable
HOMESTEAD: Non-homestead
MARKET VALUE: $102,000

Comments:

Hennepin County Property Map

Date: 8/25/2019

PARCEL ID: 2711723240050

OWNER NAME: Terri Lynn Biedler Et Al

PARCEL ADDRESS: 135 Lakeview Ave, Tonka Bay MN 55331

PARCEL AREA: 0.9 acres, 38,999 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

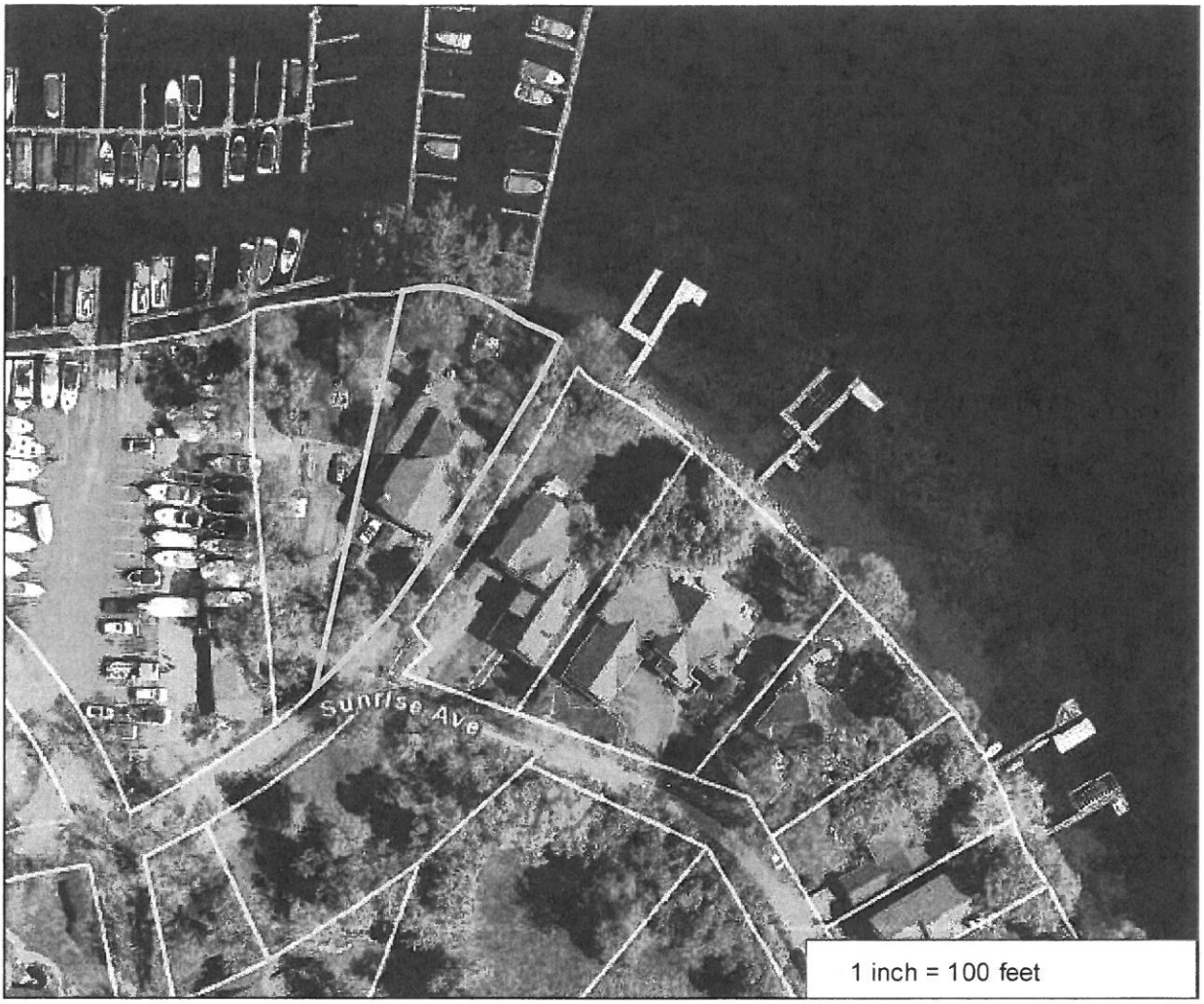
ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Seasonal Marina
HOMESTEAD: Non-Homestead
MARKET VALUE: $1,581,000
TAX TOTAL: $25,960.82

ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Seasonal Marina
HOMESTEAD: Non-homestead
MARKET VALUE: $2,017,000

Comments:

Hennepin County Property Map

Date: 8/25/2019



PARCEL ID: 2711723240052

OWNER NAME: Terri Lynn Biedler Et Al

PARCEL ADDRESS: 110 Sunrise Ave, Tonka Bay MN 55331

PARCEL AREA: 0.26 acres, 11,527 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

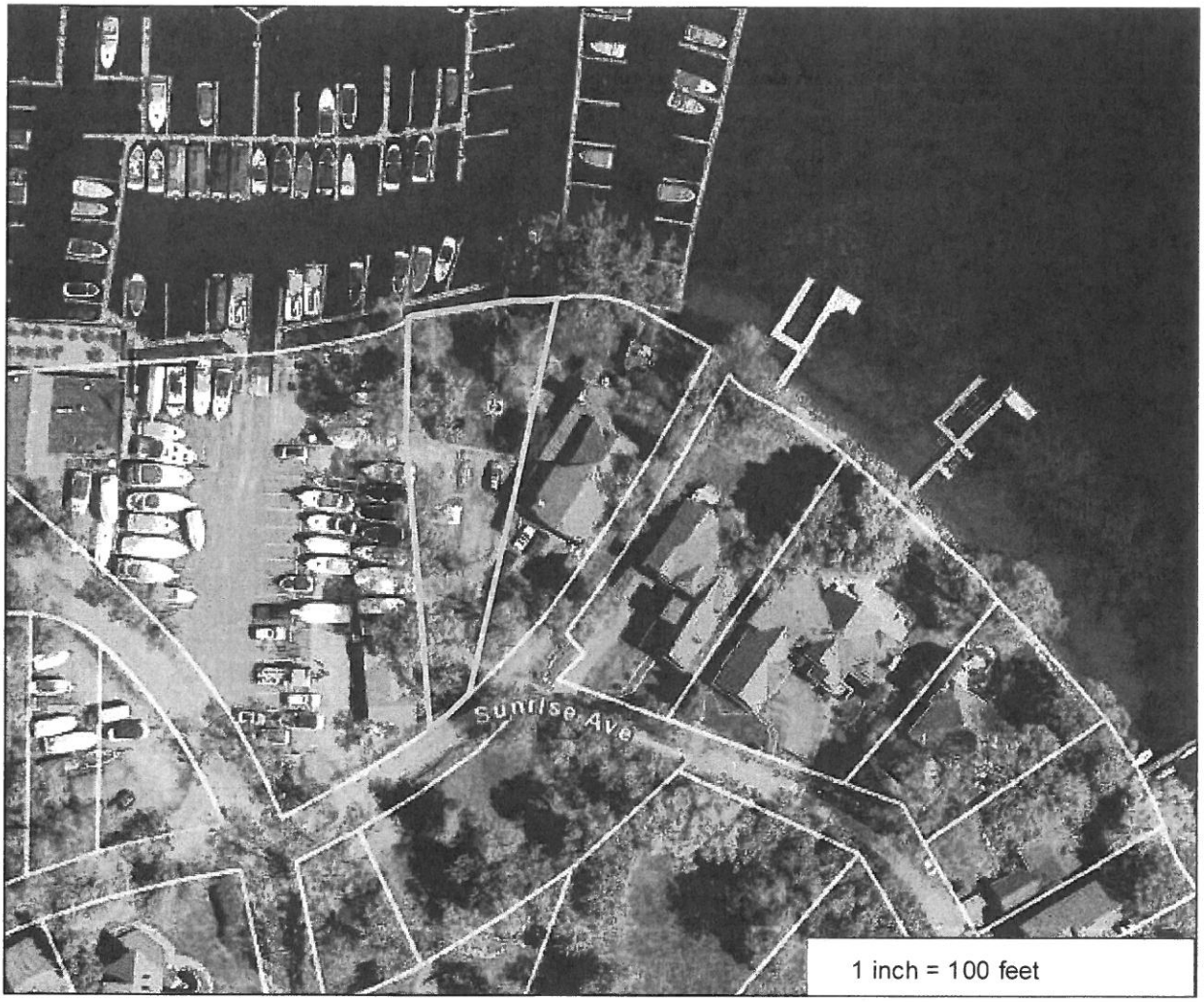
ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Homestead
MARKET VALUE: $795,000
TAX TOTAL: $11,045.64

ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Homestead
MARKET VALUE: $1,121,000

Comments:

Hennepin County Property Map

Date: 8/25/2019



PARCEL ID: 2711723240051

OWNER NAME: Terri Lynn Biedler Et Al

PARCEL ADDRESS: 100 Sunrise Ave, Tonka Bay MN 55331

PARCEL AREA: 0.26 acres, 11,338 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Seasonal Marina
HOMESTEAD: Non-Homestead
MARKET VALUE: $946,000
TAX TOTAL: $16,253.84

