



LAKE MINNETONKA CONSERVATION DISTRICT

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

AGENDA
WORK SESSION AND FORMAL MEETING
LAKE MINNETONKA CONSERVATION DISTRICT
Wednesday, February 12, 2020
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

WORK SESSION AGENDA

6:00 p.m.

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

1. Channel Navigation and Storage Discussion
2. LMCD Goals Regarding Strategy for AIS & Vegetation

FORMAL MEETING AGENDA

7:00 p.m.

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

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CHAIR ANNOUNCEMENTS**, Chair Gregg Thomas
 - A) Oath of Office to Bill Cook (City of Greenwood)
 - B) Oath of Office to Ann Hoelscher (City of Victoria)
 - C) Oath of Office to Gregg Thomas (City of Tonka Bay)
 - D) Oath of Office to Deborah Zorn (City of Shorewood)
6. **APPROVAL OF MINUTES** (01/22/2020) LMCD Regular Board Meetings

7. APPROVAL OF CONSENT AGENDA

- A) Audit of Vouchers (02/01/2020 – 02/15/2020)
- B) Resolution Accepting Save the Lake Contributions (01/01/2020 – 01/31/2020)
- C) LMCIT Liability Waiver Form
- D) Pay Equity Report

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. PRESENTATIONS

- A) Senator Scott M. Jensen

10. PUBLIC HEARINGS

- A) Boulder Bridge Farms, Reconfiguration of Nonconforming Structure and Variance, 28124 Boulder Bridge Drive, Shorewood, MN 55331. Two parcels PIDs 31-117-23-31-0019 and 31-117-23-31-0022. South Upper Lake.
- B) City of Excelsior, New Multiple Dock License / Municipal Planned Unit Development with Continued Special Density License applications, The Commons and 399 Lake Street, Excelsior, MN 55331. Excelsior Bay.

11. OTHER BUSINESS

12. OLD BUSINESS

- A) Nomination and Election of Board Officers

13. NEW BUSINESS

14. TREASURER REPORT

15. EXECUTIVE DIRECTOR UPDATE

16. STANDING LMCD COMMITTEE / WORKGROUP UPDATE

- Aquatic Invasive Species Taskforce
- Budget Workgroup
- Save the Lake Committee
- Strategic Plan Subcommittee
- Nominating Committee
- Deicing Operations & Permanent Dock Workgroup

17. ADJOURNMENT

Future Items – Tentative

- Lake Use Vision and Policy Discussion Continuing Series
 - High Water Declaration Regulations- February 2020
 - Slow and No Wake Regulations- February 2020
 - Watercraft Density
 - Lake Sales and Services
 - Deicing Regulations- Rescheduled February 26, 2020

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

7:00 P.M., January 22, 2020
Wayzata City Hall

WORK SESSION

6:00 p.m.

Members Present:

Rich Anderson, Orono; Dan Baasen, Wayzata; Ann Hoelscher, Victoria; Mike Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Denny Newell, Woodland; Nicole Stone, Minnetonka; Gregg Thomas, Tonka Bay; Jake Walesch, Deephaven; and Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Justin Templin, LMCIT Legal Counsel.

Members Absent:

Ben Brandt, Mound; Bill Cook, Greenwood; Gary Hughes, Spring Park; and Mark Kroll, Excelsior.

Persons in Audience:

Paul Robinson and Peter Phlaum, representing The Cove Homeowners Association.

1. Oath of Office-Michael Kirkwood (Minnetrista)
Gilchrist administered the Oath of Office to Mark Kroll and Denny Newell.
2. Conduct a closed session with attorney and defense counsel pursuant to the attorney-client privilege as authorized by Minn. Stat. § 13D.05, subd. 3(b). The purpose of the closed session is to seek and receive legal advice related to strategy and options in response to the recent threat of litigation by Steve and Sunhi Schussler.

Chair Thomas stated the following: As you all are aware, Steve and Sunhi Schussler, of 2217 Huntington Point Road, Minnetonka Beach, and an attorney representing them, have asked this Board to hold a public hearing regarding the application by the City of Minnetonka Beach for a Renewal Without Change Multiple Dock License for City Dock #10 for the 2020 season. Mr. Schussler and his counsel submitted a number of letters and other written materials, and appeared during the public comment portion of this Board's meeting on January 8th. During their presentations, they specifically threatened to sue the LMCD if the Board does not accede to their request for a public hearing. Mr. Schussler noted, more than once, that he has already spent significant money on litigation and has more set aside to fight the LMCD about this issue in court.

In response to the litigation threats, our attorney, Troy Gilchrist, submitted the matter to our insurer, the League of Minnesota Cities Insurance Trust. The LMCIT has appointed litigation counsel, Justin Templin, who is here tonight.

Mr. Templin has requested a closed meeting with the Board for an attorney-client privileged discussion. The discussion will relate to the Board's decision whether to grant the request for a public hearing, and the impact that decision is likely to have on litigation strategy given the explicit threats that have been issued to

the Board. Mr. Templin has indicated that he needs to have a candid and open discussion with the Board about the potential litigation, including defense strategies and any possibility of resolution. If the discussion happened in open session, it would harm the Board's legal position because potential adverse parties could hear the Board's strategy options and its counsel's legal opinions about them. Having the discussion in closed session benefits the public because portions of the expense of litigation and any financial liability will be funded by the public. The scope of Mr. Templin's representation is limited to the threat of litigation and no other business will be discussed.

The need for absolute confidentiality in seeking and receiving legal advice in this matter outweighs the public's right to observe Board discussions of its business, as set forth in the Open Meeting Law. Minn. Stat. § 13D.05, subd. 3(b), which authorizes this discussion to be held in closed session.

Could I have a motion to close the meeting for the reasons stated?

MOTION: Baasen moved, Stone seconded to close the meeting at 6:15 pm for the reasons stated.

VOTE: Motion carried unanimously.

The Board returned to open session at 6:55 p.m.

3. and 4. Deicing Workgroup Update and Deicing Code Amendment Request

Due to time constraints, the representatives of The Cove requested the deicing code amendment request be considered at a future board meeting. The deicing workgroup also believed the discussion needed more time than available this meeting and it was decided the conversation for both these items continue at a future board meeting.

REGULAR SESSION
7:00 p.m.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Dan Baasen, Wayzata; Dennis Klohs, Minnetonka Beach; Michael Kirkwood, Minnetrista; Denny Newell, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; and Vickie Schleuning.

Members absent: Bill Cook, Greenwood; Ben Brandt, Mound; Gary Hughes, Spring Park; and Mark Kroll, Excelsior.

4. APPROVAL OF AGENDA

Chair Thomas noted that an amended agenda was provided to the Board, related to Item 7A of the Consent Agenda.

MOTION: Baasen moved, Anderson seconded to approve the agenda as amended.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas welcomed the newest member of the Board, Michael Kirkwood, and invited him to introduce himself.

Kirkwood stated that he has lived in Minnetrista on the lake for over 20 years and provided background information on himself and his experience.

Chair Thomas referenced Art on the Lake, which is an Excelsior event that takes place for two days during the summer. He stated that the last summer he and Baasen staffed a booth, with Stone providing assistance as well. He noted that the booth was split last year with the Excelsior Men's Garden Club and the club has expressed interest in splitting the event this year as well, with the LMCD staffing the booth on Saturday and the Garden Club staffing the booth on Sunday. He noted that the two groups would split the cost, similar to the previous year. He stated that the cost in 2019 was about \$135 for each of the two groups. He confirmed the consensus of the Board to participate again this year.

6. APPROVAL OF MINUTES- 01/08/2020 LMCD Regular Board Meeting

Chair Thomas noted on page seven, item five, it should state, "Chair ~~Green~~ Thomas..."

MOTION: Thomas moved, Baasen seconded to approve the 01/08/2020 LMCD Regular Board Meeting minutes as amended.

VOTE: Ayes (9), Abstained (2), (Walesch and Kirkwood) Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Zorn moved, Stone seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (01/16/2020 – 01/31/2020); **7B)** Resolution Accepting Save the Lake Contributions (12/28/2019 – 12/31/2019); and, **7C)** Acceptance of LMCD 2019 Watercraft Inspection Program Report.

VOTE: Motion carried unanimously.

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

Richie Anderson, 3205 Crystal Bay Road, showed the Board a survival suit that he is purchasing for the LMCD staff for de-icing inspections. He confirmed that the suit both float and insulated in the case a staff member falls into the water while inspecting de-icing operations. He noted that the suit will also help to keep the staff warm while inspecting.

Schleuning noted that staff spends a lot more time on the ice in addition to de-icing inspections and therefore these suits will be very nice.

The Board thanked Anderson for his contribution.

9. PUBLIC HEARING

There were no public hearings.

10. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

There was no old business.

12. NEW BUSINESS

There was no new business.

13. TREASURER REPORT

No report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- 2019 AIS Watercraft Inspection Summary – LMCD received a \$20,000 grant in 2019 for that program. She reported that while there are less violations being found, very basic violations continued to occur. She expressed thanks for the partnerships that exist to make this program possible and highlighted some additional efforts that could be implemented in the future.

Newell believed that only four of the eight accesses to Lake Minnetonka are monitored by Three Rivers Park District, and even those points are only monitored when staffed. He asked why funds are being spent on the program if it cannot be tightened up. He stated that there is phenomenal technology available and if the LMCD is going to track, it should fully track rather than collecting spotty data.

Schleuning noted that the LMCD information gathered will be used to apply for additional grant funds that would be used to purchase technology that could provide more consistent monitoring information.

Chair Thomas agreed that this monitoring is not a 100 percent guarantee, but the Board has decided that some inspection is better than none. He stated that Schleuning and himself met with staff from the LMA and BWS to discuss what could be done as a group together, which is how the suggestion to implement the technology came about. He noted that this would also not be fool proof but is something else that could be tried. He noted that he continues to believe that some effort is better than none.

Schleuning advised of some of the other efforts that LMA is going to attempt to gain grant funding for.

Newell stated that it would be easy to put an RFID chip in every license issued in the State of Minnesota that could be scanned and used in critical lakes.

Chair Thomas stated that there are also boats from other states that use Lake Minnetonka.

Anderson stated that perhaps Newell would like to head a Committee on the topic to provide additional information and suggestions to the Board.

Schleuning suggested that Newell begin by joining the AIS Task Force.

Newell agreed.

Chair Thomas commented that while technology may be available, that does not mean there is adequate funding or political will to implement that type of technology.

Baasen stated that he observes the Spring Park launch, and for the most part there are really conscientious residents using the access even when not monitored. He stated that you cannot watch all the people all the time, but most people feel that the lake is a resource that should be protected.

Chair Thomas referenced an email he received from LMA staff the previous day related to starry stonewort and provided a summary, noting that the LMA is going to continue to seek grant funds for 2020.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Save the Lake Committee: Baasen reported that the Committee met the previous night to review a number of items including a review of solicitations for 2019 and ideas to increase contributions in 2020. The LMCD continues to receive a lot of support from the community. He welcomed additional Board participation on the Committee.

Strategic Plan Subcommittee: No report.

Nominating Committee: Zorn stated that after the nomination process has been fully vetted there will be additional information available. She stated that the Committee will be conducting interviews of the incumbent officers by

phone and will forward the recommendation to staff for approval at the February meeting. She noted that there will be opportunity for Board discussion and additional nominations to be made at the February 12th meeting.

**16. CLOSED SESSION TO CONDUCT PERFORMANCE EVALUATION OF THE EXECUTIVE DIRECTOR
PURSUANT TO MINN. STAT. 13d.05, SUBD. 3(a)**

MOTION: Baasen moved, Klohs seconded to adjourn the meeting to closed session at 7:43 p.m. for the purpose of conducting the performance evaluation of the Executive Director.

VOTE: Motion carried unanimously.

The Board returned to open session at 8:30 p.m.

Chair Thomas asked if Anderson would like to give update for the deicing workgroup. Anderson stated it would be good to wait until next meeting due to time restraints.

17. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:45 p.m.

Gregg Thomas, Chair

Ann Hoelscher, Secretary

SUMMARY OF CONCLUSIONS REGARDING THE EXECUTIVE DIRECTOR'S EVALUATION BY THE LMCD BOARD OF DIRECTORS

Presented at the LMCD Regular Board Meeting on February 12, 2019

On January 22, 2020 the Board of Directors ("Board") of the Lake Minnetonka Conservation District ("LMCD") conducted a closed session pursuant to Minnesota Statutes, section 13D.05, subdivision 3(a) to evaluate the performance of the LMCD Executive Director. Having conducted a closed meeting evaluation, the statute requires the LMCD to "summarize its conclusions regarding the evaluation" at its next open meeting. The following is the summary of the Executive Director's evaluation.

The Board utilized the "Year End Review of Executive Director Competencies" previously prepared for the LMCD by a consultant to review the performance of the Executive Director based upon the following ten competencies:

1. **Strategic Agility** – Under the Board's overall direction, guides, inspires, and motivates others to excel in the pursuit of LMCD's vision, mission, and goals. Sees ahead clearly, recognize and change direction when warranted, anticipate future consequences, and interprets trends accurately.
2. **Communicating Vision and Purpose** – Demonstrates leadership by communicating the Board's compelling and inspired vision and mission for the LMCD. Makes the vision and organizational values sharable by everyone. Communicates the Board's strategies, objectives, and mileposts to member cities, partner organizations and other stakeholders to rally support behind the vision. Inspires and motivates stakeholders to appreciate the importance of Lake Minnetonka to the region.
3. **Analytical Thinking and Planning** – With the Board, assesses and determines the length and difficulty of projects, plans, and major tasks. Breaks out the work to be done by setting objectives and action steps with schedules. Anticipates and adjusts for problems. Measures performance against objectives. Evaluates results to improve business goals.
4. **Decision Making** – Uses sound judgment. Makes timely and effective decisions based on: understanding the decision to be made, evaluating alternative choices, and choosing the best alternative based on assessing the risk/reward of each option.
5. **Listening – Communication Skills** – Pays close attention to the other person, heard and observed not only the words used, but also the body language to better understand the 'meaning' of the message. Communicates understanding to the speaker. Stimulates the exchange of information by translating messages to other audiences.
6. **Handling Conflict and Difficult Situations** – Builds trust that allows conflicts to surface. Steps up to conflict and difficult situations. Views difficult situations as opportunities. Reads situations quickly and can hammer out tough agreements and settle

disputes effectively. Finds common ground and gets cooperation with minimum complaints.

7. **Organizational Expertise.** Effectively translates the LMCD Board's values, goals, and objectives into efficient, responsive, and effective operational procedures, practices, and priorities. Understands, builds, and maintains relationships with internal and external stakeholders to maximize both short- and long-term department and organizational goals. Knows how to get things done in a political environment, avoiding the landmines.
8. **Working with the LMCD Board** – Works with the Board while maximizing both self and others performance and capabilities. Works with, utilizes, and appreciates diverse styles to get objectives effectively accomplished. Demonstrates flexibility and matching skills in order to adapt with others' work styles, communication styles, and personalities. Stays ahead of the Board and frequently communicates with all members, avoids surprises.
9. **Honesty and Integrity** – Protects the LMCD's reputation by acting with honesty and integrity. Demonstrates personal integrity and competence. Promotes the belief that every employee of the LMCD has a stake in the LMCD's reputation. Always represents the LMCD in the best manner possible. Demonstrates that personal and organizational integrity are interrelated. Represents the 'brand' that LMCD presents to the public.
10. **Impact on Results.** Motivates staff to improve performance, problem solve and achieve desired goals. Consistently displays a focus on the mission and goal orientation. Successfully delivers results. Can be counted on to exceed goals as well as manage the successful delivery of services within budgeted resources for the entire LMCD. Steadfastly pushes both self and others for results.

The Board reviewed its ratings on these competencies, including the Executive Director's self-evaluation based on the same competencies, and compared them to the rating totals in 2018 and 2017. The Board concluded the Executive Director meets or exceeds expectations on each of the identified competencies. The Board recognized the importance of the Executive Director maintaining open and effective communications with the Board, partners, stakeholders, and the public. The Board will discuss potential salary and vacation adjustments as part of the budgeting process.

Approved on the 12th day of February 2020.

