



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, July 22, 2020

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Pursuant to a statement issued by the presiding officer under Minnesota Statutes, section 13D.021, the meeting will be conducted remotely using electronic means. The LMCD's usual meeting room will not be open to the public or the Directors. The LMCD will be using Zoom platform to conduct the meeting remotely. More details about how to use Zoom is available on the website at www.lmcd.org.

PUBLIC PARTICIPATION

Those desiring to participate in the meeting should complete the online form at least two hours prior to the meeting. If you are invited to speak at the Public Comments Section or Agenda Item: 1) Indicate your desire to be heard by "raising hand" through Zoom, 2) Direct comments to Chair Gregg Thomas, 3) Be concise and courteous. The Chair may choose to reorder the agenda for a specific agenda item if it would benefit the needs of those in attendance. People who are disruptive will be expelled from the meeting. If you have questions, please email the Executive Director at vschleuning@lmcd.org.

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. AIS Management Workshop Continued

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
- 6. APPROVAL OF MINUTES** (07/08/2020) LMCD Regular Board Meetings
- 7. APPROVAL OF CONSENT AGENDA**
 - A) Audit of Vouchers (07/16/2020 – 07/31/2020)
 - B) Resolution accepting Save the Lake Contributions (06/01/2020 – 07/01/2020)
 - C) Findings of Fact and Order, 5th Street Ventures, LLC (Back Channel Brewery) new multiple dock license application to add another transient BSU and variance for setbacks at the Qualified Commercial Marina, located within Seton Lake at 4681 Shoreline Drive in Spring Park
- 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, respond to or correct statements from the public, or act on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.*
- 9. PUBLIC HEARING**
- 10. OTHER BUSINESS**
- 11. OLD BUSINESS**
- 12. NEW BUSINESS**
 - A) Request for Temporary Transient Docking in 2020 from Caribbean Marina & Restaurant Due to COVID-19
- 13. TREASURER REPORT**
- 14. EXECUTIVE DIRECTOR UPDATE**
- 15. STANDING LMCD COMMITTEE / WORKGROUP UPDATE**
 - Aquatic Invasive Species Taskforce

- Budget Workgroup
- Communications & Legislative Relations
- Deicing and Permanent Dock Workgroup
- Save the Lake Committee
- Strategic Plan Subcommittee

16. ADJOURNMENT

Future Items – Tentative

- Lake Use Vision and Policy Discussion Continuing Series
 - Slow and No Wake Regulations
 - Watercraft Density
 - Lake Sales and Services



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DATE: July 22, 2020

TO: LMCD Board of Directors

FROM: Vickie Schleuning, *Vickie Schleuning* Executive Director

SUBJECT: AIS Management Workshop

ACTION

Board discussion regarding LMCD's role in AIS management on Lake Minnetonka.

BACKGROUND

The LMCD Board of Directors reviewed and discussed the Lake Minnetonka Vegetation & AIS Master Plan at its June 24, 2020 board meeting and commenced discussion at the July 8, 2020 LMCD Board Work Session. The Board will continue the discussion at the July 22, 2020 LMCD Board Work Session.

ATTACHMENTS

- July 8, 2020 AIS Management Workshop Presentation from Director Cook

AIS Management Workshop

July 8, 2020

WORK SESSION ITEM 1

☐ Attachments

- ☐ Legislative Authority
- ☐ LMCD Vision and Mission Statement
- ☐ Current Strategic Plan

AIS Management Workshop

July 8, 2020

☐ Master Plan

☐ Harvesting Program Review

- ☐ Littoral Zone Exclusion

☐ Starry Stonewort Prevention Plan

- ☐ Keep it out
- ☐ Support LMA in its monitoring program
- ☐ Work with researches to find ways to eradicate it

☐ Recommendations

☐ Continue clarifying roles of various agencies

☐ Hire a professional Lake Manager

- ☐ Conduct a 3-year pilot of contracted harvesting
- ☐ Establish Lake wide goals for AIS Management
- ☐ Conduct routine vegetation studies
 - ☐ Maintain online data base
- ☐ Social Pinpoint data base

☐ Work with stakeholders

AIS Management Workshop

July 8, 2020

- ☐ Should the LMCD be involved in the Prevention and Management of AIS?
- ☐ Should the LMCD hire a “Lake Specialist” to assist in the LMCD’s expanded role?
 - ☐ Conduct Vegetative Surveys.
 - ☐ Assess Condition of the Lake.
 - ☐ Provide technical assistance to LMCD and Lake stakeholders.
 - ☐ Coordinate, collate and provide historical and technical perspective on AIS.
 - ☐ Prepare and develop funding applications for National, State and Local funds to improve the Lake for all stakeholders.
 - ☐ Recommend, develop and support LMCD and Lake Stakeholders in the development of actions plans for AIS prevention and management.
- ☐ Should the LMCD fund additional grant programs for:
 - ☐ LID formation.
 - ☐ AIS prevention and management treatments.
 - ☐ Harvesting
 - ☐ Chemical applications
 - ☐ Other
 - ☐ Local, regional and national AIS Research.

AIS Management Workshop

July 8, 2020

☐ Next Steps

- ☐ Board accept Vegetation and AIS Master Plan
- ☐ Board authorizes the advertisement for Lake Specialist
- ☐ Board makes policy statement relative to vegetation and AIS Management

AIS Management Workshop

July 8, 2020

❑ AIS 2021 Budget Breakdown (breakdown not included in approved budget).

❑ \$80,000 Approved Total

❑ Estimated Breakdown

❑ \$40,000 Lake Specialist

❑ \$10,000 AIS Program Support

❑ \$15,000 Surveys and Testing

❑ \$ 5,000 Contract Harvesting and Maintenance

❑ \$ 5,000 Grant and Financial Support

❑ \$ 5,000 Pinpoint Mapping and GIS Support

ITEM 6

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

6:00 P.M., July 8, 2020
Virtual Meeting

Due to COVID-19 Guidelines, pursuant to a statement issued by the presiding officer (Board Chair) under Minnesota Statutes, section 13D.021, the meeting was conducted remotely through electronic means using Zoom. The LMCD's usual meeting room was not open or available to the public or the Directors.

WORK SESSION

6:00 p.m.

Members Present:

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

Members Absent:

None

Persons in Audience:

Eric Evenson, Gabriel Jabbour, and Jason Naber.

1. AIS Management Workshop

B. Cook reviewed details on the AIS Master Plan including the AIS 2021 budget breakdown. He reviewed the three questions the Board could focus its' discussion on: should the LMCD be involved in the prevention and management of AIS, should the LMCD hire a Lake Specialist to assist in the LMCD's expanded role, and should the LMCD fund additional grant programs.

Chair Thomas commented that the LMCD has a number of other activities it conducts related to management of the lake and suggested the Board start with whether the LMCD should be involved in AIS management.

Hughes asked what LID stands for.

Chair Thomas replied that LID stands for Lake Improvement District.

Hughes stated that the LMCD should be involved in AIS management but was unsure that the LMCD should be in charge. He stated that the LMCD should be a stakeholder.

Baasen stated that if it is not the LMCD, what group would it be?

Hoelscher stated that she agrees with Baasen, as there is not a coordinated effort out there in regard to AIS management for Lake Minnetonka. She believed that the LMCD has an obligation to be involved and help coordinate and review the best options.

Brandt stated that AIS management is an important topic for lake health and the LMCD should be involved. He stated that the resounding question from the DNR was who was in charge. He stated that LMA and other stakeholders take initiatives to support projects and treatments. He stated that the LMCD should be involved to some degree and the LMCD should continue to support the other entities on the lake that have taken initiative.

Anderson commented that the LMCD is too slow to react to things, noting that the LMA and other stakeholder groups have taken initiative because of the time it takes the LMCD to respond to requests. He stated that if the LMCD stays in AIS management, he is afraid that this situation would continue with the organization too slow to react and stop anything. He did not believe the LMCD should be involved in AIS prevention and management.

Kirkwood echoed the concern of Anderson, stated that it seems historically there has been a lot of effort without much action. He stated that he would say the LMCD has a role in leadership and enabling others to take action. He stated that perhaps the group has accomplished its role in awareness.

Stone stated that she agrees that this is a complicated question and she struggles with the fact that there are a lot of stakeholders and groups of people doing good things. She was unsure that the LMCD is equipped to coordinate all of it. She stated that in her own bay there are so many different people giving information and therefore it appears there is a problem with communicating information to the public. She did not think the LMCD should be the lead for AIS management. She stated that there are a lot of "cooks in the kitchen" doing their own thing and therefore it is hard to say who would take the lead. She stated that the LMCD could be involved in helping to spread information to the public to ensure that correct information is being communicated.

Kroll commented that he believes the LMCD should be involved. He stated that the LMA does a great job of herbicide treatment and he supports privatization of services. He stated that the LMCD has tax dollars and should be willing to subcontract out the work.

Newell stated that he likes the comments of Kroll but does not believe that with \$80,000 per year the LMCD would have enough funding to be masterful. He stated that he likes the ideas of mapping and providing information to bay captains and LIDs so that those groups can see whether their treatments are effective. He stated that perhaps the LMCD could provide matching grants to help those groups with their efforts, but the LMCD does not have the financial wherewithal to make an impact and therefore he sees the group in a guidance role.

Zorn stated that she is appreciative that the Board is having the discussion. She stated that the mandate of the LMCD can be translated in many different ways, but does not believe the levy could fund the efforts needed for the LMCD to be the primary leader in implementation and instead sees the LMCD as a coordinator between the stakeholder groups. She stated that the LMCD cannot take this on without stakeholder agreement.