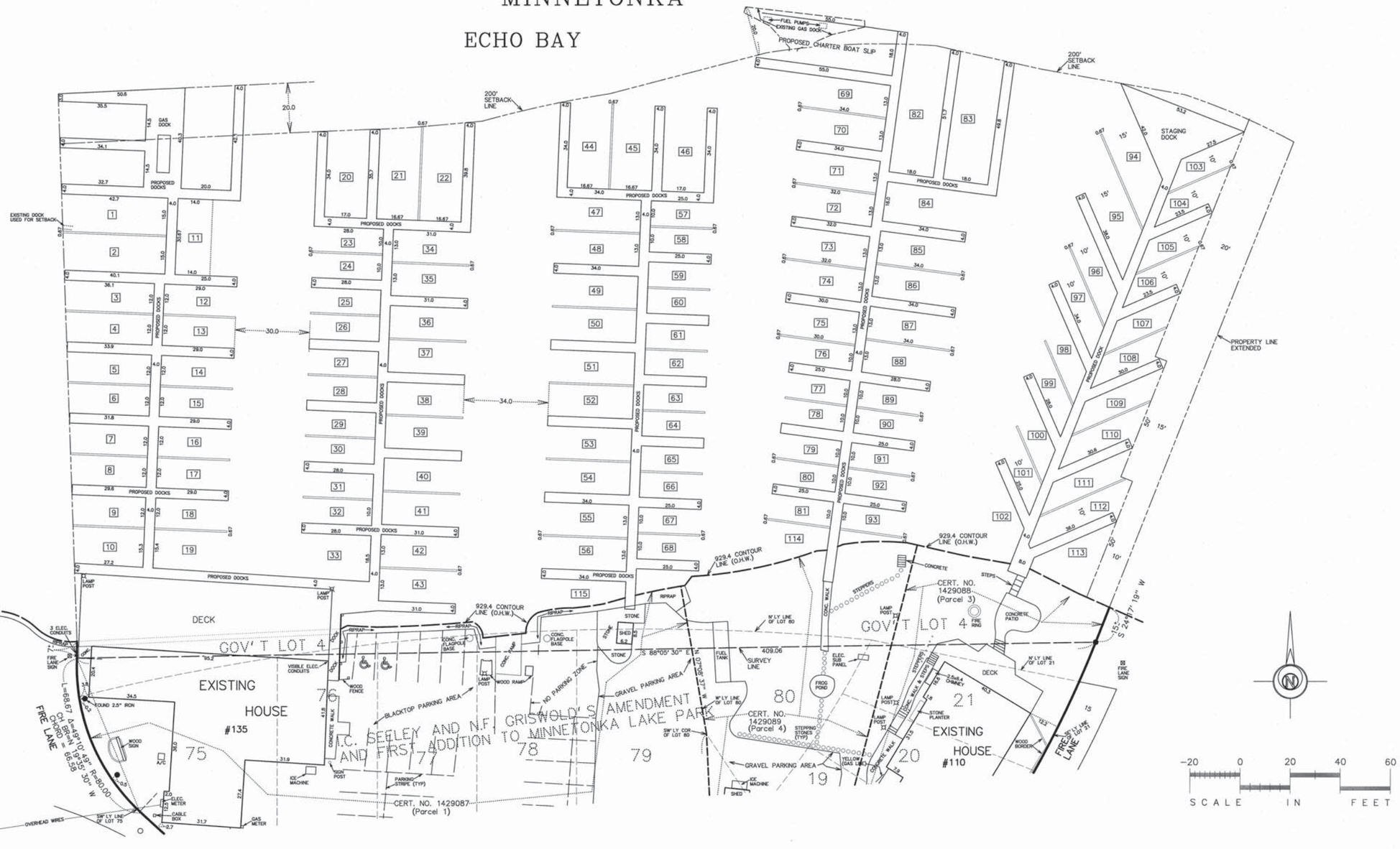
ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Unavailable
HOMESTEAD: Non-homestead
MARKET VALUE: $946,000

Comments:

PROPOSED DOCK SURVEY FOR

TONKA BAY PROPERTY HOLDINGS, LLC

IN I.C. SEELEY AND N.F. GRISWOLD'S AMENDMENT AND FIRST ADDITION TO MINNETONKA LAKE PARK AND IN GOV'T LOT 4, SEC. 27-117-23
HENNEPIN COUNTY, MINNESOTA



19139A4.SCJ

19-139A

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINNERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

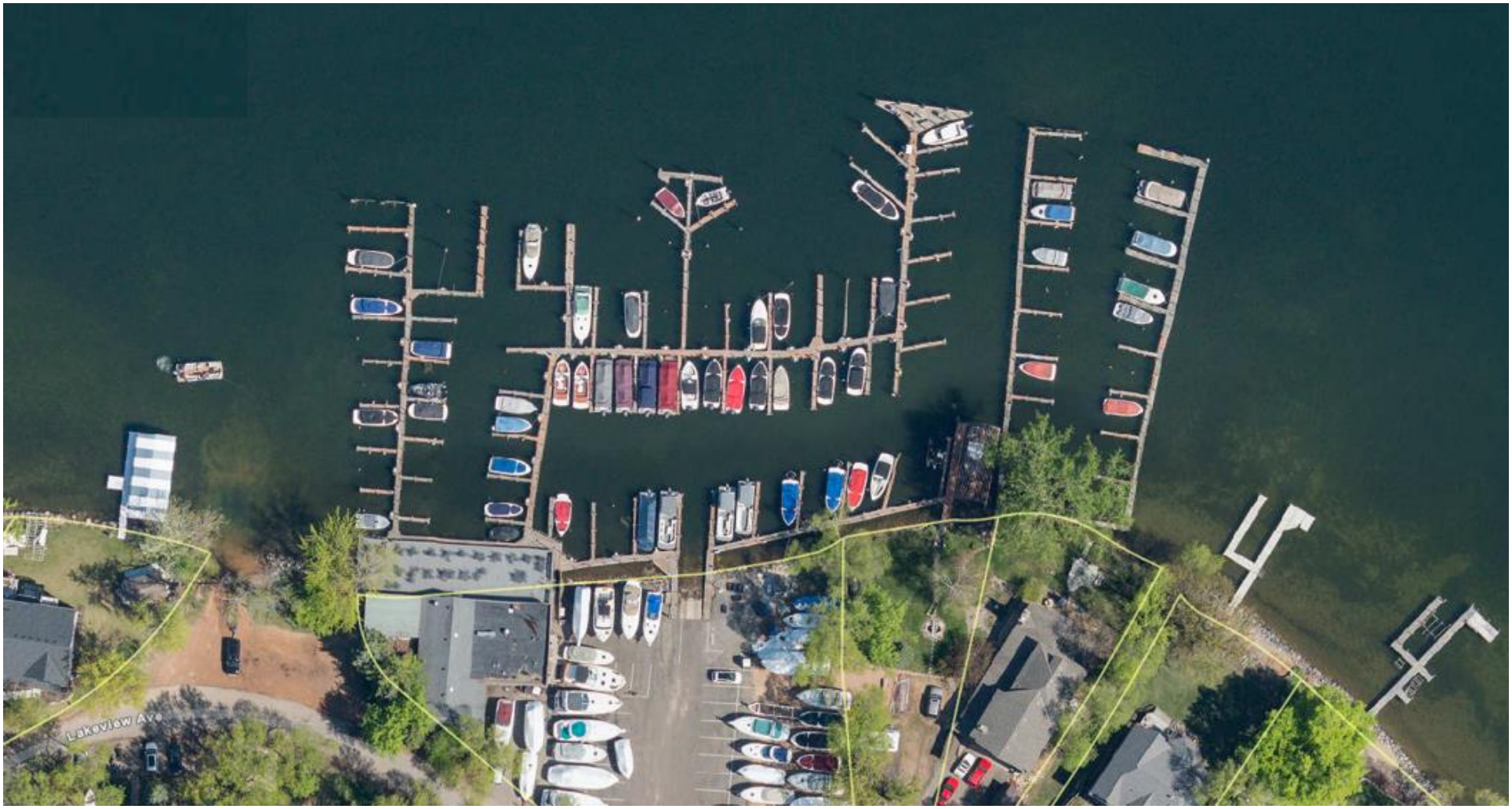
SHEET 2 OF 2 SHEETS
DATE 5-28-19
1" = 20'
JOB NO 19-139

PROJECT

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.
Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

DATE	REMARKS
6-5-19	
6-18-19	REVISED PROPOSED DOCKS

For illustrative purposes only. Created using Hennepin County Property Interactive Map 09/20/2019.
Caribbean Marina & Restaurant | Applications for Reconfiguration of Nonconforming Structure, Special Density License, and Variances



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

DATE: September 5, 2019

TO: Lakeshore Weekly News
Attn: Legal Department
Fax: (952) 473-0895

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (09/12/2019 Edition)

LAKE MINNETONKA CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, September 25, 2019
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

Caribbean Marina & Restaurant
135 Lakeview Avenue, Tonka Bay
Lower Lake South, Lake Minnetonka

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider applications for a reconfiguration of a multiple dock facility, special density license, and variances for adjustment of the dock use area (i.e. length and side setbacks). The site is located at 100, 110, and 135 Lakeview Avenue and associated PIDs 27-117-23-24-0067 and 27-117-23-24-0068 in Tonka Bay, MN 55331. The applicants propose 130 boat storage units to be located on the site. 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.