BY THE BOARD OF DIRECTORS

Gregory J. Thomas, Chair

Attest: _____
Ann Hoelscher, Secretary

0:59 AM
12/11/20

Lake Minnetonka Conservation District
Check Detail
February 1 - 15, 2020

Amended - Item 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
02/13/2020	EFT-20-14	ADP Service Fee		Alerus Checking		
			Payroll 2/1/20 - 2/15/20	4180M10 · Professional Services - Admin.	Admin.	-76.70
			W-2's and year end tax reports	4180M10 · Professional Services - Admin.	Admin.	-91.70
TOTAL						-168.40
02/03/2020	EFT-20-15	SelectAccount Group Servic...		Alerus Checking		
			HSA Employer Contribution for March 2020 (Vickie Sch...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for March 2020 (Matt Cook)	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for March 2020 (Tammy D...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
TOTAL						-337.50
02/03/2020	EFT-20-16	Unum Life Insurance		Alerus Checking		
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	-136.60
TOTAL						-136.60
02/13/2020	EFT-20-17	P.E.R.A		Alerus Checking		
			Payroll 2/1/20 - 2/15/20	2020 · Payroll Liabilities -	Admin.	-1,167.70
TOTAL						-1,167.70
02/14/2020	EFT-20-18	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,359.10
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,167.70
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-625.56
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-638.08
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-8,412.91
02/14/2020	21752	AIS Advanced Imaging Soluti...		Alerus Checking		
02/13/2020	Inv.#405675885		Copier Contract 1/20/20 - 2/20/20	4140M10 · Equipment R&M - Admin.	Admin.	-262.52
TOTAL						-262.52

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2/11/20

Lake Minnetonka Conservation District
Check Detail
February 1 - 15, 2020

Date	Num	Name	Memo	Account	Class	Paid Amount
02/14/2020	21753	Emmons & Oliver Resources...		Alerus Checking		
02/13/2020	Inv.#01449-00...		EOR Lake Minnetonka AIS Master Plan	4182M30 · Prof. Services- Master Plan	AIS	-6,062.33
TOTAL						-6,062.33
02/14/2020	21754	Hennepin County Sheriff's S...		Alerus Checking		
02/13/2020	Inv.#1000142182		Law Enforcement & Boater Safety Patrol Service	4160M20 · Public Safety - S/L	STL	-30,000.00
TOTAL						-30,000.00
02/14/2020	21755	Innovative Office Solutions L...		Alerus Checking		
02/14/2020	Inv.#IN2828342		Office Supplies	4220M10 · Office Supplies -Admin.	Admin.	-77.16
TOTAL						-77.16
02/14/2020	21756	Kennedy & Graven	LK110-00004	Alerus Checking		
02/13/2020	December, 2020		Legal Fees December 2019	4620M10 · Legal Fees - Admin.	Admin.	-2,833.50
TOTAL						-2,833.50
02/14/2020	21757	LMCC		Alerus Checking		
02/13/2020	Inv.#1331		VOD Services for Meeting	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
02/14/2020	21758	Mark Hodges Media Producti...		Alerus Checking		
02/13/2020	Inv.#2020 08-22		Meeting 1/8/20	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-80.00
			Meeting 1/22/20	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-80.00
TOTAL						-160.00
02/14/2020	21759	MN NCPERS	Unit #923600	Alerus Checking		
02/13/2020	February 2020		Life Insurance, February 2020	4380M10 · Employee Benefits - Admin.	Admin.	-48.00
TOTAL						-48.00

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12/11/20

Lake Minnetonka Conservation District
Check Detail
February 1 - 15, 2020

Date	Num	Name	Memo	Account	Class	Paid Amount
02/14/2020	21760	Tallen & Baertschi		Alerus Checking		
02/13/2020	January 2020		January prosecution costs	4640M10 · Prosecution Fees - Admin.	Admin.	-1,695.85
TOTAL						-1,695.85
02/14/2020	21761	TimeSaver Off Site Secretari...		Alerus Checking		
02/13/2020	Inv.#M25409		Board Meeting Minutes 1/22/20 Board Meeting Minutes 1/8/20	4230M10 · Meeting Exp. - Admin. 4230M10 · Meeting Exp. - Admin.	Admin. Admin.	-148.00 -148.00
TOTAL						-296.00
02/11/2020	21762	Three Rivers Park District		Alerus Checking		
02/11/2020	2019 WIP Agr...		2019 Watercraft Inspections	4181M30 · Prof. Services - AIS Prevention	AIS	-20,000.00
TOTAL						-20,000.00

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12/04/20

Lake Minnetonka Conservation District
Check Detail
February 1 - 15, 2020

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
02/03/2020	EFT-20-10	SelectAccount Group Service Center		Alerus Checking		
			HSA Employer Contribution for Febru...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for Febru...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for Febru...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
TOTAL						-337.50
02/13/2020	EFT-20-14	ADP Service Fee		Alerus Checking		
			Payroll 2/1/20 - 2/15/20	4180M10 · Professional Services - Admin.	Admin.	-76.70
			W-2's and year end tax reports	4180M10 · Professional Services - Admin.	Admin.	-91.70
TOTAL						-168.40
02/03/2020	EFT-20-15	SelectAccount Group Service Center		Alerus Checking		
			HSA Employer Contribution for March ...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for March ...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for March ...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
TOTAL						-337.50
02/03/2020	EFT-20-16	Unum Life Insurance		Alerus Checking		
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	-136.60
TOTAL						-136.60
02/13/2020	EFT-20-17	P.E.R.A		Alerus Checking		
			Payroll 2/1/20 - 2/15/20	2020 · Payroll Liabilities -	Admin.	-1,167.70
TOTAL						-1,167.70
02/14/2020	EFT-20-18	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,359.10
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,167.70
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-625.56
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-638.08
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-8,412.91

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02/04/20

Lake Minnetonka Conservation District

Check Detail

February 1 - 15, 2020

Date	Num	Name	Memo	Account	Class	Paid Amount
02/14/2020	21752	AIS Advanced Imaging Solutions		Alerus Checking		
02/13/2020	Inv.#405675885		Copier Contract 1/20/20 - 2/20/20	4140M10 · Equipment R&M - Admin.	Admin.	-262.52
TOTAL						-262.52
02/14/2020	21753	Emmons & Oliver Resources, Inc.		Alerus Checking		
02/13/2020	Inv.#01449-000...		EOR Lake Minnetonka AIS Master Plan	4181M30 · Prof. Services - AIS Prevention	AIS	-6,062.33
TOTAL						-6,062.33
02/14/2020	21754	Hennepin County Sheriff's Services		Alerus Checking		
02/13/2020	Inv.#1000142182		Law Enforcement & Boater Safety Pat...	4160M20 · Public Safety - S/L	STL	-30,000.00
TOTAL						-30,000.00
02/14/2020	21755	Innovative Office Solutions LLC		Alerus Checking		
02/14/2020	Inv.#IN2828342		Office Supplies	4220M10 · Office Supplies -Admin.	Admin.	-77.16
TOTAL						-77.16
02/14/2020	21756	Kennedy & Graven	LK110-00004	Alerus Checking		
02/13/2020	December, 2020		Legal Fees December 2019	4620M10 · Legal Fees - Admin.	Admin.	-2,833.50
TOTAL						-2,833.50
02/14/2020	21757	LMCC		Alerus Checking		
02/13/2020	Inv.#1331		VOD Services for Meeting	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
02/14/2020	21758	Mark Hodges Media Productions		Alerus Checking		
02/13/2020	Inv.#2020 08-22		Meeting 1/8/20	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-80.00
			Meeting 1/22/20	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-80.00
TOTAL						-160.00

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12/04/20

Lake Minnetonka Conservation District
Check Detail
February 1 - 15, 2020

Date	Num	Name	Memo	Account	Class	Paid Amount
02/14/2020	21759	MN NCPERS	Unit #923600	Alerus Checking		
02/13/2020	February 2020		Life Insurance, February 2020	4380M10 · Employee Benefits - Admin.	Admin.	-48.00
TOTAL						-48.00
02/14/2020	21760	Tallen & Baertschi		Alerus Checking		
02/13/2020	January 2020		January prosecution costs	4640M10 · Prosecution Fees - Admin.	Admin.	-1,695.85
TOTAL						-1,695.85
02/14/2020	21761	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
02/13/2020	Inv.#M25409		Board Meeting Minutes 1/22/20	4230M10 · Meeting Exp. - Admin.	Admin.	-148.00
			Board Meeting Minutes 1/8/20	4230M10 · Meeting Exp. - Admin.	Admin.	-148.00
TOTAL						-296.00



RESOLUTION NO. 199

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.

RESOLUTION #199

Page 2

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 12th day of February, 2020.

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary

Lake Minnetonka Conservation District
Transaction Detail By Account
January 1 through January 31, 2020

Resolution #199 Attachment 1 - Save the Lake Contributions

Date	Num	Contributor	Memo	Amount
01/08/2020	PayPal	Joe Fronius	Transfer from PayPal Joe Fronius 7.00	6.50
01/08/2020	PayPal	Peter Lee	Transfer from PayPal Peter Lee 100.00	96.80
01/08/2020	PayPal	Ben Brandt	Transfer from PayPal Ben Brandt 50.00	48.25
01/08/2020	PayPal	Edward Caldwell	Transfer from PayPal Edward Caldwell 75.00	72.52
01/08/2020	PayPal	William Cook	Transfer from PayPal William Cook 200.00	193.90
01/08/2020	PayPal	Stephanie Bauer Larsen	Transfer from PayPal Stephaniew Bauer Larsen 250.0	242.45
01/08/2020	PayPal	Michael Rude	Transfer from PayPal Michael Rude 100.00	96.80
01/10/2020	5526	Reid MacDonald	STL Donations (General)	100.00
01/10/2020	11586	Donna Edwards	STL Donations (General)	10.00
01/10/2020	PayPal	Gregg Thomas	Transfer from PayPal (500.00)	485.20
01/28/2020	228138	Carisch, Inc.	STL Donations (General)	250.00
01/28/2020	22481	Wayzata Bay Charters Inc.	STL Donations (General)	500.00
01/28/2020	31399732	The Bloomer Family Foundation	STL Donations (General)	500.00
01/28/2020	228364	Jerry & Julia Young	STL Donations (General)	500.00
			Total	3,102.42

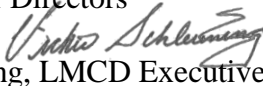


LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: February 12, 2020

TO: LMCD Board of Directors

FROM: Vickie Schleuning, LMCD Executive Director 

SUBJECT: LMCIT Liability Waiver

ACTION

Board approval to not waive the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.

BACKGROUND

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from the LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision must be made before the effective date of the policy in May 2020.

In the past, the Board has decided to not waive the protection of the statutory liability limits. The LMCIT liability coverage is \$2,000,000 and the State of Minnesota's tort liability is \$1,500,000. Staff recommends the Board select "Does Not Waive" the monetary limits on municipal tort liability. The following is a brief explanation of the options to waive or not waive.

Not Waive

If the Board elects to not waive the tort liability limits, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply and a total of all claimants in a single occurrence would be able to recover no more than \$1,500,000 combined. The LMCD's 2019/2020 property and casualty premium was \$2,317 (based upon the Board not waiving the tort immunity limit).

Waive

With the additional \$500,000 of coverage being provided by the LMCIT, if the Board elects to waive the limits, a single claimant could potentially recover up to \$2,000,000. If the Board waives the tort limit, it is anticipated that the cost of the premium would increase a few percentage points.

CONSIDERATIONS

- Does the Board feel the tort liability amount provided by Minnesota State Law is sufficient in cases of negligence such as multiple harmed parties?
- Does the Board wish to undertake the added exposure and increased costs associated with waiving the monetary limits provided by State Law?

ATTACHMENT

- Liability Coverage—Waiver Form

LIABILITY COVERAGE – WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to psstech@lmc.org.

The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name:

Check one:

☐ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#).

☐ The member **WAIVES** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#), to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: _____

Signature: _____ Position: _____



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: February 12, 2020

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: Pay Equity Report

STAFF RECOMMENDED ACTION

Approval of the Lake Minnetonka Conservation District's Draft 2020 Pay Equity Report as presented.

BACKGROUND

The Local Government Pay Equity Act (Act), M.S. 471.991-471.999 and Minnesota Rules Chapter 3920 require local government jurisdictions to submit a Pay Equity Report to the State of Minnesota every three years. The previous Lake Minnetonka Conservation District (LMCD) Pay Equity Reports were approved by the Board and submitted to the State in 2014 and 2017. Both reports indicated compliance with the Act. State law requires the Report to be approved by the governing body. A copy of the prepared Pay Equity Report and Public Notice is attached for Board review.

What does pay equity mean? Pay Equity is a method of eliminating discrimination against women who are paid less than men for jobs requiring comparable levels of expertise. This goes beyond the familiar idea of equal pay for equal work where men and women with the same jobs must be paid equally. A policy to establish pay equity usually means: 1) that all jobs will be evaluated and given points according to the level of knowledge and responsibility required to do the job; and 2) that salary adjustments will be made if it is discovered that women are consistently paid less than men for jobs with similar points. Source:

<https://mn.gov/mmb/employee-relations/compensation/laws/local-gov/local-gov-pay-equity/>

REPORT

The Report is to document the approved classes (positions) in existence as of the end of the prior year. The point scale for each class is chosen by from a State provided Job Match Evaluation system. Because the LMCD has three or fewer male classes, an alternative analysis test and not a statistical analysis test will be used to compare the salaries.

The first deadline is considered January 31, 2020. In order to submit the report, the board must officially approve the report. In follow up with staff from Minnesota Management & Budget Office, approval by the Board at this meeting will be within the grace period. After the report is submitted, the State of Minnesota will notify the LMCD whether the status is "in compliance" or "out of compliance". The positions and report are similar to those submitted in previous years.

ATTACHMENT

Draft 2020 Pay Equity Report

Posting date: February 13, 2020



Jurisdiction Name: Lake Minnetonka Conservation District

NOTICE

2020 Pay Equity Report

This jurisdiction is submitting a pay equity implementation report to Minnesota Management & Budget as required by the Local Government Pay Equity Act, Minnesota Statutes 471.991 to 471.999. The report was submitted to the department on February 13, 2020.

The report is public data under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13. That means that the report is available to anyone requesting this information.

This notice is being sent to all union representatives (if any) in this jurisdiction. In addition, this notice must remain posted in a prominent location for at least 90 days from the date the report was submitted.

For more information about this jurisdiction's pay equity program, or to request a copy of the implementation report, please contact:

Vickie Schleuning, Executive Director

Lake Minnetonka Conservation District

5341 Maywood Road, Suite 200
Mound, MN 55364

952-745-0789 (Office) - 952-745-9085 (Fax)

www.lmcd@lmcd.org (Website)

lmcd@lmcd.org (Email)

For more information about the state pay equity law, you may contact the Pay Equity Office at:

pay.equity@state.mn.us

Pay Equity Office
Minnesota Management & Budget
400 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Pay Equity Implementation Report

Part A: Jurisdiction Identification

Jurisdiction: Lake Minnetonka SWCD

Jurisdiction Type: Soil and Water
Conservation District

5341 Maywood Road, Suite 200

Mound, MN 55364

Contact: Vickie Schleuning

Phone: (952) 745-0789

E-Mail: vschleuning@lmcd.org

Part B: Official Verification

1. The job evaluation system used measured skill, effort responsibility and working conditions and the same system was used for all classes of employees.

The system used was: State Job Match

Description:

2. Health Insurance benefits for male and female classes of comparable value have been evaluated and:
There is no difference and female classes are not at a disadvantage.

3. An official notice has been posted at:
LMCD Bulletin Board and Website
(prominent location)

informing employees that the Pay Equity Implementation Report has been filed and is available to employees upon request. A copy of the notice has been sent to each exclusive representative, if any, and also to the public library.

The report was approved by:

LMCD Board of Directors

(governing body)

Gregg Thomas

(chief elected official)

Chair

(title)

Part C: Total Payroll

198541.0000

is the annual payroll for the calendar year just ended December 31.

- [] Checking this box indicates the following:
- signature of chief elected official
 - approval by governing body
 - all information is complete and accurate, and
 - all employees over which the jurisdiction has final budgetary authority are included
- Date Submitted:

Number of cases found: 7


Jurisdiction # 1236 - Lake Minnetonka SWCD || Report Year 2020 || Case # 1 - 2019 DATA[illegible]




LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: February 12, 2020

TO: LMCD Board of Directors 

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director 

RE: Boulder Bridge Farms Reconfiguration of Nonconforming Structure and Variance

ACTION

Board consideration of the Boulder Bridge Farms Association (BBFA) Reconfiguration of Nonconforming Structure and Variance applications, and public input as part of the public hearing for the applications. The site is located at 28124 Boulder Bridge Drive in the City of Shorewood, MN 55331. The site is comprised of two parcels PIDs 31-117-23-31-0019 and 31-117-23-31-0022, with shoreline on South Upper Lake.

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 BBFA 2020 Reconfiguration of Nonconforming Structure and Variance applications for the property located at 28124 Boulder Bridge Drive in the City of Shorewood as presented <with amendments> and authorize staff and legal counsel to draft Findings of Fact and Order for consideration at the February 26, 2020 Board meeting. <Amendments are as follows...>

Denial:

I make a motion to direct LMCD legal counsel to draft Findings of Fact and Order denying BBFA 2020 Reconfiguration of Nonconforming Structure and Variance applications for the property located at 28124 Boulder Bridge Drive in the City of Shorewood based on the following reasons... for consideration at the February 26, 2020 Board meeting.

Continue Hearing:

I make a motion to continue the public hearing for the BBFA's 2020 Reconfiguration of Nonconforming Structure and Variance applications to the February 26, 2020 Board meeting for further consideration.

APPLICATION SUMMARY

The applicant has submitted applications for the following potential approvals:

- Reconfiguration of Nonconforming Structure
- Variance(s) for length to a water depth up to 5 feet

These requests came about as a result of the applicant realizing that the lengths of the BBFA's docks, as approved in the BBFA's current license, are generally shorter than the docks that have been installed at Boulder Bridge Farms for some years prior. The BBFA is requesting that the Board approve the existing structures along with some reconfigurations to meet current boating needs, such as boat lifts, and water depth conditions in the lagoon.

These requests will result in an increase of linear feet of boat storage as determined in Section 2-8.13. The proposal constitutes an increase from both the currently approved dock lengths and the existing physical dock lengths. The Section includes the following excerpt:

“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...”

This means that boat storage measurements, as they pertain to applications for Reconfiguration of Nonconforming Structures, are functionally measurements of the length of the dock, rather than the length of the boats stored at the docks.

However, the applicant's current license from the LMCD does not place a restriction on the length of watercraft stored in the lagoon. So, the length of watercraft that extends beyond the end of a slip structure is currently not limited by the BBFA's license. Another item to consider is distance for safe navigation of watercraft within the lagoon. The lagoon is used primarily for BBFA residents and one adjacent neighbor accessing his boathouse in the lagoon.

The applicant is requesting that the Board consider approving a license for BBFA which increases dock length to match current boating needs from its residents. The applicant seeks to be approved for dock lengths that allow for 1) safe entry and exit to and from the rear / aft platforms of watercraft and 2) water depths adequate for installation of boat lifts to prevent damage from zebra mussels.

APPLICATION BACKGROUND

Mr. Bruce Praska, representative of the BBFA, (“Applicant”) has submitted applications for the dock facility located at 28124 Boulder Bridge Drive (including aforementioned two parcels) in the City of Shorewood. The Applicant proposes to reconfigure the existing dock structure to improve safe access to watercraft from land, replace old docks, and to address recently discovered inconsistencies between the BBFA's current approved license and installed dock facilities for the nonconforming lagoon area. No changes to the conforming docks in the main lake area are proposed.

After receiving an administrative approval for a Minor Change in 2019 and beginning the process of removing old dock sections, the applicant became aware that several of the BBFA's docks in the lagoon, which had been originally approved by the LMCD to be 20 feet long, had been installed and maintained at lengths greater than 20 feet for years prior. The current license has no restrictions on boat length and the use of boat lifts is desired due to the prevalence of zebra mussels. The applicant proposes to maintain the existing size of watercraft, logistically limited by the size of the lagoon and the current bridge, while providing a dock structure to allow better access to watercraft.

In December 2019, staff met with the applicant to review difference between removed dock physical lengths and proposed dock physical lengths on the ice to ensure adequate navigation. The adjacent property owner, Bill Lester of 28265 Boulder Circle, was also on site to review the measurements and did not object to the proposal. He has since reaffirmed that he has no objections after reviewing the proposed site plan.

APPLICATION REVIEW

Below is a review of the relevant attributes of the proposal:

- **Boat Density.** The site is currently licensed for 40 boat storage units ("BSUs") for private use, and the applicant is proposing maintain storage of 40 BSUs at the site. The site has approximately 1,150 feet of 929.4 OHW shoreline, with a boat storage density of 1:29.
- **Nonconforming Structure and Density.** The facility has been considered a legal nonconforming facility due to pre-existing nonconforming components of the facility in the lagoon and overall watercraft density of 1:29.
- **Linear Footage of Boat Storage.** The approved total linear footage of boat storage is 568 feet. The existing dock facility appears to have approximately 686.8 linear feet of boat storage. The site plan for the proposed dock facility shows approximately 710.8 linear feet of boat storage, which is 142.8 linear feet more than the current approval and 100.8 linear feet more than the current existing dock facility. However, the overall length of the watercraft storage will not change as there is currently no restriction on watercraft size in the lagoon.
- **Internal Site Navigation.** The width of the channel between the main lake and the lagoon, which runs underneath a bridge, limits the height and beam of watercraft entering the lagoon. The width of this channel appears to be less than 20 feet.