Walesch thanked Cook for the presentation. He stated that his impression is that historically, the LMCD has not had the technical expertise, staff time or budget to take the lead role in AIS management. He stated that it has never been the LMCD to take the lead and it has always been others taking the lead in AIS management, aside from harvesting. He stated that groups have been critical of the LMCD spending funds on studies and not implementing the recommendations from those studies. He stated that there have been varying opinions on using funds to complete studies rather than putting those funds into the lake. He listed different organizations and stakeholders that have taken an active role in AIS management. He stated that when he looks at the idea of a Lake Specialist, he would like to see the details of the RFP and job description. He stated that he would require buy in from the other governmental entities to support spending the funds on a Lake Specialist. He stated that the LMCD needs to start aligning with other entities rather than going ahead and doing what it thinks other people want and then be criticized. He stated that he would not support more than 20 percent of the budget for a Lake Specialist. He stated that in order to continue spending money on studies and things like that, the LMCD should have support in writing from the other entities. He stated that he continues to hear feedback that the LMCD continues to spend money on studies and does not put that money into the lake. He stated that he would suggest partnering with AIS management experts who are currently doing AIS management on the lake (LMA, LIDs) and the majority of funds should be spent partnering with those entities. He stated that the administration activity should be 20 percent of the AIS budget, harvesting should be 15 percent of the budget, and the remainder should be used to partner with entities for projects on the lake. He stated that he would like to see the LMCD make funds available for use by entities completing projects that benefit the lake. He stated that he would love to see the LMCD sell the harvesting equipment and any future harvesting could be completed through contracting with third parties. He stated that he would like to increase positive interactions with other entities and have better working relationships. He stated that he would like to keep options open to pivot to a more management role in AIS management but that will take time to build relationships.

Klohs stated that the LMCD has made a lot of progress. He stated that all the agencies were represented at the last TAG meeting. He stated that if there is an overall coordination effort to make the individual effort more effective, the LMCD would be the only group to do that. He stated that the LMCD does not have the staff or funding to do anything specifically. He stated that the best the LMCD could do, is potentially make the efforts of others more efficient. He stated that if this were easy, another organization would have done this and the LMCD could follow that model. He stated that the LMCD is the only hope to make the activities more efficient. He stated that the LMCD will either need to drop this now or make an attempt to hire a coordinator that would attempt to make the current processes being completed by other stakeholders more efficient. He noted that this would not be starting from scratch. He agreed that the probability of failure is high but the LMCD is the only hope to try to attack this and he believed it is too early to throw the towel in. He suggested one to three years of a part-time or full-time coordinator in attempt to get the other stakeholders to be more efficient.

Chair Thomas stated that it appears the majority of the Board believes that the LMCD should continue to be involved, although there are differences of opinion on how that should be done.

B. Cook stated that he believes the LMCD is role is to support, not to lead or manage. He stated that with all the stakeholders coordinating their own activities, he would suggest the LMCD assist in facilitating

rather than using the term coordinate. He suggested that the discussion move to the second question related to the Lake Specialist.

Chair Thomas agreed that there are many groups around the lake doing good things to control AIS.

Klohs stated that he agrees with the term facilitate rather than coordinate.

Walesch asked how the LMCD would facilitate in a practical sense. He used the example of current projects related to flowering rush. He asked if the LMCD feels it could bring anything to the table for those types of projects outside of funding.

B. Cook stated that it would be presumptuous for the LMCD to believe it could do anything to the current flowering rush program that others are involved in. He stated that the LMCD could review the results of projects like that, on an ongoing basis, to suggest whether others could try that treatment in other parts of the lake. He stated that for a program that far along, the LMCD could help to share the results to the rest of the lake.

Walesch stated that perhaps a new program is developed. He noted that other groups have their own experts and asked how the LMCD would help and whether the LMCD believes other groups would use the LMCD consultant rather than its own.

B. Cook commented that the groups mentioned have access to experts that are nationally recognized and therefore it would be incredibly presumptuous for the LMCD to believe it could provide assistance. He stated that he would think that the LMCD could assist with other groups that need support in getting their projects started, whether that is administrative or technical support.

Walesch asked if the Lake Specialist would assist on a case by case basis based on the specific project that is brought forward to provide technical assistance to help implement the project.

B. Cook confirmed that statement and noted that the LMCD could also help to share the results of the project with others that may be interested in doing similar projects.

Anderson stated that there were plenty of people that said they would like to continue to be involved in AIS and stated that perhaps those Board members could provide input on what they would think the LMCD would be involved in, rather than placing all the burden on B. Cook.

Chair Thomas referenced the second question related to whether a Lake Specialist should be hired.

Anderson stated that he would still like input from the other Board members on what they believe the LMCD could be involved in related to AIS management.

Chair Thomas stated that Schleuning and her staff have been doing a good job and have some experience but one of the recommendations was to retain someone to assist with expertise in lake management.

Hughes stated that on a high level he would support looking at how the lake is used or misused and believed the LMCD needs to look at how the use of the lake has changed. He stated that could be one of the activities that a Lake Specialist could look at, along with coordinating with Water Patrol.

Baasen reminded the Board that two years ago October, the LMCD attended a meeting where other groups asked the LMCD to review its harvesting program. He stated that the decision was that made sense and the LMCD should determine whether that could be done better. He recognized that the Master Plan development costs money but believes that plan puts expertise into the area of AIS. He stated that he is very supportive of having a Lake Specialist. He stated that the LMCD only assesses the communities served and there is a reason to increase the levy if there is a reason to do so. He stated that if there is a good plan, the levy could be increased, which would provide additional AIS funding.

Hoelscher stated that it is important to have someone with technical expertise to evaluate what is going on with the lake and help the LMCD decide what would be important efforts. She stated that she would also hope that having someone on staff would help to secure grant money from the state which would add value. She stated that she would support hiring a Lake Specialist.

Brandt stated that if the LMCD is going to be involved in AIS management, then a Lake Specialist would be needed to facilitate that effort. He stated that his biggest question would be what the budget looks like and believes the scope needs to be very clear for the role.

Anderson stated that the 2021 budget breakdown identifies \$40,000 for a Lake Specialist, which he agreed with prior comments would most likely not get much for that type of position. He stated that the LMCD could work with the LMA and the AIS specialist could be Erik Evenson. He commented that for \$40,000, the LMCD is not going to get a high caliber specialist. He stated that there are already specialists on the lake the LMCD could work with, therefore he is against spending funds on a Lake Specialist.

Kirkwood stated that he believes the LMCD should be an observer rather than a manager in terms of AIS management. He stated that he is curious about the LIDs, their role and how effective those groups have been. He stated that perhaps LIDs would be more useful with the LMCD providing guidance and connections. He stated that the other groups could implement with the LMCD ensuring that harm is not done to the lake.

Chair Thomas stated that perhaps a presentation on LIDs should be done at a future Board workshop.

Kirkwood stated that the Lake Specialist is a role that needs further development. He stated that it feels like a solution for a problem that is not agreed upon as to how to solve.

Stone stated that the LMCD should first decide whether it is going to be involved in AIS. She stated that there is confusion in the community since harvesting stopped. She stated that if the LMCD is going to be involved in AIS, then she would support hiring someone to help coordinate the other stakeholders on the lake.

Newell commented that he wants the LMCD to bring value to anything it does and was unsure that adding

another administrative level to the cost structure would bring that value. He believed that additional discussion is needed to determine whether the LMCD is capable of doing that or whether the LMCD should collect the data to share with others on the lake and stay to that level.

Zorn stated that she would not support adding an additional full-time position at this time. She stated that if additional staff is needed, that should be vetted. She stated that she did not believe that the desired skill set would be found for a part-time position. She believed that additional work would need to be done, and if the Board cannot agree as to what the job would be, that would not set that person up for success.

Walesch stated that it was his understanding that this would be a consultant role and would not take up additional time from existing staff. He asked whether this would be an LMCD employee or a consultant.

Klohs stated that this does not need to be an employee but would be more efficient to have a consultant that works as needed. He stated that all of the questions could hopefully be answered by the consultant over the next few years.

Chair Thomas stated that there was not time for the third question and therefore recommended that the discussion be carried over to the next meeting with the caveat that decisions need to be made. He stated that there were a number of questions related to the job description and whether the position would be an employee or consultant. He suggested that those details be flushed out further prior to the next workshop.

Cook stated that the group will put together something to generate conversation with the Board.

Anderson suggested that the Board continue the workshop discussion after the regular Board meeting.

Chair Thomas asked the consensus of the Board as to whether it would like to continue the discussion following the regular meeting or continue the discussion at the next workshop.

It was the consensus of the Board to continue the discussion at the next workshop.

There being no further business, the work session was adjourned at 6:58 p.m.

FORMAL MEETING

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; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood,

Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Matt Cook, Environmental Administrative Technician.

Members absent: None.

Persons in Audience:

Steve Bedell, Harry Hurley, Gabriel Jabbour, Josh Leddy, John Lundquist, Lt. Shane Magnuson, and Russ Schumer.

4. APPROVAL OF AGENDA

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

A roll call vote was performed:

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas commented that the Officers met to discuss the LMCD workgroups and committees that provide updates at the end of each meeting. He stated that there was discussion of perhaps having four standing committees that handle issues that arise at meetings, with the four groups being: operations, finance, communications and save the lake. He stated that the Officers will work on a charge for those workgroups to be considered by the Board. He noted that the Deicing workgroup would continue and then sunset. He welcomed any comments from the Board on that idea through email.

6. APPROVAL OF MINUTES- 06/24/2020 LMCD Regular Board Meetings

MOTION: Kroll moved, Kirkwood seconded to approve the 6/24/2020 LMCD Regular Board Meetings minutes as submitted.

A roll call vote was performed:

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Baasen moved, Kroll seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (07/01/2020 – 07/15/2020) and **7B)** Recodification Clarification Amendments.