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

DATE: September 11, 2019

TO: Property Owner

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Notice of Reconfiguration of Nonconforming Structure, Special Density License, and Variance Request(s)

You are receiving this notice since Hennepin County property records indicate you own property within 350 feet of a property being considered for the following approvals: reconfiguration of a multiple dock facility, special density license, and variances for adjustment of dock use area (length and side setbacks). The applicants are the owners of the Caribbean Marina & Restaurant. The site is located at 100, 110, and 135 Lakeview Avenue and associated PIDs 27-117-23-24-0067 and 27-117-23-24-0068 in Tonka Bay, MN 55331 on Lower Lake South.

Applications have been submitted to allow the reconfiguration of the existing dock facility and storage of 130 watercraft. The variance applications are proposed to adjust the length and side setbacks of the dock use area. All interested persons will be given an opportunity to comment.

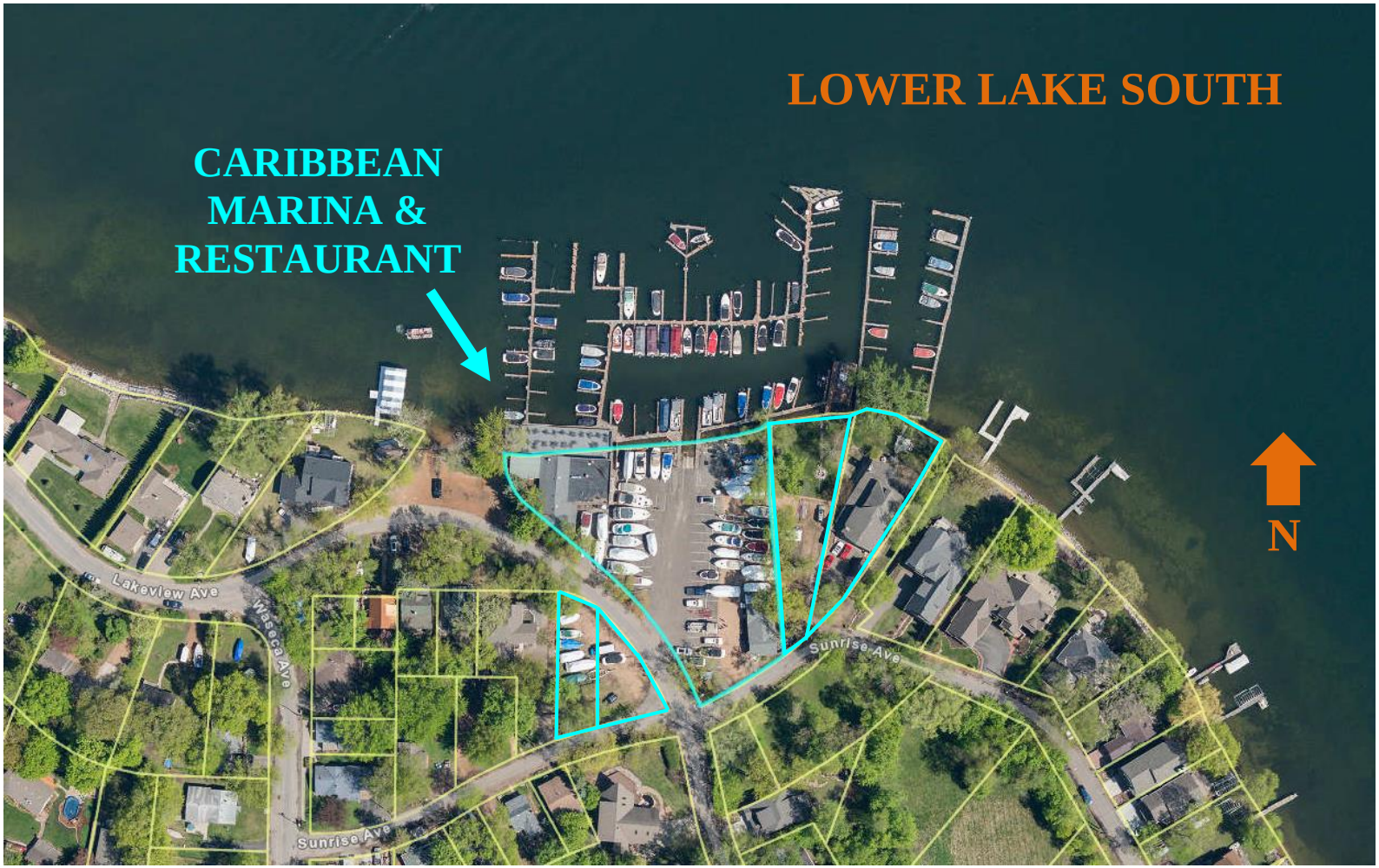
Public Hearing Information:
A public hearing will be held at 7:00 PM, September 25, 2019, at Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. The applicant is the Caribbean Marina & Restaurant, located at 100, 110, and 135 Lakeview Avenue in Tonka Bay, MN 55331. The facility is located on Lower Lake South, Lake Minnetonka.

A map for the site is enclosed. The location map was made using the Hennepin County Interactive Property Map. The site is indicated by a blue line and blue text.

Thank you for helping us to protect Lake Minnetonka and all those who enjoy it.

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

For illustrative purposes only. Created using Hennepin County Property Interactive Map 08/29/2019.
Caribbean Marina & Restaurant | Applications for Reconfiguration of Nonconforming Structure, Special Density License, and Variances



ITEM 11A

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

DATE: October 9, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: Watercraft Wastewater Discharge Suggested Code Amendment

ACTION
Board review and consideration of public input regarding a code amendment to reinforce state and federal laws regarding wastewater discharge from watercraft and to remove certain wastewater devices from watercraft operating on Lake Minnetonka.

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

> Approval:
> I make a motion to approve the code amendment regarding sewage discharges in Lake Minnetonka <with the following amendment…>.
>
> I make a motion to adopt the resolution approving summary language of the ordinance for publication.
>
> Denial:
> I make a motion to deny the code amendment regarding sewage discharges in Lake Minnetonka for the following reasons….

BACKGROUND
On September 25, 2019, the LMCD Board discussed a potential code amendment that would clarify current LMCD regulations and reinforce the state and federal laws that make it illegal to discharge wastewater from watercraft into many waterbodies in Minnesota and throughout the country. The proposed code amendment would also emphasize the importance of keeping pollution out of the water to protect the public, aquatic plants, and animals.

After reviewing the public input and response, board direction is sought to determine what, if any, changes to the draft amendment is desired.

The proposed code amendment has been posted for public comment. At the next Board meeting, staff will present comments that have been received. Additionally, staff will present information regarding the implications of the introduction of urine to a lake environment.

In regard to the board question regarding penalties for urinating in public, the following information was provided by Prosecuting Attorney Steve Tallen:

- **Applicable Misdemeanor Ordinances.** The ordinance used to cover this kind of behavior is presently numbered LMCD Code Section 3.01 subd. 23(a) 4, Public Nuisances Defined, which covers lewd or lascivious conduct, offensive to public decency, or indecent exposure. LMCD Code Section 3.01 subd. 23(a) 7 which is disorderly conduct which is conduct that disturbs the peace and quiet or repose of others. These are misdemeanor with a maximum sentence of 90 days in the workhouse and/or a $1,000 fine.

- **Potential Gross Misdemeanor or Felony**. In regard to possible felony charges for this type of behavior, the County Attorney would address these charges. Minnesota Statute 617.23 is the statute that covers Indecent Exposure. That statute does provide for felony charges, but only when the person has previously been convicted of indecent exposure in the presence of a minor under age 16, Criminal Sexual Conduct in the 5th degree under Minnesota Statute 609.3451, or committing the crime in front of a person who has been confined or whose movements have been restricted. It can also be a Gross Misdemeanor if the indecent conduct is committed in the presence of a minor under age 16 or the person has a previous conviction for a similar offense.

ATTACHMENTS

- Proposed Ordinance Language
- September 25, 2019 Item 11A Board Memo and Informational Attachment

ATTACHMENT

LAKE MINNETONKA CONSERVATION DISTRICT
STATE OF MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LAKE MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES REGARDING SEWAGE DISCHARGES

THE BOARD OF DIRECTORS OF THE LAKE MINNETONKA CONSERVATION DISTRICT ORDAINS:

Article I. Definitions. Chapter I, Section 1.02, Subd. 47 of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended as follows:

> Subd. 47. "Sewage" means the water-carried waste products from residences, public buildings, institutions or other buildings, or any mobile source, including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present. For the purposes of this definition, "mobile source" includes, but is not limited to, watercraft, ice houses, aircraft, campers, or other vehicles or structures driven onto or placed on the Lake.

Article II. State Laws Incorporated. Chapter III, Section 3.17 of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended as follows:

> Section 3.17. Adoption of State Statutes and Regulations by Reference. The provisions of the following laws and regulations of the State of Minnesota are adopted by reference and made a part hereof as though fully set forth herein:
>
> . . .
>
> Subd. 16. Discharge from Marine Toilets. Minnesota Statutes, section 86B.325 (as amended).