The existing and proposed layouts create(d) a second pinch point between BSUs #17/18 and 40. The proposed layout would leave a navigation space approximately 18 feet wide between these slip structures. The layout that existed before the 2019 Minor Change included a dock finger (for BSUs #17-18) that extended almost exactly to the same place as where the dolphin pole between the proposed BSUs #18 and #19.

Therefore, based on LMCD staff measurements, it appears that any reduction to the width of the navigational channel between BSUs #17/18 and #40 (approximately between 4 and

6 feet) would be a result of the proposed extension of BSUs #39 and #40.

- **BSU Width.** BSU widths within the lagoon are mostly not changing from their existing measurements. The applicant is proposing to have the existing widths of the BSUs approved.
 - The applicant is proposing to narrow a portion of dock in order to widen BSU #30 to 13.4 feet in width. The existing width of this BSU is 11.6 feet; its currently approved width is 10 feet.
 - The widths (12 feet) of BSUs #11-23 were approved through a Minor Change in 2019.
- **BSU Use Type.** The applicant is proposing to maintain all BSUs for the homeowner association (outlot) as overnight storage.
- **Site Classification.** The applicant is proposing to maintain the site's classification as an outlot association.
- **Variance(s).** To the extent to which portions of this proposal may not adhere to the LMCD Code, the applicant is requesting a variance for the length of the docks in the lagoon to provide dock length to the water depth up to 5 feet to accommodate boat lifts and existing watercraft.

EAW DETERMINATION

An EAW was first completed for this site in 1977. At that time, the EAW determination was led by the City of Shorewood given the development project's significant activity on land. It was estimated 30,000 square foot area for all docks and watercraft. The RGU made a "Negative Declaration" for the EAW, meaning that an Environmental Impact Statement (EIS) was not required.

As the changes proposed do not reach or surpass an increment of expansion of 20,000 square feet of dock structures, boat storage, and navigational area, a Mandatory EAW is not required.

SUMMARY OF CODE CONSIDERATIONS

Key LMCD Code items are listed below, with a description of the code section as it relates to this application. Additional relevant code excerpts are attached.

Chapter 2-8. Reconfiguration of Nonconforming Structures.

- **Section 2-8.09. Code Requirements.** "The reconfiguration of nonconforming structures must comply, in all respects, with the requirements of this Code, except as otherwise provided in this Chapter and as follows:"
 - a) The provisions of Section 2-3.03, subdivision 2, which prohibit alteration of docks extending more than 100 feet from the shoreline;
 - b) The provisions which prohibit changes involving an increase in slip size without first securing a special density license under Section 6-2.13; and

- c) The provisions of 2-6.25, which prohibit the expansion of nonconforming uses
- **Section 2-8.11. 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 no increase in BSUs (40 BSUs total).
 - b) “An increase in the linear footage of the boat storage units as determined under Section 2-8.13;”
 - The applicant proposes to increase linear footage of dock structure in the lagoon (nonconforming portion of site). The current approval for the site includes 568 linear feet of boat storage. The existing structures in the lagoon, as measured by the applicant, constitute 686.8 feet. The applicant proposes a final measurement of 710.8 linear feet of boat storage within the lagoon. This proposal is a 142.8-foot increase beyond what is currently approved, and is a 100.8-foot increase beyond what is currently installed. The site’s current license explicitly places no limit on boat length in the lagoon area, where the proposed changes would be taking place.
 - c) “An increase in slip length of any slip structures opening toward a nonconforming side setback area;”
 - The applicant does not propose to alter setbacks for the site.
 - d) “An adverse effect on nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment;”
 - The 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. The proposed facility is similar to the existing facility. Please see “Internal Site Navigation” on page 3 of this document for more information regarding changes to navigation.
 - e) “An increase in the nonconforming nature of the structure;”
 - The proposed increase in dock length could be interpreted to be an increase linear footage of boat storage. The BBFA’s current license states that the length of watercraft stored in the lagoon will not be limited based on slip length.
 - f) “The creation of any new nonconformities; or”
 - See item e)
 - 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 site has no nonconforming side setbacks and the applicant proposes no nonconforming side setbacks.

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 applicant has submitted a variance application for length. The applicant seeks to install docks with lengths that reach depths sufficient for use of boat lifts. Residents of BBFA would like to install boat lifts to prevent damage to watercraft by zebra mussels.

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Shorewood were provided copies of the proposed applications on January 29, 2020. City and agency comments were due by February 7, 2020. Comments received as of February 7, 2020 are summarized below. Any comments received after February 7, 2020 will be provided at the Board meeting for review.

- Staff from the City of Shorewood stated that because the proposal appears to meet city code and PUD requirements, the City has no concern with the proposal.

As of February 7, 2020, comments received by LMCD staff from the general public are summarized below:

- Bill Lester, owner of the boathouse on the lagoon (28265 Boulder Circle) requested the site plan, and after review had no objections.

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 January 30, 2020 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 January 30, 2020. In addition, the Board packet will be posted online.

RECOMMENDATION

If the Board seeks to approve this proposal, given the absence of a limit on boat length in the current site license and the applicant's basis for their request for a length variance, LMCD staff recommend the following condition be placed on the approval: Watercraft may not overhang the end of the dock structures for BSUs #17, #18, and #40.

ATTACHMENTS

1. LMCD Code Excerpts
2. Reconfiguration of Nonconforming Structure Application
3. Variance Application(s)
4. Proposed Site Plan
5. Site Plan (with staff annotations)
6. Slip Size Report (as submitted by Applicant)
7. Application Narrative (as submitted by Applicant)
8. August 2, 1996 Letter (mentioned in Attachment 7)
9. Aerial Map(s) of Proposed Area
10. Public Hearing Notice
11. Public Hearing Notification to Property Owners

**ATTACHMENT: LMCD Code Excerpts
BBFA
2020 New Multiple Dock License, Variance Applications**



Section 6-5.01. Variances.

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

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

Chapter 2-3. Authorized Dock Use Area.

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

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

- (a) General Limit. The length of an authorized dock use area extends into the Lake a distance equal to the length of shoreline frontage of the site as measured at right angles to the side site lines as extended into the Lake. The total length of the authorized dock use area shall not extend beyond 100 feet, even if the site has more than 100 feet of shoreline frontage, unless otherwise specifically provided in this Section.
- (b) Commercial Structures – August 30, 1978. The authorized dock use area for sites with commercial uses that have a commercial structure that was in existence on August 30, 1978 shall extend into the Lake a distance of 200 feet. The lakeward extension of the authorized dock use area more than 100 feet from the shoreline shall be limited to the distance from shore of the docks in existence on said date and that portion of said docks more than 100 feet from the shoreline may not be altered or expanded.

- (c) Qualified Commercial Uses. The authorized dock use area for qualified commercial marinas, qualified sailing school, and qualified yacht clubs extends into the Lake a distance of 200 feet.
- (d) Existing Site – February 5, 1970. The authorized dock use area for a site in existence on February 5, 1970 shall be determined as follows:
 - (1) Over 40 feet of Frontage. If the site has a Lake frontage of 40 feet or more, but less than 60 feet, the authorized dock use area extends into the Lake a distance of 60 feet.
 - (2) Under 40 feet of Frontage. If the site has a Lake frontage of less than 40 feet, the authorized dock use area extends into the Lake to the point necessary to reach a water depth of four feet, measured from 929.4 NGVD, except that no such dock shall be located or extended more than 60 feet into the Lake. Side setbacks requirements shall be observed unless the Board issues a setback variance under Section 6-5.01.
- (e) Public Safety Docks. The authorized dock use area for dock facilities owned and operated by state agencies, Hennepin County, the LMCD, or municipalities bordering on the Lake and used exclusively for law enforcement, public safety, or LMCD purposes extends into the Lake a distance of 125 feet.

Chapter 2-8. Reconfiguration of Nonconforming Structure.

2-8.01. 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 the 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 Chapter is to alleviate the undue 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 are otherwise consistent with the purpose of this Chapter. 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 undue 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.

2-8.03. Applicability. This Chapter applies to all permanent docks, seasonal docks, and 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.

2-8.05. 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 Chapter, 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 the secondary structure of a dock or a minimal portion of the principal structure.

The reconfiguration of a nonconforming structure, to the extent allowed by this Chapter, requires the submission of an application to the LMCD in accordance with Section 6-2.17, which requires the issuance of a new dock license or a new mooring area license. If a proposed reconfiguration qualifies as a minor change, a minor change application may be submitted to the LMCD in accordance with Section 6-2.19 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 of this Chapter.

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 Section 2-8.13, 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 Section 2-8.19 for future use.

2-8.07. Maintenance and Replacement. An owner may maintain, repair, restore, and improve a nonconforming structure without having to obtain a new dock or mooring area license or administrative approval of the minor change under this Chapter, provided that such work does not result in the alteration or relocation of any portion of the structure. The replacement of a majority of a dock shall require a minor change permit under Section 6-2.19.

2-8.09. Code Requirements. The reconfiguration of nonconforming structures must comply, in all respects, with the requirements of this Code, except as otherwise provided in this Chapter and as follows:

- (a) The provisions of Section 2-3.03, subdivision 2, which prohibit alteration of docks extending more than 100 feet from the shoreline;
- (b) The provisions which prohibit changes involving an increase in slip size without first securing a special density license under Section 6-2.13; and

- (c) The provisions of 2-6.25, which prohibit the expansion of nonconforming uses.

2-8.11. Limitations. Except to the extent expressly allowed by this Chapter, 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 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 under Section 2-8.13;
- (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.

2-8.13. Determination of Existing Boat Storage Units, Linear Footage, and Perimeter.

Subd. 1. Intent. 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 Section 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 Section 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 Section regarding any particular application.

Subd. 2. 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 mooring area. If a proposed reconfiguration will result in a reduction of the number of boat storage units, the new dock license, 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.

Subd. 3. 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:

- (a) 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;
- (b) 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;
- (c) Mooring Areas. The linear footage of a 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; and
- (d) Total Linear Footage. The total linear footage of the nonconforming structure shall be the combined linear footage of all the boat storage units.

Subd. 4. 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, mooring area license, or minor change permit issued for the reconfigured structure shall identify the total linear footage before and after the reconfiguration.

Subd. 5. 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 in writing to the Board for consideration at a regular meeting. The written appeal shall include an explanation of the basis of the appeal and describe the alleged error. 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.

Subd. 6. 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.

- (a) 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.
- (b) 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, 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.
- (c) 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 written appeal shall include an explanation of the basis of the appeal and described the alleged error. 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.

2-8.15. License to Reconfigure a Nonconforming Structure. The reconfiguration of a nonconforming structure may only occur to the extent allowed by, and in accordance with, this Chapter and then only after obtaining a nonconforming structure reconfiguration license under Section 6-2.17 and a new dock license or a new mooring area license in accordance with Article 6.

2-8.17. Permit for a Minor Change to a Nonconforming Structure. A minor change to a nonconforming structure may only occur to the extent allowed by, and in accordance with, this Chapter and then only after obtaining a minor change permit in accordance with Section 6-2.19.

2-8.19. 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 Section 2-8.13, 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 Chapter. 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, mooring area license, or minor change permit for the newly reconfigured nonconforming structure.

2-8.21. 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 dock, mooring area, 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. However, failure to include the statement in the license shall not be deemed to vest any additional rights upon the licensee and all such licensed facilities shall remain subject to any later-adopted policies and regulations of the Board.

Section 2-4.09. Special Density Rules.

Subd. 3. Non-Conforming Docks and Mooring Areas in Existence on May 3, 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. No such docks or moorings may be maintained without first securing the required license or permit under Article 6.

Section 6-2.17. License to Reconfigure a Nonconforming Structure. The reconfiguration of a nonconforming structure requires the issuance of a new license for the structure. The license approving the reconfiguration of the nonconforming structure is issued as part of the new license issued for the structure. The criteria and limitations set out in Article 2, Chapter 8 of this Code apply to this process as well as the determination of boat storage units.

Subd. 1. Eligibility. The Board may only issue a new license for the structure if the proposed reconfiguration of the nonconforming structure does not result in any of the conditions identified in Section 2-8.11 and complies with the requirements applicable to the required license, this Section, and the other requirements of the Code, to the extent applicable or not otherwise exempted by the express provisions of this Code.

Subd. 2. Application. An application for a license to reconfigure a nonconforming structure shall, in addition to the information required in Section 6-1.03 and the information required in the license application for the structure, contain the following information:

- (a) A survey map of the existing 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 Section 2-8.13; and
- (b) 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 Section 2-8.13.

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 Section 2-8.13 and require the applicant to make adjustments as may be needed.

Subd. 3. 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 license for the structure. Proceedings for consideration of such variance application and the new license for the structure shall be conducted concurrently.

Subd. 4. Conversion of Slides to Slips. An applicant proposing to reconfigure a nonconforming structure may request to convert one or more licensed slides to slip storage spaces. A request for such a conversion may only be considered as part of a reconfiguration request under this Section and may not be administratively approved by the Executive Director as part of a minor change under Section 6-2.19. The Board is the issuing authority and may only approve a conversion request if it meets all of the following criteria:

- (a) The slides proposed for conversion to slips must be licensed for the same site; and
- (b) The conversion does not increase the number of boat storage units at the site.

All slides converted to slips must be removed. In converting slides to slips, the applicant shall be given credit for linear length of slip space based on the linear length of each slide converted.

Subd. 5. Issuing Authority. The Board determines whether to issue a license to reconfigure a nonconforming structure, based on the provisions in Article 2, Chapter 8, after conducting a public hearing on the application, which shall be held in conjunction with the hearing required for the new license for the 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.

Subd. 6. Renewal. The license to reconfigure a nonconforming structure is renewed annually as part of the required renewal of the license for the structure.

ITEM 10A ATTACHMENT 2



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: Bruce Praska, Member of Board of Directors of Boulder Bridge Farm Homeowners Association

Address: P.O. Box 114

City, State, Zip: Shorewood, MN 55331

Phone: 952 913-2136 Fax: N/A Email: boulderbridgefarm@gmail.com threejs4us@mchsi.com

Property owner (if different from applicant): Boulder Bridge Farm Homeowners Association

Address: Same

City, State, Zip: Same

Phone: Same Fax: N/a

PROPERTY LOCATION:

The property is located in the city of: Shorewood

The property is riparian to LMCD bay/area(s): Smithtown Upper Lake

1. Classification of user per Section 2.11, Subd. 2 (please select one):

- | | | |
|---|---|---|
| <input type="checkbox"/> a) commercial marina | <input type="checkbox"/> d) transient | <input type="checkbox"/> g) private residence |
| <input type="checkbox"/> b) private club | <input checked="" type="checkbox"/> e) outlot association | <input type="checkbox"/> h) other (explain) |
| <input type="checkbox"/> c) municipal | <input type="checkbox"/> f) multiple dwelling | |

2. Type of dock construction, describe and attach to-scale drawing:

Installation of five new floating docks that will be widened relative to original placement. See Addendum and Site Plan.

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.

Reconfiguration of Non-Conforming, Multiple Dock License Application

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

- | | |
|--|--|
| <input checked="" type="checkbox"/> Locator map | <input checked="" type="checkbox"/> Slip size report (approved and proposed) |
| <input checked="" type="checkbox"/> County plat map | <input checked="" type="checkbox"/> Proposed facility site plan |
| <input checked="" type="checkbox"/> Certified land survey, legal description | <input checked="" type="checkbox"/> Existing facility site plan |
| <input checked="" type="checkbox"/> Scaled drawing of docks on abutting properties | |

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: _____

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

Boat Storage	N/A
Launching ramps	N/A
Sales	N/A
Service	N/A
Boat Rentals	N/A
Restaurant	N/A
Other (explain)	
TOTAL	

8. Restroom facilities provided: Yes ☐ No ☐ Indoor _____ Outdoor portable (number)¹ _____

9. Boat toilet pumping service provided? Yes ☐ No ☒

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

11. Boat Storage Units (BSU) computation: Lakeshore Frontage 1150 feet divided by 50 = 23 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		USE	
Slips	28	Rent, lease, etc.	
Slides		Service work	
Lifts		Company use	
Tie-ons		Private use	28
Moorings		Transient use	
Off Lake Rack Storage		Other	
Other			
TOTAL BSU's	28	TOTAL BSU's	28

Reconfiguration of Non-Conforming, Multiple Dock License Application

13. Watercraft Storage Unit (WSU) computation schedule:

SLIP SIZE CATEGORIES

	BSU @ 1 WSU (each slip up to 20' long and/or up to 10' wide)	0.00
12	BSU @ 1.5 WSU (each slip up to 20'-24' long and/or up to 11' wide)	18
16	BSU @ 2 WSU (each slip up to 24-32' long and/or up to 12' wide)	32
	BSU @ 2.5 WSU (each slip up to 32-40' long and/or up to 14' wide)	0.00
	BSU @ 3 WSU (each slip up to 40-48' long and/or up to 16' wide)	0.00
	BSU @ 4 WSU (each slip over 48' long and/or over 16' wide)	0.00
28	BSU and WSU Totals	50

14. Fee Calculation:

Base fee >>>>>>>>>>>>>>>>>>>>>>>>>>>>	<u>\$500.00</u>
---------------------------------------	-----------------

Number of Watercraft Storage Units (WSU) 50 x \$7.50 = \$375.00

Total Fee Enclosed\$875.00

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 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.

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

Bruce Prasha
Authorized Signature

December 20, 2019

Date _____

Board of Directors, Vice President

Title

Resident Member of BBF HOA

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: Bruce Praska, Member of Board of Directors of Boulder Bridge Farm Homeowners Association

Address: P.O. Box 114

City, State, Zip: Shorewood, MN 55331

Phone: 952 913-2136 Fax: N/A Email: Boulderbridgefarm@gmail.com

Property owner (if different from applicant): Boulder Bridge Farm Homeowners Association

Address: Same

City, State, Zip: Same

Phone: Same Fax: N/A

PROPERTY LOCATION:

Located in the city of: Shorewood

Address & Property Identification No (PID): Smithtown Upper Lake : _____
Address PID#

TYPE OF VARIANCE: Water Depth, Disability Waiver

State practical difficulties causing variance to be required:

The Water Depths at the current depths per the historic Site Plan do not achieve the targeted 5.0 foot rule pursuant to Code Section 6-5.01. ~~Extension of length of docks as per the historic Site Plan is sought in order to be more conducive to~~ environmental quality and natural habitat of the water adjacent to the docks. Temporary Dock extensions were sought in 1989, 1990 and 1991 also due to low water levels. Approved dock lengths are not adequate for elderly members trying to transition from cuddy boats to dock and vis versa. See attached Addendum and Word Table.

