



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, October 14, 2020

Join Zoom Meeting

<https://us02web.zoom.us/j/88402726754?pwd=N1A3TTFYWmFReHgwY1pLek1pV0ZnUT09>

Dial by your location

+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)

Meeting ID: 884 0272 6754

Password: 363972

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 by 2:00 p.m. 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. Review of Lights, Reflectors, and Visibility Options for Multiple Dock and Mooring Facilities
2. AIS Grant Opportunities and Options Including Watercraft Cleaning Tools at Public Launches

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** (09/23/2020) LMCD Regular Board Meetings
- 7) APPROVAL OF CONSENT AGENDA**
 - A) Audit of Vouchers (10/01/2020 – 10/15/2020)
- 8) PUBLIC COMMENTS** – *Provides an opportunity for the public to address the board on items that are not on the agenda. Public comments are limited to 5 minutes, and should not be used to make personal attacks or to air personality grievances. 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**
 - A) Public Hearing for Variance for Adjusted Use Area for Setback, 1657 Dove Lane, Mound, MN 55364
- 10) OTHER BUSINESS**
- 11) OLD BUSINESS**
- 12) NEW BUSINESS**
 - A) Draft City Letter of Appointment of 2021 LMCD Board Members
 - B) Bylaw Amendment- Conflict of Interest
- 13) TREASURER REPORT**
- 14) EXECUTIVE DIRECTOR UPDATE**
- 15) STANDING LMCD COMMITTEE / WORKGROUP UPDATE**

- Aquatic Invasive Species Taskforce
- Budget Workgroup
- Communications & Legislative Relations
- Save the Lake Committee
- Strategic Plan Subcommittee

16) ADJOURNMENT

Future Items for Review – Tentative

- Lake Use Vision and Policy Discussion Continuing Series
 - Watercraft Density
 - Lake Sales and Services
 - Water Skier Observer Requirements
- Financial Summary and Budget Document
- Reserve Fund Balances



LAKE MINNETONKA CONSERVATION DISTRICT

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DATE: October 14, 2020 (Prepared October 8, 2020)

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director
Vickie Schleuning

RE: Review of Lights, Reflectors, and Visibility Options for Multiple Dock and Mooring Facilities

ACTION

Board review of lighting and other visibility requirements for multiple dock and mooring facilities.

BACKGROUND

In 2019, the LMCD Board approved a recodification of its ordinances. Given the scope of the recodification project, the Board of Directors understood the LMCD office would identify the need for clarifying amendments as it began administering the updated code to ensure it reflects the intent of previously adopted ordinances and how they have been administered. Some current Board Directors were not on the Board during the recodification process. A clarification amendment was adopted by the LMCD Board on July 8, 2020. The change was requested to allow staff to effectively respond to concerns received about lighting at multiple dock facilities.

Since then, staff have received questions regarding the lighting standards from Director Rich Anderson and some licensees whether all multiple dock and mooring facilities are required to have lights installed. Some licensees do not have lighting installed. None of the four mooring facilities have been required to have lighting in the past. Staff believe that another section of the code has been applied stating lighting is required for structures but reflectorized material may be used in lieu of lighting. During reconfigurations of multiple dock facilities, staff often work with licensees on a lighting plan to make sure it does not become a navigation hazard or nuisance to adjacent properties.

In addition, staff work with property owners regarding any concerns about lighting or safety. Lighting standards were amended to make clear they are applicable, in addition to commercial structures, to all multiple docks and mooring areas as provided for in the previous Code. A comparison of the code sections from the current and previous (before recodification) version of LMCD Code and other relevant code sections are attached.

Additional lighting and visibility standards are not included as part of this discussion such as signage and advertising, watercraft, temporary residential dock extensions, service consoles and shelters, deicing, etc.

CONSIDERATIONS

- Does the Board wish to change how the lighting standards have been applied in the past to multiple dock facilities and mooring areas?
- Have there been safety concerns due to visibility that could benefit from increased lighting requirements? Staff checked with Hennepin County Sheriff Office and some of the licensees and are unaware of significant number of accidents.
- Should lighting be required at multiple dock facilities and mooring areas would there be any unintended consequences such as electrical safety, light pollution, nuisances, etc.?
- Is a code amendment required?
- Should the code language be added to list of items to review for clarity in the future?

RECOMMENDATIONS

After staff receives direction from the Board, some guidance regarding lighting and reflector standards will be prepared and communicated to the licensees.

BUDGET

The primary impact is staff resources to develop materials or change the enforcement of lighting standards. If a code change or code language clarification is requested by the Board, staff resources and legal costs would incur.

STRATEGIC PRIORITIES

<input type="checkbox"/>	Operational Effectiveness	<input checked="" type="checkbox"/> X	Clear & Timely Communications	<input type="checkbox"/>	Effective Governance	<input checked="" type="checkbox"/> X	Lake Protection	<input type="checkbox"/>	Other
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ATTACHMENTS/SUPPLEMENTARY INFORMATION

- Current and Previous LMCD Code Comparison
- Additional Relevant Code Sections

ATTACHMENTS

LMCD Board Meeting October 14, 2020
Page 3 of 3

Lighting Standards Affected by Clarification Amendment (Approved July 8, 2020)

Current LMCD Code

2-2.03 Subd. 3 Lighting of Structures. Commercial structures, residential and municipal multiple docks, and mooring areas shall be suitably and adequately lighted **in accordance with LMCD regulations**. No oscillating, rotating, flashing or moving sign or light may be used on any dock. Dock lighting shall not be directed toward the Lake in such a manner that it impairs the vision of or confuses operators of watercraft. No lighting in the area of the Lake shall be installed or directed so as to affect adjoining dock use areas or create a hazard to navigation.

Previous Code (Before Recodification)

Lighting. Multiple docks or mooring areas and commercial docks shall be suitably and adequately lighted in accordance with LMCD regulations. No oscillating, rotating, flashing or moving sign or light may be used on any dock. Dock lighting shall not be directed toward the Lake in such a manner that it impairs the vision of or confuses operators of watercraft. No lighting in the area of the Lake shall be installed or directed so as to affect adjoining dock use areas or create a hazard to navigation.

Other Relevant Code Sections:

LMCD Code

2-6.07. Subd. 3. Reflectorized Material. Swimming floats, ski jumps, diving towers, **and other structures surrounded by navigable water**, whether floating or on posts, shall be lighted with a light visible in all directions **or have attached thereto sufficient reflectorized material so as to reflect light in all directions**. Reflectorized material must be capable of retaining 80 percent of its dry weather reflective signal strength when wet.

8-1.13. Public Nuisances Defined. Subd. 2. Public Nuisances Defined. For the purposes of this Section, public nuisances shall include the following: (a) Fighting or brawling; (b) Using offensive, obscene, or abusive language; (c) Engaging in loud, noisy, or boisterous conduct; (d) Engaging in lewd or lascivious conduct offensive to public decency or indecent exposure; (e) **Using lights in a manner which annoys, frightens or endangers others;** (f) Violating curfew; or (g) Engaging in any other conduct which unreasonably disturbs the peace, quiet, or repose of others.



WS ITEM 2

LAKE MINNETONKA CONSERVATION DISTRICT

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DATE: October 14, 2020

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director
Vickie Schleuning

RE: Potential AIS Grants and Options Including Watercraft Cleaning Tools at Public Launches

ACTION

Board input regarding potential AIS grants and options for application.

BACKGROUND

Director Denny Newell and Director Rich Anderson submitted information for the Board to consider if grants become available for AIS prevention or management or for consideration of LMCD funds.

Director Newell submitted information regarding the CD3 Systems, a company that sources CD3 equipment. Director Newell indicates that there may be grant funding available for purchasing and installing CD3 equipment at public launches to help prevent the spread of AIS. Director Newell would like the Board to discuss whether or not it would support pursuing such grants for purchasing such equipment from CD3 Systems or any other appropriate supplier.

Director Anderson submitted a letter for the Board to consider the installation of I-LIDS at public launches. These are high definition cameras that monitor and educate boaters at boat launches. One company that provides these systems is Environmental Sentry Protection, LLC.

LMCD applied for grant for 2020 from Hennepin County for Video Launch Monitoring (such as I-LIDS), Watercraft Inspections, and Near Shore Property Owner Education. Grants were also applied for from MNDNR for behavior change and AIS management for flowering rush, Eurasian watermilfoil, and curly-leaf pondweed. More information is available if the board would like to further consider grants or funding of AIS activities.

Certain pages from the Lake Minnetonka Vegetation & AIS Master Plan are attached that indicate the importance of preventing AIS and the varying amenities and standards at public launches. Please see the table showing the public launches (2011) for reference.

CONSIDERATIONS

- Does the board need additional information to make an informed decision regarding this subject?
- Are there other types of AIS prevention or management tools that the board would like to consider?

BUDGET

- Would the LMCD be willing to put forward funding for such an endeavor...
 - For grants that may require matching funds?
 - Without any grant funding?

STRATEGIC PRIORITIES

<input type="checkbox"/> Operational Effectiveness	<input type="checkbox"/> Clear & Timely Communications	<input type="checkbox"/> Effective Governance	<input checked="" type="checkbox"/> X Lake Protection	<input type="checkbox"/> Other
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ATTACHMENTS

- Director Newell Submission Regarding CD3 Systems
- Director Anderson Submission Regarding I-LIDs
- Lake Minnetonka Vegetation & AIS Master Plan- Chapter 1 Pages 1-6

ATTACHMENT

Why LMCD should re-open discussions on this technology:

CD3 General Benefit Corporation

cd3systems.com

- 1) Lake Minnetonka has a problem with AIS. LMCD has an annual budget of \$80,000 to deal with it. Additionally we have funding through Save the Lake.
- 2) Lake Minnetonka has over 70,000 boat launches per year (MNDNR data).
- 3) Proper cleaning of boats and trailers has been shown to mitigate the spread of AIS for both inbound and outbound watercraft.
- 4) CD3 is a proven technology across 15 states and Canada. MN DNR supports installation of CD3 Systems at public accesses. Technology was developed in MN 5 years ago and now proven to empower the day boating public to help with the cleaning of boats pre/post entry into Lake Minnetonka. A novice using a CD3 system is comparable to a trained inspector. The public like the equipment and will use it again.

Units in Hennepin County, now totaling over 80,000 tool uses:

- Spring Park (Lake Minnetonka) 3 units at this access
- North Arm (Lake Minnetonka)
- Medicine Lake
- Lake Riley
- Long Lake
- Bryant Lake
- Bush Lake
- Lake Sarah
- Weaver Lake
- Eagle Lake

- Little Long Lake
- 5) CD3 has a contract with Hennepin County for the procurement of equipment. The County has expressed interest in assisting with ongoing operations and maintenance of the equipment for the usable life of the equipment (10+ Years).
- 6) **Grants are available from Hennepin County for 2021 - due early December.**
- 7) CD3 units deployed on Lake Minnetonka could be "BRANDED" with a custom wrap, call to action that has LMCD....showing those who use them our agency's commitment to preventing AIS.
- 8) Each tool use is time stamped and held in software which we have access to. Data from the equipment is useful for LMCD meeting AIS Goals and tangible information on outcomes of the program.
- 9) LMCD could also fund a lake wide" Check in, Check out" program. A customizable version is viewable at ramseyAIS.com (It is best to look on a phone) that LMCD could make into our lake's own for every public access on the lake.