Article III. Pollution; Sewage Discharges. Chapter IV, Section 4.01 of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended as follows:

> Section 4.01. Pollution of Waters of the Lake.
>
> Subd. 1. Prohibition. No person shall pollute the surface waters of the district by placing or depositing or by permitting to be placed or deposited in, or upon said waters or upon any public or private property from which may run into said water any sewage, industrial waste, garbage, rubbish or other waste. This prohibition includes, but is not limited to, the following:

a) The discharge of sewage from marine toilets or retention devices in violation of Minnesota Statutes, section 86B.325, which is adopted by reference into this LMCD Code by Section 3.17, Subd. 16; and

b) A person who urinates or defecates directly into the Lake.

Subd. 2. Retention Device Required. Minnesota Statutes, section 86B.535, prohibiting a watercraft from being equipped with a marine toilet unless it also equipped with an acceptable retention device, is hereby adopted by reference and made part hereof, including any amendments made thereto.

Subd. 3. Pump Removal. The owner of a watercraft equipped with a pump capable of pumping sewage or other wastes directly into the Lake, such pumps being commonly referred to as macerator pumps or grinder pumps, are required to have such pumps removed from the watercraft before placing the watercraft on the Lake. Additionally, the owner of such a watercraft shall cause the "Y" valve on such pumping system to be locked into the position so that sewage can only be removed by an on-land disposal system and cannot be manually or mechanically directed into the Lake. The handle shall be secured in such a way so as to prohibit sewage from being pumped or otherwise released directly into the Lake.

Subd. 4. Launching Prohibited. It shall be a petty misdemeanor for any person to launch a watercraft equipped with a marine toilet into the Lake without first inspecting the watercraft to confirm the pump is removed and the "Y" valve is locked as required in subdivision 3 of this section.

Subd. 5. Reporting Violations. Those service providers who provide watercraft launching, sewage pumping, or recovery services are required to report to the LMCD if they become aware of a watercraft being operated on the Lake, or that is being returned to the Lake, that is not in compliance with subdivision 3 of this Section. Failure to report such noncompliance is not punishable as a violation of this LMCD Code.

Subd. ~~2~~6. Private Sewage Systems. Private sewage disposal systems designed for soil absorption of subsurface disposal shall be operated as such and any surface discharge from either is prohibited.

Subd. ~~3~~7. Littering. No person shall throw or otherwise discard or deposit any bottle, can, carton, or other food or beverage wrapper or container, leaves, branches, grass clippings or any other rubbish or wastes in the waters of the district or on the shoreline of such waters.

Subd. ~~4~~8. Pieces of Ice. No person shall leave on the surface of the ice or snow pieces of ice cut from the Lake. All such pieces of ice cut from the Lake shall be removed from the Lake, replaced in the hole from which they were cut, or deposited under the surface of the ice.

Subd. ~~5~~9. Variances. Where, upon the written application of the responsible person or persons, other than metropolitan sewer board sewage facility operators, the Board finds that by reason of exceptional circumstances strict conformity with any of the

provisions contained herein would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the Board may permit a variance from these provisions upon such condition and within such time limitations as it may prescribe, for prevention, control, or abatement of pollution in harmony with the intent of state, federal and Lake Minnetonka Conservation District Laws.

Article IV. Declaration. This enactment is adopted by a majority vote of all the members of the Board, has the effect of an ordinance, and is in effect on the first day of publication after adoption.

Adopted this _____ day of _____ 2019.

BY THE BOARD OF DIRECTORS

_____
Gregg Thomas, Chair

ATTEST:

_____
Ann Hoelscher, Secretary

Date of Publication: _____, 2019

Effective Date: _____, 2019

New material is double-underlined and removed material is ~~stricken~~.

ATTACHMENT

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

DATE: September 25, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: Watercraft Wastewater Discharge Suggested Code Amendment

ACTION
Board discussion and public input regarding a code amendment to reinforce state and federal laws regarding wastewater discharge from watercraft and a suggestion to remove certain wastewater devices from watercraft operating on Lake Minnetonka.

BACKGROUND

The discharge or depositing of sewage or wastewater in Lake Minnetonka is illegal. This code amendment clarifies current LMCD regulations and reinforces the state and federal laws that currently make it illegal to discharge wastewater from watercraft into many waterbodies in Minnesota and throughout the country. It also emphasizes the importance of keeping pollution out of the water to protect the public, aquatic plants, and animals.

Further, a marina owner has suggested that certain wastewater equipment, such as a macerator or grinder pump, be removed from watercraft that operate on Lake Minnetonka. After several conversations with various marina owners, code amendment language has been developed and attached for your review and public input. Removal of these pumps would prevent the intentional or accidental discharge of sewage from certain watercraft that have these devices.

Staff is working with Hennepin County and other stakeholders over the next few months to review options for reducing the risk of illness outbreaks at mass gatherings. While there are many possible ways that a pathogen could have been introduced resulting in the illness outbreak at Big Island on July 4th, this agenda item reflects one action that may help reduce the risk and educate boat owners regarding the importance of proper waste disposal. Also, any person that has knowledge of situations where waste was improperly or accidentally discharged should contact the LMCD right away.

ATTACHMENT

- Suggested Code Amendment Language Regarding Watercraft Wastewater Discharge
- General Information Regarding Sewage and Waste Disposal

Summary Regarding Watercraft Wastewater Disposal & Regulations

Excerpts From Various Sources

Overview of Pollutant Disposal Laws

Signs like these are posted at marine sanitation pump-out stations in Minnesota. It is illegal to discharge waste, oil, or trash into any state or federally controlled waters. This is for very good reasons:

- Sewage carries disease and other pollutants that are harmful to people, aquatic plants and animals.
- Trash thrown into the water can injure swimmers and wildlife alike. It can also plug engine cooling water intakes.
- Pollution is unsightly and takes away from your enjoyment of the water.

Boat operators need to be aware of the following regulations for waste, oil, and trash disposal that apply to both federally controlled and state waters. The Refuse Act prohibits throwing, discharging, or depositing any refuse matter of any kind (including trash, garbage, oil, and other liquid pollutants) into the waters of the United States.

Discharge of Sewage and Waste

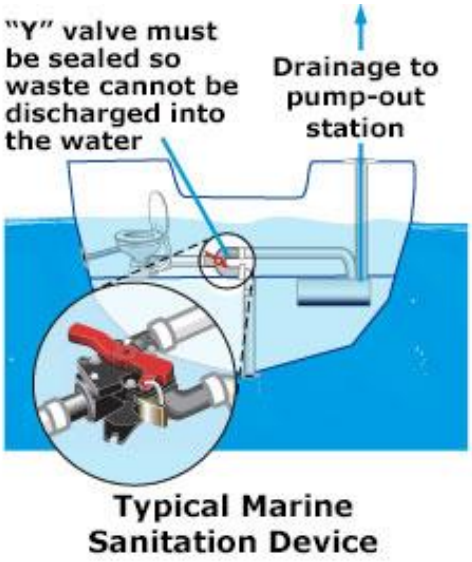
Under state law, toilets on board boats must be no-discharge devices (see exceptions below). Waste must be retained on board for proper disposal after returning to shore.

If you have a recreational boat with permanently installed toilet facilities, it must have an operable marine sanitation device (MSD) on board. All permanently installed devices must be U.S. Coast Guard–certified.

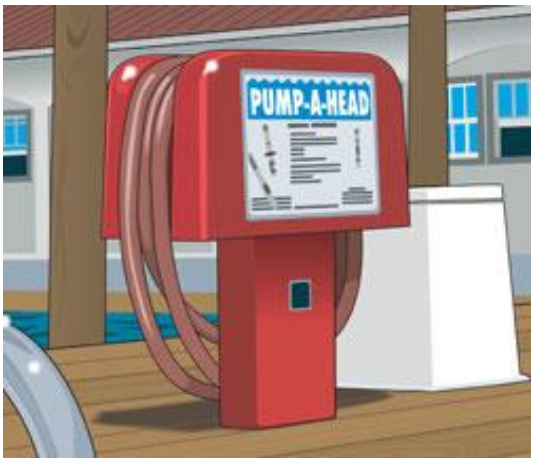
There are three types of MSDs.

- Types I and II MSDs are usually found on large boats. Waste is treated with special chemicals to kill bacteria before the waste is discharged. Types I and II MSDs with “Y” valves that direct the waste overboard must be secured so that the valve cannot be opened. This can be done by placing a lock or non-reusable seal on the “Y” valve or by taking the handle off the “Y” valve.
- A Type III MSD, the simplest and most common, consists of holding tanks or portable toilets. It requires only a small storage space and is simple to operate. Type III MSDs have the least effect on the environment since the waste is to be discharged on shore into a local sewage treatment facility.

Type I and II USCG–certified treatment / discharge marine sanitation devices are currently legal only on the Mississippi River below Lock and Dam #2 (at Hastings) and on Lake Superior. This is a result of the federal preemption of state law. MSDs on boats less than 65 feet in length must be USCG–certified Type I or II devices.