A roll call vote was performed:

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

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

Gabriel Jabbour, 985 Tonkawa Road, stated that there has been controversy about wakeboard and wake boats and the comments of Kroll. He stated that he is trying to get the boat manufacturers and those responsible for the wakeboards to be more of the mind of being good neighbors, combined with those against the boats understanding that the lake should be enjoyed by all parties. He stated that the boat manufacturers have a Bill in the Senate that would allow any activity as long as you are 200 feet from shore. He stated that he does not support that Bill and eliminate local control. He stated that the other group is trying to say the wake is destroying the natural resources and would want the depth to be 12 to 15 feet for that type of activity. He stated that he has always believed that the emotional part of the dialogue should be removed, and facts should be used. He stated that he, Minnesota Lakes and Rivers, and the MN COLA are initiating a fundraiser to complete step one of the initiative to find the science behind the issue. He stated that his job has been enormously hard to bring everyone to the middle. He urged the LMCD to wait until the facts are there before it reacts. He stated that he will make it difficult for others to take away the ability for others to enjoy the lake. He stated that he has continued to hear comments that "rich white men are attempting to take away the rights of others to enjoy the lake." He stated that there were seven BWI over the Fourth of July weekend. He stated that seven or eight Officers had to leave the lake to chase someone that was arrested and fled on foot. He stated that the Water Patrol budget is the budget that the LMCD should be looking at.

Russ Schumer, 955 Tonkawa Road, stated that he has never seen the lake like this. He recognized that people want to use the lake and noted that he enjoys watching people enjoy the lake. He commented that on the weekends he has counted ten to 12 wakeboarders and when it is that populated, they tend to come closer to shore, within 50 feet, which causes problems to the shoreline. He stated that he has problems with his boat being pushed into his dock. He stated that perhaps there could be extra patrols on the weekends to keep people away from the shore.

9. PUBLIC HEARING

A) 5th Street Ventures, LLC (Back Channel Brewery) New Multiple Dock License Application to Add Another Transient BSU and Variance for Setbacks at the Qualified Commercial Marina, Located within Seton Lake at 4681 Shoreline Drive in Spring Park

M. Cook presented a request for a New Multiple Dock License, noting that this request would add one transient slip. He stated that the variance request would adjust the setback from the channel to the west to accommodate the new BSU. He displayed the proposed site plan, highlighting the space where the applicant would like to add one watercraft. He stated that the total number of BSUs for the site would increase from 29 to 30. He stated that the requested variance would reduce the setback to the channel from 40 feet to 33.8 feet. He stated that an EAW was completed in 2016/2017 for a previous expansion of the marina. He noted that this request would not trigger a mandatory EAW. He stated that one comment was received expressing concern with the proximity to the channel.

Anderson stated that Kroll made a statement at the last meeting that Anderson would have a conflict of interest because he is a marina owner. He asked for an opinion from legal counsel.

Gilchrist stated that he did mention that the group should have a conversation about conflicts of interest, noting that he believes that should occur at a workshop. He stated that the concern that he has expressed in the past is that if someone is involved in a competitive business, they could be seen as trying to rally against another business. He stated that it would be fine for that person to ask questions and make comments, but issues start to arise when an advocacy role is taken.

Chair Thomas stated that at the last meeting he made the decision that Anderson could vote on these issues and that remains his stance. He stated that Anderson is not the first marina owner to be a Board member and have the opportunity to discuss issues involving other marinas.

Gilchrist confirmed those statements. He noted that he would still like to have a workshop discussion related to conflicts of interest in general.

Walesch asked if a motion to approve were made, would the type of transient boat using the slip be regulated; or whether the Board could specify that any boat using that slip would need to fit within that slip.

M. Cook stated that the proposal is for a slip with definite dimensions. He stated that if the Board approved the application, the size would be locked in. He stated that the Board could also call that item out specifically.

Hoelscher stated that when the original plan was approved, a transient slip was not approved in that location and asked if anyone on the Board remembers why that transient slip was not allowed.

Schleuning replied that slip did not meet the code requirements.

Chair Thomas stated that there was a great deal of discussion about the bog and the traffic in the channel and therefore the current configuration was agreed to related to the number of allowed BSUs. He stated that he did not recall a discussion related to this slip.

Schleuning reaffirmed.

Walesch asked if the slip was included in the original application and the Board did not approve that slip, or whether that slip was not included in the original request.

Chair Thomas stated that the owner and applicant were easy to work with and this configuration was agreed upon.

Walesch asked if slip 30 was included in the proposal when it came to the Board previously.

Schleuning stated that the original request included additional slips that were not approved by the Board.

Baasen asked why the slip would be approved at this time, if the Board chose not to approve that slip in the past, as the conditions have not changed. He stated that the brewery is busy and there are people lined up in the channel to get in.

Walesch stated that he did not believe that this slip was in the original proposal.

Brandt asked if any structural changes would be needed.

M. Cook confirmed that there would not be any structural changes, the only change would be the space taken up by the BSU.

Brandt asked if there has been any enforcement when boats have been parked in that location in the past.

Schleunig commented that there have been a few occasions when a boat has been stored in that location and between a walkway. She noted that a compliance letter was sent, and staff met with the marina operators to discuss the issue. She stated that there were other complaints that staff followed up on last summer for other sites as well.

Chair Thomas stated that he also met with the applicant related to boats docking in that location. He stated that he got the impression that it was not the intention of the applicant to use that slip, but rather the issue of a boat docking there.

Hughes stated that during the original review of the license, there was a lot of discussion related to traffic waiting for slips to open up. He stated that it was agreed that this slip would not be allowed, and he believed that if this slip is added it would simply add to the traffic waiting to use the slip.

Thomas invited the applicant to address the Board.

Josh Leddy, applicant, stated that Back Channel did not have any part in the creation of this layout. He stated that Back Channel came into the process as the docks were being created. He stated that the transient slips have been in operation for two full seasons. He stated that they understand how the channel operates and the flow of traffic through the channel. He stated that there have been incidents where boaters pull into the slip when the dock attendant is occupied. He stated that a large issue has been trying to prevent people from using the slip because they think it is a slip. He commented that use of this slip would not create an issue with safety and would not impede traffic in the channel. He did not believe that use of this slip would create problems for the area. He believed that this would only provide a benefit.

Chair Thomas stated that there was previously a great deal of discussion related to a flag system for queuing and asked the applicant for details.

Mr. Leddy stated that because this is an area where boaters are coming through the channel, they wanted to make something visible. He stated that green flags identify open slips. He stated that boaters can see the flag from a distance and know that if there is a green flag, the slip can be used.

Walesch asked how the business would control the length of the boat using that slip.

Mr. Leddy stated that all of the slips are allowed a four-foot overhang. He stated that any boat longer than 34 feet tends to be wider than 12 feet and therefore knows they cannot use these slips. He stated that the Black Lake bridge is short and therefore extremely large boats cannot come into this part of the lake. He stated that

dock attendants would need to police the issue. He commented that the dock slips are always manned by an attendant.

Walesch asked and received confirmation that a swim platform counts in the total length of the boat; if the swim platform exceeds the allowed length, the boat could not use the slip.

Anderson stated that he supports the four-foot overhang. He asked why the 40-foot setback is required. He stated that he would support the use of the transient slip. He stated that the business has a low density and therefore does not see why the slip could not be used. He asked if a pylon would be added. He stated that he would not recommend installing a pylon.

Mr. Leddy stated that he deems this slip the most safe and accessible slip because boats can easily slip in and therefore, they would prefer to not add a pylon and instead manage the size by use of the attendant.

Anderson commented that if that transient slip were used for delivery it would make that process quick and easy.

Kirkwood stated that he has visited the business and finds the flag system helpful.

Thomas opened the public hearing at 8:57 p.m.

Chair Thomas read aloud a statement received from a property owner across the channel that commented that Back Channel has been a great neighbor.

Harry Hurley, 4764 West Arm Road, commented that all the dealings that they have had with Back Channel have been positive and the residents in this area like the business. He stated that having another location where boaters can stop would be excellent.

No additional comments were offered, and the public hearing was closed at 7:59 p.m.

Kirkwood stated that an added pylon would be hard to see at night and therefore would follow the comments of Anderson that a pylon should not be required.

M. Cook stated that if the four-foot overhang is allowed, the dimensions of the setback would slightly change as well.

MOTION: Walesch moved, Kroll seconded to direct staff and LMCD legal counsel to draft Findings of Fact and Order approving the 5th Street Ventures, LLC 2020 Multiple Dock License and Variance applications for the properties located at 4681, 4665, and 4695 Shoreline Drive in the City of Spring Park with the additional clarification that the boat size would be 12 feet by 34 feet and any changed to the setback should be taken into consideration, for consideration at the July 22, 2020 Board meeting.

A roll call vote was performed:

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

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:

- Fourth of July Statistics: 211 stopped contacts over the holiday weekend, 51 citations were issued, six BUIs, 198 verbal warnings, three written warnings and seven medical calls. Thanks to Hennepin County Water Patrol, DNR, and other agencies that assisted with safety on the lake and medical calls. Staff received inquiries about photos that were circulating on social media, noting that at least one photo was from a previous year and not from this year.

Lieutenant Magnuson provided details on an incident that happened over the holiday weekend with a person that attempted to flee. He recognized the other Fire Departments and paramedics that assisted

over the holiday weekend. He stated that while the statistics seem comparable, the overall attitude on the lake was polite and pleasant.

- Own Your Wake: Information was distributed over the holiday weekend. A video was created along with a logo. She commented that she has noticed that some people are starting to pay more attention to their wakes and move further from shore.
- Report Vegetation: This will continue to be promoted.
- Information will be placed on social media related to an upcoming University of Minnesota study related to wakes.