PROPOSAL: LMCD should invite Mark Apfelbacher to address the upcoming LMCD meeting scheduled for Wednesday, October 14 and discuss technology options, reports on efficacy and compliance and funding possibilities (Grants) should LMCD choose to place additional units on Lake Minnetonka.

Respectfully submitted

Denny Newell

LMCD, Woodland

ATTACHMENT

I-LIDS

We need to take action now to prevent additional AIS pollution from entering Lake Minnetonka. The next best option is I-LIDS. I-LIDS are manufactured and monitored by a company named Environmental Sentry Protection, LLC. An I-LIDS is basically comprised of a high definition camera, cell modem and sign/audio notification in a protective stand placed at the entrance of a boat launch site. When a boat enters the Boat access a picture is taken of boat and the owner is notified that the picture is being taken and is instructed how to avoid transporting AIS.

Environmental Sentry has found that compared with the typical percentages of boats showing up at launch sites with plants attached as documented by inspectors, they have observe that there are a fraction of boaters bringing plants into sites with I-LIDS monitoring. Environmental Sentry has found that more plants are brought to sites that do not have audio education demonstrating that when boaters know that their action are being monitored, they do take action to inspect and clean their boat. It is well established that that people's behaviors are modified when they realize that their actions are being monitored (Hawthorne effect). This principle is leveraged in the I-LIDS design. Many videos over the years show people initially reacting to the audio, reading the sign, and inspecting their boat. Over time boaters become accustomed to the presence of the camera. Modifying the behavior of the boaters 24x7 has shown to be more efficient and effective than selective inspectors where boaters are conditioned to only pay attention when there is an inspector there.

A future plus is the fact that if the State of Minnesota decides to pursue electronic boat tagging the I-LIDS unit can be upgraded to accommodate this function.

I believe that we should start positioning I-LIDS at four of Lake Minnetonka's busiest launch sites (Grays Bay, Maxwell Bay, North Arm and Spring Park). Hopefully, we can accomplish this by April 2021. The cost of this project will be approximately \$60,000.00 which includes the four I-LIDS and one year maintenance/monitoring. To accomplish this, we will need your financial support and/or grants from Hennepin County and Minnesota DNR. I am hopeful that the lakeshore home owners and businesses will see the value in this project.

ATTACHMENT



Lake Minnetonka Vegetation and Aquatic Invasive Species Plan



Chapter 1: Introduction

- A Brief History of Lake Minnontka
- Definition of AIS
- Purpose of the Plan
- Plan Development Process
- Utilization of the Plan



1. INTRODUCTION

1.1. A Brief History of Lake Minnetonka and the LMCD

Lake Minnetonka's system of lakes and bays includes over 14,000 acres with over 100 miles of shoreline. It is located just 15 miles northwest of Minnehaha Creek headwaters, making the location an ideal setting for the tribal communities prior to European settlement. The Dakota Sioux, Cheyenne, Iowa, and Ojibwa people first occupied Lake Minnetonka's shores until the mid-1800s when European settlers began to recognize the value of this lake. In 1851, the Treaty of Mendota transferred 2 million acres of American Indian land to the U.S. Government, which included Lake Minnetonka (Lake Access n.d.); and in 1852, Governor Alexander Ramsey named the lake "Lake Minnetonka", because of its meaning ("Big Waters") in the native Dakota language. Within two years, the majority of the 100-plus miles of shoreline had been claimed or purchased by European settlers.

Tourism has always been an important part of the Lake community and this has continued on today with countless people traveling to the area each year to enjoy the many beaches, docks, bike paths, fishing, adventure sports and more (Wood 2018). With the growing tourist populations and the travel between lakes, Lake Minnetonka saw an increasing threat for aquatic invasive species (AIS) and a growing need for organizations and government entities to protect the many aquatic and land species native to the lake. However, with the increased tourism and population, there is also a growing demand for residential and commercial development and access to recreation. Lake Minnetonka has many uses; recreation, fishing, tourism, environmental research, residential homes and is a major economic engine in Minnesota.

EOR and Blue Water Science were hired in early 2019 to coordinate with various lake entities to begin development of this Vegetation & AIS Master Plan.

LMCD Background:

The LMCD has a broad scope of authority . It was formed in 1967 by legislation through Minnesota Law (Reference Current Law) to provide a lake wide approach to the issues of the time. The issues specified in the Law are:

"103B.611 Subd. 3. Powers

the district has the following powers on Lake Minnetonka, excluding the area of public drainage ditches or watercourses connected to the lake:

- (1) *to regulate the types of boats permitted to use the lake and set service fees;*
- (2) *to regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities, provided that a municipality may supersede the district's action under this clause by adopting an ordinance specifically referring to the district's action by one year after the district's action;*
- (3) *to limit by rule the use of the lake at various times and the use of various parts of the lake;*
- (4) *to regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;*

- (5) to contract with other law enforcement agencies to police the lake and its shore;
- (6) to regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law;
- (7) to regulate the construction and use of mechanical and chemical means of deicing the lake and to regulate mechanical and chemical means of removal of weeds and algae from the lake;
- (8) to regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities above the OHW. The regulation shall be consistent with the applicable municipal building codes and zoning ordinances where the marinas are located; (see footnote below)
- (9) to contract with other governmental bodies to perform any of the functions of the district;
- (10) to undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the Pollution Control Agency and other interested authorities, and to develop a comprehensive program to eliminate pollution;
- (11) to receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them; and
- (12) to petition the board of managers of a watershed district in which the lake conservation district is located for improvements under section [103D.705](#); a bond is not required of the lake conservation district.

For purposes of this subdivision "watercourses connected to the lake" does not include channels connecting portions of the lake to one another."

This list of powers was authored in 1967 it still holds true today. Subd 3 Powers -- paragraphs 7 and 10 were clearly intended to mean aquatic invasive species using the adjectives of the time to describe the introduction of aquatic invasive species into the lake.

"to regulate mechanical and chemical means of removal of weeds and algae"

"to undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the Pollution Control Agency and other interested authorities, and to develop a comprehensive program to eliminate pollution"

The preparation of this Management Plan falls under Subd 3. Powers of the Board.

There are many public, local, and private accesses to the lake with multiple authorities and various designs and amenities. The design and amenities of a public access is important in encouraging AIS prevention actions by lake users. A chart from 2011 indicates the various standards at public launches and potential lake user density based on available parking spaces . Additional assessment of public, local, and private accesses should be conducted to assess the design, amenities, and important factors to promote AIS prevention.

Footnote: In 2019 the Minnesota State Legislature changed the wording of Powers number 8 to "to regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities that affect activity below the ordinary high-water mark. The authority under this clause does not apply to land-based marina activities, including storage facilities, and must be consistent with the applicable state statutes, municipal building codes, and zoning ordinances where the marinas are located.

Table: Lake Access Inventory 2011 showing boater/launch data.

Parking Space Categories	1993 Total In Use or Available	1993 Meet Physical Standards & Certified	1993 Total In Use & Planned Certified	2011 Total In Use or Available	2011 Meet Physical Standards & Certified
Public Access					
North Arm	80	80	80	59	59
Grays Bay Causeway	37	17	17	0 (2)	0
Grays Bay Dam	20	20	20	0 (3)	0
Grays Bay	0	0	0	119	119
Spring Park	86	86	86 (1)	10	10
Kings Point	32	32	32	0 (4)	0
Phelps Bay	4	4	4	4	4
Lake Mtka. Regional Park	0	0	48	59	59
Maxwell Bay	0	0	76	90	90
Cooks Bay	0	0	0	9 (5)	0
Subtotal	259	239	363	350	341
Remote Lots					
Carsons Bay	93	43	70	21 (6)	8
Spring Park (Henn. Co. Lot)	NA	NA	NA	80	70
Subtotal	93	43	70	101	78
On Street					
North Arm/Maxwell Bay	31	31	0	0	0
Williams St.	40	40	40	40	32
Cooks Bay	43	26	43	36	29
Wayzata Bay	101	0	0	28	24
Carsons Bay	0	0	0	14	11
Spring Park	0	0	0	3	2
Subtotal	215	97	83	121	98
Grand Total	567	379	516 (7)	572	517

- (1) Car/trailer parking spaces included for remote Hennepin County Transportation Department Lot
- (2) 17 car/trailer parking spaces eliminated in coordination with the opening of the Grays Bay Public Access
- (3) 20 car/trailer parking spaces eliminated in coordination with the opening of the Grays Bay Public Access
- (4) 32 car/trailer parking spaces eliminated in coordination with the opening of the Lake Minnetonka Regional Park
- (5) 9 Car/trailer parking spaces not available on holidays or the weekend
- (6) 11 Remote lot car/trailer parking spaces -- Requires City of Deephaven parking permit
- (7) 32 c/t at Kings Pt. were supposed to be eliminated with the opening of the Lake Minnetonka Regional Park (484 actual number)

1.2. Definition of AIS

AIS include any plants, animals, or pathogens that are not native to the region they have inhabited. They are “aquatic” because they live primarily in water and “invasive” because they thrive in the new, non-native environment and can spread rapidly, often compromising the range and health of native species. The first AIS was reported in Lake Minnetonka in 1910, curly-leaf pondweed. Since then, purple loosestrife, Eurasian watermilfoil, flowering rush, and zebra mussels, have all been introduced to the lake system. Common carp have also been a long-time resident of Lake Minnetonka. Because Lake Minnetonka is such a popular tourist destination, it is increasingly vulnerable to the introduction of new AIS, the spread of existing AIS, and the overall degradation of native habitat and species populations. Additionally, the presence of AIS within Lake Minnetonka is a major threat to other resources in the surrounding area.

The following map illustrates the watercraft inspections conducted for boats launched on Lake Minnetonka that originated from other states in 2018. It is important to note that that data is only a snapshot since watercraft inspections do not occur at the launches at all times watercraft may be launched or at all public accesses.



**State
Watercraft was
Licensed**



Minnetonka Lake Watercraft Inspection Out of State Boaters (2018)

Miles
0 250 500 750

Date: 10/7/2019

Figure 1.2- Origin of out of state boats launched in Lake Minnetonka, 2018

1.3. Purpose of the Plan

The LMCD embarked on this Master Plan to develop a holistic and science-based approach for managing lake vegetation and AIS to respond to the rapidly changing landscape of AIS management, identify the activities of other entities, and then assess the effectiveness of the existing LMCD program and its potential roles. (e.g., Minnesota Department of Natural Resources, Hennepin County, Lake Minnetonka Association, etc.).