ABUTTING LAKESHORE PROPERTY OWNERS:

North or West: _____
(Name and mailing address)

South or East: Bill & Kristi Lestor, 28265 Boulder Bridge Circle, Shorewood, MN 55331 (owners of Boat H)

(Name and mailing address)

Other affected parties (attach sheet if necessary):

(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

Variance Application

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

December 20, 2019

Date

Board of Directors, Vice President

Title

Resident Member of BBF HOA

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

RECEIVED BY LMCD 01/06/2020

ITEM 10A ATTACHMENT 4

NOTES

- 1) **Site Address:** 28124 Boulder Bridge Dr, Shorewood, MN 55331
- 2) **Benchmark:** Elevations are based on MN/DOT Geodetic Station Name: ALBANS MNDT RM 1 which has an elevation of 963.53 feet (NGVD29).
- 3) This site plan does not purport to be a full location survey, by the request of the client this site plan intends to show existing docks along with proposed dock placement in reference to the ordinary high water.
- 4) A title opinion was not furnished to the surveyor.
- 5) No modifications to this survey or sketch may be performed by any person other than the surveyor signing this certification or persons under his direct supervision.

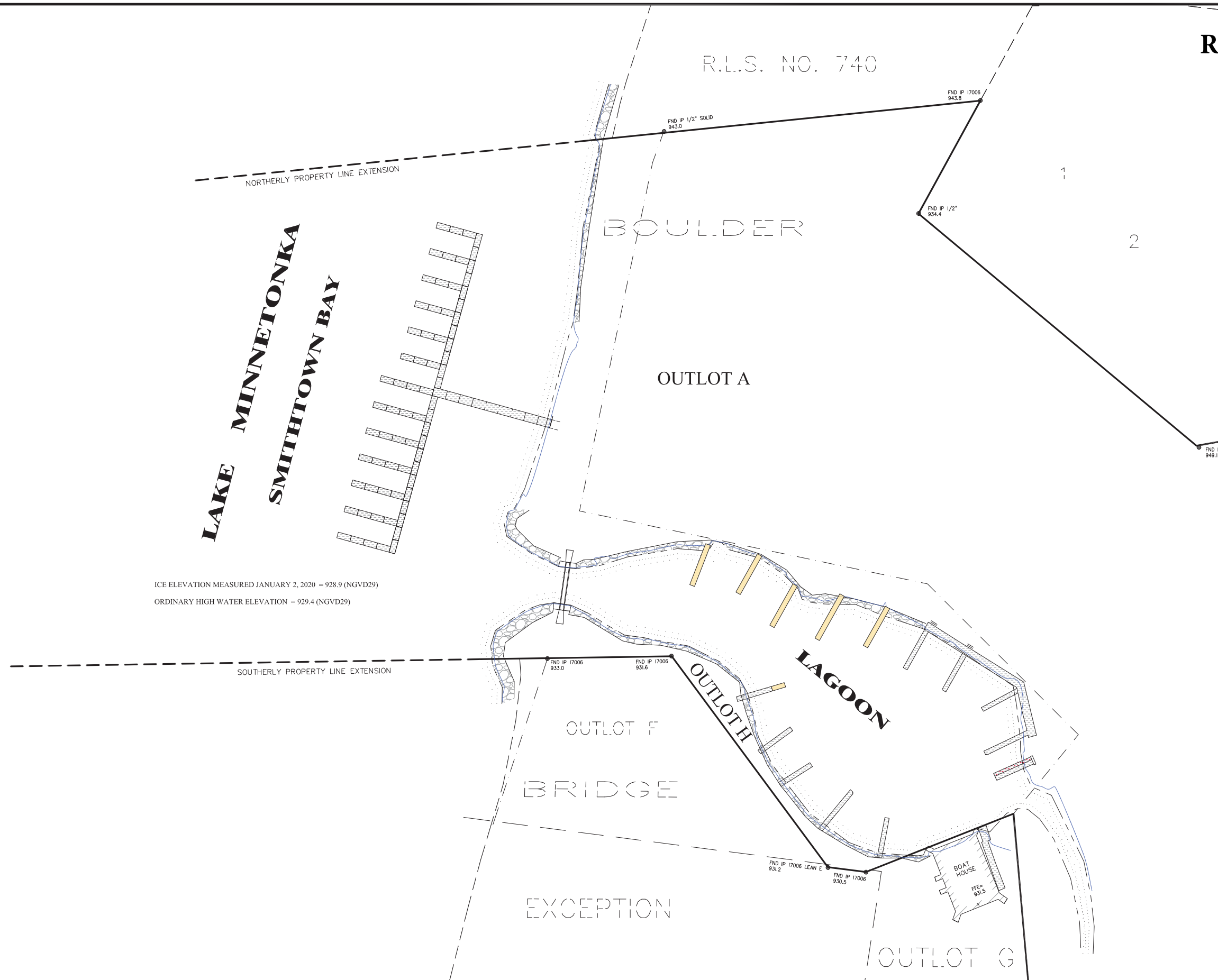
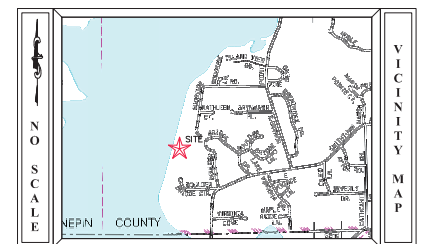
SURVEY LEGEND



EXISTING DOCK
PROPOSED DOCK



30 15 0 15 30 60



SCALE IN FEET



FIELD CREW	NO.	BY	DATE	REVISION	<div>USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'s EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGIMATE USER PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGIMATE USE.</div> <div>I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</div> <div>Dated this 6th day of January 2020.</div> <div><div></div><div>Jared J. Averbeck, PLS javerbeck@sathre.com</div><div>Minnesota License No. 53642</div></div>	<div><div><div>ENGINEERS</div><div>SURVEYORS</div><div>DESIGNERS</div><div>PLANNERS</div></div><div></div><div>SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000 WWW.SATHRE.COM</div></div>	<div>TWP:117-RGE,23-SEC.31 Hennepin County</div> <div>SHOREWOOD, MINNESOTA</div>	<div>DOCK SITE PLAN PREPARED FOR: BOULDER BRIDGE FARM HOMEOWNERS ASSOCIATION</div>	FILE NO.
CL, DM				11685-001					
DRAWN									
DBP									
CHECKED									
JJA									
DATE									
01/03/2020									

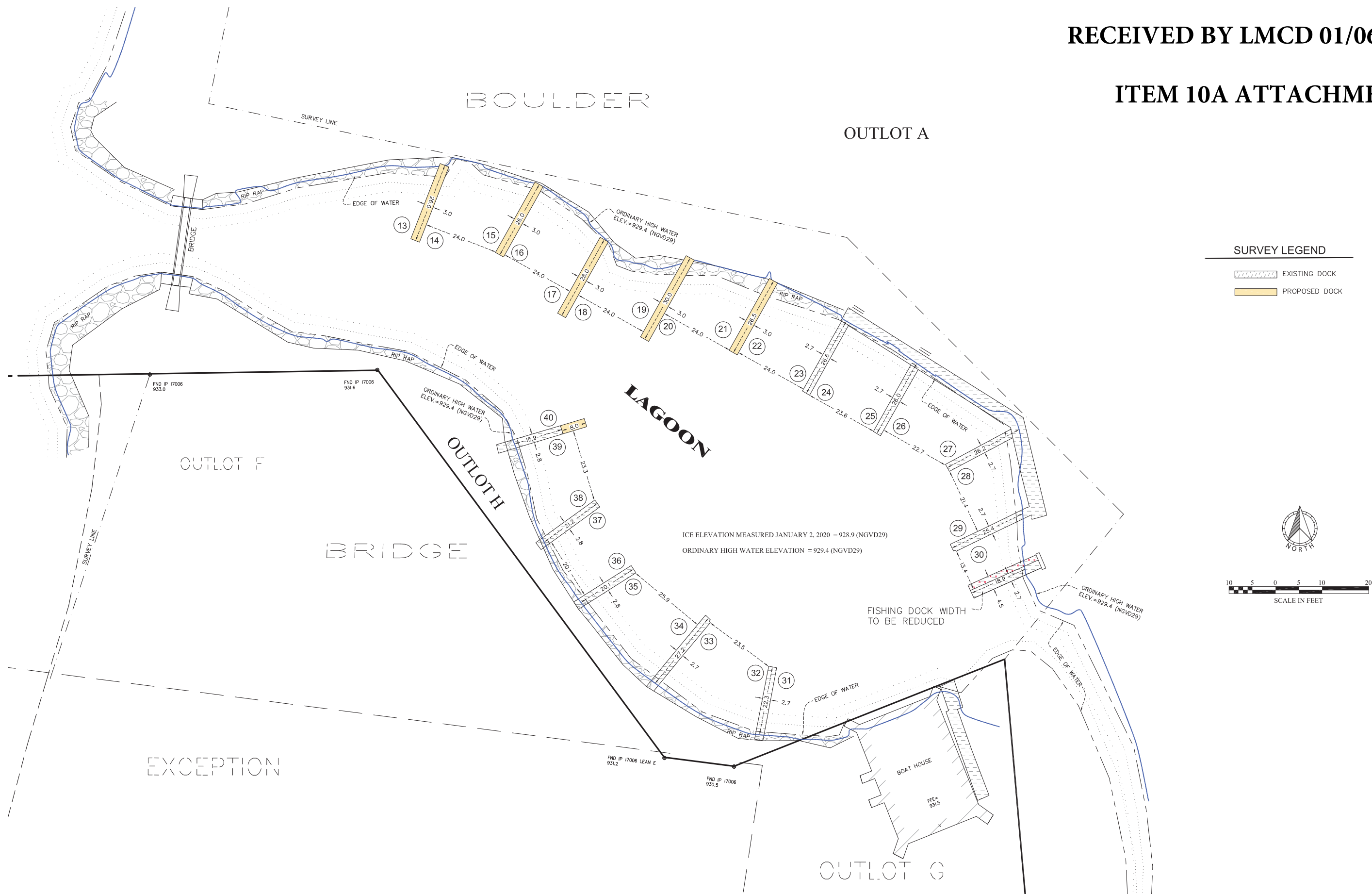
ITEM 10A ATTACHMENT 4


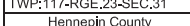


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XXX	1	JJA	10/26/2017	REVISED DOCK PLACEMENT PLAN					
DRAWN	2	JJA	3/6/2017	REVISED DOCK PLACEMENT PLAN					
DBP									
CHECKED									
JJA									
DATE									2
01/24/2017									3

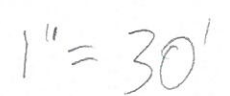
RECEIVED BY LMCD 01/06/2020

ITEM 10A ATTACHMENT 4



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XXX	1	JJA	1/26/2017	REVISED DOCK PLACEMENT PLAN					
DRAWN	2	JJA	3/6/2017	REVISED DOCK PLACEMENT PLAN					
DBP									
CHECKED									
JJA									
DATE								3	3
01/24/2017									

ITEM 10A ATTACHMENT 5



FILE NO.	11685-001
3	3

ITEM 10A ATTACHMENT 6

Boulder Bridge Farm Homeowners Association ("BBF") Shorewood, MN - Smith Town Bay

Slip Size Report for BBF Lagoon

Background: BBF's lagoon dock structure consists of 14 docks and 28 boat slips. BBF's lagoon docks have always been licensed as a Non-conforming structure. As part of this license there have been no legal limits on the lengths of boats allowed to be moored in the lagoon other than practical limitations to ensure the lagoon can be safely navigated by all boaters.

Boat Slip #	Previously Approved Slip Size (1)		Actual physical Slip Size (2)		Proposed Slip Size		
	Length	Width	Length	Width	Length	Width	
13	20	10	29	11	26	12	five new floating docks new widths as per minor license change in April 2019
14	20	10	29	10	26	12	
15	20	10	30	10	26	12	
16	20	10	30	10	26	12	
17	20	10	23.5	10	28	12	
18	20	10	23.5	10	28	12	
19	20	10	23.5	10	30	12	
20	20	10	23.5	10	30	12	
21	20	10	26.5	10	26.5	12	
22	20	10	26.5	10	26.5	12	
23	24	11	26.6	11	26.6	12	
24	24	11	26.6	11.8	26.6	11.8	
25	24	11	26	11.8	26	11.8	
26	24	11	26	11.35	26	11.35	
27	20	10	26.2	11.35	26.2	11.35	
28	20	10	26.2	10.7	26.2	10.7	
29	20	10	25.4	10.7	25.4	10.7	
30	20	10	25.4	11.6	25.4	13.4	
31	20	10	22.3	11	22.3	11	
32	20	10	22.3	11.75	22.3	11.75	
33	24	11	27.2	11.75	27.2	11.75	
34	24	11	27.2	12.95	27.2	12.95	
35	20	10	20.1	12.95	20.1	12.95	
36	20	10	20.1	10.05	20.1	10.05	
37	20	10	21.2	10.05	21.2	10.05	
38	20	10	21.2	11.65	21.2	11.65	
39	12	10	15.9	11.65	23.9	11.65	
40	12	10	15.9	11	23.9	11	

Footnotes:

- (1) These measurements are per the last approved Site Plan from 2017.
- (2) These measurements are from the Updated Site Plan provided by Sathre-Bergquist on January 6, 2020 for the nine wooden docks. The other five docks (13/14 thru 21/22) are per BBF's measurements taken from OHW prior to the dismantling of docks in fall 2019.

ITEM 10A ATTACHMENT 7

Boulder Bridge Farm Homeowners Association (“BBF”) – Smithtown Bay

Addendum to Reconfiguration of Non-Conforming, Multiple Dock License Application

Dated: January 2020

Background:

The development of BBF commenced in the late 1970's. The development was originally plotted for 44 homes. BBF was approved for 40 boat slips in 1977.

Two dock structures exist under one LMCD license as follows:

- Main lake dock structure supports 12 boat slips. It is a Conforming structure in that there are limitation on how far a boat can exceed the length of the dock.
- Lagoon dock structure supports 28 boats (14 docks). It is a Non-conforming structure and accordingly, there are no limitations on how far a boat can exceed the end of the dock other than a moored boat may not impede the public waterway. This lagoon dock structure supported 30 boat slips until 2017 when a Minor Change Application was submitted to the LMCD to shift two slips out of the lagoon and onto the main lake.

The last significant rebuild/reconfiguration in the lagoon was in the 1993/1994 time period. At this time at least 16 of the 30 slips were moved/reconfigured. The original lay out had a “principal” structure that jutted out into the lagoon and supported 16 boat slips. This was reconfigured to have these slips extend from the perimeter of the lagoon towards the center of the lagoon as reflected in the attached drawing.

In early 2019, BBF submitted an application for Reconfiguration of Non-Conforming, Multiple Dock (Minor Change) License Application requesting permission to shift five docks in the lagoon in order to widen 10 boat slips from 10 feet wide each to 12 feet wide each. This was intended to create sufficient space to introduce boat lifts as with the Zebra Mussel invasion the demand for slips that can accommodate a boat lift has increased considerably. This application was approved and a permit issued on April 26, 2019. The first of the five docks shifted 4 feet to the West. Each of the remaining four docks would also move West in successive increments of 8 foot, 12 foot, 16 foot and the last dock closest to the main lake and the arch bridge is intended to move 20 foot relative to its original placement.

In October of 2019, BBF's Board of Directors engaged North Shore Docks (partnering with Quality Docks, Inc.) and in the process of staking out the new dock placements and prior to tearing out the five old wooden docks it was decided to measure the lengths of the five existing wooden docks. In this process we determined that the actual length of BBF's docks exceeded that as prescribed in the approved site plan. We then measured the other nine docks in the lagoon and ascertained that each was longer than what was reflected on the site plan.

However, the largest discrepancies were with the five docks that BBF planned to relocate. BBF self-reported this issue to the LMCD staff in order to be transparent and with the interest of becoming compliant. We hereby submit the attached application with the intent to seek rectification of our past oversights. We also submit this application in conjunction with the shift of the five docks along the North side of the lagoon, as the ebbs and flows of the shoreline has created some interesting dynamics impacting the necessitated proposed dock lengths.

We have spoken with the developer of BBF HOA that oversaw the build-out of docks on the main lake and the lagoon at BBF some 25 years or so ago and he was unable to explain why the discrepancies in length exist. In working with the LMCD staff (Vickie Schleuning, the Executive Director and Matt Cook) we did ascertain that in each of 1989, 1990 and 1991, Temporary Low Water variances were granted. It is possible that the temporary extensions were added and then never removed. This could certainly help explain the larger discrepancies on lengths on 2 of the five docks intended to be shifted. As noted above, the last major reconfiguration of the lagoon was in 1994. To make matters even more puzzling, we have a letter from the LMCD staff (Gregory S. Nybeck, Administrative Technician) dated August 2, 1996 indicating that BBF's boat storage and dock structures were in compliance with LMCD license and Code requirements.

Current Status of Progress toward implementation of Approved Minor Change Application:

The dock construction business on Lake Minnetonka is very robust and in the interest of getting in North Shore Docks manufacturing que we gave them initial instructions to build five new floating metal docks to 20 feet lengths as per the approved site plan. These five metal docks are in the fabrication process as we write to you. The five old wooden docks have been torn out. The installation plan is to install the five new floating docks in late February while we still have ice on the lagoon and heavy equipment can be brought onto it to pound posts.

BBF would like to receive approval for revisions to its historic site plan in order to timely intervene in the dock fabrication process so that fully functional and accessible docks can yet be installed while we have ice on the lagoon and before the 2020 boating season.

Below is a table that reflects each of the 14 docks in the lagoon. It reflects the approved lengths, the actual physical lengths when measured and the proposed new dock lengths. Following the table is our justification for the lengths requested.

Boulder Bridge Farm Homeowners Association							
Shorewood, MN - Smith Town Bay							
Dock No.	Dock length as per approved Site Plan			Dock length as has physically existed since 1994			Dock length as now proposed
13/14			20			29	26
15/16			20			30	26
17/18			20			23.5	28
19/20			20			23.5	30
21/22			20			26.5	26.5
23/24			24			28.5	28.5
25/26			24			27	27
27/28			20			23.5	23.5
29/30			20			24	24
31/32			20			22	22
33/34			24			27.5	27.5
35/36			20			21	21
37/38			20			22	22
39/40			12			16 *	24
Aggregate length -			284				356

Note: All above lengths are as measured from the Ordinary High Watermark

Justification for Proposed Dock Lengths:

Dock 13/14 & Dock 15/16 – These docks physically stood at 29 feet and 30 feet long, respectively. We recommend that they be shortened relative to their historic physical dimensions to only 26 feet. This will make the throat of the lagoon more navigable and still provide adequate dock length for larger vessels and cuddy boats in our community that rely on rear exit.