Typical Marine Sanitation Device



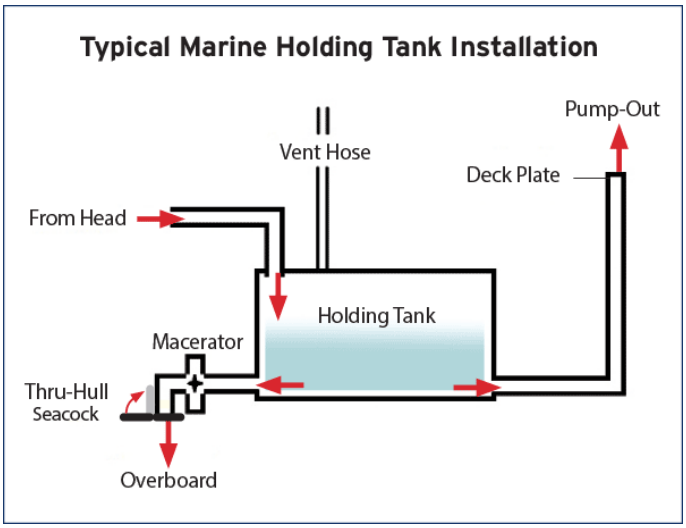


Diagram Source: Boat US

Discharge of Trash

The Act to Prevent Pollution from Ships places limitations on the discharge of garbage from boats. It is illegal to dump refuse, garbage, or plastics into any state or federally controlled waters. Many forms of litter can kill birds, fish, and marine mammals.

- You must store trash in a container while on board and place it in a proper receptacle after returning to shore.

- If boating on federally controlled waters and your boat is 26 feet or longer, you must display a Garbage Disposal Placard in a prominent location. The Garbage Disposal Placard is a durable sign that is at least 4 x 9 inches and notifies passengers and crew about discharge restrictions.

Source: Boaters Ed Course

2018 Minnesota Statutes

86B.325 DISCHARGE FROM MARINE TOILETS PROHIBITED.

(a) A person owning or operating a watercraft or other marine conveyance on the waters of this state may not use, operate, or allow the use or operation of a marine toilet or similar device for the disposition of sewage or other wastes unless the toilet wastes are retained for disposition on land by means of facilities constructed and operated in accordance with rules adopted by the state commissioner of health and approved by the Pollution Control Agency.

(b) A person may not:

(1) discharge sewage or other wastes into the waters of this state directly or indirectly from a watercraft or other marine conveyance; or

(2) place, leave, discharge, or cause to be placed, left, or discharged a container of sewage or other wastes into waters of this state by a person whether or not the owner, operator, guest, or occupant of a watercraft or other marine conveyance.

(c) Toilets must be sealed or otherwise rendered inoperative so that human or other waste cannot be discharged from the toilet into waters of this state.

History:

1990 c 391 art 9 s 17

Environmental Protection Agency Information

Vessel Sewage Discharges: Statutes, Regulations, and Related Laws and Treaties

You may need a PDF reader to view some of the files on this page. See EPA's About PDF page to learn more. *Section 312 of the Clean Water Act (CWA) sets out the principal framework for regulating sewage discharges from vessels into the U.S. navigable waters and is implemented jointly by the U.S. Environmental Protection Agency (EPA) and the U.S. Coast Guard. However, sewage discharges from certain vessels may also be subject to regulation under other federal statutes or international treaties.*

Statutes

Clean Water Act Section 312 (33 U.S.C. 1322)

CWA sections 312(a) – (m) provide the statutory framework under which the EPA and the U.S. Coast Guard regulate sewage discharges from vessels. See Clean Water Act Section 312 (33 U.S.C. 1322 (PDF)(10 pp, 170 K)).

Note on the relationship between CWA sections 312 and 402:
Section 301(a) of the CWA provides that "the discharge of any pollutant by any person shall be unlawful" unless the discharge is in compliance with certain other sections of the Act. 33 U.S.C. 1311(a). The CWA defines "discharge of a pollutant" as "(A) any addition of any pollutant to navigable waters from any point source, (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft." 33 U.S.C. 1362(12). A "point source" is a "discernible, confined and discrete conveyance" and includes a "vessel or other floating craft." 33 U.S.C. 1362(14). A person may discharge a pollutant without violating the section 301 prohibition by obtaining a National Pollutant Discharge Elimination System (NPDES) permit under section 402 of the CWA. (33 U.S.C. 1342 (PDF)(8 pp, 164 K)).

Vessel sewage discharges defined in CWA section 312 are excluded from Vessel General Permit (VGP) coverage although certain vessels are required to obtain coverage under EPA's NPDES VGP for discharges incidental to the normal operation of those vessels (see below for information on the VGP). While sewage is defined as a "pollutant" under the CWA, **sewage from vessels** within the meaning of section 312, is exempt from this statutory definition [33 U.S.C. 1362(6); see also 33 U.S.C. 1322(a)(6) (definition of "sewage")]. Sewage from vessels also includes graywater for commercial vessels operating on the Great Lakes and is also exempt [33 U.S.C. 1322(a)(10) (definition of "commercial vessels" for purposes of section 312)]. Therefore, vessel owners/operators are not required to obtain NPDES permits before discharging sewage. However, vessels discharging graywater and sewage in one effluent stream, and are not otherwise "commercial vessels" under CWA section 312, are required to follow the requirements outlined in CWA section 312 and the VGP.

Implementing Regulations

The EPA regulations implementing CWA section 312 (standards for marine sanitation devices (MSDs)): 40 C.F.R. 140 et seq (PDF)(5 pp, 229 K).

U.S. Coast Guard regulations implementing CWA section 312 (regulations governing the design, construction, certification, installation and operation of MSDs): 33 C.F.R. 159, Subparts A-D (PDF)(18 pp, 273 K).

Related Laws and Treaties

Sewage discharges from certain vessels may also be subject to regulation under other Federal statutes and/or international requirements. Examples of these regulations include Title XIV, which applies to certain cruise ships operating in Alaska, and MARPOL Annex IV, which applies if the vessel's flag State is a party to Annex IV. Discharges of graywater and sewage that have been mixed into one effluent stream are also regulated under the NPDES VGP, issued by the EPA pursuant to section 402 of the CWA.

"Title XIV" (33 U.S.C. 1901 Note)

On December 21, 2000, Congress enacted an omnibus appropriation bill that included new statutory requirements for certain cruise ships discharging graywater and sewage in Alaska [Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, Pub. L. No. 106-554, 114 Stat. 2763, enacting into law Title XIV of Division B of H.R. 5666, 114 Stat. 2763A-315, and codified at 33 U.S.C. 1901 (PDF)(7 pp, 154 K) Note ("Title XIV")].

Title XIV did not supersede regulation of sewage discharges from cruise ships under CWA section 312. Rather, Title XIV establishes separate requirements for the discharge of treated sewage and graywater from those cruise ships with capacity for 500 or more passengers and operating in certain waters in Alaska. Like the CWA section 312 program, Title XIV is jointly implemented by the EPA and the U.S. Coast Guard.

Vessel Discharge Permit Program (Vessel General Permit)

Pursuant to section 402 of the CWA, 33 U.S.C. 1342 (PDF)(8 pp, 164 K), the VGP, finalized by the EPA in 2008, regulates discharges incidental to the normal operation of vessels operating in a capacity as a means of transportation. Recreational vessels as defined in section 502(25) of the CWA are not subject to the VGP. In addition, with the exception of ballast water discharges, non-recreational vessels less than 79 feet (24.08 meters) in length, and all commercial fishing vessels regardless of length, are not subject to the VGP.

The VGP includes:

- general effluent limits applicable to all covered discharges;
- general effluent limits applicable to 26 specific discharge streams;
- narrative water-quality based effluent limits;
- inspection, monitoring, recordkeeping, and reporting requirements; and
- additional requirements applicable to certain vessel types.

Vessel sewage discharges within the meaning of CWA section 312 are excluded from coverage under the VGP. However, as noted above, graywater and sewage discharges mixed into one effluent stream are subject to the permit (except those discharges from "commercial vessels" (as defined at 33 U.S.C. 1322(a)(10)) operating on the Great Lakes). This one effluent

stream must meet the discharge limitation requirements in Parts 2 and 5 (if applicable) of the VGP, and any applicable CWA section 312 requirements for sewage discharges.

See Vessel Discharge Permit Program (Vessel General Permit).