Table 1 demonstrates the number of waterbodies identified as “infested” by AIS in Minnesota is increasing dramatically. Additionally, the number of new AIS infesting Minnesota’s waterbodies is also increasing and expected to increase in the future as changes to our climate make the landscape more habitable to a broader range of species. These trends in AIS management make existing and future management complex for a resource as regionally and nationally significant as Lake Minnetonka.

Table 1. Increase in waterbodies listed as infested by the Minnesota Department of Natural Resources (1995-2019)

Year	Number of waterbodies listed as infested	Number of aquatic invasive species	% increase from waterbodies listed as infested in 1995	Annual % increase
1995	101	5	0%	0%
1996	5	+1	5%	5%
1997	10	--	15%	10%
1998	5	--	20%	5%
1999	16	--	36%	16%
2000	18	--	53%	17%
2001	7	--	60%	7%
2002	6	--	66%	6%
2004	22	--	88%	22%
2005	12	--	95%	8%
2006	37	--	137%	42%
2007	73	+3	209%	72%
2008	13	--	222%	13%
2009	74	+1	295%	73%
2010	62	+1	356%	61%
2011	16	--	372%	16%
2012	118	+2	489%	117%
2013	49	--	538%	49%
2014	113	--	649%	111%
2015	60	+2	709%	60%
2016	70	+1	775%	66%
2017	75	--	852%	77%
2018	87	--	939%	87%
2019	78	--	1,016%	77%
Total	1,128	--	n/a	n/a

Source: <https://www.dnr.state.mn.us/invasives/ais/infested.html>

A purpose of this plan is to assist in coordination of existing AIS and vegetation management efforts for Lake Minnetonka as well as determine the role to fill any gaps in the system. As a result, this plan identifies who is involved in AIS management on Lake Minnetonka and how they have been involved.

ITEM 6

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**
6:00 P.M., September 23, 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; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; and Jake Walesch, Deephaven. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Matt Cook, Environmental Administrative Technician.

Members Absent:

Bill Cook, Greenwood; and Deborah Zorn, Shorewood.

Persons in Audience:

Chris Bank; Stacia Bank; John Bendt; Pete Bergsland; Greg Blasko; Sara Engemann; Sonja Ess; Eric Evenson; Tom Ewers; Christopher Gernertz; Adam Hoffman; David Hoffman; Gabriel Jabbour; Mike Jilek; Brian Kenny; Will Kieley; Fred Lang; Jennifer Linder; Donald MacMillan; Shane Magnuson; Meredith Paul; Dana Paulson; James Seal; Anne Silverman; Jill Simms; Bryan Suchy; Andy Weigman; and Chris Whiteman.

Additional account usernames in audience: 612-801-7580; anne's iPhone; Anne's iPhone 11; dmac; John B; jonmariolsen; Kramer's; Luke Stoker; Mark; Mike's iPhone; Rob; Scott; skapyak's iPhone; The Rose Law Firm PLLC; tj's iPhone; tokyo's iPhone; Tom; and Travis.

1. Conflict of Interest Discussion – Continued - Bylaws

Gilchrist reviewed the key points of the memorandum regarding a potential change to the LMCD Board of Directors Bylaws that would address conflicts of interest:

- Conflicts of interest are considered a violation of the public trust vested in officials.
- A member voting when he or she has a conflict of interest can invalidate the action and, if the conflict involves a contract, void the contract, and expose the member to criminal liability.
- Actual conflicts can be difficult to identify and so it is important to raise potential conflicts with the LMCD attorney prior to the meeting to allow for a discussion and recommendation on how best to proceed.
- The Board has a right to protect its decision-making process and so has the authority to act to prohibit a member with a conflict from voting on a matter.
- The recommendation is to establish a conflict of interest policy as part of the Board's bylaws to address the factors to consider when deciding if there is a conflict and provide a process for raising and deciding a claim that a member has a prohibited conflict.

- The policy reflects the statutory and common law factors, except the following language was added to give some practical direction on what will be considered a conflict:

Gilchrist explained that a Board member shall be considered to have a conflict of interest if the outcome of a matter could substantially affect a member's financial interests or those of an associated business.

Anderson recalled at a recent meeting that a Board member indicated that Mr. Anderson may have a conflict of interest regarding a decision to approve or deny a request from another marina, as Mr. Anderson himself owns two marinas on Lake Minnetonka.

Gilchrist said that Board Directors should approach Mr. Gilchrist several days in advance of a meeting at which such a potential conflict of interest may arise so that he may review the matter on a case-by-case basis.

2. Overview of Minimum Wake & Quiet Water Areas Methods and Maps

Schleuning stated that the purpose of this discussion is to conduct an informational overview of the current regulations and methods regarding minimum wake areas. She provided details on the types of wake control including standard minimum wake/speed areas, quiet water areas, and high-water regulations. She reviewed types of wake controls such as public buoys, private buoys, and other options. She reviewed the standard minimum wake areas map and the watercraft concentration map, noting that staff would like feedback on the maps. She asked if additional buoys or relocation should be considered for certain channel areas or other areas, whether there are educational options that may improve effectiveness of existing regulations, and whether additional data and information would be useful for future discussions.

Hughes referenced the standard minimum wake regulations, noting that the regulation states 150 feet from the shore but should also reflect 150 feet from the end of the dock or the end of the marina dock.

Chair Thomas asked if that is reflected in the maps.

Schleuning agreed with that language but noted that it would be difficult to include as buffers on the map. She noted that perhaps that could be done for the commercial marinas, but it would be difficult to show the residential docks on the map.

Hughes noted that there are areas that have long docks because of the shallow waters and believed that the language should be clarified to reflect that requirement.

Schleuning stated that the educational campaigns have included that language.

Anderson agreed with the comments of Hughes. He stated that perhaps the language could state 150 feet from structures, other boats, and the shore.

Schleuning noted that her attempt was just to provide a summary to the Board and gain feedback. She stated additional clarifications could be added to the Notes section.

Anderson referenced the notion that there is increased traffic on the lake. He noted that while more people may be using the lake, he believes that less gas is being used as boats are often not moving around once they are on the lake. He asked how this item was added to the agenda with such short notice. He asked the Board Directors and members of the public that staff has spoken with. He stated that this subject was previously dropped.

Chair Thomas stated that the agenda is set by the Executive Director and the Chair. He stated that this was on the workshop agenda to determine if the Board would like to pursue additional information.

Anderson noted that this is on the regular agenda as well with potential action to be taken.

Schleuning clarified that these are existing regulations and information that she has presented. She explained that the intent is to share information with the Board and the public. It provides data that can be expanded on in the future.

Kirkwood stated that he sees this as two separate decision issues. He noted that there are some concerns with the standard water level speed and congestion issues on the lake, which is not the high-water issue that will be discussed during the regular meeting. He asked if traffic should slow to a safe no wake levels when there are two buoys, one red and one green. He asked in cases where there are six buoys, red and green, people are expected to come to a slow no wake speed within 150 feet.

Lieutenant Shane Magnuson replied that red and green buoys are not necessarily slow or no wake areas. He explained that there are slow no wake channels and there are speed channels. He stated that around Big Island there are areas where you can be on plane and areas where you need to slow to no wake speeds. He stated that if someone is outside of the 150 feet of docks or shoreline, you can go faster.

Kirkwood asked how a boater would know the difference if red or green buoys are used.

Magnuson replied that they would not know by the buoys but by the 150-foot regulation.

Anderson asked if Kirkwood was part of the group of Directors that was involved in this topic.

Kirkwood replied that this came to him in the same way it came to Anderson, as a part of the Board packet. He noted that he has previously expressed concerns with safety in the channels.

3. Save the Lake Update Regarding Funding for UMN Research

Baasen stated that there have been questions from a few Board members asking what the Save the Lake was attempting to accomplish. He reported that Save the Lake met on September 8th and provided an

update on that meeting. He stated that the group discussed the UMN Research study related to wake and whether the LMCD should be a part of the study. He noted that one member of Save the Lake suggested contributing to the cost of the study and the group agreed as the LMCD has an interest in this topic. He noted that a financial number was not discussed.

Anderson recognized that the LMCD is absent from the list of contributors, noting that other Lake Minnetonka partners have contributed towards the study. He stated that he would support a contribution that Save the Lake members feel comfortable with.

Baasen stated that the amount discussed thus far was between \$2,000 and \$5,000 but noted that the amount can be further discussed during the regular meeting.

There being no further business, the work session was adjourned at 7:01 p.m.

FORMAL MEETING

7:00 p.m.

1. CALL TO ORDER

Chair Thomas called the meeting to order at 7:02 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; 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; and Jake Walesch, Deephaven. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Matt Cook, Environmental Administrative Technician.

Members absent: Bill Cook, Greenwood; and Deborah Zorn, Shorewood.

Persons in Audience:

Chris Bank; Stacia Bank; John Bendt; Pete Bergsland; Greg Blasko; Sara Engemann; Sonja Ess; Eric Evenson; Tom Ewers; Christopher Gernentz; Adam Hoffman; David Hoffman; Gabriel Jabbour; Mike Jilek; Brian Kenny; Will Kieley; Fred Lang; Jennifer Linder; Donald MacMillan; Shane Magnuson; Todd Olson; Meredith Paul; Dana Paulson; Todd Pottebaum; James Seal; Anne Silverman; Jill Simms; Marshall Stanton; Bryan Suchy; Aaron Switz; Andy Weigman; Chris Whiteman; John Wooden;

Additional usernames in audience: 612-801-7580; anne's iPhone; Anne's iPhone 11; Dan's iPhone; Dean's iPhone; dmac; Gabriel; jamie; John B; jonmariolsen; Kramer's; Luke Stoker; Mark; Mike's iPhone; mr boat dealer; Rob; Scott; skapyak's iPhone; The Rose Law Firm PLLC; tj's iPhone; tokyo's iPhone; Tom; and Travis.

4. APPROVAL OF AGENDA

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

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

There were no Chair announcements.

6. APPROVAL OF MINUTES- 8/26/2020 LMCD Regular Board Meeting

MOTION: Kroll moved, Kirkwood seconded to approve the 8/26/2020 LMCD Regular Board Meeting minutes as submitted.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	aye
Brandt	aye
Hoelscher	aye
Hughes	abstain
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Thomas	aye

Stone	aye
Walesch	aye

Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Baasen moved, Anderson seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (09/16/20 – 09/30/20); **7B)** Resolution Accepting Save the Lake Contributions (08/01/2020 – 08/31/2020).

Further discussion: Anderson asked if there is an update on the July statement reflecting of the comments at the last meeting.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

Schleuning noted that staff intended to include an update, but Cook is recovering from an accident and therefore could not be present at tonight's meeting. She noted that an update will be provided once Cook has recovered.

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

Jill Simms, National Marine Manufacturers Association (NMMA), stated that she has concerns regarding conversations around quiet bays and access during normal times of non-high-water declaration. She hoped that they could be a part of the conversation as they believe in access for all users. She stated that they would like to ensure that all users have equal access to the water, regardless of their preferred water activity. She stated that the water sports industry association has done a study on the effects of wake boats and recommends a 200-foot setback from shore. She recognized that there is an increase in new boater and boating activity and stated that they would just want to be a part of the discussion.