Anderson commended Lieutenant Magnuson and his work on the Own Your Wake Campaign. He stated that he sent this information out to all his customers and believes that education will be the key component in changing behavior.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Communications and Legislative Relations: No report.

Deicing and Permanent Dock Workgroup: Anderson provided an update on recent activity of the group.

Schleuning stated that input will be gained from the public as well, confirming that information would be sent to the current license holders.

Gilchrist commented that there was a very productive meeting which helped him to gain clarity on the intent of the members of the group and confirmed that the desired outcome would be to bring forward an ordinance for the Board to review in the future.

Save the Lake Committee: Baasen reported that the group will be meeting the following week and reviewed the topics on the agenda.

Strategic Plan Subcommittee: Zorn reported that the committee met this week and is working to update the dashboard. She stated that the goal is to share the updated dashboard with the Board at a workshop in August.

16. ADJOURNMENT

MOTION: Kroll moved, Cook seconded to adjourn the meeting at 8:23 p.m.

A roll call vote was performed:

Anderson	aye
Baasen	aye

Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary

1:18 PM

7/14/20

Lake Minnetonka Conservation District
Check Detail
July 16 - 31, 2020

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
07/23/2020	EFT-20-86	Frontier Communications		Alerus Checking		
			Phone and Internet 7/4/20 - 8/3/20	4060M10 · Telephone - Admin.	Admin.	-199.29
TOTAL						-199.29
07/23/2020	EFT-20-87	SelectAccount Group Service Fee		Alerus Checking		
			HSA Administrative fee for Augu...	4380M10 · Employee Benefits - Admin.	Admin.	-2.85
TOTAL						-2.85
07/23/2020	EFT-20-88	Health Partners		Alerus Checking		
			Dental Insurance, August 2020	4380M10 · Employee Benefits - Admin.	Admin.	-170.85
TOTAL						-170.85
07/23/2020	EFT-20-89	SW/WC Service Cooperatives		Alerus Checking		
			Health Insurance, August 2020	4380M10 · Employee Benefits - Admin.	Admin.	-2,164.50
TOTAL						-2,164.50
07/23/2020	EFT-20-90	P.E.R.A		Alerus Checking		
			Payroll 7/16/20 - 7/31/20	2020 · Payroll Liabilities -	Admin.	-1,201.10
TOTAL						-1,201.10
07/31/2020	EFT-20-91	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,597.64
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,201.10
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-643.45
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-656.34
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-8,654.20
07/23/2020	EFT-20-92	ADP Service Fee		Alerus Checking		
			Payroll 7/16/20 - 7/31/20	4180M10 · Professional Services - Admin.	Admin.	-76.70
TOTAL						-76.70

Lake Minnetonka Conservation District
Check Detail
July 16 - 31, 2020

Date	Num	Name	Memo	Account	Class	Paid Amount
07/23/2020	EFT-20-93	US Bank		Alerus Checking		
			Social Pinpoint	4160M20 · Public Safety - S/L	STL	-1,920.00
			Amazon - hand sanitizer	4220M10 · Office Supplies -Admin.	Admin.	-19.99
			Amazon - Face Masks	4220M10 · Office Supplies -Admin.	Admin.	-28.68
			Amazon - Thermometer (2 ea.)	4220M10 · Office Supplies -Admin.	Admin.	-92.84
			Postage - Board Packets and Mi...	4080M10 · Postage - Admin.	Admin.	-66.90
			Amazon - paper towels	4220M10 · Office Supplies -Admin.	Admin.	-21.62
			Amazon - oral thermometers (2 ea)	4220M10 · Office Supplies -Admin.	Admin.	-29.55
			A la Carte - Promo hand sanitizers	4160M20 · Public Safety - S/L	STL	-842.09
			Frattallones - Solar Lights hardw...	4160M20 · Public Safety - S/L	STL	-6.99
			Lowe's - hardware for Solar Lights	4160M20 · Public Safety - S/L	STL	-63.35
TOTAL						-3,092.01
07/23/2020	21828	City of Mound		Alerus Checking		
07/23/2020	August 2020		Rent, August 2020	4320M10 · Office Rent - Admin.	Admin.	-1,609.71
TOTAL						-1,609.71
07/23/2020	21829	LMCC		Alerus Checking		
07/23/2020	Inv.#1364		VOD Services for Meeting 7/8/20	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
07/23/2020	21830	Tallen & Baertschi		Alerus Checking		
07/23/2020	June 2020		June prosecution costs	4640M10 · Prosecution Fees - Admin.	Admin.	-2,203.23
TOTAL						-2,203.23
07/23/2020	21831	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
07/23/2020	Inv.#M25746		Board Meeting Minutes 6/24/20	4230M10 · Meeting Exp. - Admin.	Admin.	-361.00
TOTAL						-361.00



RESOLUTION NO. 204

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

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

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

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

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

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

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

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

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

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

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

Adopted by the Board this 22nd day of July, 2020.

ATTEST:

Gregg Thomas, Chair

Dan Baasen, Secretary

Lake Minnetonka Conservation District
Transaction Detail By Account
June 1 through July 1, 2020

Resolution #204 Attachment 1 - Save the Lake Contributions

Date	Num	Contributor	Memo	Amount
06/10/2020	PayPal	Joeseeph Novogratz	Transfer from PayPal (250.00	242.45
06/10/2020	PayPal	Judith Spiegel	Transfer from PayPal (50.00	48.25
06/10/2020	PayPal	Robert Van Tassel	Transfer from PayPal (100.00	96.98
06/10/2020	20115	David Goode	STL Donaton (General)	25.00
06/22/2020	13172	Donald Leavenworth	STL Donation (General)	100.00
06/22/2020	14732	Patrick and Leone McGlone	STL Donation (General)	50.00
06/22/2020	31603	John Berg	STL Donation (General)	100.00
06/22/2020	13934	Donald Beeler	STL Donation (General)	100.00
06/22/2020	9020	Evie Engler	STL Donation (General)	100.00
06/22/2020	6083	Michael R. & Jacqueline R. Kavanagh	STL Donation (General)	250.00
06/22/2020	7202	James Prokopanko	STL Donation (General)	100.00
06/22/2020	9030	John Folin	STL Donation (General)	200.00
06/22/2020	6019	Jake Walesch	STL Donation (General)	250.00
06/22/2020	10052	Randall Schneewind	STL Donation (General)	250.00
06/22/2020	7046	Mary Alexander	STL Donation (General)	100.00
06/22/2020	17480	Catherine H. Stepanek	STL Donation (General)	50.00
06/22/2020	8364	Kenneth Peterson	STL Donation (General)	25.00
06/22/2020	2927	Gaylen Thostenson	STL Donation (General)	250.00
06/22/2020	16845	Robert Johnson	STL Donation (General)	100.00
06/22/2020	19343	George Webster, III	STL Donation (General)	50.00
06/22/2020	9252	James Brass	STL Donation (General)	25.00
06/22/2020	7450	Donna Adams	STL Donation (General)	50.00
06/22/2020	4078	Michael Johander	STL Donation (General)	250.00
06/22/2020	13050	Sue An Pirsch	STL Donation (General)	100.00
06/22/2020	17266	Lawrence Reid	STL Donation (General)	100.00
06/22/2020	13326	LG Truesdell	STL Donation (General)	100.00
06/22/2020	3159	Big Island, Inc.	STL Donation (General)	250.00
06/22/2020	21283	John Dale	STL Donation (General)	500.00
06/22/2020	8079	Clifford Otten	STL Donation (General)	250.00
06/22/2020	VV204	Lloyd's Food Products	STL Donation (General)	125.00
06/22/2020	6752	Robert Beugen	STL Donation (General)	50.00
06/22/2020	18136	Berle Richman	STL Donation (General)	10.00
06/22/2020	6520	Edward C. Oliver	STL Donation (General)	25.00
06/22/2020	10333	Donald Swanson	STL Donation (General)	100.00
06/22/2020	4029	Prospect Creek Foundation	STL Donation (General)	1,000.00
06/22/2020	13182	Jeffrey Schott	STL Donation (General)	25.00
06/22/2020	12884	Peter Mitchelson	STL Donation (General)	100.00
06/22/2020	414296	Peter Pflaum	STL Donation (General)	200.00

Resolution #204 Attachment 1 - Save the Lake Contributions


07/01/2020	17566	Maryann Merideth	STL Donation (General)	100.00
07/01/2020	7587	Jennifer Morris	STL Donation (General)	100.00
07/01/2020	16102	Jerry and Lois Mader	STL Donation (General)	50.00
07/01/2020	14546	Steven Dore	STL Donation (General)	100.00
07/01/2020	1550	Glenn A. Gurtcheff	STL Donation (General)	50.00
07/01/2020	5300	Steven Erdahl	STL Donation (General)	100.00
07/01/2020	6648	Jeffrey Feters	STL Donation (General)	250.00
07/01/2020	8792	Carol Ryan	STL Donation (General)	100.00
07/01/2020	31055	Lyle Berman	STL Donation (General)	100.00
07/01/2020	453011	Irving Properties, Inc.	STL Donation (General)	100.00
07/01/2020	8789	Bean's Greenwood Marina Inc.	STL Donation (General)	200.00
07/01/2020	12710	Edward Dayton	STL Donation (General)	250.00
07/01/2020	10847	John P. Bohn	STL Donation (General)	50.00
07/01/2020	7623	Daniel Durda	STL Donation (General)	200.00
07/01/2020	10096	Roger Greenberg	STL Donation (General)	25.00
07/01/2020	15574	Wyatt Moe	STL Donation (General)	25.00
07/01/2020	3635	Thomas Macleod	STL Donation (General)	50.00
07/01/2020	12231	David Chalupnik	STL Donation (General)	150.00
07/01/2020	3577	Mark Feinberg	STL Donation (General)	100.00
07/01/2020	50000016	Marilyn & Glen Nelson Family Foundation	STL Donation (General)	200.00
07/01/2020	0517312	Pete & Margie Ankeny	STL Donation (General)	500.00
07/01/2020	PayPal	Carol Suggs	Transfer from PayPal (50.00)	48.25
07/01/2020	PayPal	William III	Transfer from PayPal (100.00)	96.80
07/01/2020	PayPal	Deborah Zorn	Transfer from PayPal (100.00)	96.80
Total				8,789.53




LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: July 22, 2020

TO: LMCD Board of Directors 

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director 

RE: 5th Street Ventures, LLC. Multiple Dock License and Variance

ACTION

Board approval of the 5th Street Ventures, LLC. Multiple Dock License and Variance applications for the site located at 4681, 4665, and 4695 Shoreline Drive in the City of Spring Park, MN 55384 (PIDs 18-117-23-33-0049, 18-117-23-33-0009, and 18-117-23-33-0010).