Dock 17/18 & Dock 19/20 -- Although we are requesting that these two docks be extended relative to their historical physical lengths of 23.5 feet each, because of the shifting of the dock placement and of the curvature of the shoreline, we believe the end of the newly positioned docks will not extend further into the lagoon than what dock 17/18 originally did. Dock 17/18 was originally located at the apex on a point on the shoreline. As such, the shoreline slanted away from the front of the old placed dock making for adequate boat storage space. Once dock 17/18 is shifted to the west/left of the point then the shoreline interferes with the boat storage usable space as it juts into the BSU space. Likewise, once dock 19/20 is shifted to the east/right

side of this point, it will suffer similar interference from the point. However, although the request is for longer lengths than historically existed, given the starting point of each dock will be further from the center of the lagoon, the extended length (to create useable space) will not extend further than the old dock placement (i.e. when dock 17/18 was at the apex of the point). We have done measurements to ensure that the new structure would not be less than one boat length away from any other obstacles in the lagoon. We believe there is ample cushion in our measurement conclusion.

Docks 21 thru 38 – We request that these docks be effectively grandfathered in at their historical physical lengths as they have been of these lengths for at least 25 years to the best of our knowledge. Most of BBF's 44 homeowners were not living in this neighborhood when the lagoon docks were last significantly reconfigured in 1994. They purchased their homes and community property interest in the existing dock structures assuming that they were validly licensed. As such, these later homeowners should receive relief for issues caused by prior owners. See Code 6-5.01, Sub Division 6. The cost of retrofitting docks to shorten them to the previously approved but erroneous site plan would be an undue inconvenience and burden on BBF's members. Given BBF's self-reporting, we request mercy and leniency in approving the actual physical dock lengths as reflected in the above table.

Dock 39/40 -- This dock's physical length is only 16 feet. At a mere 16 feet it cannot accommodate a very large boat and creates challenges even mooring a mere 20 foot boat. By increasing to 24 foot we believe this dock will become very functional, improve the accessibility to the moored boat and be safer for our members when transitioning to and from their watercraft.

Water Depths for the five to be relocated docks are as follows:

It is worth noting that water depths at these docks further justify an extension of the docks relative to the approved site plan. See Code 6-5.01, Sub division 3.

Dock #	21/22	19/20	17/18	15/16	13/14
Actual physical Dock length as measured from OHW	26.5	23.5	23.5	30	29
Water Depth at end of existing dock	5.0 foot	4 foot 4 inches	4 foot 11.5 inches	4 foot 9 inches	5.0 foot
Water Depth at 20 foot point on dock from OHW as per site plan	4 foot 9 inches	4 foot 2.5 inches	4 foot 7 inches	4 foot 4 inches	4 foot 3 inches

Other relevant dimensions:

1. The lowest point of the Arch Bridge at the throat of the Lagoon is slightly more than 10.5 feet above the OHW. At its narrowest point, the columns supporting the bridge are only separated by about 17.5 feet. As such, the limitations at the throat of the lagoon will practically limit the physical size of watercraft moored in the lagoon. The lagoon will never be subject to regular use by large boats due to these constraints. The arch bridge is certainly not conducive to large vessels with Bimini Covers or Bridges.
2. During the 2019 boating year the average length of the boats moored in the BBF lagoon was 23.1 feet. The longest boat (only one) was 28 feet.

Closing:

BBF requests the above proposed BSU dock lengths (some longer and some shorter than current physical state) in order to ensure the following:

1. Docks are sufficient in length to accommodate cuddy boats which can only be safely exited from the rear of the boat. This will accommodate the boat owners in transitioning to and from their boats/assigned docks.
2. Docks do not impede the water way and do not create any “pinch points” with dock structure or boats across from them in the lagoon. This will ensure boating safety.
3. Docks are user friendly for our elderly and disabled homeowners and boat operators. We want to ensure accessibility for all homeowner members and their guests.
4. Final dock lengths reflect the changing market demands since the last major reconfiguration in 1994. In the last 25 years watercraft have generally grown in width and length. See Chapter 8, Section 2-8.01.
5. The final docks lengths will create water depths that are friendly to the environmental quality and/or natural habitat of the water adjacent to the docks.
6. Given average boat length of 23 feet (with numerous longer than this) if BBF were required to construct the new floating docks to be only 20 feet long, boats would substantially extend beyond the end of the newly placed docks creating safety hazards.
7. Given the docks in the lagoon are Non-conforming in nature and no physical boat size limitation exists (other than need to fit under the arch bridge), there does not seem to be a practical reason to limit the length of a given dock in the Lagoon absent it impeding the waterway.
8. The historic dock lengths have not caused an issue for the Lestor family which is the only Non-BBF resident that moors a boat on the BBF Lagoon. They occupy

the boat house that exists on the lagoon and their family has utilized the boat house prior to the development of the BBF lagoon structure.

9. Allows for the widening of boat slips (without losing functionality) in order to accommodate boat lifts to respond to the invasion of zebra mussels.

Draft



LAKE MINNETONKA CONSERVATION DISTRICT

900 EAST WAYZATA BOULEVARD, SUITE 160 • WAYZATA, MINNESOTA 55391 • TELEPHONE 612/473-7033

G. Alan Willcutt, EXECUTIVE DIRECTOR

BOARD MEMBERS

Douglas E. Babcock
Chair, Tonka Bay
Tom Reese
Vice Chair, Mound
Joseph Zwak
Secretary, Greenwood
Robert Rasco
Treasurer, Shorewood
Kent Dahlen
Minnetonka Beach
Bert Foster
Deephaven
Gretchen Maglich
Minnetonka
Duane Markus
Wayzata
Craig Mollet
Victoria
Craig Nelson
Spring Park
Eugene Partyka
Minnetrista
Paul Stark
Excelsior
Herb J. Suerth
Woodland

Orono

August 2, 1996

Mr. Brian Mandeville
Boulder Bridge Farm Homeowners Assoc.
28124 Boulder Bridge Drive
Shorewood, MN 55331

Dear Brian:

LMCD staff recently conducted our annual multiple dock and/or District Mooring license inspection on 8/1/96. Enclosed is a copy of the inspection report.

Results of this inspection indicate that boat storage and dock structures at your facility are in compliance with LMCD license and Code requirements. Please ensure continued compliance for the remainder of the 1996 boating season.

Thanks for your continued cooperation with the LMCD "Save the Lake" program. Feel free to call me if you have questions or concerns regarding this or any other matter.

Sincerely,

LAKE MINNETONKA CONSERVATION DISTRICT

Gregory S. Nybeck
Administrative Technician

encl: inspection report, site plan

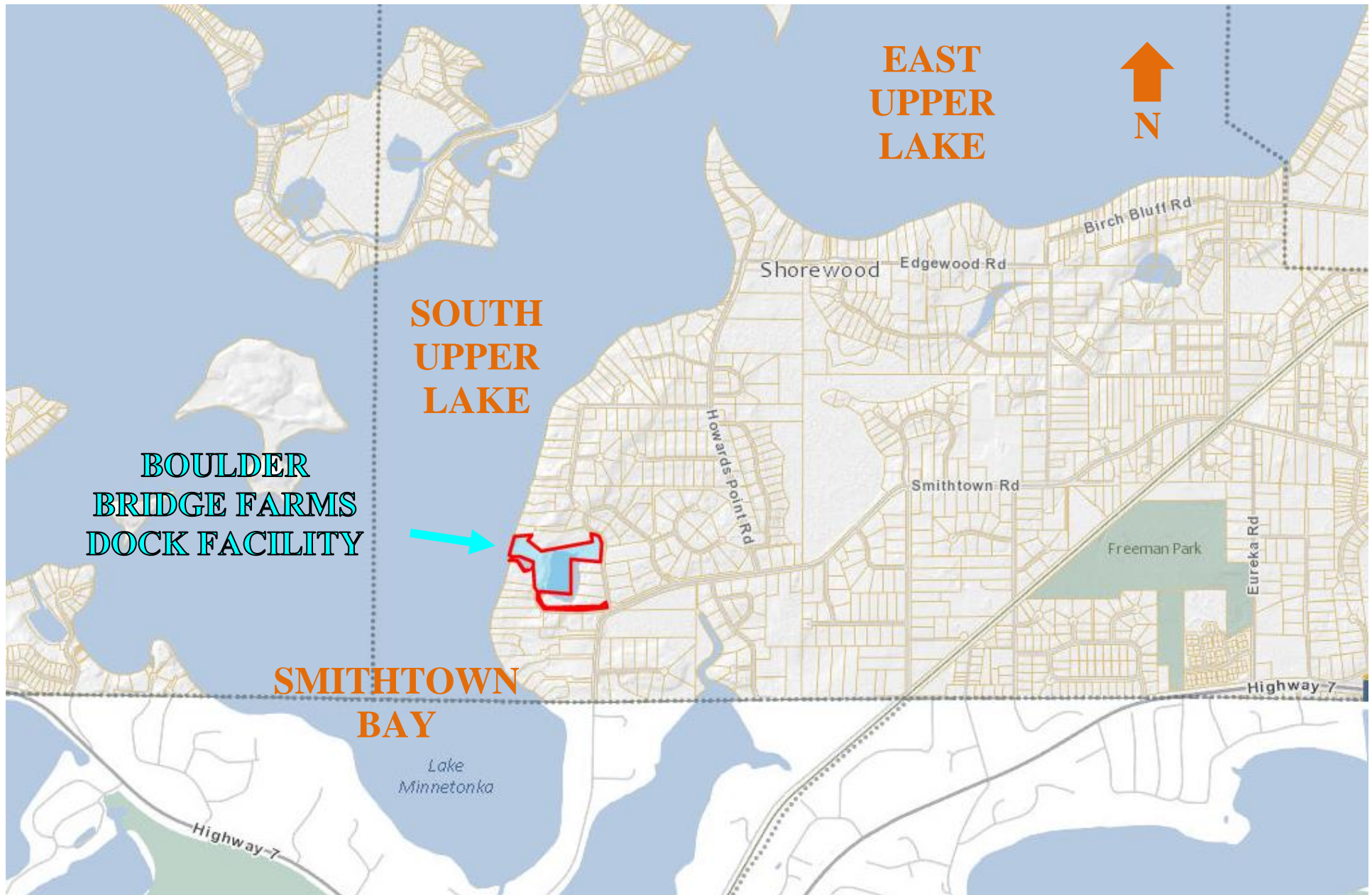


Boulder Bridge Farms

Applications for Reconfiguration of Nonconforming Structure and Variance(s)

For illustrative purposes only. Created using Hennepin County Locate & Notify Map 01/24/2020.

ITEM 10A ATTACHMENT 9



Boulder Bridge Farms

Applications for Reconfiguration of Nonconforming Structure and Variance(s)

For illustrative purposes only. Created using Hennepin County Property Interactive Map 01/24/2020. Images taken in 2018 unless otherwise labeled.

**MAIN LAKE
DOCK AREA
(COMPOSITE OF
2012 IMAGERY;
MAIN LAKE
DOCKS
UNAFFECTED
BY PROPOSAL)**

**LAGOON
DOCK AREA**





ITEM 10A ATTACHMENT 10

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 23, 2020

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

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (01/30/2020 Edition)

LAKE MINNETONKA CONSERVATION DISTRICT PUBLIC HEARING NOTICE

7:00 PM, February 12, 2020

Wayzata City Hall

600 Rice Street, Wayzata, MN 55391

**Boulder Bridge Farms
28124 Boulder Bridge Drive, Shorewood
South Upper Lake, Lake Minnetonka**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider applications for a reconfiguration of a multiple dock facility and variances for length. The site is located at 28124 Boulder Bridge Drive in Shorewood, MN 55331. The site is comprised of two parcels on either side of a lagoon, connected by a bridge: the PID for 28124 Boulder Bridge Drive is 31-117-23-31-0019; the PID for the other parcel is 31-117-23-31-0022. The applicant proposes to maintain 40 boat storage units on the site (no increase in BSUs). All proposed reconfiguration would be occurring within the lagoon portion of 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.



ITEM 10A ATTACHMENT 11

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 30, 2020

TO: Property Owner

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Notice of Reconfiguration of Nonconforming Structure 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 and variances for length. The applicant is Bruce Praska on behalf of the Boulder Bridge Farms Homeowners Association (BBFHOA).

The site is located at 28124 Boulder Bridge Drive in Shorewood, MN 55331. The site is comprised of two parcels on either side of a lagoon, connected by a bridge: the PID for 28124 Boulder Bridge Drive is 31-117-23-31-0019; the PID for the other parcel is 31-117-23-31-0022. The applicant proposes to maintain 40 boat storage units on the site (no increase in BSUs). All proposed reconfiguration would be occurring within the lagoon portion of the site.

Public Hearing Information:

A public hearing will be held at 7:00 PM, February 12, 2020, at Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. The items detailed above will be reviewed and considered for approval. All interested persons will be given an opportunity to comment. Alternatively, please submit comments in writing to the LMCD (address below) or by using the "Contact Us" form at lmcd.org.

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.

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

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

Boulder Bridge Farms

Applications for Reconfiguration of Nonconforming Structure and Variance(s)

For illustrative purposes only. Created using Hennepin County Property Interactive Map 01/24/2020. Images taken in 2018 unless otherwise labeled.

**MAIN LAKE
DOCK AREA
(COMPOSITE OF
2012 IMAGERY;
MAIN LAKE
DOCKS
UNAFFECTED
BY PROPOSAL)**

**LAGOON
DOCK AREA**







LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: February 12, 2020

TO: LMCD Board of Directors 

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director 

RE: City of Excelsior New Multiple Dock / PUD and Continued Special Density License

ACTION

Board consideration of the City of Excelsior New Multiple Dock / PUD License and Continued Special Density License, and receive public input as part of the public hearing process. The site is located at 399 Lake Street in the City of Excelsior, MN 55331. The site is primarily comprised of two parcels on Excelsior Bay; 399 Lake Street (PID 34-117-23-11-0002) and The Commons Area parcel.

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 the City of Excelsior New Multiple Dock / PUD License Application and Continued Special Density License for the property located at 399 Lake Street in the City of Excelsior as presented <with amendments> and authorize staff and legal counsel to draft Findings of Fact and Order for consideration at the February 26, 2020 Board meeting. <Amendments are as follows...>

Denial:

I make a motion to direct LMCD legal counsel to draft Findings of Fact and Order denying City of Excelsior New Multiple Dock / PUD License Application and Continued Special Density License for the property located at 399 Lake Street in the City of Excelsior as presented based on the following reasons... for consideration at the February 26, 2020 Board meeting.

APPLICATION BACKGROUND

The City of Excelsior currently has two multiple dock licenses. Site 1, the site relevant to this proposal, covers The Commons area and 399 Lake Street. The fire lanes within Gideon and St. Albans Bays are covered by the city's Site 2 license. "Site" shall hereto refer to Site 1.

The applicant was approached by one of the charter boat operators regarding storage of an additional charter boat. The applicant has submitted a proposal which will create storage for said charter boat.

APPLICATION SUMMARY

The applicant is proposing to create storage for an additional charter boat at the site, while maintaining 150 BSUs. The changes proposed by the applicant are outlined as follows:

- Relocate BSU T1 to the end of Transient Pier 1
- Reclassify BSU T1 from Transient to Overnight Storage
- Build out the decking at the end of Transient Pier 1 to accommodate the new BSU and add pilings on the far side of the boat as needed.
 - Transient pier 1 is currently approximately 100 feet long. The addition of decking, the charter boat BSU, and the additional pilings would bring the total structure length to approximately 18 feet. Residential Piers 3, 4, and 5 already extend to the allowed 200 feet.

PLANNED UNIT DEVELOPMENT (PUD) LICENSE

Through the Municipal PUD Multiple Dock Ordinance, a municipality has the ability to apply for a dock length of up to 200 feet out from shore and cluster their watercraft storage if the facility provides for a dock use area with approximately half of its shoreline to remain in its natural state (minimum 200 feet).

The applicant is providing for more than required shoreline buffer footage. The site has 2,663 feet of shoreline, and the dock structures would run along 714 feet of shoreline (1,949 feet left “natural”). The applicant does not propose to change these attributes.

SPECIAL DENSITY LICENSE

The applicant is not proposing to change the site’s watercraft density.

The current special density license for the site documents that the applicant provides 76 amenity points – 28 more than required. The applicant is requesting to continue the existing license. The exchange of one transient slip (A(2)) for another charter boat slip (A(4)) would not appear to constitute a change in amenity points.

Detailed below is a summary of the currently approved amenities that are recommended to be considered for the proposed application, with point values:

A. Public Access

- (1) Swimming Beach (10 pts)
- (2) Transient Docks (10 pts)
- (3) Kayak Rentals (10 pts)
- (4) Port of Call for Commercial and Historical Vessels (10 pts)

Applicant Assessed Points: 40

B. Environmental Protection

- (1) Vegetative Screening; native buffer plantings at “Excelsior Point” (5 pts)
- (2) Shoreline Protection, Riprap and Plantings (5 pts)
- (3) Water/Sewer Hookups for Commercial Boats (5 pts)

Applicant Assessed Points: 15

C. Public Service

- (1) Water Safety Programs – Lessons at Beach (3 pts)
- (2) Winter Access (3 pts)
- (3) Auto Lookout/Observation Points (3 pts)
- (4) Seating Facilities, Ballpark, Picnic Shelters and Other Areas (3 pts)

Applicant Assessed Points: 12

D. Other Amenities

- (1) Restrooms at Two Locations (3 pts)
- (2) Bathhouse at Swimming Beach (3 pts)
- (3) Historical and Educational Kiosk at the Port (3 pts)

Applicant Assessed Points: 9

E. Other Factors (N/A)

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Excelsior were provided copies of the proposed applications on January 29, 2020. City and agency comments were due by February 7, 2020. LMCD staff have not received any agency comments as of noon on February 7, 2020. Any comments received after February 7, 2020 will be provided at the Board meeting for review.

As of February 7, 2020, comments received by LMCD staff from the general public are summarized below:

- Concern that the charter boat, being parked parallel to shore, may obstruct lakeshore views of nearby properties
- Initial concern that the charter boat would be a peddle boat. This individual rescinded their comments and stated their support of the proposal when they were informed that the proposed charter boat is not a peddle boat.

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 January 30, 2020 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 January 30, 2020. In addition, the Board packet will be posted online.

STAFF RECOMMENDATION

Staff recommend approval of the proposal as presented.

ATTACHMENTS

1. LMCD Code Excerpts
2. New Multiple Dock / PUD Application
3. Existing Site Plan
4. Proposed Dock Sketches
5. Aerial Map(s) of Proposed Area
6. Public Hearing Notice
7. Public Hearing Notification to Property Owners

ATTACHMENT: LMCD Code Excerpts
City of Excelsior
2020 New Multiple Dock License (PUD), Special Density License
Applications



Chapter 4-1. Municipal Structures and Uses Generally.

4-1.01. Subject to Regulation. The LMCD regulates certain municipal structures and uses on the Lake in order to advance the purposes of this Code. Those municipal structures and uses regulated by this Code may only occur in compliance with the requirements of this Code.