Gabriel Jabbour stated that he feels data presented to the Board earlier in the workshop is meaningless. He stated that in 2004 the LMCD decided to stop completing lake surveys, which were previously completed every four years along with user satisfaction surveys. He stated that he has been on the lake for the past 50 years and has seen the lake change. He stated that the community of the lake has become more affluent and therefore have more boats but not necessarily as many drivers as boats. He stated that one of the boats he picked up for storage has six hours on it over the season. He stated that unless the boats are on water, they are just an extension of the dock. He stated that profound studies have been done on boats and their traffic and did not believe boats should be counted on the shore. He stated that this is an outlier year because of COVID and the increased activity on the lake. He asked if the LMCD considered that the declaration of high water should be changed upward or downward. He stated that in order to enforce the ordinances the LMCD is considering, it could have a cost of \$3,000,000 to \$5,000,000 to enforce while the largest ticket that can be issued has a penalty of \$100. He asked if the LMCD is willing to put this burden on the Water Patrol, noting that the Water Patrol has more important duties than regulating complaints on North Arm Bay. He stated that he is a strong proponent for responsible use of the lake and an advocate for the environment of the lake.

Mike Jilek, Wayzata Bay resident, stated that he is the Dock Director of the Groveland neighborhood. He stated that wake boats are creating some damage to the boats docked in that location. He stated that it appears that it is clear to the LMCD that this is a concern. He stated that the problem is real where he lives.

John Bendt stated that he has spoken before the Board before on the issue of wake boats. He stated that in listening to the previous speakers it is obvious that there is an issue that will not go away. He urged the Board to do its duty and address the issue, coming up with a solution. He stated that the issue related to access to the lake is an issue that wake surfers and other users of the lake have in common. He stated that both groups want to have access to the lake, and both want to be able to enjoy their preferred form of lake recreation. He stated that the problem is that the dominant presence of wake boats and their large waves diminish the ability of other users to enjoy the recreational activity that they prefer. He stated that many of the other recreational users cannot have access to be able to enjoy the lake because of the large waves that interfere with their activity. He stated that while the discussion has gotten heated in the past, this should not be a fight pitting one group of users against the other, but instead should be about restoring balance to ensure that everyone can share and enjoy the lake. He stated that in order for everyone to share the lake, something needs to be done about the large waves the wake boats emit. He stated that his proposed solution would be to develop timeslots for activities which would provide a predictable time for those that want to kayak, canoe, paddleboard or fish to enjoy their recreation without being bounced around by large waves and would also provide times for wake boats to have their time to enjoy the lake. He did not believe it would be difficult to develop a policy that would allow all users to share the lake. He asked the Board to take action, noting that the need for that action has been demonstrated by people speaking at meetings as well as signed statements submitted to the Board. He asked everyone to work together to create rules and regulations that would allow everyone to enjoy the recreational activities that they prefer.

Lieutenant Shane Magnuson stated that he has comments related to 11A and asked if those should be provided now.

Chair Thomas commented that those comments will be allowed under that agenda item once the staff presentation is provided.

Andy Weigman stated that he considers himself to be a wake surfer community leader and therefore is comfortable stating that he speaks for a lot of the wake surfers that use the lake. He stated that he does not believe that anyone has ever shown up to the lake and not been able to use it because of wake surfers. He stated that this is not a problem of boat type of whose wave is bigger, but more that wake surfing is the most popular boat activity. He stated that as the group size increases, so does the smaller part of the group that may not respect the rules. He stated that this is the same as when jet skis first came to the lake and found it worrisome that a group would try to regulate the activity of any group of users of the lake. He stated that the wake surfers and others that want to use the lake are concerned about the public opposition to that activity, noting a newspaper article where a member of the LMCD Board has stated that he would like to shut down his bay.

Chris Bank stated that WSIA has been in the Watersports Protection Association for 30 years, is a Lake Minnetonka property owner, and owns a wake boat and a cruiser that has the capability of making a much larger wake. He stated that there needs to be reference to data and historic approach. He commented that Lake Minnetonka is unique and needs to follow the guidelines of the State of Minnesota. He agreed that the lake is busier but urged the LMCD to step carefully as there is a larger reverberation outside of homeowners in regard to the amount of commerce related to the boating industry as a whole. He stated that this is a much larger issue than someone wanting to go fishing without being interrupted by waves. He cautioned the Board to be careful as to how this is framed and how this is presented; whether it results to lake levels and the damage done, or whether there are other hands at play and someone wanting to move their personal motives under the guise of damage done from lake levels.

9. PUBLIC HEARING

There were no public hearings.

10. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

A) Discussion Regarding High Water Regulations for Smaller Bays

Schleuning stated that the purpose of this agenda item is to discuss high water regulations and the impacts during those times, not specific to any type of boat or activity. She stated that the main intent is to gain input on whether the Board would like staff to look into this subject further and bring back to a future meeting for the board to consider adding bays to the minimum wake list for high water conditions. She stated that staff received concerns during high water times on the lake and from specific bays. She explained that high water regulations provide better protections of lakeshore, structures, and public safety. She stated that these are

high water regulations and the intent is to review the current regulations to determine if amendment is necessary. She explained when high water regulations can, or must be activated. She reviewed the different regulations that are activated under high water declaration and reviewed the bays that become no wake bays under times of high-water declaration. She asked if the Board would like staff to review this topic further for future consideration.

Chair Thomas asked how many bays become no wake under high water declaration.

Anderson replied 17.

Schleuning reviewed safe distance for boating during high water declaration, noting that others may exist. She displayed a map identifying the different buffer widths for standard wake areas showing comparison of standard wake areas versus high water 600 feet restricted areas for all 42 bays. She noted some bays are narrow, with a smaller amount of standard wake areas, specifically mentioning North Arm and Harrison. Some of the information included with the agenda item was discussed as part of the previous workgroup and submitted to staff. Staff considered the coverage map, but also believed it was important to show the distances between the 600-foot buffer where standard wake was in effect during high water. Therefore the map shows all bays for comparison.

Chair Thomas stated that the intent is to protect the lake and lakeshore in the unusual circumstance when the LMCD declares high water due to the established criteria. He stated that during that time it requires no wake within 600 feet of shore and there are currently 17 bays that result in no wake bays/areas during high water declaration. He stated that the question before the Board is whether additional bays/areas should be added to the list.

Hughes stated that he would be willing to look into whether there are new options that would improve something, but otherwise the current regulations work.

Newell stated that he looks at the area left in some of the bays and a boater would almost need a GPS to stay within the navigable area of water. He stated that if the area is marginal it should be shut down during times of high water as that would make it easier to manage administratively.

Kirkwood agreed with the comments of Newell that he would prefer to make things simple and would want to help protect shore owners during times of high-water declaration.

Anderson stated that there are bays listed within the staff report as examples and was unsure why those bays were listed compared to the other bays that could also be considered. He referenced the meeting of June 19th when he brought forward his buoy concept but was told it was not on the agenda. He noted that at the same meeting Kroll was allowed to talk in depth about North Arm Bay, and the Chair stated that a public hearing would be needed. He noted that in the potential motion it includes directing staff to shut down certain bays. He did not believe that this discussion should occur without a public hearing tonight. He referenced language within the staff report which he believes to be inaccurate. He asked who was involved in the work group and the Board Directors that were involved in this discussion prior to tonight's meeting. He stated that at the June

12th meeting the decision was to have a public hearing rather than attempting to sneak this in the backdoor as it is being done tonight. He stated that this is not data and is all observation. He stated that he has been living on his property for 42 years and there has not been any damage to his shoreline.

Brandt stated that he is fine with the language as currently written and does not believe that more needs to be added to. He stated that the 600 feet should be clearly communicated, and it should be clearly differentiated between wake and times of high-water declaration. He stated that high water declaration is a rare occurrence that lasts a few days and does not happen often.

Kroll stated that the problem with bays like North Arm and Harrison, with 88 and 86 percent coverage is that they leave a crippled snake down the middle and therefore even a well-armed boat could not navigate within that area without mechanical assistance. He stated that people use that small strip to go all over the bay and it makes it impossible to enforce the 600-foot wake rule. He stated that this is a common sense thing, and something needs to be done to address this. He suggested that the long narrow bays be added, or the 600-foot setback should be removed all together.

Stone stated that she agreed with Brandt that if this is specific to high water declaration, it effects the lake very infrequently and works fine as it is.

Klohs stated that this discussion is related to the lake elevation of 930 to 930.25 feet. He noted that once those three inches are exceeded, the entire lake is shutdown. He stated that what is being shown is the current regulations and the intent is to gather input on whether the Board believes amendment is necessary. He stated that if changes were proposed, a public hearing would certainly be held in the future. He stated that this was reviewed about one decade ago and it was very contentious. He believed another public hearing would be appropriate to gather additional input.

Walesch stated that it was his understanding that the intent was to discuss high water declaration regulations and asked for input on the examples of safe distances for boating that were included in the staff presentation, such as lengths of towing ropes.

Schleuning stated that the examples of safe boating provides recommended distances between multiple uses.

Walesch asked how that ties into the high-water issue.

Schleuning stated that it is intended to show distance between boats and whether there is safe navigation for multiple boats.

Walesch stated that when the Board talks about these issues it is important to be as concise as possible. He stated that the topic tonight is related to high water and whether additional bays should be restricted when above the high-water declaration of 930. He stated that the 600 feet should be the common standard used, but if there is a bay where it would be impossible for one boat to maintain that without violation, that could be brought to the attention of the Board. He stated that if a boat could not wake surf, waterski, or make a wake while meeting the 600-foot setback, he would be interested in reviewing those instances otherwise the 600-

foot rule should stand. He stated that with that delineation, the Board could then determine whether it would be practical to recreate under high water declaration. He stated that people are very sensitive to shutting down bays under any conditions and the Board should recognize that. He stated that if there is information showing that recreation would not be practical under the 600-foot rule, he would be interested in seeing that data in a public hearing.

Hoelscher agreed with Walesch that most people do not want to see the lake shut down at all. She stated that the LMCD needs to do better at communicating when high water declaration goes into effect and demonstrating what 600 feet really is. She stated that it would be difficult for her to judge 300 or 600 feet. She stated that if there are ways that can be demonstrated it would be helpful to the general public as most people want to boat safely and follow the rules. She stated that she would want to work closely with Water Patrol, as the goal is not to write tickets and find violators but to help boaters follow the rules.

Baasen stated that this is a subject that has been wrestled with for some time and believes that there is proper coding and framework to manage the lake in times of high water. He did not believe that the LMCD needs to over manage and believes the regulations are fine as written.