MARPOL Annex IV

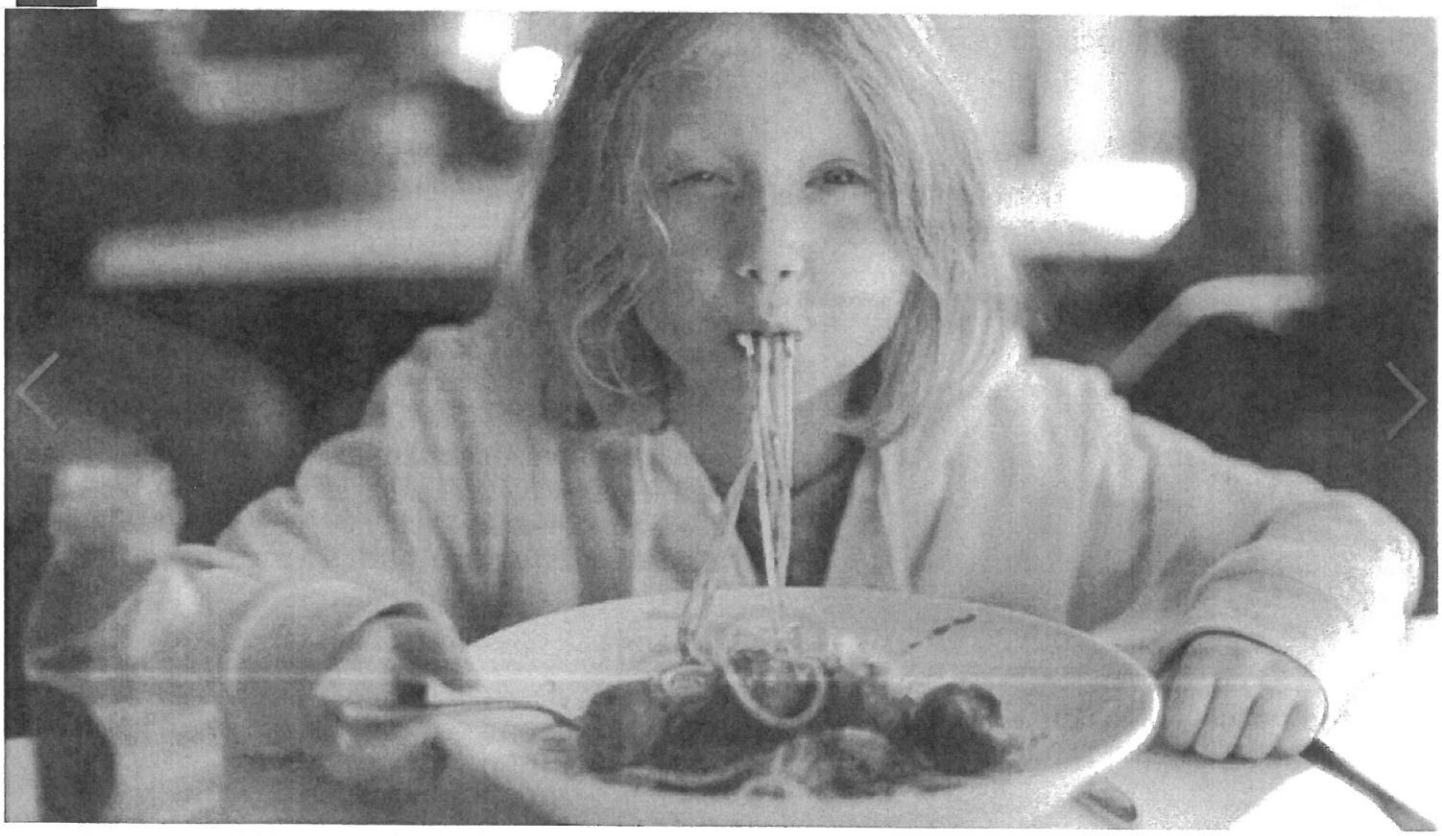
The principal international instrument regulating sewage discharges from vessels is Annex IV to the "International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto" ("MARPOL Annex IV"). The United States is not a party to MARPOL Annex IV, and thus is not bound by the Annex's provisions. However, ocean-going vessels operating in U.S. navigable waters which are registered in foreign countries may be subject to the MAPROL Annex IV requirements.

More information regarding MARPOL Annex IV can be accessed on the IMO website.

Bugs, rodent hair and poop: How much is legally allowed in the food you eat every day?

By Sandee LaMotte, CNN

Updated 6:58 AM ET, Fri October 4, 2019



Photos: Shocking 'filth' legally allowed in your food

Shocking "filth" legally allowed in your food - Did you know there can be 450 insect parts and nine rodent ha every 16 oz. box of spaghetti?

There's no way to get rid of all the creatures that might hitch a ride along the food processing chain, l US Food and Drug Administration has set some food defects standards to keep them to a minimum.

1 of 15

Hide Ca

(CNN) — Brace yourselves, America: Many of your favorite foods may contain bits and pieces of creatures that you probably didn't know were there.

How about some rodent dung in your coffee? Maggots in your pizza sauce? Mold in the jelly on your toast?

Oh, and so sorry, chocolate lovers. That dark, delicious bar you devoured might contain 30 or more insect parts and a sprinkling of rodent hair.

CNN health

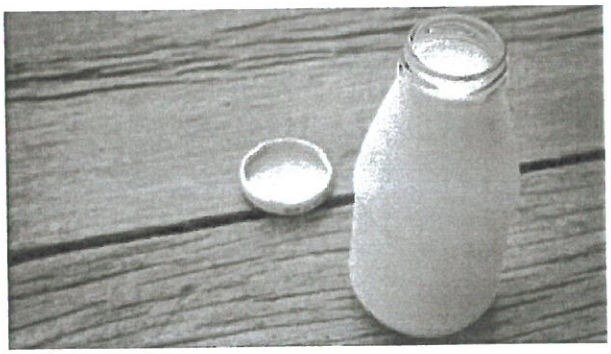
"It is economically impractical to grow, harvest, or process raw products that are totally free of non-hazardous, naturally occurring, unavoidable defects," says the US Food and Drug Administration.

So while there's no way to get rid of all the creatures that might hitch a ride along the food processing chain, the FDA has established standards to keep food defects to a minimum.

Related Article: Is chocolate good or bad for health?

Breakfast

The coffee beans you grind for breakfast are allowed by the FDA to have an average of 10 milligrams or more animal poop per pound. As much as 4% to 6% of beans by count are also allowed to be insect-infested or moldy.



As you sprinkle black pepper on your morning eggs, try not to think about the fact you may be eating more than 40 insect fragments with every teaspoon, along with a smidgen of rodent hair.

Did you have fruit for breakfast? Common fruit flies can catch a ride anywhere from field to harvest to grocery store, getting trapped by processors or freezing in refrigerated delivery trucks and ending up in your home.

Related Article: Which drink is best for hydration? Hint: It isn't water

Lunch

Let's say you packed peanut butter and jelly sandwiches for everyone's lunch. Good choice!

Peanut butter is one of the most controlled foods in the FDA list; an average of one or more rodent hairs and 30 (or so) insect fragments are allowed for every 100 grams, which is 3.5 ounces.

The typical serving size for peanut butter is 2 tablespoons (unless you slather). That means each 2 tablespoon-peanut butter sandwich would only have about eight insect fragments and a teensy tiny bit of rodent filth. ("Filth" is what the FDA calls these insect and rodent food defects.)

Unfortunately, jelly and jam are not as controlled. Apple butter can contain an average of four or more rodent hairs for every 3.5 ounces (100 grams) and about five whole insects. Oh, and that isn't counting the unknown numbers of teensy mites, aphids, and thrips.

Related Article: Want to live longer? You may want to ditch these drinks

Apple butter can also contain up to 12% mold, which is bett than cherry jam, which can be 30% moldy, or black currant jam, which can be 75% moldy.

Snacks

Did you pack some of the kid-sized boxes of raisins for your child's mid-afternoon snack?

Golden raisins are allowed to contain 35 fruit fly eggs as well as 10 or more whole insects (or their equivalent heads and legs) for every 8 ounces. Kid-sized containers of raisins are an ounce each. That's more than 4 eggs and a whole insect in each box.

Any Bloody Mary fans? The tomato juice in that 14 oz. Bloody Mary could contain up to four maggots and 20 or more fruit fly eggs.

Related Article: Red and processed meat are OK to eat, controversial new guidelines claim. Don't believe it, leading experts say

And if you're having a fruity cocktail, just be aware that the canned citrus juices that many bars use can legally have five or more fruit fly eggs or other fly eggs per cup (250 ml). Or that cup of juice could contain one or more maggots. Apricot, peach and pear nectars are allowed to contain up to 12% moldy fruit.

Dinner

Oh, gosh, the possibilities are endless! Did you know there can be 450 insect parts and nine rodent hairs in every 16 oz. box of spaghetti?

Canned tomatoes, tomato paste and sauces like pizza sauce are a bit less contaminated than the tomato juice in your cocktail. The FDA only allows about two maggots in a 16 oz. can.

Adding mushrooms to your spaghetti sauce or pizza? For every 4 oz. can of mushrooms there can be an average of 20 or more maggots of any size.

The canned sweet corn we love is allowed to have two or more larvae of the corn ear worm, along with larvae fragments and the skins the worms discard as they grow.

Related Article: A new 'report card' on America's diet: It's not an 'F' but...

For every ¼ cup of cornmeal, the FDA allows an average of one or more whole insects, two or more rodent hairs and 50 or more insect fragments, or one or more fragments of rodent dung.

Asparagus can contain 40 or more scary-looking but teensy thrips for every ¼ pound. If those aren't around, FDA inspectors look for beetle eggs, entire insects or heads and body parts.