4-1.03. General Standards.

Subd. 1. License Required. No municipality may locate, construct, install, or maintain a municipal structure on the shoreline of the Lake, or in the waters of the Lake, without first obtaining a license from the LMCD in accordance with Article 6, Chapter 3. A municipality may construct or install a municipal emergency service dock without a license in accordance with Section 4-2.07.

Subd. 2. Restrictions. Unless expressly provided otherwise in this Code, the use of the Lake for the storage of watercraft and the placement of docks and other structures adjacent to municipal property may only occur:

- (a) Within the authorized dock use area determined in accordance with Article 2, Chapter 3;
- (b) In compliance with the setbacks requirements of Section 2-3.03; and
- (c) The storage of restricted watercraft shall comply with the density limits of Article 2, Chapter 4.

Subd. 3. Standards. Municipal structures are subject to the standards and restrictions in Article 2, Chapter 2 and all other applicable provisions of this Code.

4-1.05. Municipal Uses. This Code does not distinguish between different types of municipal uses. All uses undertaken by a municipality are considered a municipal use for the purposes of this Code. A municipality is eligible to apply for a license for any of the municipal structures authorized in this Chapter.

4-1.07. Alteration of Municipal Structures. No municipal structure issued a license under this Code shall be altered, reconstructed, or reconfigured to increase slip size without first securing a new license and, if required, a special density license pursuant to Section 6-2.13. The alteration of any conforming municipal structure shall be required to comply with all requirements of the Code as though the structure was new and not previously existing or licensed. A minor change to a conforming structure may be allowed with the administrative approval of a new license as provided in Section 6-1.17. The alteration or reconfiguration of a nonconforming municipal structure may only occur in compliance with Sections 6-2.17 or 6-2.19.

4-1.09. Conversion of Structures. No municipal structure, or any part thereof, may be converted to any other type of structure requiring a permit or license under this Code without first obtaining the permit or license required of the type of structure into which it is being converted and, if required, obtaining a special density license under Section 6-2.13.

4-1.11. Conversion of Use. A new license shall be required to convert a municipal use to any other use identified in this Code that requires a license for the particular type of structure. The required license shall be based on the use to which the facility is being converted and, if required, a special density license shall be obtained under Section 6-2.13.

Chapter 4-2. Municipal Structures.

4-2.01. Municipal Structures Identified.

Subd. 1. Types of Municipal Structures. The municipal structures identified in this section are allowed in the Lake with the issuance of a license (or permit) from the LMCD and compliance with all applicable provisions of this Code. The specific types of municipal structures allowed by this Code, and which may be referred to collectively as municipal structures, are as follows:

- (a) Municipal multiple docks;
- (b) Municipal single docks;
- (c) Municipal mooring areas;
- (d) Municipal emergency service docks; and
- (e) Municipal launching ramps.

Subd. 2. Municipal Planned Unit Development. A municipality may apply for a license to place municipal structures as part of a municipal planned unit development as provided in Section 4-3.01.

4-2.05. Municipal Multiple Docks.

Subd. 1. Description. A municipal multiple dock is a dock constructed or maintained by a municipality for the storage of five or more restricted watercraft.

Subd. 2. Licensing. The placement of a municipal dock requires a municipal multiple dock license issued in accordance with Section 6-3.01. A permanent municipal multiple dock does not require a permanent dock permit.

Subd. 3. Authorized Dock Use Area. Municipal multiple docks shall only be located within the authorized dock use area of the adjacent municipal property, unless the Board approves an expanded authorized dock use area as part of the license in accordance with Section 6-3.01, subdivision 5.

Subd. 4. License Renewals. A municipal multiple dock license shall be renewed annually as provided in Section 6-3.03.

Chapter 4-3. Municipal Planned Unit Developments.

4-3.01. Eligibility. The LMCD may grant, as part of a municipal multiple dock license, flexibility in the regulations under this Code to a municipality for dock length on a continuous segment of shoreline owned by the municipality, and over which the municipality has exclusive dockage rights, as part of a planned unit development license in accordance with the provisions of this Chapter. In exchange for the flexibility granted as part of a planned unit development, the municipality must preserve one-half of the authorized dock use area as open space.

4-3.03. Adjusted Dock Use Area. As a condition of approval of any planned unit development dock plan, the dock use area of the site shall be divided in half, perpendicular to the shoreline, and the municipal structures and watercraft storage is limited to only one side of the divided dock use area. In cases where there is an unusual or irregular shoreline, or where there are other practical difficulties with dividing the dock use area in half in the manner described above, the Board may divide the dock use area as it deems appropriate. The Board will establish side site lines for purposes of defining the dock use area of any site without side site lines. All watercraft storage and dock structure used for watercraft storage must be fully contained within the selected side of the authorized dock use area. Additionally, any increase in the length of the dock use area approved under this Section may not extend more than 200 feet from the shoreline.

4-3.05. Licensing Procedure. An application for a municipal planned unit development license shall be submitted and processed in accordance with Section 6-3.11.

Chapter 2-4. Watercraft Density and Shoreline Requirements.

2-4.05. General Density Rule.

Subd. 1. How Density is Determined. The number of restricted watercraft that may be stored at a site, which is referred to herein as restricted watercraft density, shall be determined in accordance with this Section and any applicable special density rules set out in Section 2-4.09. The restricted watercraft density for a site may be increased if a special density license is issued as provided in Section 2-4.11. For purposes of this Chapter, a site is considered to be used for mooring or docking more than the permitted number of restricted watercraft if a greater number of restricted watercraft than are allowed by this Chapter are moored, docked, anchored, or secured at the site, for any period of time, on three or more calendar days in any 14-day period.

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

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

2-4.09. Special Density Rules. The number of restricted watercraft stored at a site under the general density rules may be increased as provided in this Section. With respect to residential sites,

the homestead or non-homestead status of property for ad valorem real estate tax purposes has no bearing on or application to this Section.

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

- (a) There must be one, and no more than one, single-family residential structure on the site. If there is no residential structure on a site, any one off-lake lot, parcel, or other piece of property may be designated to be a part of one site by the owner for purposes of this subdivision if it:
 - (1) Is legally subdivided and recorded in the office of the County Recorder;
 - (2) Adjoins the site or is separated from the site only by a public right-of-way;
 - (3) Is under common ownership and unified use with the site; and
 - (4) Is occupied by one single-family residential structure.
- (b) The dockage rights at the site are owned exclusively by the owners of the lot parcel or other piece of property on which the residential structure referred to in paragraph (a) of this subdivision is located.
- (c) All of the restricted watercraft moored or docked at a dock or mooring at the site must be owned by and registered to persons who live in the one residential structure referred to in paragraph (a) of this subdivision.

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

Subd. 3. Non-Conforming Docks and Mooring Areas in Existence on May 3, 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. No such docks or moorings may be maintained without first securing the required license or permit under Article 6.

Subd. 4. Sites with Non-Continuous Shoreline.

- (a) Non-Continuous Shoreline of Dock Use Areas in Close Proximity. The Board may authorize shoreline from one or more sites (the “transferor sites”) to be counted as part of another site (the “transferee site”) for the purpose of computing permissible restricted watercraft density. Applications for permission to transfer boat density shall be made in accordance with the applicable procedures set out in Article 6 and shall be processed as a part of the applicant’s commercial single dock license application. No such permission to transfer boat density shall be granted by the Board unless all of the criteria for issuing the underlying commercial single dock license are satisfied and the following additional conditions are met:

- (1) The dock use areas of each transferor site and the transferee site may be no more than 300 feet apart;
 - (2) The credit for boat density transferred from any transferor site may not exceed one restricted watercraft for each 100 feet of shoreline of the transferor site (with fractional watercraft counted in accordance with the general density rule in Section 2-4.05, subdivision 2);
 - (3) The total number of restricted watercraft moored or docked at the transferee site may not exceed one restricted watercraft for each 25 feet of shoreline of the transferee site (with fractional watercraft counted in accordance with the general density rule in Section 2-4.05, subdivision 2);
 - (4) No variances, other than temporary low water variances, may be granted for construction of docks at the transferee site; and
 - (5) As long as the transferee site is used to moor or dock more restricted watercraft than this Code would allow without the transfer of watercraft density under this subdivision:
 - (i) The transferor sites and the transferee site must be in common ownership and without restriction as to material riparian rights;
 - (ii) No docks or mooring or docking of boats is permitted on the transferor sites; and
 - (iii) The transferor sites must be maintained in essentially a natural state and may not be used for residential dwelling units or commercial uses.
- (b) Sites with Non-Continuous Shoreline in a Single Parcel Identification Number. The owner of a site with a single County parcel identification number ("PID") that has two or more segments of non-continuous shoreline may apply for a variance under Section 6-5.01 to combine non-continuous shoreline within that PID for restricted watercraft density purposes without demonstrating practical difficulties.

Subd. 5. Government Service Watercraft. Government service watercraft are not counted for restricted watercraft density purposes at the site at which they are stored, license fees for the boat storage units at which they are stored are waived, and application fees for a dock plan amendment being made solely to accommodate such boat storage units are waived, provided:

- (a) The government service watercraft is stored at a designated boat storage unit on a dock plan and within the dock use area of the site. Boat storage units for government service watercraft may be approved by the Executive Director upon receipt of such information as the Executive Director may require for such approval, and
- (b) The boat storage unit is provided by the owner as a public service for no compensation.

2-4.11. Special Density License.

Subd. 1. Maximum Boat Storage Density. The LMCD has determined the intensity of use of the Lake and the density of storage on the Lake has reached a level which necessitates the limitation on the construction of new docks and mooring facilities provided for in this Code. It is the purpose of this Section to reduce environmental degradation of the Lake, avoid an increase in boat storage on the Lake without a corresponding increase in available amenities and services for the boating public, and encourage facilities which enhance the use and enjoyment of the Lake by the general public. The LMCD has recognized the impact on the Lake of a given facility will vary depending on such factors as the compatibility of nearby uses, the type of watercraft being stored, whether the watercraft storage is transient or permanent, the degree of watercraft storage and intensity of Lake use in a given area, and the level of services or amenities available to the public using the Lake. The LMCD has determined through its various studies that a watercraft storage density of one watercraft stored per 50 feet of shoreline is generally appropriate for the Lake and should be applied to the entire lakeshore while making provision for a special density license procedure in those instances where increased watercraft storage density may be clearly demonstrated to be a benefit to the Lake and to the most general public use of the Lake.

Subd. 2. Eligible Structures. A special density license may only be issued for the following structures:

- (a) Commercial single dock;
- (b) Commercial multiple dock;
- (c) Commercial mooring area; or
- (d) Municipal multiple dock.

Subd. 3. License Required. No person shall store, or allow to be stored, more restricted watercraft at a dock or mooring area than is allowed under the general density or special density rules of this Chapter, unless a special density license is issued in accordance with Section 6-2.13.

Section 6-2.13. Special Density License.

Applications for a special density license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a special density license shall, in addition to the information required in Section 6-1.03, contain the following information:

- (a) 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;
- (b) A plan showing the design and location of the facility; and
- (c) The boat storage density being requested.

Subd. 2. Issuing Authority. The Board determines whether to issue a special density license after conducting a public hearing on the application. The hearing on the special density license may be combined with the hearing required for the commercial license or a municipal license for the structure and conducted as one proceeding.

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the following:

- (a) Whether the facility will obstruct or occupy too great an area of the public water in relationship to its utility to the general public;
- (b) Whether the proposed facility will serve the general public as opposed to a limited segment of the public or a limited geographical area;
- (c) Whether the proposed facility will be compatible with the adjacent water use area;
- (d) Whether the proposed facility will be compatible with the adjacent riparian zoning;
- (e) Whether adequate water depth is available for the proposed facility without churning of the bottom sediments;
- (f) 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;
- (g) Whether the proposed facility is compatible with the LMCD watercraft density classification criteria;
- (h) Whether the facility will comply with the regulations contained in this Code;
- (i) Whether the proposed facility will be compatible with the maintenance of the natural beauty of the Lake;
- (j) Whether the proposed facility will affect the quality of the water of the Lake and the ecology of the Lake;
- (k) 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;
- (l) Whether adequate sanitary and parking facilities will be provided in connection with the proposed facility;
- (m) Whether the multiple dock or mooring area will be structurally safe for use by the intended users;

- (n) Whether the proposed facility will provide for additional permanent non-transient boat or watercraft storage on the Lake;
- (o) Whether the detrimental impact of the proposed facility will be reduced by limiting storage to boats which are not restricted watercraft; and
- (p) Whether the applicant proposes to construct or to maintain certain amenities deemed beneficial to the Lake and the general public use of the Lake which offset the impact of all or part of the increased density. In determining whether amenities which the applicant proposes to maintain or construct are sufficient to offset the effect of the increased density, the Board will take into consideration existing as well as proposed density and amenities.

Subd. 4. Limitations. The following limitations apply to requests for a special density license.

- (a) Modifications and Conditions. The Board may modify the requested boat storage density and place conditions on the license.
- (b) Private Facilities Excluded. A special density license shall not be issued to any facility which includes watercraft storage facilities which are available only to persons having an interest in specified riparian or non-riparian real property.
- (c) Density. An applicant may request a density greater than one watercraft per 50 feet of shoreline, but not greater than one watercraft per 10 feet of shoreline. When measurements determining the number of watercraft allowed result in the provision of a fractional watercraft, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall allow one additional watercraft.
- (d) Desire to Increase Value. The use of special density licenses on the Lake for the purpose of increasing riparian or non-riparian property values is not a valid consideration in permitting such facilities.

Subd. 5. Computing Density. The density that may be approved for a structure by a special density license is based on the number of amenity points attributable to the structure. The amenities accepted by the Board as being in Group A below are assigned 10 points each, those accepted as being in Group B are assigned five points each, and those accepted as being in Group C are assigned three points each. Special density license applications require .5 points for each slip over 1:50' density allowance, with a minimum of 20 points. If the applicant is a municipality, density shall be computed by including all shoreline owned by the municipality. At least one amenity shall be from Group A. All amenities are to be available to the public, properly signed, and with appropriate fees charged for amenity use where necessary. Handicapped access meeting state standards for docks and boats and adequate general public parking are mandatory requirements. Amenities are grouped as follows:

- (a) Group A – Public Access:
 - (1) Fishing dock/pier (minimum 30 feet in length in suitable water);
 - (2) Launching ramp with car-trailer parking;

- (3) Boat with outboard motor rental (minimum five boats, any type);
 - (4) Swimming beach;
 - (5) Provide free charter boat excursion or fishing trips for handicapped or underprivileged with minimum of 100 people served per season; or
 - (6) Additional amenities unique to the application.
- (b) Group B – Environmental Protection Over and Above Municipal and Other Governmental Agencies’ Minimum Requirements:
- (1) Runoff water quality improvement (i.e., holding ponds);
 - (2) Vegetative screening or cover;
 - (3) Shoreline protection, enhancement and/or riprap;
 - (4) Eurasian water milfoil offload sites; or
 - (5) Additional amenities unique to the application.
- (c) Group C – Public Service:
- (1) Water safety education programs (formal program, at least 100 persons served per season, with qualified instructors);
 - (2) Lake use educational programs (formal program, at least 100 persons served per season, with qualified instructors);
 - (3) Marine towing service;
 - (4) Marine emergency repair service, at docks or on the Lake;
 - (5) Make-ready dock (minimum of 20 feet in length);
 - (6) Ramp use for emergencies;
 - (7) Boating safety literature distribution;
 - (8) Food service in a seated facility;
 - (9) Sanitary pump-out facilities;
 - (10) Meeting rooms;
 - (11) Winter access (signed for public use);
 - (12) Slip and/or boat use for emergencies and governmental agency use;
 - (13) Auto lookout;
 - (14) Observation deck; or
 - (15) Additional amenities unique to the application.

Subd. 6. Non-conforming Mooring Areas or Structures. Except as otherwise provided in this subdivision, this Section shall not apply to commercial mooring areas or commercial structures which were licensed or lawfully in existence on March 31, 1982. No change in the configuration of the commercial mooring area or commercial structure which results in an increase in slip size or boat storage units may be made without first securing a license under this Section. For purposes of this subdivision, the addition of unrestricted watercraft which are not counted for purposes of determining compliance with density limitations pursuant this Section, are not considered to be an increase in boat storage units. When acting on such a license application, the Board shall not limit its consideration to changes or additions to the facility, but shall consider the entire facility of the applicant.

Subd. 7. Special Rules.

- (a) Unrestricted Watercraft at Residential or Municipal Facilities. Unrestricted watercraft shall not be counted for purposes of determining compliance with density limitations of this Section and Section 2-4.09 at residential or municipal docks, provided such unrestricted watercraft are not stored on the water of the Lake or on a mechanical lift.
- (b) Unrestricted Watercraft at Commercial Single and Multiple Docks. Unrestricted watercraft shall not be counted for purposes of determining compliance with density limitations of this Section and Section 2-4.09 at commercial single or multiple docks provided:
 - (1) The watercraft are not stored in the water of the Lake or on a mechanical lift; and
 - (2) The Board finds that either:
 - (i) The watercraft are used for public rental, are under the exclusive control of the rental organization, and do not number more than one such uncounted watercraft for each 25 feet of shoreline at the site (unless a greater number is required by the Board as a public amenity); or
 - (ii) The watercraft are used for educational purposes, are under the exclusive control of the educational organization, and do not number more than one such uncounted watercraft for each 15 feet of shoreline at the site (unless a greater number is required by the Board as a public amenity).

Subd. 8. Compliance with Conditions. The failure to comply with any condition imposed by the Board constitutes sufficient grounds to revoke the license. Any change in the conditions under which a special density license is issued or the amenities proposed by the applicant will require the applicant to obtain a new license.

Subd. 9. No Vested Rights. The granting of a special density license shall grant no vested rights to the use of the Lake, and future regulatory action by the LMCD may require modification or removal of the structure.

Subd. 10. Renewal; Abandonment. Except as expressly required in this Section, the separate renewal of a special density license is not required. The special density license is subject to review as part of the annual renewal of the underlying license issued for the structure. Licenses issued under this Section for facilities which are not fully constructed for any two year period commencing at any time after March 10, 1993 shall be deemed abandoned and revoked, except facilities may be partially constructed if the licensee:

- (a) Receives approval from the Board for such partial construction at the time of the granting of the applicant's annual dock license; and
- (b) All amenities required for the facility are provided during that year.



**NEW MULTIPLE DOCK AND
MUNICIPAL PLANNED UNIT DEVELOPMENT
DOCK LICENSE APPLICATION**

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
(952) 745-0789/lmcd@lmcd.org

LMCD Receipt # _____

Because this form is to be copied, please use black ink or type.

Pursuant to LMCD Code Section 2.03 and 2.14, a new Multiple and Municipal Planned Unit Development (PUD) 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** (circle one).