Lieutenant Shane Magnuson stated that Hennepin County Sheriff's Office was named in this agenda item and therefore he wanted to speak on the item. He stated that he attended the meetings previously discussed, but for tonight would like to only focus on situations where the water is above the level of 930. He stated that overall, the Sheriff's Office is very happy and believes that the ordinance is good as it stands. He stated that clearly it is the decision of the Board whether to include additional bays. He used the example of Maxwell Bay which has over 1,000 feet of open water even under high water declaration. He stated that Echo Bay comes up often as well, noting that it is impossible to enforce other than education. He explained that there is a lot of water and everyone has a different idea of where the bay starts and ends. He stated that everyone keeps coming back to wake surfing but noted that this would impact everyone using a boat including those trying to go across the lake for a meal or a fisherman moving their boat. He stated that the majority of people they see on the lake in the evenings are not wake surfing. He stated that this would impact everyone in a boat and not just wake surfers. He stated that enforcement can be difficult, and they only focus on gross violators. He was unsure that regulating the other bays would provide much benefit. He stated that they thought the plan was set to focus on education, noting that the Sheriff's Office has jumped on to the Own Your Wake campaign, noting that campaign is used by the State of Minnesota and other states as well including Wisconsin and Florida. He stated that there are a lot of people that want to do the right thing, they just need to be educated. He stated that if there is high water, they need to be able to communicate that well. He stated that there are now signs that can be placed at access points onto the lake and on top of buoys, to alert boaters to the no wake in effect because of the high-water declaration. He stated that the Sheriff's Office has also utilized its social media and the social media of the other lake partners. He noted that there are also reference buoys in different areas of the lake, to create a point of reference for boaters to recognize that type of distance. He stated that most of the boats have fish finders or GPS with a 500-foot range and people can be taught how to use those settings. He stated that in his opinion the LMCD is very good and believes that education, communication, and reference leading into these types of events will help to alleviate problems that occurred in 2019. He noted that if issues arise after an incident of high water, he believes that should be the time to review the ordinance rather than doing that at this time.

Chair Thomas asked if there have been an enforcement concerns in North Arm or Harrison bays related to high water.

Magnuson replied that he is not aware of any enforcement problems on those bays during high water. He stated that Echo Bay continues to be the bay with the most enforcement issues both in high water declarations and in regular everyday conditions. He stated that one of the biggest things they ran into was that people were not aware of the 600-foot rule being in place. He again stated that the ordinance is good, and education and communication should instead be the focus.

Chair Thomas thanked the Hennepin County Water Patrol for their continued partnership with the LMCD and the excellent service they continue to provide.

Kroll commented that the Water Patrol does a tremendous job with its limited resources. He asked if he heard correctly that Magnuson would support converting the two bays that are over 80 percent coverage which would be Harrison and North Arm.

Magnuson replied that is not correct. He stated that his stance is that the ordinance is good and should remain the same with the change in communication and education.

Kroll thanked Magnuson for the clarification. He stated that the 250 feet narrow strip on North Arm would be almost impossible to enforce, as two boats could barely narrowly pass within that strip. He stated that residents do not call Water Patrol to report complaints as often offenders are gone by the time response arrives. He stated that people are also intimated as violators will request information from the Sheriff's Office to find out who reported them; therefore, a lack of tickets does not provide data. He stated that there was a working group that worked hard on this issue and attempted to keep it simple by adding these two bays to the list. He asked if Brandt and Stone had ideas of how these narrow bays could be enforced during high water declarations.

Stone stated that she does not have a solution for enforcement. She stated that she wanted the input of Magnuson on that topic. She stated that if Magnuson feels that the current ordinance is working then she supports that.

Kroll suggested that Stone talk to residents on North Arm to hear whether those residents feel that this is working.

Brandt commented that he believes that 600 feet is pretty straightforward to begin with and predictably it is not a surprise that enforcement is focused on egregious violators. He stated he would find it more straightforward as a boat owner to triple the normal distance from docks and shorelines rather than memorizing a list of the bays that may or may not be part of the restrictions.

Anderson referenced the comments of Kroll related to North Arm and the related bays mentioned. He asked where those boats would then go. He stated that if the Board remembers as part of the discussion for high

water, there are 600-foot lanes setup in Cruisers Cove and there would be 600-foot buoys and signage. He stated that the LMCD has not even given the Own Your Wake campaign a chance to work. He asked why the Board has forgotten about the plan that was already developed and would support not including any additional bays or areas to the minimum wake areas during high water declaration based on the reason that the Water Patrol agrees with the ordinance as written.

Chair Thomas suggested that the Board allow members of the public to provide comments on the topic at this time.

Klohs cautioned the Board that this has not been noticed as a public hearing.

Gilchrist commented that even though this was not noticed as a public hearing, the Board can still allow public comments.

Gabriel Jabbour stated that he owns and manufactures wooden boats. He stated that he does not like to see the waves beating on his boat and if he wants serenity and peace, he can go to the Boundary Waters. He stated that he does not want people to be abusive to his property and provided background information on the work he has done to establish quiet waters. He stated that the 600 feet was created arbitrarily and noted that perhaps that standard should be changed to 500 feet. He stated that he is not an advocate for abuse of the lake but is an advocate for responsible enjoyment of the lake. He stated that some people are using the lake unjustifiably. He stated that this is abusive of the process, as one self-motivated person has taken thousands of hours and made them at odds with their neighbors. He believed that a 500-foot buffer would be adequate. He noted that summer is already short enough and he does not see a reason to shorten that season. He asked the Board to be reasonable. He stated that NMMA had proposed to legislators 200 feet and it passed the environmental committee. He noted that he is not sure he agrees with that but also does not agree with the 600 feet he helped to create.

Mr. Lang echoed the comments of Magnuson that the ordinance is fine as it stands. He stated that people should have no problem staying 600 feet from shore.

Ms. Sims stated that NMMA would support the recommendation from the Hennepin County Sheriff's Office.

MOTION: Anderson moved, Walesch seconded to not include any additional bays or areas to the Minimum Wake areas during high water declaration for the following reason: the Water Patrol agrees with the ordinance as written.

Further discussion: Kroll stated that he supports law enforcement but stated that law enforcement generally does not want more laws as it creates additional work. He did not believe that sloppy rules should be kept in the ordinance to make it easier for law enforcement. He referenced the comment of Brandt related to memorizing two more bays, noting that there are already 17 bays that do not allow wake during high water days, so it would actually make it simpler to add the additional bays rather than trying to figure out which parts of the bay would be useable.

Klohs reinforced the comment from Jabbour, noting that there is a study from the UMN, but it is preferable to make decisions based upon data. He believed that this type of vote should wait until the data from the UMN is available. He stated that perhaps 500 feet would be fine, or 700 feet, and believed that information should be received before taking action.

Walesch stated that he appreciates those comments and would agree with that position if the item was not on the agenda and if the Board had not just spent 1.5 hours discussing this topic.

Klohs stated that there would have been much more input if this had been noticed as a public hearing. He stated that there would be no harm in waiting.

Walesch stated that this was on the agenda with a proposed motion in the Board packet, therefore if the public read the material, they could assume action would be taken. He stated that if there was a public hearing, it can be assumed that there would be more comments from both sides of the topic. He stated that the Board can always reassess this once the study results are available. He stated that the Sheriff's Office is clear on what they support, and he believes it would be appropriate to vote.

Kroll disagreed with the statement that there would be more comments on both sides of the issue. He stated that in the past few days there has been a Facebook campaign with what he believes to be incorrect information. He stated that if this is brought forward with full information, there are residents of the different bays that would have input. He stated that only two residents from North Arm spoke tonight and there were no comments from Harrison Bay. He stated that there are residents on both bays that would like those two bays added.

Walesch stated that it appears that there is a huge channel that would allow one, if not two, boats to travel through North Arm Bay. He stated that if there is a few hundred feet where activity can occur, they should wait to see the study results as that may support additional amendments. He noted that at this point, even if there were additional speakers, the facts would not change, and the needs of the lake still need to be balanced. He stated that he would want a decision based on data and not on people's wants.

Gilchrist reminded the Board that it often does not conduct public hearings before it acts on ordinances. He stated that the proposed options were not to adopt anything, but rather whether or not the Board wanted to direct staff to put additional work into a proposed ordinance. He stated that as the motion stands, the Board would be choosing not to direct staff to put additional work into the issue at this time. He stated that is certainly a decision the Board can make and if the position of the Board changes in a few months, that direction can be provided to staff at that time.

Anderson referenced the statement made by Kroll related to sloppy rules and the Sheriff's Department. He noted that hours and hours were spent on this topic and to create signage and develop the Own Your Wake campaign. He stated that the Board should give those elements a chance to work.

Kirkwood stated that he has a concern related to the stories of docks and boats being lifted during high water and would be concerned that people would want to have their voices heard.

Kroll stated that Stubbs Bay is not completely covered by the 600-foot rule and yet it is still on the no wake list. He stated that he would like to add Harrison and North Arm, with the exception that boats with GPS could still use the bays if they remained outside of the 600-foot areas.

MOTION: Kroll moved, Kirkwood seconded amend the motion to include Harrison and North Arm to the list of no wake bays, with the exception that boats with GPS could still use the bays if they remained outside of the 600-foot areas.

Further discussion: Chair Thomas stated that it would be difficult for the Sheriff's Office to know who has GPS and who does not.

Anderson asked if he would have to accept the amendment.

Gilchrist stated that the motion maker and seconder would not have to give permission for someone to amend a motion. He stated that he is concerned because the amendment is directly contrary to the intent of the original motion and therefore is not an amendment and should be its own attempt for action.

Chair Thomas stated that he agrees with that opinion and reported that the Board will not accept or vote on the amendment. He stated that Kroll could certainly make his motion after the vote on the original motion takes place. He called for staff to call for a roll call vote on the original motion made by Anderson and Walesch.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	aye
Brandt	aye
Hoelscher	aye
Hughes	aye
Kirkwood	nay
Klohs	nay
Kroll	nay
Newell	abstain
Stone	aye
Thomas	aye
Walesch	aye

Motion carried.

12. NEW BUSINESS

- A) Funding for University of Minnesota Research on Boat Generated Wake and Prop Wash Produced by

Recreational Watercraft

Baasen reported that the Save the Lake Committee met on September 8th to discuss the Own Your Wake Campaign and the UMN wake study that could approach \$400,000. It was the consensus of the Committee that a recommendation be made to the LMCD Board that the Board support a financial contribution to the UMN wake study, as it will provide benefit to the LMCD. He noted that an amount of \$5,000 was suggested. He clarified that the discussion was on an amount between \$2,000 and \$5,000 and not necessarily to use Save the Lake funds, but rather LMCD funds.

Chair Thomas asked the potential sources for funding.

Baasen suggested that the general fund of the LMCD be used, or if the Board felt appropriate a lower amount could possibly come from Save the Lake.

Brandt commented that these will be dollars well spent, especially given the amount of time that has been spent recently discussing wake. He believed that the funds should come from the general fund rather than Save the Lake and would support \$5,000. He stated that he would have liked to have input from Cook.

Baasen stated that Cook is the member of Save the Lake that suggested \$5,000.