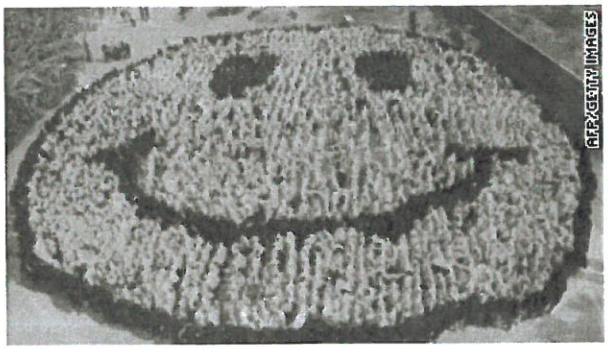
Frozen or canned spinach is allowed to have an average of 50 aphids, thrips and mites. If those are missing, the FDA allows larvae of spinach worms or eight whole leaf miner bugs.

Dismembered insects can be found in many of our favorite spices as well. Crushed oregano, for example, can contain 300 or more insect bits and about two rodent hairs for every 10 grams. To put that in context, a family-size bottle of oregano is about 18 oz. or 510 grams.

Paprika can have up to 20% mold, about 75 insect parts and 11 rodent hairs for every 25 grams (just under an ounce). A typical spice jar holds about 2 to 3 oz.

Food safety process

"Food manufacturers have quality assurance employees who are constantly taking samples of their packaged, finished product to be sure they're not putting anything out that is against the rules," said food safety specialist Ben Chapman, a professor in agricultural and human sciences at North Carolina State University.



Related Article: Being happier will help you live longer, so learn how to be happier

Sometimes they do it by hand, Chapman said. "They take 10 bags out of a week-long production and try to shake out what might be in here," he said. "Do we have particularly high insect parts or was it a particularly buggy time of year when the food was harvested? And they make sure they are below those FDA thresholds."

What happens if it was a very buggy week and lots of insects decided to sacrifice themselves? Can they get all those eggs, legs and larvae out?

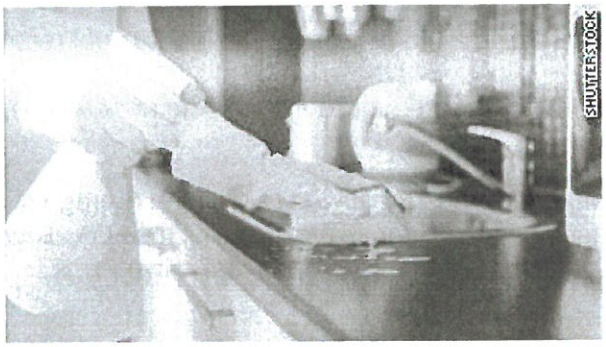
"They really can't," Chapman said. But they can take the food and send it to a process called "rework."

"Say I've got a whole bunch of buggy fresh cranberries that I can't put in a bag and sell," Chapman explained. "I might send those to a cranberry canning operation where they can boil them and then skim those insect parts off the top and put them into a can."

That's gross. Will I ever eat any of these foods again?

"Look, this is all a very, very, very low-risk situation," Chapman said. "I look at it as a yuck factor versus a risk factor. Insect parts are gross, but they don't lead to foodborne illnesses."

Much more dangerous, Chapman points out, is the potential for stone, metal, plastic or glass parts to come along with harvested food as it enters the processing system. All foods are subjected to X-rays and metal detectors, Chapman said, because when those slip through, people can actually be hurt.



Also much more dangerous are foodborne illnesses such as salmonella, listeria, and E. coli, which can severely sicken and even kill.

"Cross-contamination from raw food, undercooking food, hand-washing and spreading germs from raw food, those are the things that contribute to the more than 48 million cases of foodborne illness we have every year in the US," Chapman said.

Well, put that way, I guess my disgust over that rodent poop in

Related Article: Mixing bleach and citrus cleaners may be harmful to you and your pets

Maybe.

Niziolek

Amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Nuisances Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 227 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 227.180 to read as follows:

227.180. Public urination prohibited. Any person who urinates or defecates on any public street, alley, sidewalk or floor of any public building or of any building where the public gathers or has access, or in any other place, whether public or private, where such act could be observed by any member of the public, except in such place that has been designated as a restroom is guilty of a misdemeanor.

ITEM 12A

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

DATE: October 9, 2019

TO: LMCD Board Members

FROM: Vickie Schleuning, Executive Director

SUBJECT: Draft City Letter of Appointment of 2020 LMCD Board Members

ACTION

Board consideration in authorizing staff to send a letter to member cities regarding the LMCD Board appointments for 2020 and beyond.

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

Approval:
I make a motion to authorize staff to send a letter to member cities regarding LMCD Board appointments for 2020.

Denial:
I make a motion to not authorize a letter to member cities regarding the LMCD Board appointments for 2020.

BACKGROUND

Each year, information is sent to member cities regarding the status of their LMCD representative appointments. The terms for some members of the Lake Minnetonka Conservation District (LMCD) Board of Directors will expire January 31, 2020. Terms on the LMCD Board run from February 1st through January 31st of the following year with multiple-year terms requested. In addition, the letter provides information regarding attendance at regular meetings, as well as some of the work Board members perform outside the regular board meetings. Please review the information and let us know if any changes are needed.

More information about serving on the Board is available on the website. Serving on the LMCD Board is a great way to guide the future of Lake Minnetonka, helping to protect the Lake and all those who enjoy it.

ATTACHMENT

- Draft Letter to Member Cities Regarding Board Member Appointments

ATTACHMENT

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

DATE: October XX, 2019

TO: LMCD Member Cities (Mayors, Managers, and Clerks)

FROM: Vickie Schleuning, Executive Director

SUBJECT: Appointment of 2020 LMCD Board Members

The terms for some members of the Lake Minnetonka Conservation District (LMCD) Board of Directors will expire January 31, 2020. Terms on the LMCD Board extend from February 1st through January 31st of the following year. The state enabling LMCD legislation calls for Board members to be appointed by their respective member cities for a three-year term, with no term limits. If necessary, a city does have the ability to recall its member anytime and appoint another member for the remainder of the three-year term. Because of the uniqueness of Lake Minnetonka and the important application of the ordinances, it is beneficial for Directors to serve multiple years.

Through your partnership, we have processed a high number of projects and achieved many successes this past year. We hope that your appointed Director will consider serving another term. We appreciate the time, guidance, and dedication of your Board Member representative in helping to preserve and enhance the "Lake Minnetonka experience."

Appointments. At this time, the cities with the January 2020 expiration terms are requested to reappoint or appoint new members to the Board of Directors. A list of the current City appointment terms is provided in the enclosed table. Please note that officer positions will be considered by the Board tentatively in February through a Nominating Committee process.

Attendance & Participation. This past year, the overall attendance of the Board Members was good. The individual Board Member attendance records for the LMCD Regular meetings are provided in the following table. Members also contribute through their attendance at and participation in Special Meetings, Workgroups, Committees, special events, and projects outside the regular meeting schedule. The membership of Committees and Workgroups is also included in an enclosed table.

LMCD Board Member Appointments

Jan. 2020 Expirations & Appointments	2021 – Term Ending	2022- Term Ending
Excelsior Currently Vacant	Dan Baasen, Wayzata (Current Vice Chair)	Ben Brandt, Mound
Bill Cook, Greenwood (Current Treasurer)	Jake Walesch, Deephaven	Gary Hughes, Spring Park
Ann Hoelscher, Victoria (Current Secretary)		Dennis Klohs, Minnetonka Beach
Mark Kroll, Orono		Nicole Stone, Minnetonka
Mike Molitor, Minnetrista		
Chris Rich, Woodland		
Gregg Thomas, Tonka Bay (Current Chair)		
Deborah Zorn, Shorewood		

LMCD Board Member Meeting Attendance & Participation
October 10, 2018 through September 25, 2019

Member City	Board Member	Regular Board Meeting Attended	Total Board Meetings	Rate of Attendance	Additional Committee/ Workgroup Participation
Deephaven	Jake Walesch	13	19	68%	Nominating Committee Dec 2019 – Feb 2019, Communications
Excelsior 10/10 – 2/13	Andrew Punch	4	7	57%	
Excelsior 2/27 – 9/25	No Rep	N/A	N/A	N/A	
Greenwood	Bill Cook (2019 Treasurer)	15	19	79%	AIS Task Force, STL Committee, Finance Workgroup, Communications Workgroup, Officer Workgroup
Minnetonka 10/10 – 2/13	Sue Shuff	6	7	86%	STL Committee
Minnetonka 2/27 – 9/25	Nicole Stone	11	12	92%	
Minnetonka Beach	Dennis Klohs	17	19	89%	Strategic Plan Subcommittee,

Member City	Board Member	Regular Board Meeting Attended	Total Board Meetings	Rate of Attendance	Additional Committee/ Workgroup Participation
					Recodification Workgroup, Communications Workgroup
Minnetrista	Mike Molitor	11	19	58%	
Mound 10/10 – 12/12	Jay Green	4	4	100%	
Mound 1/9 – 9/25	Ben Brandt	14	15	93%	AIS Task Force
Orono	Mark Kroll	12	19	63%	
Shorewood	Deborah Zorn	12	19	63%	Strategic Plan Subcommittee, Nominating Committee Dec 2018 – Feb 2019, Communications Workgroup
Spring Park	Gary Hughes	19	19	100%	Strategic Plan Subcommittee, Recodification Workgroup, Finance Workgroup, Communications Workgroup
Tonka Bay	Gregg Thomas (2019 Chair)	16	19	84%	STL Committee, Officer Workgroup
Victoria	Ann Hoelscher (2019 Secretary)	17	19	89%	Recodification Workgroup, Communications Workgroup, Officer Workgroup
Wayzata	Dan Baasen (2019 Vice Chair)	16	19	84%	STL Committee (Chair), Nominating Committee Dec 2019 – Feb 2019, Officer Workgroup
Woodland	Chris Rich	13	19	68%	STL Committee

Please let me know your city's appointments for 2020 by **Tuesday, December 31, 2019 if possible**. For those of you who have already sent information, thank you. A copy of the official Council appointment is also required. Appointments typically start February 1, 2020. I look forward to working with your city in the coming year. If you have questions, please contact me at (952) 745-0789 or vschleuning@lmcd.org.