BACKGROUND

The LMCD hosted a public hearing on July 8, 2020. The presentation and memo from the hearing are attached. The LMCD Board voted for staff and legal counsel to draft Findings of Fact and Order for approval of the applicant's request for one additional transient BSU and side setback variance at the next LMCD Board meeting.

ATTACHMENTS

1. Draft Findings of Fact and Order
2. Proposed Site Plan
3. July 8, 2020 Public Hearing Presentation
4. July 8, 2020 Public Hearing Memo (without attachments)

ITEM 7C ATTACHMENT 1

Type: Commercial Multiple Dock
License/Qualified Commercial
Marina (Transient, Overnight
Storage), Variance
Date: July 22, 2020
PID(s): 18-117-23-33-0049
18-117-23-33-0009
18-117-23-33-0010
Address: 4681, 4665, and 4695
Shoreline Drive,
Spring Park, MN 55384

LAKE MINNETONKA CONSERVATION DISTRICT HENNEPIN COUNTY, MINNESOTA

IN RE:

Application of 5th Street Ventures, LLC. for
a Commercial Multiple Dock License and
Variance for the Property located at 4681,
4665, and 4695 Shoreline Drive in the City
of Spring Park.

FINDINGS OF FACT AND ORDER

The Lake Minnetonka Conservation District (“LMCD”) received an application from Back Channel Brewing Collective, on behalf of 5th Street Ventures, LLC, (“Applicant”) for a Multiple Dock License for the property 5th Street Ventures, LLC owns located at 4681, 4665, and 4695 Shoreline Drive, Spring Park, MN 55384 (“Subject Property”). The Applicant previously sought, and the LMCD Board (“Board”) issued an order on June 13, 2018, for: (1) a commercial multiple dock license with 29 boat storage units (BSUs), four of which are classified for transient use; (2) to designate the commercial multiple dock as a port of call for the Paddle Tap watercraft for hire; and (3) to allow the storage of paddleboards on the multiple dock. In the current application, the Applicant is requesting to add one BSU to its commercial multiple dock (for a total of 30 BSUs) for transient use to be located at the end of the current dock structure, and a setback variance to accommodate the docking of a watercraft in the new slip. The addition of a transient slip requires the issuance of a new license. The Board provided the Applicant and the general public an opportunity to be heard at the public hearing held on July 8, 2020, and now, based on its proceedings and the record of this matter, hereby makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Subject Property is located in the City of Spring Park, on Seton Channel/Seton Lake, which is part of Lake Minnetonka (“Lake”).
2. The Applicant operates what has previously been designated a qualified commercial marina and has an existing multiple dock license for the Subject Property, the order for which is dated June 13, 2018 (“2018 Order”).

3. The Applicant's current request is limited to adding one transient BSU to its existing commercial multiple dock. The proposed expansion would increase the total approved BSUs from 29 to 30. The approved transient BSUs, which are included in the total approved BSUs, would increase from four to five.
4. The Applicant submitted a site plan, which is attached hereto as Exhibit A and is incorporated herein ("Site Plan"). The Site Plan shows the addition of one transient BSU on the southwest end of the existing southern dock structure. identifies the 4 BSUs proposed to be converted to transient use and shows where the Paddle Tap watercraft for hire are currently stored. The Applicant proposes no changes to the structure of the dock. The boat density will change from 1:49 to 1:47 as a result of the additional BSU.
5. While some transient use of this dock has already been approved, Section 3-1.09 of the LMCD Code of Ordinances ("Code") indicates the proposed addition of transient facilities requires the issuance of a new license.
6. The Applicant is not proposing any structure changes to the dock structure. The additional BSU will be at the end of the current southern dock structure and the Board determines the installation of a pylon in the southwest corner of the BSU is not required.
7. Because a watercraft docked in the new BSU would potentially extend into the side line setback, a variance is needed from the 40 foot setback requirement to allow such encroachment into the setback area. The estimated length of the needed variance is approximately 11 feet (reducing the setback to approximately 29 feet); however, the Board's intent is to grant such variance as needed to allow for the docking of a watercraft with a total length, including any rear deck or other extension, of up to 34 feet.
8. Section 6-5.01, Subd. 6 of the Code allows the granting of a variance if the Board determines practical difficulties exists and that granting the variance with whatever conditions it deems are necessary does not adversely affect the purposes of the Code, the public health, safety, and welfare, and reasonable access to or use of the Lake by the public or riparian owners.
9. The term "practical difficulties" is defined in Code, Section 1-3.01, Subd. 73 as meaning "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 and that serve as a basis for the property owner to request a variance from the strict application of the provisions of the Code. Practical difficulties only exist with respect to a particular property if the conditions preventing the proposed reasonable use of the property are unique to the property, were not created by the property owner, and are not based solely on economic considerations."
10. The findings in the 2018 Order related to the issuance of the commercial multiple dock and the qualified commercial marina are hereby incorporated herein and ratified for the issuance of this new license.
11. Additional information regarding this matter is provided in the LMCD staff report related to this application dated July 8, 2020 and the presentation made thereon at the meeting (Exhibit

B; collectively, the “Staff Reports”). The Staff Reports are incorporated herein by reference, except that the approvals and conditions contained in this document shall be controlling to the extent there are any inconsistencies.

12. The Board held a hearing on the Applicant’s requests on July 8, 2020 and heard from the Applicant and two neighboring owners who spoke in favor of the request. One neighbor contacted the office in opposition of the additional transient slip. After discussion, the Board adopted a motion to direct staff to prepare findings and an order approving the requests for review and action at its July 22, 2020 meeting.
13. The Board finds the proposed addition of one BSU will not negatively affect the review criteria in Section 6-2.01, Subd. 3 as previously considered and acted on as part of the 2018 Order.
14. The Board finds the Applicant demonstrated the existence of sufficient practical difficulties to allow the granting of the requested variance to allow watercraft with a total length of up to 34 feet to be docked in the new transient BSU. Granting the proposed variance will not adversely affect the purposes of the Code and will help facilitate the transient use of the dock in a safe manner.
15. The proposed expansion does not trigger the need for a mandatory EAW.

ORDER

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

1. Approvals. The following approvals are hereby issued for the Subject Property for the 2020 boating season, subject to the conditions identified herein:
 - (a) Multiple Dock License with Transient Use. A multiple dock license for 30 BSUs with overnight storage of restricted watercraft at BSUs #1-25 and transient use of restricted watercraft at BSUs #26-29, plus BSU #26a, as shown on the Site Plan (Exhibit A). To be explicit, a total of 30 BSUs are approved for the Subject Property, which 25 being for overnight storage and five being for transient use.
 - (b) Port of Call. The Subject Property is approved as an authorized port of call for Paddle Tap’s registered watercraft for hire.
 - (c) Stand-up Paddleboards (SUPs). The Applicant may use a transient slip for stand up paddleboards. It will not count towards boat density if stored above the 929.4 feet OHW level. No paddleboards may be stored on the dock or on the water, unless stored in a transient slip in the same manner as a restricted watercraft.
 - (d) Variance. A variance from the 40 foot side line setback of approximately 7 feet for BSU #26a is approved to allow the transient docking of a watercraft with a total length of up to 34 feet. The Applicant is not required to place a pylon or other structure on

the channel side of this BSU.

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

- (a) The Applicant will provide adequate sanitation facilities and parking for persons using the commercial multiple dock facility.
- (b) The commercial multiple dock license issued herein is unique to the Applicant. Upon transfer of ownership of the Subject Property to another individual or entity, such individual or entity will be required to apply for a new license and any other approvals from the Board that may be required.
- (c) Failure of the Applicant to comply with any relevant regulation of the LMCD or other regulatory body may result in revocation of these approvals.
- (d) Length overall of the watercraft stored at the subject facility shall be no longer than four feet beyond the boat storage unit. Length overall is defined as the horizontal measurement for the foremost to the outmost points of the watercraft including all equipment and attachments in their normal operating position.
- (e) The lighting must be in compliance with a submitted lighting plan approved by the LMCD staff. The lighting plan must provide safe lighting of the dock and minimize nuisances to adjacent properties.
- (f) The Subject Property must be managed and watercraft operated in a manner that prevents damage to the wetland, removal of emergent vegetation, or dredging.
- (g) No temporary low water variances shall be granted during the period when the Lake level falls below elevation 928.0 National Geodetic Vertical Datum.
- (h) The facility is authorized for transient use at the five designated BSUs and to serve as a port of call for the Paddle Tap registered watercraft for hire.
- (i) The Applicant shall have an employee on the dock during all business hours of the Back Channel Brewing to manage the use of the transient slips, including the use of the proposed flag system to notify the boating public when a transient slip is unoccupied and open for use. The Applicant must rope off the transient slips so they cannot be used before or after business hours.
- (j) With the exception of the variance granted herein, the Applicant must meet side setbacks as prescribed in the Code Section 2-3.03, Subd. 3 (formerly 2.01, Subd. 2(b)). Since the length measurement is based on the northern shore, the side setback is based on a line extending along the western shore/land along the channel.
- (k) Signs must be maintained informing the public that there is no unauthorized dock use

and/or no trespassing. Signs must be located on the dock entrance and on the lakeside areas of the dock in the language determined enforceable by the applicable law enforcement agency.