MOTION: Hoelscher moved, Walesch seconded to approve funding in the amount of \$5,000 for the University of Minnesota (UMN) research on boat generated wake and propellor wash produced by recreational watercraft with the funds to come from the general fund.

Further discussion: Newell thanked the Board for considering this noting that it is a worthwhile study that the LMCD should be involved in.

Anderson asked for an opinion on whether Cook stated that general funds or Save the Lake funds should be used. He stated that there is an overabundance in the Save the Lake Fund. He stated that if Save the Lake contributes \$5,000, he will make an equal donation of \$5,000 to Save the Lake to be added to the UMN wake study contribution.

Baasen stated that any person can make a contribution that is directed for a specific purpose. He stated that whether the \$5,000 comes from the general fund or not, Anderson could still add to the donation in the manner he suggested.

Anderson stated that he is interested in using the Save the Lake fund. He stated that he will not make the additional \$5,000 contribution if the general fund is used.

Baasen stated that the comment from Cook was that the reserves of the general fund were sufficient to make a contribution to this cause. He stated that if Anderson would like to add to the contribution it can be done directly to the UMN or through Save the Lake; one is not conditional upon the other unless Anderson makes that condition.

Anderson stated that he and Jabbour made the contributions through Save the Lake earlier this year to fully fund the Water Patrol position. He commented that he has no interest in adding to the general fund, but he is interested in Save the Lake because of the good work that group does.

Chair Thomas noted that there is a motion and second on the table. He stated that Anderson could ask for a friendly amendment to the motion, increasing the total donation to the UMN to \$10,000 which would include a \$5,000 donation from Anderson through Save the Lake to be directly applied to the UMN research study.

Anderson stated that the research does not move him much because it is overfunded. He stated that he is concerned that the LMCD is not on the donor list. He stated that he would propose a friendly amendment to have the \$5,000 contribution come from Save the Lake rather than the general fund and then he would contribute an additional \$5,000.

Walesch commented that phase I of the study is already overfunded. He stated that it is known that there will be multiple phases and the Board can revisit the topic of donating additional funds to future phases. He noted at that time there can be further review of the different funds that could be used and their available balances but at this time everyone is supportive of using the general fund for this donation of \$5,000. He stated that there will be many opportunities to provide funding in the future.

MOTION: Anderson moved to make the \$5,000 contribution from Save the Lake fund rather than the general fund and to increase the donation to \$10,000, with the stipulation that Anderson would donate the additional \$5,000 through Save the Lake earmarked to be used towards the UMN wake study.

Motion failed for lack of second.

Hoelscher commented that she supports the study and does not want to be caught up where the funds come from. She believes that the contribution should come from the general fund and that Anderson's contribution should not be contingent upon Save the Lake being used.

Baasen stated that due to the actions taken by some of the Board, the Save the Lake budget for 2021 has been maxed out for contributions and therefore there is not an additional \$5,000 to contribute from that fund. He stated that the Save the Lake reserve fund cannot give more than 25 percent of the balance in the fund.

Chair Thomas asked staff to call for the roll call vote on the original motion presented by Hoelscher and Walesch.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	aye
Brandt	aye

Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Thomas	aye
Stone	aye
Walesch	aye

Motion carried unanimously.

B) Website Developer Professional Services Agreement

Schleuning reported that the current website was developed in 2010 and although many updates to navigation and content have been completed, customer use and needs continue to evolve. She reviewed some of the user experience and administrative performance items that could be improved. She stated that she and Hoelscher met virtually with two companies to receive quotes with various cost options. She provided a highlight of website statistics and the devices people are using to access the website. She provided input on the different options and noted that staff would recommend a combination of Option 1 and Option 2 up to \$17,500. She stated that funding sources could include the general fund reserves, Save the Lake fund, or a combination of both.

Hoelscher stated that in talking with the two providers, the current LMCD platform is outdated and cannot be updated; therefore a new platform needs to be purchased in order to provide the needed functionality. She stated that optimization of the website falls within the Strategic Plan and its priorities. She stated that staff has done a great job of adding the necessary information to the website, but the update would make that more user friendly and assist the LMCD in communicating more effectively. She stated that there are funds within the general fund that could be used for this purpose and could be split between 2020 and 2021 budgets.

Walesch asked the amount of funds needed for 2020.

Schleuning stated that \$12,500 is suggested for 2020.

Walesch asked if \$7,500 could be contributed in 2020 and \$10,000 in 2021.

Schleuning stated that could be an option and would simply be a matter of timing on when things are completed.

Anderson echoed the comments that updating the website is included on the Strategic Plan. He stated that he supports this action.

Brandt asked for details on how the website is not responsive to mobile or tablet users, as the majority of people use those platforms to access the website.

Schleuning provided details on the difficulties of accessing the LMCD website from those applications.

Brandt asked if the ultimate goal in revamping the website would be to gain more traffic or awareness.

Hoelscher replied that in her mind the goal would be to make the website easier to navigate and for users to be able to find the information they are looking for. She stated that a new platform is necessary in order to allow for that functionality.

Kirkwood asked if this would also make it easier for staff to add information to the website.

Schleuning confirmed that it would improve efficiencies.

Baasen stated that it sounds like this is desperately needed for communication and distribution purposes. He stated that he believes that the motion should state a use of general funds, which would allow the Treasurer to navigate in the budget rather than dictating how that is done.

Brandt stated that it appears that 30 percent of the web traffic went to the home page and then the COVID page. He asked for information on the return of investment that would be provided from the website update.

Schleuning stated that in the four years that they have been updating the website, there have been a lot of hits to the website. She stated that the ability for people to access information on the website related to events, such as COVID or high water, helps to reduce the number of calls that office staff receive about those topics.

Walesch stated that this is clearly a communications issue and therefore would believe that the Board should make the stipulation on how the funds will be allocated rather than directing the Treasurer to find a way to fit this in the budget. He believed that communications funds should be used.

Anderson echoed the comments of Walesch.

MOTION: Walesch moved, Klohs seconded to direct staff to work with legal counsel to enter into a professional services agreement with a firm for development of a new website in an amount up to \$17,500 with the allocation that \$7,500 come from the 2020 general fund reserves and \$10,000 from the 2021 communications budget.

Further discussion: Anderson stated that the assumption would be whether it could be done that way but noted that it seems plausible that work could begin in 2020 and be completed in 2021.

Kirkwood asked if this would put the communications budget at risk of achieving other goals for 2021.

Hoelscher replied that she is unsure. She noted that \$20,000 was included in the 2021 budget and a website update was part of that. She stated that they will just need to be frugal in the communication budget expenditures in 2021.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

13. TREASURER REPORT

No report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Copper Low Dose Treatment for Zebra Mussels web conference – Update provided
- Bridge Closure information was posted.
- There will be sanitary and watermain updates beginning in early September. There will be short impacts in different locations. Information will be posted on the website.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Communications & Legislative Relations: Hoelscher reported that the group will meet the following day via Zoom, and anyone is welcome to join.

Save the Lake Committee: Baasen reported that the group is in the process of developing the year end

solicitation letter and would hope to have the letter included in the Board packet at the first meeting in October.

Anderson asked if Save the Lake has a list of contributors for the year and whether that is published on the website at the end of the year, similar to how donors were listed for the UMN research study. He noted that the LMCD was motivated to donate to the cause because it was not on the list and stated that perhaps similar motivation would be found for Save the Lake.

Baasen stated that is not the policy thus far and a full discussion would be needed to fully vet that idea. He noted that the list of donations is included in the Board packet.

Strategic Plan Subcommittee: No report.

Anderson commented that perhaps the list of future items could be reviewed and updated.

16. ADJOURNMENT

MOTION: Walesch moved, Hoelscher seconded to adjourn the meeting at 9:59 p.m.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary

2:28 PM

10/06/20

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

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
10/05/2020	EFT-20-120	ADP Service Fee		Alerus Checking		
			Payroll 10/1/20 - 10/15/20	4180M10 · Professional Services - Admin.	Admin.	-80.53
TOTAL						-80.53
10/05/2020	EFT-20-121	SelectAccount Group Se...		Alerus Checking		
			HSA Employer Contribution for October 2020 (Vickie Schleuning) HSA Employer Contribution for October 2020 (Matt Cook) HSA Employer Contribution for October 2020 (Tammy Duncan)	4380M10 · Employee Benefits - Admin. 4380M10 · Employee Benefits - Admin. 4380M10 · Employee Benefits - Admin.	Admin. Admin. Admin.	-116.67 -116.67 -116.67
TOTAL						-350.01
10/05/2020	EFT-20-122	Unum Life Insurance		Alerus Checking		
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	-160.69
TOTAL						-160.69
10/06/2020	EFT-20-123	ADP		Alerus Checking		
			Salaries - Admin P.E.R.A. ER PERA ER/FICA Medicare - Admin Long Term Disability	4020M10 · Salaries-002 - Admin 2020 · Payroll Liabilities - 4022M10 · ER PERA - Admin 4021M10 · ER Share of Admin FICA/Med... 2020-LT · Payroll Liabilities - UNUM	Admin. Admin. Admin. Admin. Admin.	-8,311.30 1,161.01 -621.97 -634.43 54.17
TOTAL						-8,352.52
10/06/2020	EFT-20-124	P.E.R.A		Alerus Checking		
			Payroll 10/1/20 - 10/15/20	2020 · Payroll Liabilities -	Admin.	-1,161.01
TOTAL						-1,161.01
10/15/2020	21859	AIS Advanced Imaging S...		Alerus Checking		
10/15/2020	Inv.#425046...		Copier Contract 9/20/20 - 10/20/20	4140M10 · Equipment R&M - Admin.	Admin.	-262.52
TOTAL						-262.52

2:28 PM

10/06/20

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

Date	Num	Name	Memo	Account	Class	Paid Amount
10/15/2020	21860	Dan Morrisette		Alerus Checking		
10/15/2020	Contr. 5/1/20...		Storage Rental for Truck and Trailer 5/1/20 - 5/1/21	4150M30 · Equip. Supplies & Maint. - E...	AIS	-1,000.00
TOTAL						-1,000.00
10/15/2020	21861	ECM Publishers, Inc.		Alerus Checking		
10/15/2020	Inv.#796364		The Laker ad - Netsch October 14 PH Netsch Public Hearing October 14 PH	4110M10 · Public Info./Legal - Admin. 4110M10 · Public Info./Legal - Admin.	Admin. Admin.	-46.26 -71.40
TOTAL						-117.66
10/15/2020	21862	Kennedy & Graven	LK110-00004	Alerus Checking		
10/15/2020	August 2020		Legal Fees August 2020	4620M10 · Legal Fees - Admin.	Admin.	-5,145.00
TOTAL						-5,145.00
10/15/2020	21863	LMCC		Alerus Checking		
10/15/2020	Inv.#1378		VOD Services for Meeting 9/23/20	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
10/15/2020	21864	NCPERS Group Life Insu...		Alerus Checking		
10/15/2020	October 2020		Life Insurance, October 2020	4380M10 · Employee Benefits - Admin.	Admin.	-48.00
TOTAL						-48.00
10/15/2020	21865	Tallen & Baertschi		Alerus Checking		
10/15/2020	September 2...		September prosecution costs	4640M10 · Prosecution Fees - Admin.	Admin.	-3,022.56
TOTAL						-3,022.56
10/15/2020	21866	TimeSaver Off Site Secr...		Alerus Checking		
10/15/2020	Inv.#M25912		View Webcase 9/23/20 Board Minutes 9/23/20	4230M10 · Meeting Exp. - Admin. 4230M10 · Meeting Exp. - Admin.	Admin. Admin.	-124.00 -275.00
TOTAL						-399.00



ITEM 9A

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October 14, 2020 (Prepared October 8, 2020)

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: Variance for Adjusted Dock Use Area for Setback, 1657 Dove Lane, Mound

ACTION

Board consideration of a variance for an adjusted dock use area and side setbacks for 1657 Dove Lane on Jennings Bay in the City of Mound (PID 13-117-24-12-0039) and receive public input during the public hearing.