Join us for a starry stonewort webinar on Oct. 17!

Minnesota Aquatic Invasive Species Research Center
Thu 10/03/2019 12:00 PM
To: V Schleuning <vschleuning@lmcd.org>

View this email in your browser

Mark your calendars of Thursday, October 17th at noon to tune into a webinar from MAISRC graduate student Carli Wagner. Carli will be presenting her graduate research on one of Minnesota' newest -- and least understood -- aquatic invasive species, starry stonewort. This was one of the most popular talks at the 2019 Aquatic Invasive Species Research and Management Showcase, so if you missed out, now's your opportunity to hear directly from Carli.

The webinar is free but registration is required.

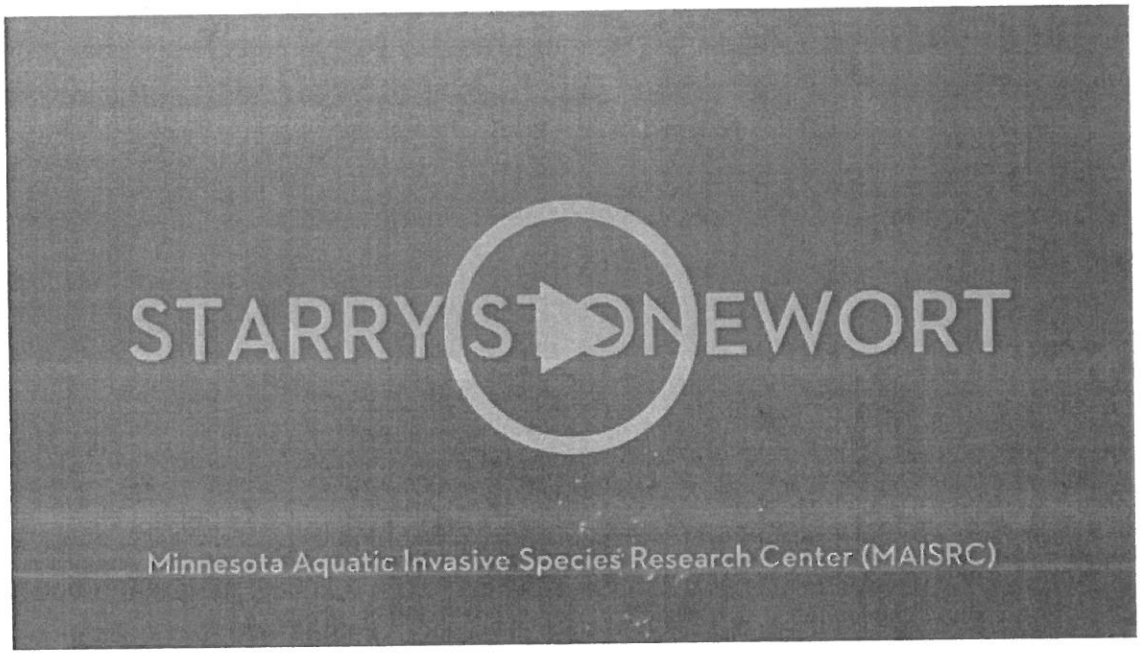
Talk details

The invasive alga starry stonewort (*Nitellopsis obtusa*) has become an increasing problem in Minnesota lakes since it was first identified here in 2015. In several lakes, starry stonewort is widely established and can grow abundant and dense. This growth certainly has recreational impacts, but the ecological effects of starry stonewort in Minnesota lakes are unknown. Potential impacts to native aquatic plants are of particular concern since they are an integral part of lake ecosystems. Carli examined the impacts of starry stonewort on native aquatic plants and tracked its invasion over multiple years to assess how it

spreads and changes habitat. She found that starry stonewort negatively affected multiple aspects of native aquatic plant communities -- from individual species to functional groups to overall diversity and abundance. Starry stonewort can quickly expand and alter plant communities as a result. These findings fill knowledge gaps related to the impacts of starry stonewort in Minnesota lakes and can be used to guide response efforts.

More information

In the meantime, brush up on this research project on our website, or watch the video below for more information. Don't forget to register for the webinar!

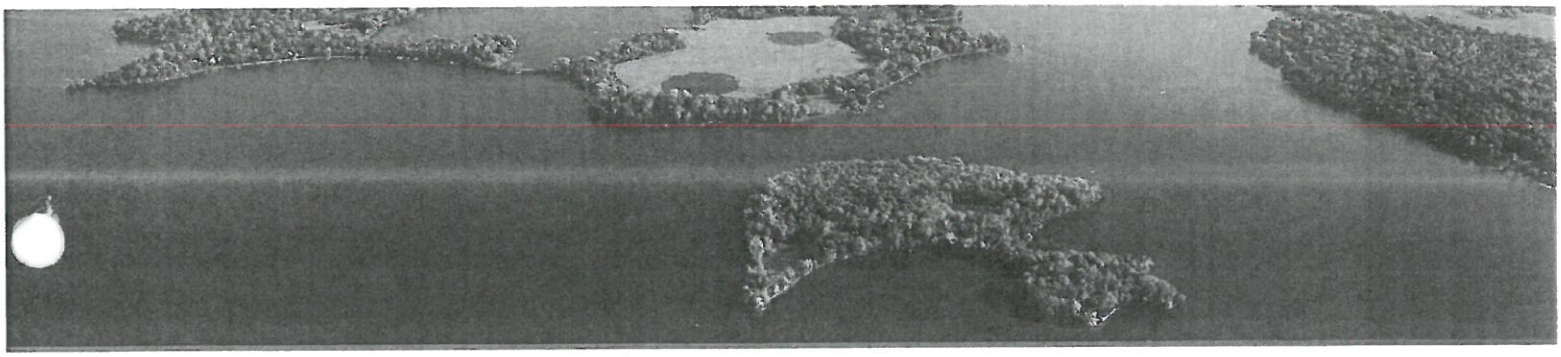


Help us spread the word:

Share this webinar Tweet your thoughts Forward it to a friend

ENVIRONMENT AND NATURAL RESOURCES TRUST FUND

Our mailing address is:
Minnesota Aquatic Invasive Species Research Center
2003 Upper Buford Circle, Skok Hall 135
St Paul, MN 55108



PRESERVING AND ENHANCING THE LAKE MINNETONKA EXPERIENCE

lmcd.org | 952-745-0789 | lmcd@lmcd.org |

PRESERVING AND ENHANCING THE LAKE MINNETONKA EXPERIENCE

The Lake Minnetonka Conservation District (LMCD) brings together 14 different cities, two counties, and many state and local agencies to protect, preserve and enhance Lake Minnetonka's environment, economy and vitality. We are one, uniform, coordinating body that cares for and regulates one of Minnesota's most important resources in a way that is consistent across all jurisdictions.

OUR SERVICES

We partner with agencies and key stakeholders to provide a wide variety of services, including:

- LAKE SAFETY: Preventing accidents, injuries and deaths through education, public safety coordination and other programming.
- LAKE ACCESS: Supporting reasonable and equitable access to the lake for all.
- PROPERTY OWNER SUPPORT: Helping maintain and elevate the value of lakefront homes and businesses.
- ECOLOGICAL AND ENVIRONMENTAL SUPPORT: Helping maintain the health of the lake to ensure its viability for generations to come through lakewide master planning such as the vegetation & AIS and lake safety.
- REGULATION: Enforcing regulations to improve lake access, promote health and safety, prevent pollution and protect the lake, including licenses, permits, and inspections.

UNIQUE ASSET

As the largest lake in the Twin Cities and the 9th largest lake in the state, Lake Minnetonka is one of Minnesota's greatest, most unique natural assets.

- 125 miles of shoreline
- 14,000 acres of water
- More than 4,500 residential and commercial properties
- 14 cities and 2 counties
- 10 summer, 15 winter public access points
- Estimated 8,000+ boats and 500,000 people celebrate at Lake Minnetonka annually over the Fourth of July

UNIQUE GOVERNANCE

Lake Minnetonka requires an equally unique governance structure – the LMCD.

1967: The Legislature creates the LMCD to act as a regional governmental agency overseeing the lake.

14: The number of members on the governing board. Each member is appointed for a three-year term by the locally elected government bodies that surround the lake.

Collaboration with several agencies and key stakeholders on an annual basis, from the Departm of Natural Resources to lake associations, marinas and other businesses and residents.