Applicant: City of Excelsior

Address: 339 3rd Street

City, State, Zip: Excelsior MN 55331

Phone: 952-474-5233 Fax: 952-474-6300 Email: kluger@excelsiormn.org

Property owner (if different from applicant): _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

PROPERTY LOCATION/IDENTIFICATION:

The property is located in the city of: Excelsior

Specific property identification/description for each parcel involved, i.e., PID#, address, etc.

The Commons, Excelsior MN PID#341172311002

PUBLIC HEARING NOTIFICATION LABELS (required at time of application submittal)

Please submit names and mailing address labels of **OWNERS** within a 350-foot radius for each property the facility is located on. Such owners must be verified by checking with the Hennepin County Auditor's Office, (612) 348-5910, or a private abstract company (subject to their cost). This service typically takes more than one day. You must have each properties tax parcel identification number (PIN) ready when calling for this assistance.

ADDITIONAL APPLICATIONS/REVIEW CRITERIA

- If the project was previously in existence and maintained an approved special density license or variance, a New special density and/or variance application would be required if applicable.
- Project is subject to additional review criteria as outlined in Section 2.03, Subd. 3a) and 2.14, Subd. 4.

PROJECT LOGISTICS

1. Type of dock construction, describe and attach to-scale drawing:

Wood piling and decking
Wood construction. Adding small section of deck to existing structure. May add dolphin poles in future.

2. Is the dock structure ☒ **Permanent** or ☐ **Seasonal** (check one).

Seasonal means all parts of the structure must be capable of removal by manual means without use of power equipment – other than handheld power tools.

3. Required Documents:

☒ Mailing labels of owners within a 350-foot radius of each property the facility will be located on.

☒ Certified Land Survey, Legal Description

☒ Site Plan – Scaled Drawing Providing for:

- _____ Setbacks to adjacent property lines;
- _____ Measurements of all dock structures (fingers, walkways, etc);
- _____ Numbered boat storage units (including slides);
- _____ Shoreline measurement at the 929.4' water level (including a line depicting the buffer zone area and each respective shoreline measurement). A municipal PUD must have at least 200' of shoreline;
- _____ Length measurement from the 929.4' shoreline to the furthest proposed structure.

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

4. Are there any permits, licenses, or approvals required by the MN DNR, Minnehaha Creek Watershed District, or the respective municipality? ☐ Yes ☐ No If yes, what types, please explain:

No

5. Check all services the municipality will be providing for this project and provide brief description.

- ☒ Boat Storage..... Boat storage for residents, non-residents, and visitors.
- ☐ Boat Rentals.....
- ☐ Launching ramps..
- ☐ Sales.....
- ☐ Service.....
- ☐ Restaurant.....
- ☒ Other..... One transient slip will be converted into an overnight storage for a charter boat. No other changes proposed.

6. Restroom facilities provided: Yes ☒ No ☐ If yes, Indoor (#) _____ Outdoor portable (#) _____

7. Boat toilet pumping service provided? Yes ☐ No ☒

8. Gas service provided: Yes ☐ No ☒

9. Total square footage of dock area change including maneuvering space = 880 sf. If 20,000-sq. ft. or over, an Environmental Assessment Worksheet (EAW) is required.
10. Boat Storage Units (BSU) computation: Lakeshore Frontage 2,663 ft feet divided by 50 = 53.26 BSUs
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.**
11. Number of BSU's applied for:

LOCATION		USE	
Slips	123	Rent, lease, etc.	131
Slides	22	Service work	
Lifts		Company use	
Tie-ons	5 (Charter)	Private use	
Moorings		Transient use	19
Off Lake Rack Storage		Other	
Other			
TOTAL BSU's		TOTAL BSU's	150

12. Watercraft Storage Unit (WSU) computation schedule:

SLIP SIZE CATEGORIES

22	BSU @ 1 WSU (each slip up to 20' long and/or up to 10' wide)	22
123	BSU @ 1.5 WSU (each slip up to 20'-24' long and/or up to 11' wide)	184.5
	BSU @ 2 WSU (each slip up to 24-32' long and/or up to 12' wide)	
	BSU @ 2.5 WSU (each slip up to 32-40' long and/or up to 14' wide)	
	BSU @ 3 WSU (each slip up to 40-48' long and/or up to 16' wide)	
5	BSU @ 4 WSU (each slip over 48' long and/or over 16' wide)	20
150	BSU and WSU Totals	226.5

- ### 13. Fee Calculation:

[illegible]

Number of Watercraft Storage Units (WSU) 5.5 x \$7.50 = \$ 41.25

Total Fee Enclosed\$ 541.25

New Multiple Dock and Municipal Planned Unit Development Dock License Application
Page 4

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.

Kristi Luger Digitally signed by Kristi Luger
Date: 2020.01.21 16:00:56 -06'00'

Authorized Signature

City Manager

Title

Employee

Relationship to Owner

Kristi Luger

Printed Name

01-21-20

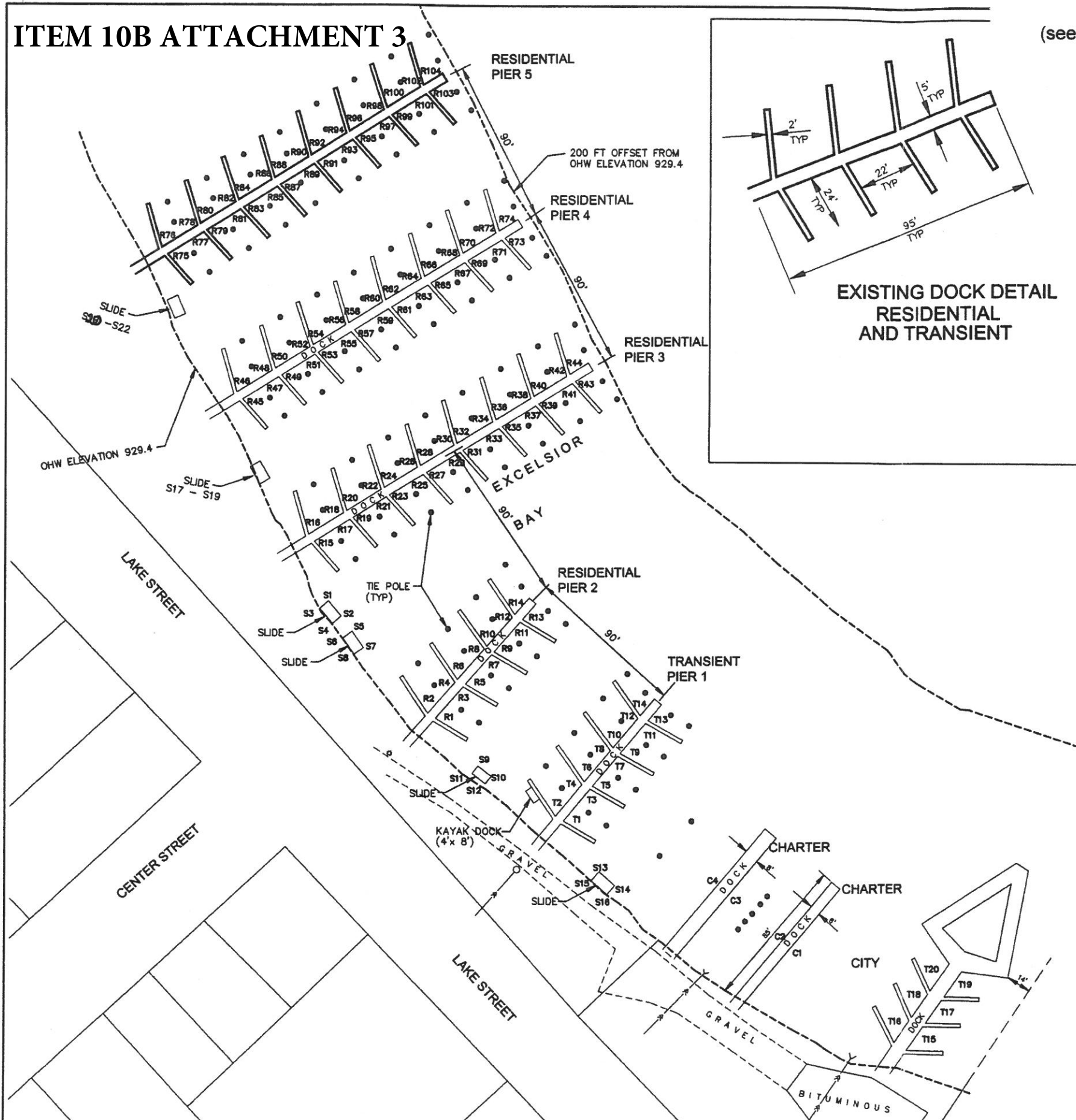
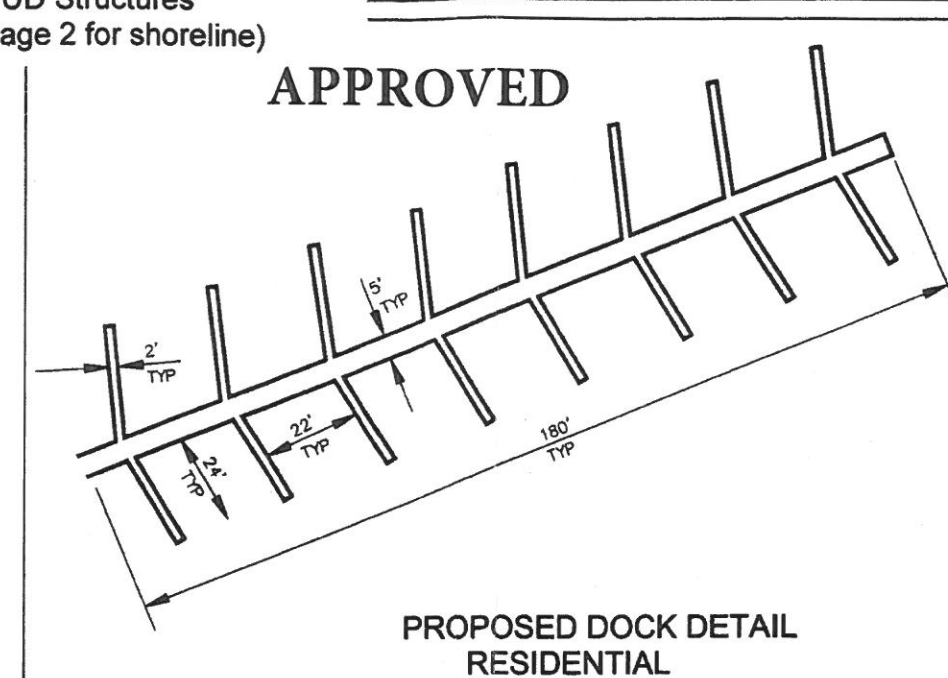
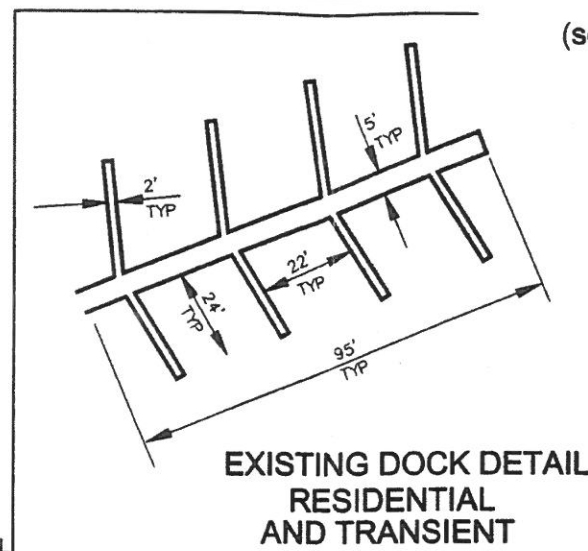
Date

Return this application, attachments and fee to:

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

ITEM 10B ATTACHMENT 3

Site Plan Page 1 of 2
PUD Structures
(see Page 2 for shoreline)



REGIONAL FLOOD ELEVATION - 928.6 FT (NGVD 1929)

SLIP SIZES:		
TRANSIENT DOCKS:	T1-T20	11'x 24'
CHARTERS DOCKS:	C1-C4	20'x 70'
SLIDE DOCKS:	S1-S22	5'x 13'
RESIDENTIAL DOCKS:	R1-R104	11'x24'

LEGEND:

S = SLIDE DOCKS

R = RESIDENTIAL DOCKS

C = COMMERCIAL DOCKS

T = TRANSIENT DOCKS

RECEIVED
DEC 13 2016
BY: _____

WSB PROJECT NO. 01140-85

PORT OF EXCELSIOR BAY
SITE SURVEY

SHEET 1 OF 1 SHEETS

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION THAT I AM A QUALIFIED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF ILLINOIS		RECORD NO. DATE	EXPLANATION
SCALE	AS NOTED		
PLAN BY: MGL	DESIGN BY: JC		
CHECKED BY: --	PROJECT NO. 1140-85		
RECORD COPY BY:			
DATE 12-08 - 2018			
MORGAN DUNLEY 44178			

DOCK SURVEY
FOR THE CITY OF
EXCELSIOR, MINNESOTA

WSB
Associates, Inc.

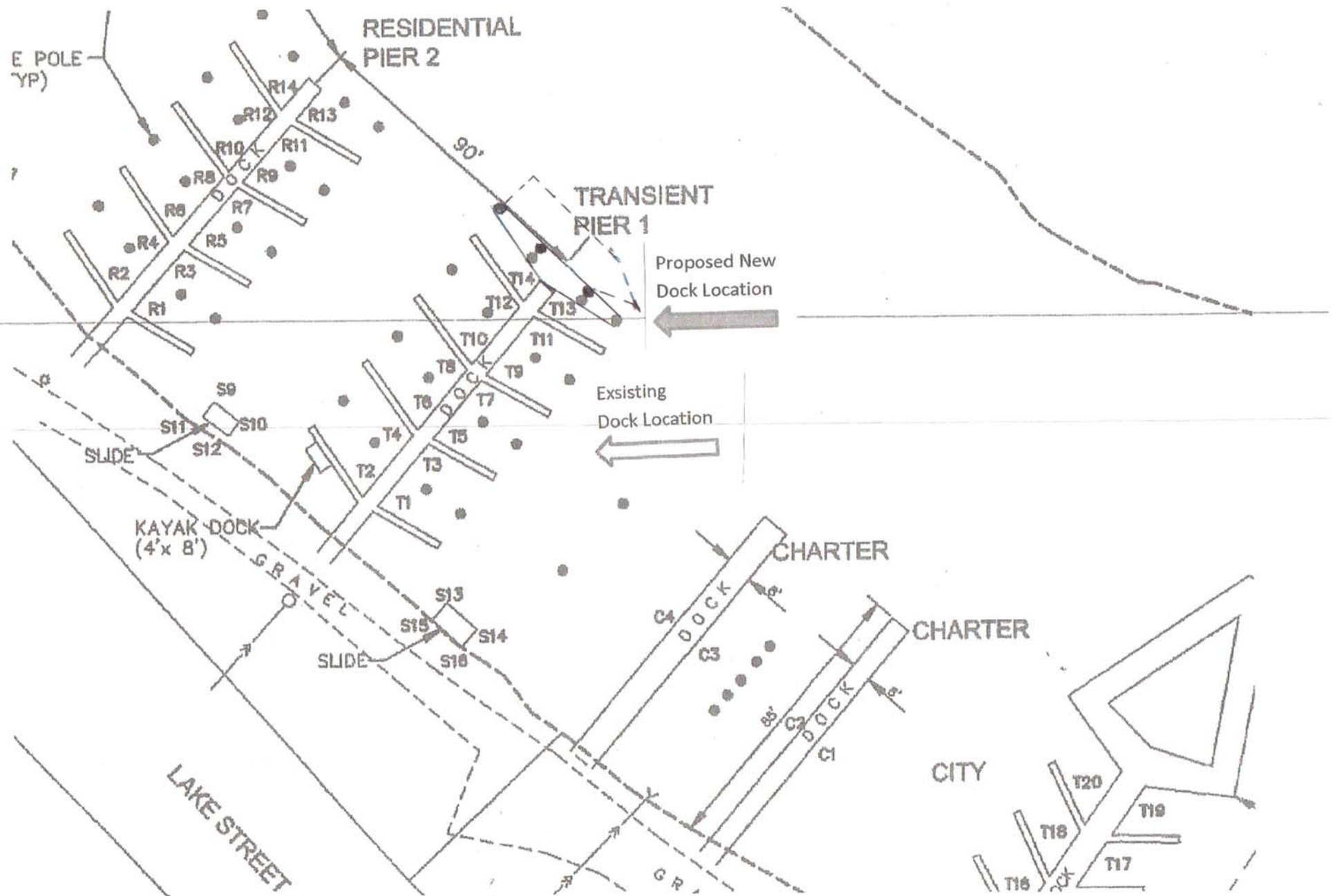
701 Xanta Avenue South, Suite 300
Minneapolis, MN 55416
www.wsb.com

763-441-1000 • Fax 763-441-1100

INFRASTRUCTURE • ENGINEERING • PLANNING • CONSTRUCTION

K:\01140-85\Cad\Plan\1140-85 SITE SURVEY JH RENUMBERED.dwg

ITEM 10B ATTACHMENT 4



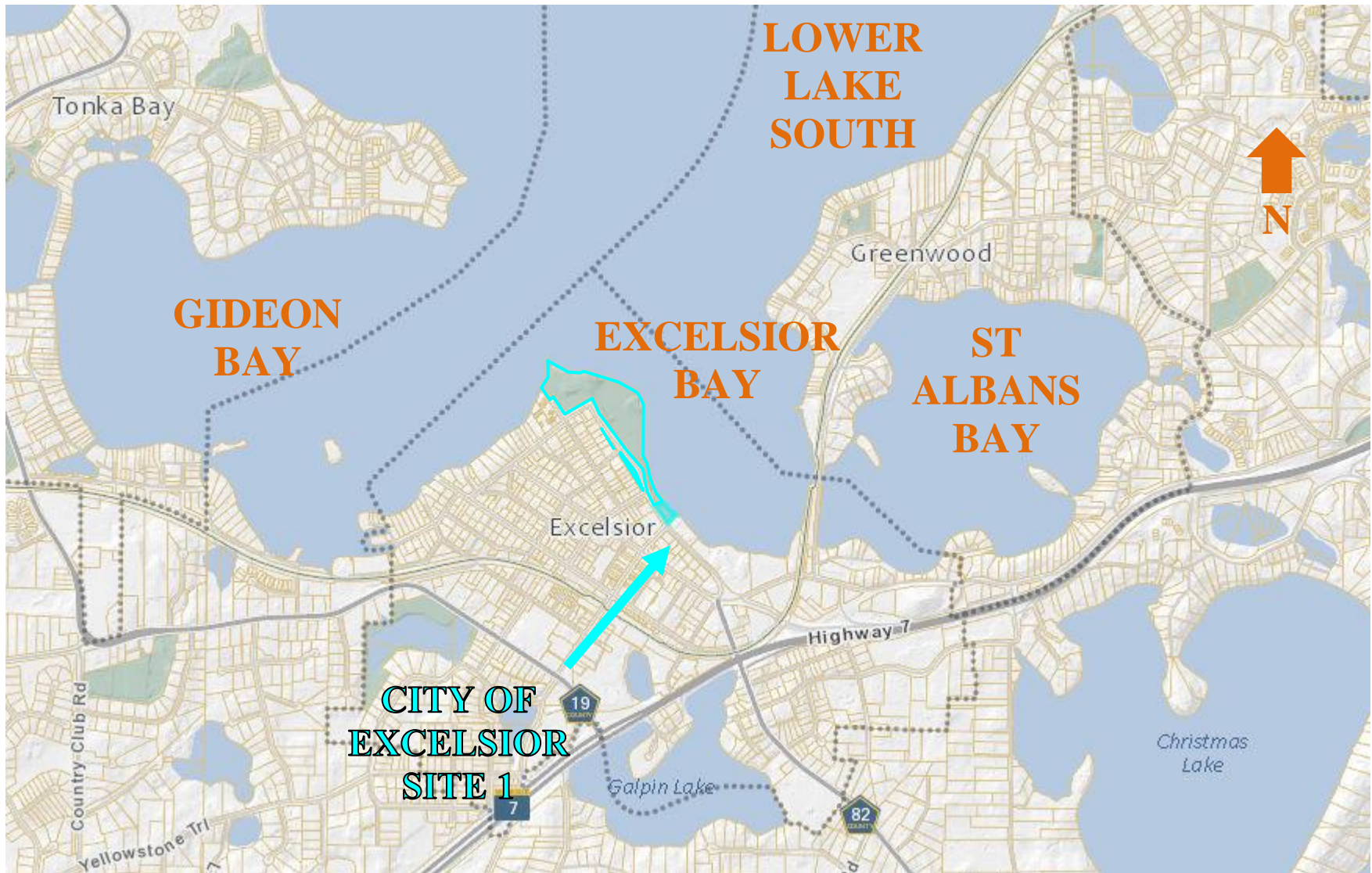


City of Excelsior

Applications for Multiple Dock License and Special Density License

For illustrative purposes only. Created using Hennepin County Property Interactive Map 01/28/2020.