- (l) Dock structures shall remain and be and maintained in strict compliance with the Site Plan (Exhibit A) as approved.
 - (m) The Subject Property must be maintained and operated in compliance with all other provisions of this Code, and other applicable regulations, ordinances, and state law.
 - (n) The Board may reconsider the license granted hereby in the event it determines that there may be additional adverse impact to the cattails or the wetland ecology of the area due to the use of watercraft at this Subject Facility.
 - (o) All watercraft must be docked bow in at all BSUs.
3. Renewal. The approvals granted herein are eligible for administrative renewal.
4. Authorizations. The LMCD staff is hereby authorized and directed to issue the approved multiple dock license for the Subject Property and to take such other actions as may be needed to ensure compliance with this Order and the requirements of the Code.
5. Single Order. This order replaces the 2018 Order, which is hereby repealed.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation District this 22nd day of July 2020.

Gregg Thomas, Chair

ATTEST:

Dan Baasen, Secretary

EXHIBIT A
Site Plan

[attached hereto]

DESCRIPTION OF PROPERTY SURVEYED

Tract B, Registered Land Survey No. 1488, Except Road, Hennepin County, Minnesota.

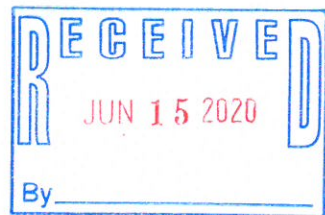
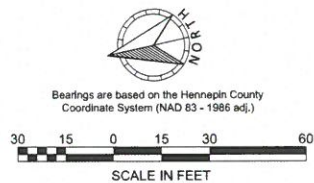
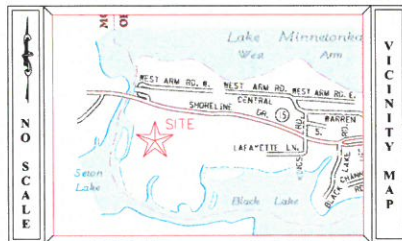
GENERAL NOTES

- 1) Site Address: 4681 Shoreline Drive, Spring Park, Minnesota 55384
- 2) P.L.S. Location: Southwest Quarter of the Southwest Quarter of Section 18, Township 117, Range 23
- 3) Latitude/Longitude: N44°56'10"W/093°38'41"E (shown on map at end of dock)
- 4) Benchmark: Elevations are based on Hennepin County Control Point "MOUND" = 937.83 Feet (NAVD88). Elevations were converted to NAVD 29 datum using Vertcon (North American Vertical Datum Conversion) from National Geodetic Survey provided on the National Oceanic and Atmospheric Administration web site.
- 5) Tax Id: 18-117-23-33-0049
- 6) Zoning: C-2 Shopping Center

Adjoining property to the east and south: R-3 High Density Residential
Adjoining property north of Shoreline Drive: C-1 Commercial
City of Mound: D-3 Neighborhood Business and R-1 Residential

SURVEY LEGEND

CAST IRON MONUMENT	A/C UNIT	BITUMINOUS
CATCH BASIN	CABLE TV PEDESTAL	BUILDING SETBACK LINE
FLARED END SECTION	ELECTRIC TRANSFORMER	CABLE TV
GATE VALVE	ELECTRIC MANHOLE	CONCRETE CURB
GUY WIRE	ELECTRIC METER	CONCRETE
HYDRANT	GAS METER	CONTOUR EXISTING
SURVEY MONUMENT SET	GAS VALVE	CONTOUR PROPOSED
SURVEY MONUMENT FOUND	GUARD RAIL	DT
SURVEY CONTROL POINT	HAND HOLE	ELC
LIGHT POLE	SOIL BORING	FENCE
POWER POLE	TREE CONIFEROUS	FO
SANITARY MANHOLE	TREE DECIDUOUS	GAS
SANITARY CLEANOUT	TELEPHONE MANHOLE	OHU
SIGN	TELEPHONE PEDESTAL	RAILROAD TRACKS
GROUND ELEVATION	TRAFFIC SIGNAL	SANITARY SEWER
STORM DRAIN	UTILITY MANHOLE	STORM SEWER
STORM MANHOLE	UTILITY PEDESTAL	TEL
YARD LIGHT	WELL	UTL
		WATERMAIN



ITEM 7C ATTACHMENT 2

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.

Dated this 28th day of April, 2020.

Daniel L. Schmidt
Daniel L. Schmidt, PLS
schmidt@sathre.com
Minnesota License No. 26147



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

TWP.117 - RGE.23 - SEC.18
Project City: Spring Park
Hennepin County

DOCK ADDITION
PREPARED FOR
5TH STREET VENTURES LLC
ON BEHALF OF
DOCK AND LIFT, INC

FILE NO.
21115-006

1
1

EXHIBIT B
Staff Reports

[attached hereto]



ITEM 7C ATTACHMENT 3

To preserve and enhance the "Lake Minnetonka experience"

5TH STREET VENTURES, LLC MULTIPLE DOCK LICENSE AND VARIANCE APPLICATIONS (SETON CHANNEL / SETON LAKE)

Lake Minnetonka Conservation District

Board Meeting

July 8, 2020

Presented by: Matthew Cook, Environmental Administrative Technician

OVERVIEW

- Action
- Application Review
- Public Hearing Comments
- Hold Public Hearing
- Board Discussion & Consideration of Application

ACTION

- Consideration of Multiple Dock License and Variance Applications for 5th Street Ventures, LLC
- Options
 - **Approve**
 - Direct staff and legal counsel to prepare Findings of Fact & Order for approval at the July 22, 2020 Board Meeting; or
 - **Continue**
 - Continue public hearing at the July 22, 2020 Board Meeting for additional review and time to address concerns; or
 - **Deny**
 - Direct legal counsel to draft Findings of Fact and Order for denial based on specific reasons with consideration at the July 22, 2020 Board Meeting

APPLICATION SUMMARY

- Commercial Multiple Dock License
 - Add one Transient BSU
 - Existing: 29 BSUs (25 Overnight, 4 Transient)
 - Proposed: 30 BSUs (25 Overnight, 5 Transient)
- Maintain classification of Qualified Commercial Marina
- Variance
 - Adjust setback from channel to the west to accommodate new BSU