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

Approval

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order approving the variance application from Debra and Neal Netsch for the property located at 1657 Dove Lane in Mound for final approval at the October 28, 2020 LMCD Board meeting <subject to the following conditions>...

Denial

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order denying the variance application from Debra and Neal Netsch for the property located at 1657 Dove Lane in Mound for a final vote at the October 28, 2020 LMCD Board meeting based on...

APPLICATION SUMMARY

The applicants, Debra and Neal Netsch ("Applicant"), submitted a variance application for 1657 Dove Lane in Mound (PID 13-117-24-12-0039; "Site") for an adjusted dock use area for and side setbacks. The Applicant's property has approximately 116 feet of 929.4 feet OHW shoreline.

Background

The Applicant's current dock does not meet standard LMCD Code requirements. The Applicant's parcel has lot lines that converge at a right angle. Furthermore, the site's location in the corner of the bay and the recent addition of dockage and watercraft on an adjacent site (to the north) create challenges for navigation. The water depth is also a challenge where sediment collects in the corner. In the past, a channel was dredged in the bay to provide ingress and egress to the main lake area. A dock and watercraft have been installed at this location for many years.

Application for Variance at 1657 Dove Lane, Mound
LMCD Board Meeting
October 14, 2020

When a dock and watercraft storage were added to the property to the north, it created potentially conflicting navigation areas. Further, the dock and watercraft extended beyond the extended side site line to the north. The proposed site plan would reduce the length so it would be located within its side site lines.

Proposed Setbacks

The proposed dock would be set back 4.5 feet from the west side site line and 0 feet from the north side site line.

Proposed Dock Length

The Applicant proposes a dock structure of approximately 52 feet in length as measured from the 929.4 OHW. LMCD staff took depth measurement readings on October 1, 2020, which indicate the water depth within the BSUs is between 3 and 4 feet from the 929.4 OHW. A dock and watercraft have existed in this area for many years.

Proposed BSUs

The Applicant proposes three boat storage units (BSUs), two of which are enclosed on three sides by dock. The western enclosed BSU measures 10 feet wide by 28 feet long, and the eastern enclosed BSU measures 11 feet wide by 28 feet long. The third BSU would be along the east side of the proposed dock for tying up watercraft occasionally.

CONSIDERATIONS OF VARIANCE

The following items should be considered when considering granting a variance:

1. Has the Applicant sufficiently demonstrated practical difficulties exist such that each of following are true?
 - a. Strict application of code prohibits property owner from using Lake in reasonable manner that is otherwise permitted by the code.
 - b. Granting a variance is within spirit and intent of the Code.
 - c. Plight of property owner is due to circumstances:
 - (1) Unique to property;
 - (2) Not created by property owner; and
 - (3) Not based solely on economic considerations.
 - d. Granting a variance does not alter essential character of the area.
2. Is the Applicant proposing a use not allowed under the code?
3. Would variance, if granted and with conditions imposed, adversely affect:
 - a. Purpose of Code?
 - b. Public health, safety, and welfare?
 - c. Reasonable access to or use of the Lake by public or riparian owners?

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Mound were provided information regarding the applications on September 30, 2020. City and agency comments were due by October 9, 2020. Comments received as of October 9, 2020 are

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October 14, 2020

summarized below. Any comments received after October 9, 2020 will be provided at the Board meeting for review.

- The City of Mound and the MCWD reviewed the information and had no comment(s) on the application.

As of October 9, 2020, comments received by LMCD staff from the general public are summarized below:

- One comment in favor of the application from a nearby resident.
- One comment in support if the dock remains within the site's extended side site lines.

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.

A hearing notice was published in the October 1, 2020 edition of the Sun Sailor (official newspaper) and the September 26, 2020 edition of the Laker Pioneer. On October 2, 2020, a public hearing notice was mailed to persons who reside upon or are owners of property within 350 feet of the Site. In addition, the Board packet was posted online and the agenda was posted on the LMCD bulletin board.

RECOMMENDATION

Staff recommend approval of the proposed variance with some conditions:

1. A minimum 5-foot setback on the western side by reducing the structure. Because this property has more than 100 feet of shoreline, it does not qualify for the 5-foot side setback allowance in the code like the 40-foot property to the north that is currently storing two watercraft. While the property might be able to meet the 10-foot standard setback without canopies on the western side by reducing the number of watercraft, the proposed layout eliminates the existing side-opening slips and the reduction to a 5-foot setback would not appear to create navigation hazards. The storage of watercraft would be consistent with the location given the limitations of the site.
2. Watercraft and other structures fit entirely within the boat storage units to prevent encroachment beyond the northern side site line.
3. Standard variance conditions reflecting environmental, nuisances, maintenance, etc.

BUDGET

N/A

STRATEGIC PRIORITIES

<input type="checkbox"/>	Operational Effectiveness	<input type="checkbox"/>	Clear & Timely Communications	<input type="checkbox"/>	Effective Governance	<input checked="" type="checkbox"/> X	Lake Protection	<input type="checkbox"/>	Other
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Application for Variance at 1657 Dove Lane, Mound

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ATTACHMENTS

1. LMCD Code Excerpts
2. Aerial Imagery of Site
3. Site Plans
4. Variance Application
5. Public Hearing Notice (Sun Sailor and Laker Pioneer)
6. Public Hearing Notice Mailing

ITEM 9A ATTACHMENT 1

LMCD Code Excerpts



Section 2-3.03. Determination of 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.

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- (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.

Subd. 3. **Width.** The width of an authorized dock use area is determined in accordance with the provisions of this subdivision.

- (a) **Setbacks.** The width of an authorized dock use area is limited by the following setbacks, which are measured from the side site lines as extended in the Lake:

For that portion of the length of the authorized dock use area which extends from the shore:	The setback from the side site line as extended in the Lake shall be:
Zero to 50 feet	10 feet
50 to 100 feet	15 feet
100 to 200 feet	20 feet

Where boat slips open toward a side site line, the setback provided shall be at least equal to the slip depth, but shall not be less than 20 feet.

- (b) **Setbacks Doubled.** Setbacks shall be doubled for all multiple docks or mooring areas and commercial single docks on each side where such structures are not located adjacent to another multiple dock, mooring area, or commercial single docks.

- (1) **Exception – May 3, 1978.** Multiple docks, mooring areas, and commercial single docks in existence on May 3, 1978 shall be considered nonconforming structures and shall not be subject to setback doubling if such structures are not expanded. The reconfiguration of the structure pursuant to Article 2, Chapter 8 shall not be considered an expansion.

Section 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,

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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.

Section 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.

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.

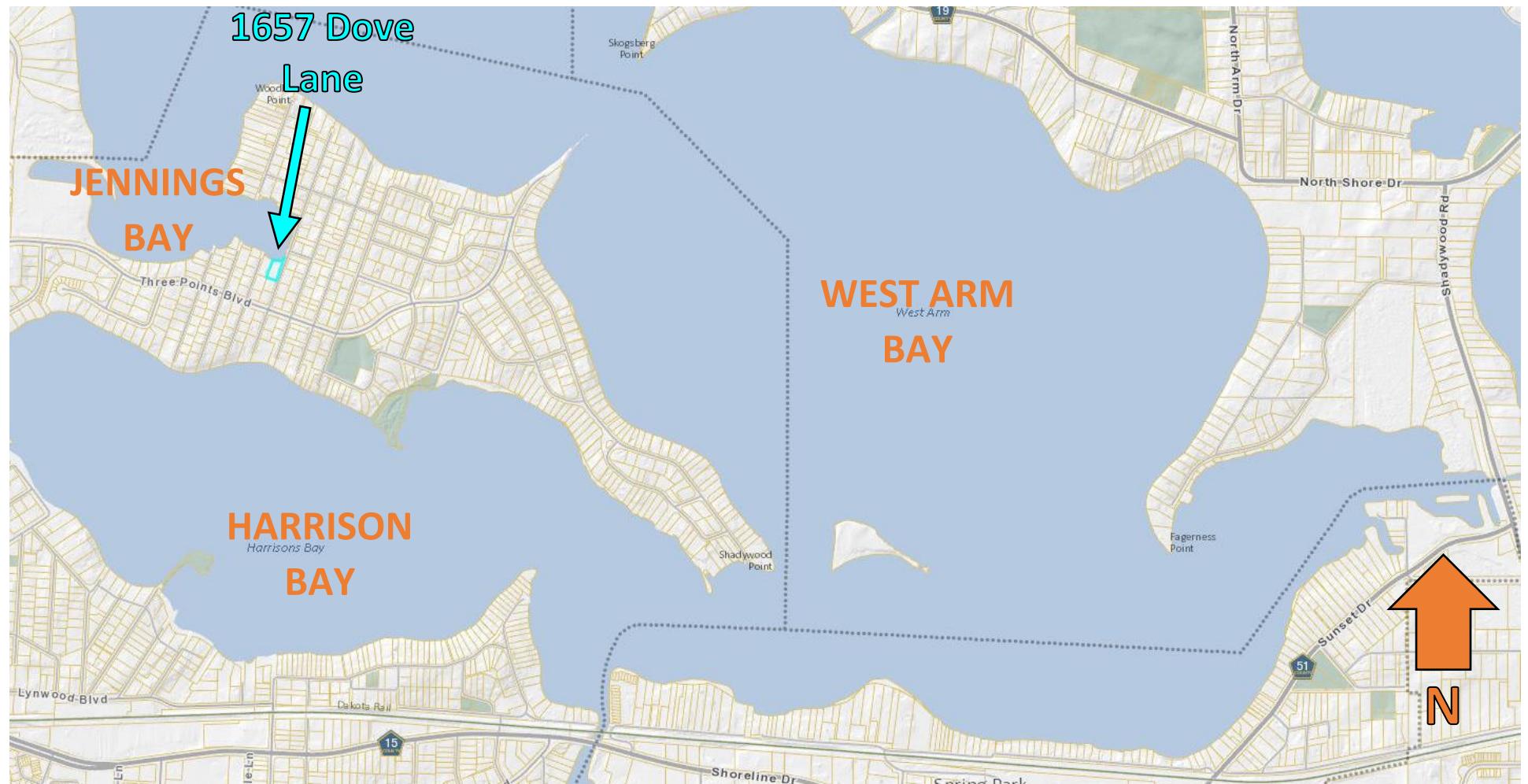
Application for Variance at 1657 Dove Lane, Mound
LMCD Board Meeting
October 14, 2020

Subd. 2. Unusual Configurations. Where the provisions of this Code would cause the authorized dock use area of two or more sites to overlap, or where there is any other unusual configuration of shoreline or extended lot lines, which causes a conflict between the owners of two or more adjacent or nearby sites as the use of the same area of the Lake for docks, mooring areas or other structures or for reasonable access thereto, the owner of any of the affected sites may apply to the Board for a variance. A variance may be to permit the Applicant to locate a dock, mooring area, or other structure in a location different from that permitted by this Code or to permit or require the owner of any adjacent or nearby site to do so.