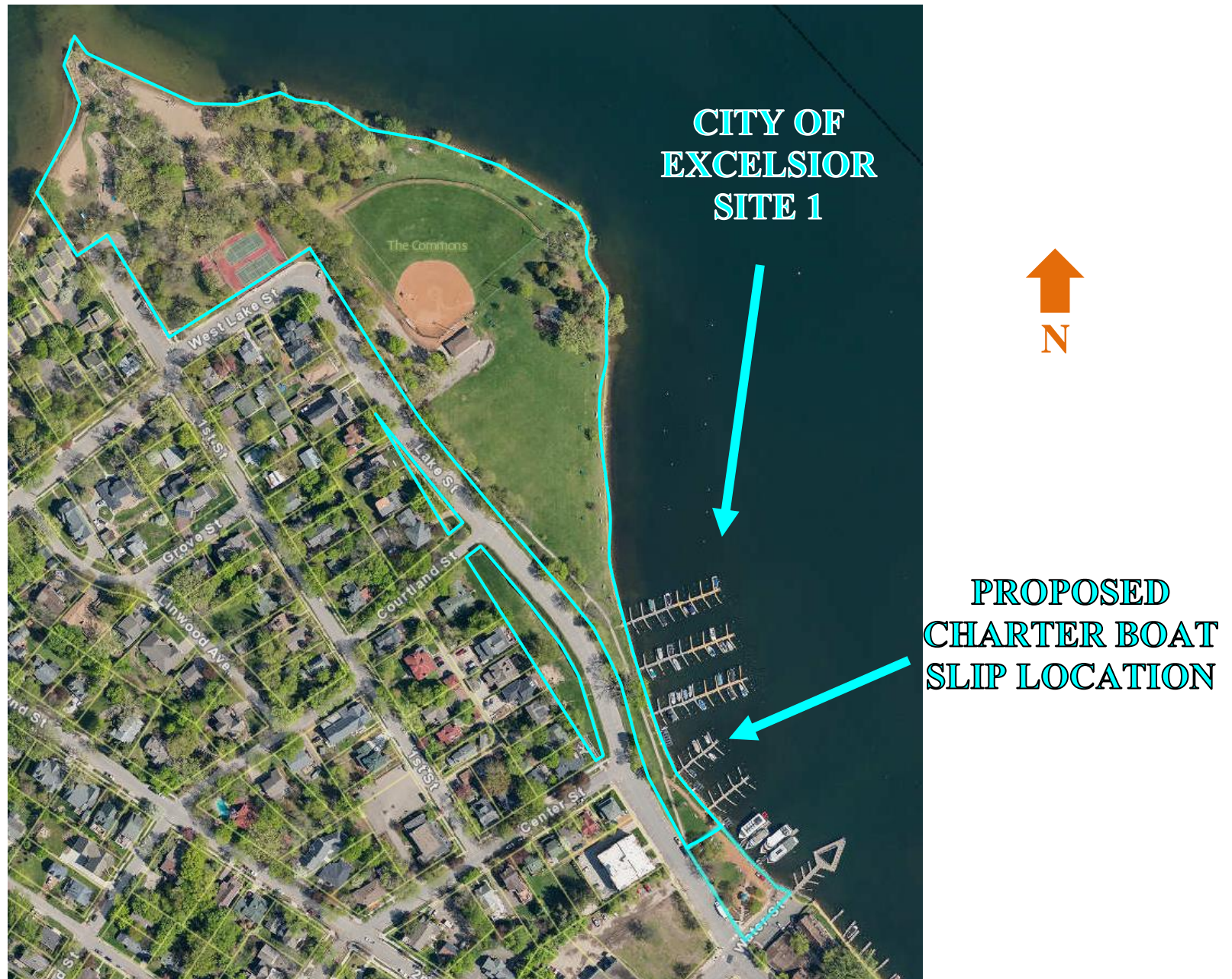
ITEM 10B ATTACHMENT 5



City of Excelsior

Applications for Multiple Dock License and Special Density License

For illustrative purposes only. Created using Hennepin County Property Interactive Map 01/28/2020. Images taken in 2018 unless otherwise labeled.





ITEM 10B ATTACHMENT 6

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 23, 2020

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

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (01/30/2020 Edition)

**LAKE MINNETONKA CONSERVATION DISTRICT
PUBLIC HEARING NOTICE**

7:00 PM, February 12, 2020
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

**City of Excelsior
399 Lake Street, Excelsior
Excelsior Bay, Lake Minnetonka**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider applications for a multiple dock facility and special density license. The site is located at 399 Lake Street in Excelsior, MN 55331 (PID 34-117-23-11-0002). The site's shoreline is comprised primarily of the aforementioned parcel, the Water Street street end, and The Commons park area. The applicant proposes to maintain 150 boat storage units (BSUs) on the site (no increase), and to change the classification of one BSU from Transient to Overnight Storage for the purpose of storing a charter boat. 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.



ITEM 10B ATTACHMENT 7

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 30, 2020

TO: Property Owner

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Notice of Multiple Dock License and Special Density License 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: multiple dock license and special density license. The applicant is the City of Excelsior.

The site is located at 399 Lake Street in Excelsior, MN 55331 (PID 34-117-23-11-0002). The site's shoreline is comprised primarily of the aforementioned parcel, the Water Street street end, and The Commons park area. The applicant proposes to maintain 150 boat storage units (BSUs) on the site (no increase), and to change the classification of one BSU from Transient to Overnight Storage for the purpose of storing a charter boat.

Public Hearing Information:

A public hearing will be held at 7:00 PM, February 12, 2020, at Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. The items detailed above will be reviewed and considered for approval. All interested persons will be given an opportunity to comment. Alternatively, please submit comments in writing to the LMCD (address below) or by using the "Contact Us" form at lmcd.org.

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.

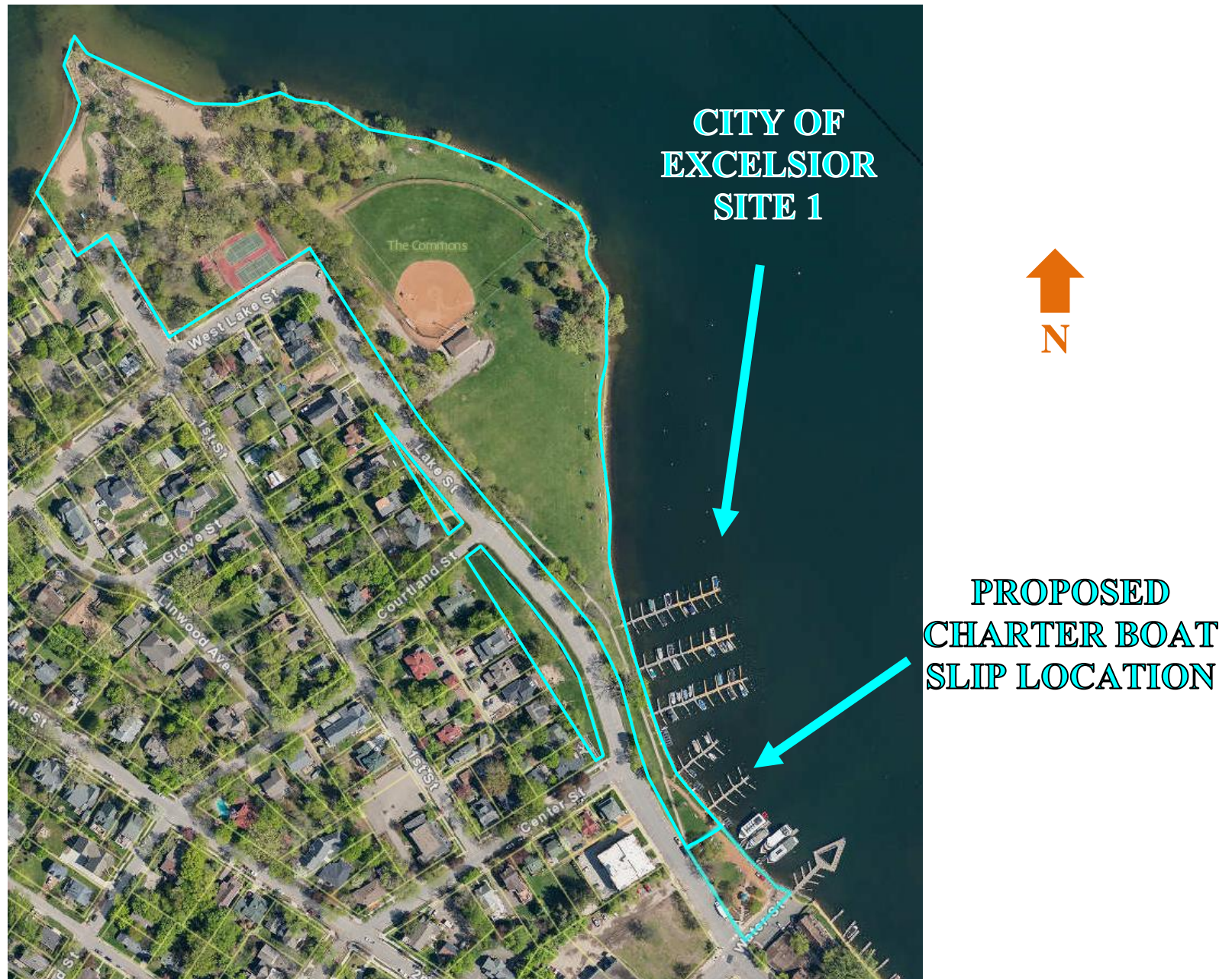
Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

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

City of Excelsior

Applications for Multiple Dock License and Special Density License

For illustrative purposes only. Created using Hennepin County Property Interactive Map 01/28/2020. Images taken in 2018 unless otherwise labeled.





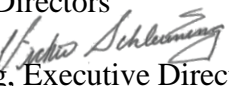
ITEM 12A

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: February 12, 2020

TO: LMCD Board of Directors

FROM: Vickie Schleuning,  Executive Director

SUBJECT: Nomination and Election of 2020 LMCD Board Officers

ACTION

Board consideration of the Nominating Committee's recommendations and election of 2020 Board Officers.

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

Approval:

I make a motion to appoint Gregg Thomas as Chair, Ann Hoelscher as Vice Chair, Dan Baasen as Secretary, and Bill Cook as Treasurer <or amend as follows> for 2020.

Denial:

I make a motion to deny the appointment of the 2020 Officers for the following reason...

BACKGROUND

The LMCD is required by state statute to annually elect officers from the members of the Board. Further, the LMCD Bylaws indicate the Board is to elect a Chair, Vice Chair, Secretary, and Treasurer annually in February. The Nominating Committee is charged with assisting in the election process by recommending a slate of officers to the Board.

On September 14, 2016, the LMCD Board of Directors approved Resolution 150: Approving and Ratifying a Nominating Process for Board Officers (attached). This process, followed at the recommendation of the LMCD legal counsel, Troy Gilchrist, was utilized in 2015, in which the Board desired to formally approve and ratify such a process for the annual selection of its officers. A document outlining the procedures is attached.

NOMINATING COMMITTEE

On October 23, 2019, the Board appointed Directors Deborah Zorn, Jake Walesch, and Nicole Stone to the Nominating Committee. The Nominating Committee provides a recommendation of the slate of officers for Board consideration for Chair, Vice Chair, Secretary, and Treasurer.

RECOMMENDED SLATE OF OFFICERS

After soliciting candidates and conducting interviews, the Nominating Committee recommends the following slate of officers:

Chair:	Gregg Thomas
Vice Chair:	Ann Hoelscher
Secretary:	Dan Baasen
Treasurer:	Bill Cook

Please see the attached memo from the Nominating Committee regarding the process and their recommendations.

ATTACHMENTS

- Memo from Nominating Committee
- Nominating Committee Procedures
- Resolution 150 – Nominating Committee



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: February 7, 2020
TO: LMCD Board of Directors
FROM: Nominating Committee: Deborah Zorn, Jake Walesch, Nicole Stone
RE: Nominating Committee Recommendations

The following is an update regarding the Nominating Committee process and recommendations for the slate of Officers for the LMCD Board for 2020.

1. Overview of Process

- Received four (4) self-nominations from incumbent officers
- Conducted interviews on 1/23

2. Recommended Officers for 2020

- Chair: Gregg Thomas
- Vice Chair: Ann Hoelscher
- Secretary: Dan Baasen
- Treasurer: Bill Cook

3. Nominating Committee Comments/Advice to Officers

- Recommendation is based on continuity, succession planning, and engagement level.
- Key highlights and advice for 2020:
 - AIS - proactively determine role of LMCD (if any)
 - Stakeholders - continue to develop relationships and provide leadership in coordination
 - Board education & engagement - consider ways to educate and utilize skills across Board directors

ATTACHMENT- **RECOMMENDED NOMINATION PROCESS**

Nominating Committee

1. The Committee develops a recommended slate of officers for presentation to the full Board.
2. The Committee develops a recommended procedure the Board may use to address any nominations at the meeting.

Nomination Procedures

1. The Board Chair asks the Chair of the Nominations Committee to present the recommended slate of officers.
2. The Chair asks the Board if there are any other nominations for any of the positions.
 - a. The member making the nomination must state the name of the person being nominated and the position to which the person is being nominated.
 - b. Nominations do not require a second.
 - c. No member shall be nominated for more than one position.
 - d. A Board member may not nominate himself or herself.
 - e. A nominated member may reject the nomination by the person announcing he or she does not accept immediately after the nomination is made. A member who does not accept a nomination for a position remains eligible to be nominated for another position.
3. If there are no additional nominations, the Board Chair calls for a motion and a vote on the recommended slate of officers.
4. If there are any additional nominations made “from the floor”, the positions for which there were additional nominations are pulled from the recommended slate and the Board Chair calls for a motion and a vote on the remainder of the recommended slate of officers (if any positions remain unchallenged).
5. The challenged officer positions must be voted on individually, which is conducted by the Board Chair identifying the officer position and announcing the name of the member recommended for the position by the Nominating Committee and the names of those nominated for the position from the floor. Each of the nominated members may be allowed up to three minutes to provide background on themselves and why they are interested in the position.
6. The Board Chair announces that voting will be conducted by a show of hands with each member voting only once for each officer position. The nominated members are eligible to vote. The nominee with the most votes at the end of the voting wins the position. If the vote ends in a tie between the two highest vote getters, another vote shall be conducted between just those two members (any other nominees for the position are dropped from the voting) until a winner is selected.
7. The Board Chair then calls for a vote for the position by calling each of the names and then asking members to raise their hand if voting for that person for the position (“All those in favor of Bill Smith for Secretary raise your hands. [count votes] All those in favor of Cindy Jones for Secretary raise your hand. [count votes]” Etc.)

ATTACHMENT- **RECOMMENDED NOMINATION PROCESS**

8. The person with the highest number of votes for the position is then announced as being selected for the position.
9. The Board Chair then moves onto to the next challenged position, announces the nominees, and proceeds with voting in the same manner until all of the positions are filled.



**STATE OF MINNESOTA
LAKE MINNETONKA CONSERVATION DISTRICT**

RESOLUTION NO. 150

**A RESOLUTION APPROVING AND RATIFYING A
NOMINATING PROCESS FOR BOARD OFFICERS**

WHEREAS, the Board of Directors ("Board") of the Lake Minnetonka Conservation District ("LMCD") is required by Minnesota Statutes, section 103B.615 to annually elect officers from among the Board members;

WHEREAS, Article II, Section 2.4 of the Bylaws of the Lake Minnetonka Conservation District ("Bylaws") indicates that the Board is to annually elect a Chair, Vice Chair, Secretary, and Treasurer in February;

WHEREAS, the Board has utilized a nominating committee ("Committee") to assist in the election process by recommending a slate of officers to the Board as is permitted by Section 2.4 of the Bylaws; and

WHEREAS, the Committee, with input from the LMCD civil attorney, created and utilized a nominating process for the 2016 election that the Board desires to formally approve and ratify as the standing nominating process for its elections.


NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves and ratifies the attached nominating process as the official process to be followed by the Committee and the Board in the annual selection of its officers.

BE IT FINALLY RESOLVED, that the Committee and Board members may make recommendations for amendments to the nominating process, but the process may only be amended by resolution adopted by a majority vote of all Board members at least 30 days before the date of the election at which the amended process is to be used.

Adopted this 14th day of September, 2016 upon a majority vote of all members.

BY THE BOARD OF DIRECTORS


James Jay Green, Chairperson

Attest: 
Gregory J. Thomas, Secretary