4681, 4665, AND 4695 SHORELINE DRIVE



July 8, 2020

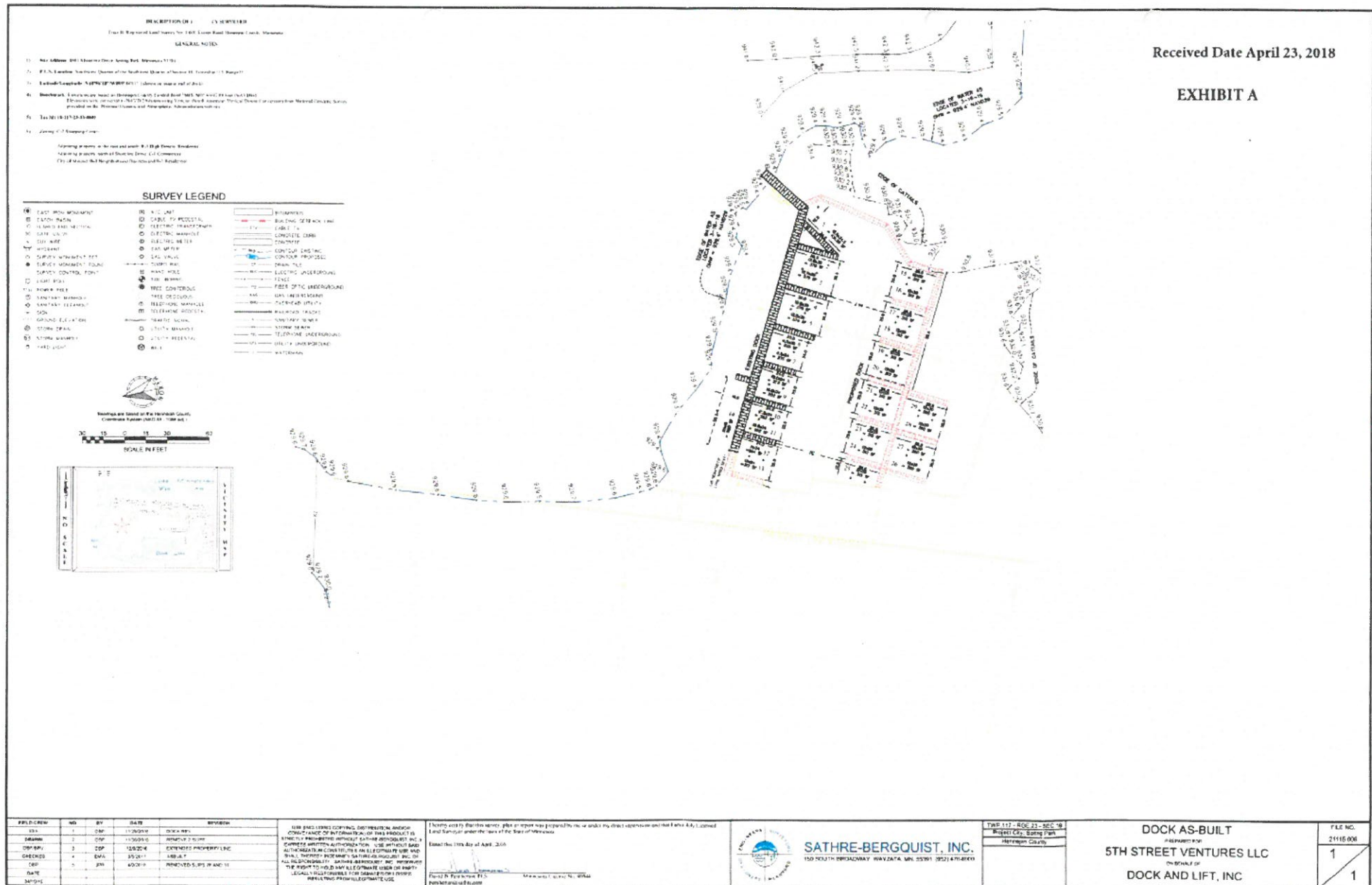
4681 SHORELINE DRIVE, SPRING PARK



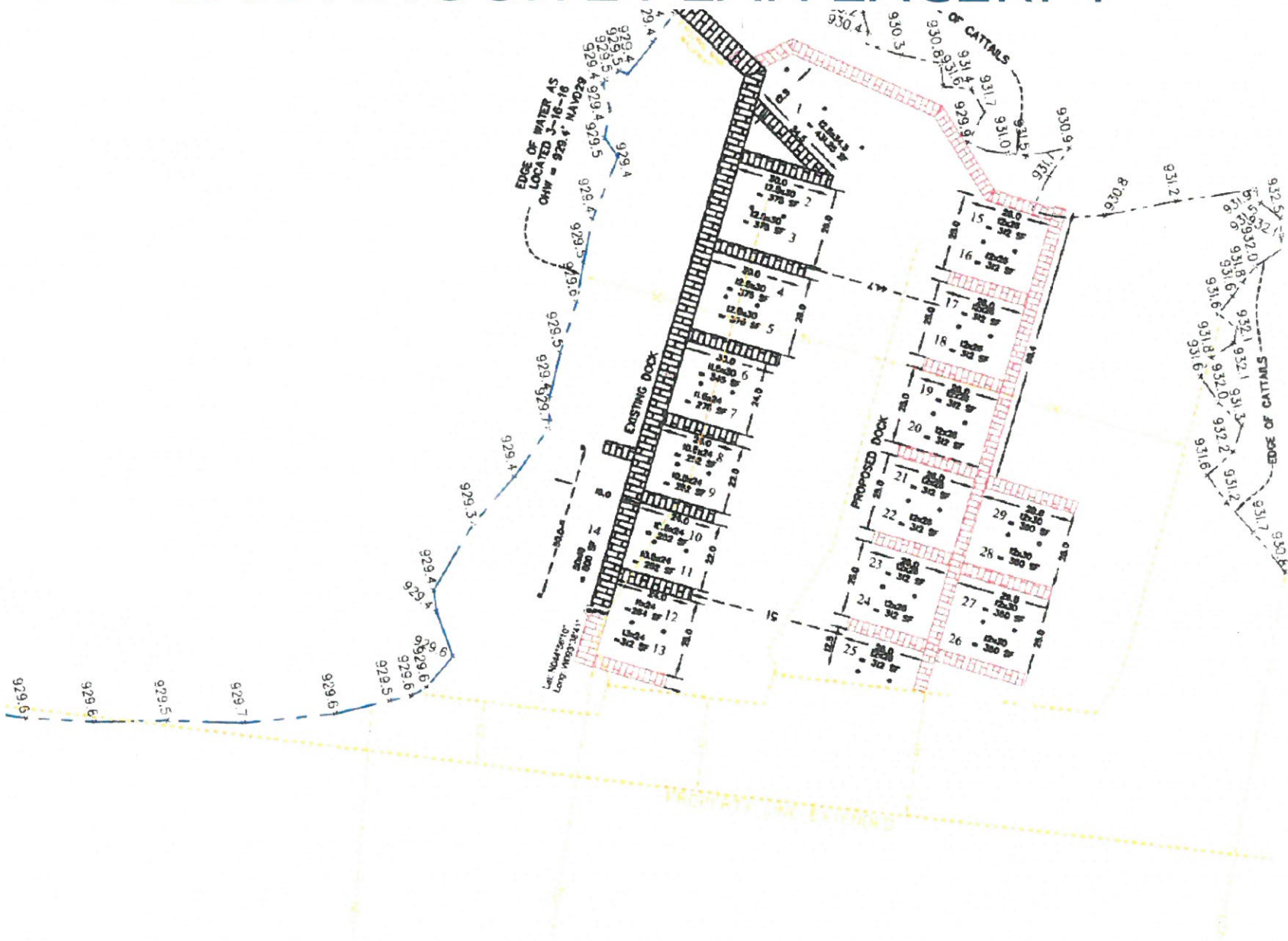
EXISTING SITE PLAN

Received Date April 23, 2018

EXHIBIT A



EXISTING SITE PLAN EXCERPT



PROPOSED SITE PLAN



PROPOSED SITE PLAN EXCERPT



EXISTING VS PROPOSED

	Existing Site	Proposed
BSUs	29	30
Shoreline	1,421	1,421
Density	1:49	1:47
Max Dock Length	~180 feet	~180 feet

APPLICATION SUMMARY

- Watercraft Density
 - Shoreline measurements (929.4' NGVD elevation contour) and boat density for the sites are as follows:
 - Existing
 - Current BSUs: 29 (25 Overnight, 4 Transient)
 - Current shoreline: 1,421 feet
 - Current boat density: 1:49
 - Proposed
 - Proposed BSUs: 30 (25 Overnight, 5 Transient)
 - Proposed shoreline: 1,421 feet (no change)
 - Proposed boat density: 1:47
- QCMs may be allowed a density of up to 1:10

APPLICATION SUMMARY CONT...

- Variance.
 - Reduce the setback from the channel from 40 feet to ~33.8 feet for proposed BSU
- BSU Dimensions
 - 12 feet wide by 30 feet long
 - The portion of the proposed BSU that would encroach on the current setback measures between 1.4 ft to 6.2 ft in width due to angle and 30 feet in length.

APPLICATION SUMMARY CONT...

EAW DETERMINATION

EAW DETERMINATION

- An EAW was most recently completed in 2016/2017 for the site, along with a wetland delineation and sediment study.
- The proposed changes constitute an expansion of the marina by 360 square feet.
- 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, nor significantly impacts any known sensitive environmental areas as proposed for the one BSU, a Mandatory EAW is not required.
- Board could require a discretionary EAW, but in past discussions stated it would not until a cumulative increase of 20,000 square feet or more or another environmental issue was presented. Does the board wish to require a discretionary EAW?

VARIANCE CRITERIA

- 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) reasonable access to or use of the Lake by the public or riparian owners.

VARIANCE CRITERIA CONT..

- 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.
- Does the application meet the specific variance requirements?

AGENCY AND PUBLIC COMMENTS

- Public Agencies - Review and Comments
 - MN General Permit #97-6098
 - Comments Due July 2nd
 - Minnesota Department of Natural Resources (MN DNR) Hydrologist and Fisheries
 - Minnehaha Creek Watershed District (MCWD)
 - City of Spring Park

No agency comments have been received as of MC10 July 6, 2020

MC10

UPDATE DAY OF MEETING

M Cook, 7/6/2020

AGENCY AND PUBLIC COMMENTS CONT...

- Public Comments (Received through July 6)
 - One public comment was received expressing concerns about the marina's proximity to the busy channel, safety concerns, and nuisances. The resident also expressed concerns regarding the continual requests for expansion of the marina.

PUBLIC HEARING

Public Hearing

- A legal requirement and established process for this type of approval
- Provides opportunity for interested individuals to present their views to the Board for consideration
- Important part of reviewing impact of a project
- Only items under the LMCD Code and Board authority may be considered as part of any approval or denial decision

Legal Notification

- Published in June 25, 2020 edition of the Sun Sailor (official newspaper) and the June 20, 2020 edition of the Laker Pioneer.
- Mailed to residents and owners of property within 350 feet of site on June 24, 2020
- Posted online



To preserve and enhance the "Lake Minnetonka experience"

QUESTIONS & DIRECTION

THANK YOU




ITEM 7C ATTACHMENT 4

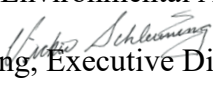
LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: July 8, 2020

TO: LMCD Board of Directors 

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director 

RE: 5th Street Ventures, LLC Multiple Dock License and Variance(s)

ACTION

Board consideration of the 5th Street Ventures, LLC Multiple Dock License and Variance applications, and receive public input as part of the public hearing for the applications. The applications were submitted by Mr. Josh Leddy of Back Channel Brewing, authorized agent of the owner of the 5th Street Ventures, ("Applicant"). The Applicant's property ("site") is located at 4681 Shoreline Drive, Spring Park, MN 55384 (PID 18-117-23-33-0049). The site includes shoreline at two adjacent parcels, 4665 Shoreline Drive (PID 18-117-23-33-0009) and 4695 Shoreline Drive (PID 18-117-23-33-0010). The site's shoreline is on the Seton Channel / Seton 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 direct staff and LMCD legal counsel to draft Findings of Fact and Order approving the 5th Street Ventures, LLC 2020 Multiple Dock License and Variance applications for the properties located at 4681, 4665, and 4695 Shoreline Drive in the City of Spring Park as presented <or with additional amendments> for consideration at the July 22, 2020 Board meeting.

Denial:

I make a motion to direct LMCD legal counsel to draft Findings of Fact and Order denying 5th Street Ventures, LLC 2020 Multiple Dock License and Variance applications for the property located at 4681, 4665, and 4695 Shoreline Drive in the City of Spring Park based on the following reasons... for consideration at the July 22, 2020 Board meeting.

Continue Hearing:

I make a motion to continue the public hearing for the 5th Street Ventures, LLC's 2020 Multiple Dock License and Variance applications to the July 22, 2020 Board meeting for further consideration.

APPLICATION SUMMARY

A summary of the applications that were submitted is provided below:

- Commercial Multiple Dock License
 - Add one Transient BSU
 - Existing: 29 BSUs (25 Overnight, 4 Transient)
 - Proposed: 30 BSUs (25 Overnight, 5 Transient)
- Maintain classification of Qualified Commercial Marina
- Variance(s)
 - Adjust setback from channel to the west to accommodate new BSU

APPLICATION REVIEW

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

- **Watercraft Density.** Shoreline measurements (929.4' NGVD elevation contour) and boat density for the sites are as follows:
 - **Existing**
 - Current BSUs: 29 (25 Overnight, 4 Transient)
 - Current shoreline: 1,421 feet
 - Current boat density: 1:49
 - **Proposed**
 - Proposed BSUs: 30 (25 Overnight, 5 Transient)
 - Proposed shoreline: 1,421 feet (no change)
 - Proposed boat density: 1:47
- **BSU Dimensions**
 - The proposed BSU measures 12 feet in width and 30 feet in length. The portion of the proposed BSU that would encroach on the current setback measures between 1.4 ft to 6.2 feet in width due to angle and 30 feet in length.
- **Variance(s).** The Applicant proposes to reduce the setback from the channel to accommodate the proposed additional BSU on the southwest corner of the site. From 40 feet to 33.8 feet for the storage of a watercraft.

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) DETERMINATION

The proposed marina layout constitutes an expansion in surface area of 360 square feet. An expansion of this size does not require a Mandatory EAW.

The Applicant most recently completed an EAW in 2016 for a previous expansion.

SUMMARY OF CODE CONSIDERATIONS

Key LMCD Code items are listed below, with a description of the code section as it relates to this application. Code excerpts are attached for additional reference. *Staff comments regarding the application are written in italics below the relevant code language. Code excerpts from Section 6-2.01 without staff comments indicate site characteristics relevant to the code excerpt are not expected to change as a result of the proposal.*

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

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) 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.
- *The applicant's proposal – as it does not include adding dock structure to the existing facility – does not perceptibly increase the length of the dock as measured from the shoreline directly north of the dock (~180 feet).*

Section 2-4.07. Qualified Commercial Uses.

Subd. 1. General Rule – May 3, 1978. Up to one restricted watercraft may be moored or docked at a qualified commercial use on any site for each 10 feet of continuous shoreline in existence on May 3, 1978. When calculation of the number of restricted watercraft allowed results in a fractional restricted watercraft, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be counted as one additional watercraft.

Section 6-2.01. Commercial Multiple Dock License. An application for a commercial multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

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 proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
- *The watercraft density is expected to increase from 1:49 to 1:47. The increase would still meet the density allowed for Qualified Commercial Marinas per LMCD Code Section 2-4.07.*
- (b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
- *The Applicant has applied for variances to adjust the setback from the channel from 40 feet to 33.8 feet.*
- (c) Whether the proposed structure will be structurally safe for use by the intended users;
- (d) Whether the structure will comply with the regulations contained in this Code;

(e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;

- *The volume of traffic in the lake is not expected to change significantly as a result of this proposal of adding one transient BSU. Concerns have been expressed about the high traffic through the nearby channel.*

(f) Whether the proposed structure will be compatible with the adjacent development;

(g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;

(h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;

- *The proposed BSU is located towards the channel instead of the previously identified sensitive area with lily pads and wetland/bog.*

(i) Whether the proposed structure, 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 structure;

(j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;

(k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;

(l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and

(m) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.09, subdivision 4(a).

Subd. 4. Qualified Commercial Uses. If a qualified commercial use proposes to increase the number of boat storage units beyond what it is otherwise allowed, or to extend any portion of the structure further into the Lake than 100 feet, the Board shall consider the following additional limitations when reviewing the request:

(a) No license will be granted for a facility with an existing variance unless a new variance for the proposed facility is granted by the Board;

- *The Applicant has applied for a variance to and adjust the setback from the channel.*

(b) No license will be granted for a proposed facility that overlaps the dock use area of another site;

- *The applicant's dock use area does not overlap the dock use area of another site.*

(c) No license will be granted for a proposed facility that will require removal of emergent native vegetation; and

- *Removal of emergent native vegetation is not proposed.*

(d) No license will be granted for a proposed facility that interferes with general public navigation, or impairs access to use of the dock use area of another site or a commercial mooring area.

- *Concerns have been expressed about the high traffic through the nearby channel.*

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 a reduction of the setback from the channel.

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN Department of Natural Resources (MN DNR), Minnehaha Creek Watershed District (MCWD), and the City of Spring Park were provided information regarding the applications on June 22, 2020. City and agency comments were due by July 2, 2020; no agency comments were received.

Public comments received as of July 2, 2020 are summarized below.

- One public comment was received expressing concerns about the marina's proximity to the busy channel, safety concerns, and nuisances. The resident also expressed concerns regarding the continual requests for expansion of the marina.

Any comments received after July 2, 2020 will be provided at the Board meeting for review.

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 June 25, 2020 edition of the Sun Sailor and the Laker Pioneer 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 June 24, 2020. In addition, the Board packet will be posted online.

ATTACHMENTS

1. LMCD Code Excerpts
2. Aerial Map(s) of Proposed Area
3. Existing Approved Site Plan
4. Proposed Site Plan
5. Application Forms and Additional Materials
6. Current Approved LMCD Findings of Fact and Order Document(s)
7. Public Hearing Notice
8. Public Hearing Notification to Property Owners



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: July 22, 2020

TO: LMCD Board of Directors

FROM: Vickie Schleuning, LMCD Executive Director

SUBJECT: Request for Temporary Transient Docking in 2020 from Caribbean Marina & Restaurant

ACTION

Board consideration of a request for temporary transient docking at the Caribbean Marina & Restaurant.

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

Approval:

I make a motion to approve the Caribbean Marina's request for temporary transient docking for the duration of the 2020 boating season.

Denial:

I make a motion to deny the Caribbean Marina's request for temporary transient docking for the duration of the 2020 boating season.

BACKGROUND

Due to the constraints presented by COVID-19, the owners of Caribbean Marina are requesting to have transient docking at their facility for the duration of the 2020 boating season. Additional information is provided in the enclosed letter from the Caribbean Marina.

CONSIDERATIONS

- Will the addition of a transient slip create any navigation, safety, or nuisance concerns?
- Are there other implications related to COVID-19 guidance?

ATTACHMENT

- Letter of Request from the Caribbean Marina
- Submitted Site Plan



To: Vickie Schleuning, LMCD
From: Shawn Wischmeier, The Caribbean Marina
Subject: Request for Temporary Transient Slip Designation
Date: July 16, 2020

This Memo is pursuant to recent communications regarding activities by The Caribbean Marina (“Marina”) to offer Dockside Service for the 2020 season. This Memo is a follow-up to an email from Vickie Schleuning dated July 1, 2020 regarding an interpretation of what defines a transient slip, and which references our ability to offer Dockside Service for the 2020 season. While we do not necessarily agree that LMCD Ordinances require that Dockside Service be provided from an officially-designated transient slip, we are making this request for a temporary transient slip based on LMCD Staff guidance.

By way of history, the new owners took over the Caribbean as of June 1st, 2019 and embarked on a path of renovating the facilities. A large portion of this renovation involves the updating of the legacy docks. A plan was approved by LMCD late in 2019. A portion of the docks was completed last winter, and work is ongoing. To allow for a more efficient transition of customers around the marina during an uncertain dock reconfiguration period, no transient slips were originally requested for the 2020 season. As documented in the approval resolution, we intend to offer transient slips for restaurant use on a long-term basis and plan to come back to the LMCD Board prior to the 2021 boating season to achieve approval for permanent transient slips. This request is limited to a single, temporary transient slip for the remainder of the 2020 season.

Given the development of COVID-19 and the rules surrounding the operation of businesses in the State of Minnesota, particularly surrounding the operation of restaurants, we decided to offer both Curbside and Dockside Service from our restaurant for the first time ever in 2020. These decisions were predicated on how we best serve the public in and around the lake and provide access to the restaurant and food on the lake in a socially distanced manner, while meeting or exceeding all State of Minnesota rules. The Dockside Service follows a similar format to what other restaurants and/or marinas around the lake are doing. The ability to offer Dockside Service has been well received by boaters as it offers an alternative way to order food, which can be enjoyed on their boats with their families in a safe manner. Prior to the emergence of COVID-19, we had no intention of offering such services and sticking with our standard dine-in format. We have received numerous comments and feedback both directly and via social media for our efforts to be adaptable in these unprecedented times.

Please see an attached schematic, called “Hybrid Docks 2020 Transient Request.” This is the current dock layout for 2020. You will note that the location for the temporary transient slip requested is at the side-tie location indicated on the drawing. This side-tie location is an allowed slip location per communications earlier this year with LMCD Staff and would offer the easiest and safest access point for boats of any size to approach our marina docks. Note that our restaurant will only be open for another five to eight weeks maximum. We typically close the restaurant around Labor Day, subject to weather allowing us to extend a few weeks into September.

We ask for approval of this temporary transient slip for the remainder of the 2020 season with understanding that we will present a longer-term plan for transient docks, as per the resolution, at a later date.
Sincerely,

A handwritten signature in black ink, appearing to read "Shawn", with a stylized, flowing script.

Shawn Wischmeier
on behalf of The Caribbean Tonka Bay, LLC

ATTACHMENT

Caribbean Marina