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.

Subd. 6. Criteria. The Board may grant a variance from the literal provisions of this Code in instances where the property owner can show practical difficulties exist by virtue of circumstances which are unique to the individual property or properties under consideration or to provide access to persons with disabilities. The Board may only grant a variance if the property owner is able to demonstrate that granting the variance will be in keeping with the spirit and intent of this Code, the plight of the property owner is due to circumstances unique to the property that were not created by the property owner, the proposed use is reasonable under the circumstances, and the variance, if granted, would not alter the essential character of the area. No variance may be granted to allow a use that is not permitted under this Code. The Board may impose conditions in the granting of variances to ensure compliance and to protect other riparian owners and users of the Lake. No variance for access for persons with disabilities shall be granted which allows or provides for the storage of a greater number of watercraft than otherwise would be permitted under this Code.

ITEM 9A ATTACHMENT 2



Debra and Neal Netsch, 1657 Dove Lane, Mound | Variance Application
For illustrative purposes only. Aerial imagery may not depict current conditions.
Source: Hennepin County Interactive Property Map, 09/30/2020



ITEM 9A ATTACHMENT 3

CERTIFICATE OF SURVEY

LEGAL DESCRIPTION:

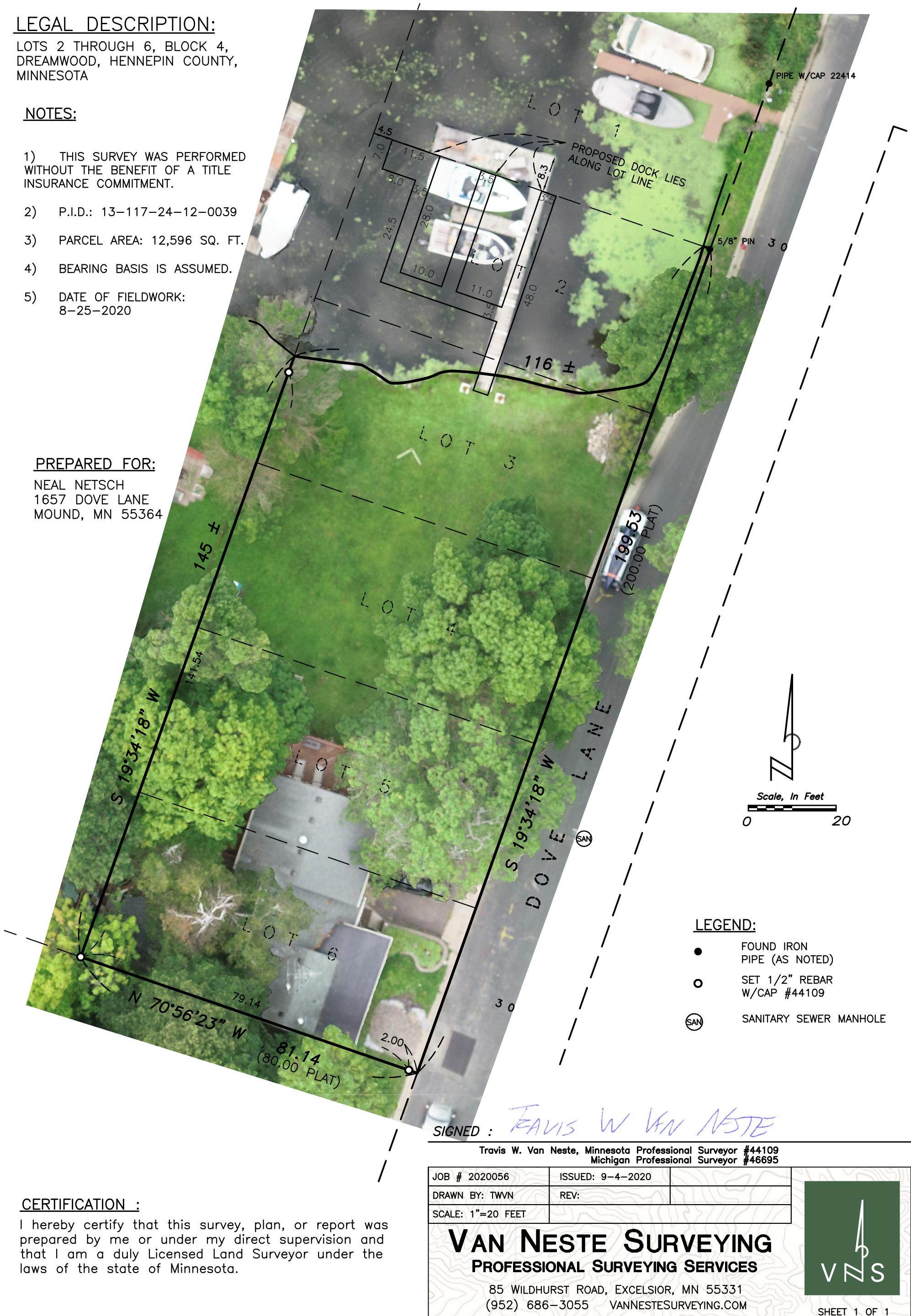
LOTS 2 THROUGH 6, BLOCK 4,
DREAMWOOD, HENNEPIN COUNTY,
MINNESOTA

NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) P.I.D.: 13-117-24-12-0039
- 3) PARCEL AREA: 12,596 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK:
8-25-2020

PREPARED FOR:

NEAL NETSCH
1657 DOVE LANE
MOUND, MN 55364



CERTIFICATION :

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.

CERTIFICATE OF SURVEY

LEGAL DESCRIPTION:

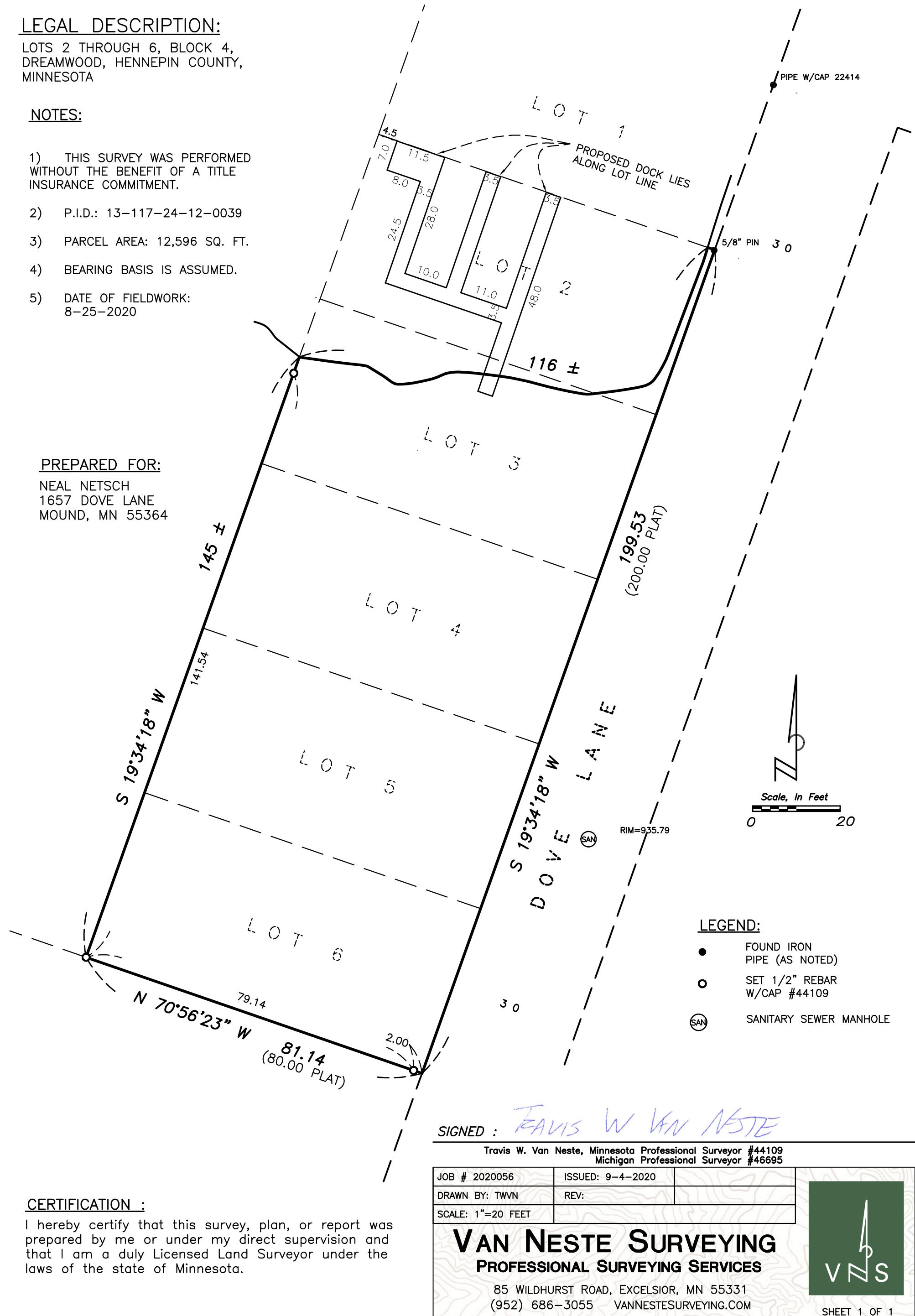
LOTS 2 THROUGH 6, BLOCK 4,
DREAMWOOD, HENNEPIN COUNTY,
MINNESOTA

NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) P.I.D.: 13-117-24-12-0039
- 3) PARCEL AREA: 12,596 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK:
8-25-2020

PREPARED FOR:

NEAL NETSCH
1657 DOVE LANE
MOUND, MN 55364



CERTIFICATION:

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.

ITEM 9A ATTACHMENT 4



VARIANCE APPLICATION LAKE MINNETONKA CONSERVATION DISTRICT

For LMCD use:

Fee Amount: _____ Check # _____ Date Received: _____

1. CONTACT INFORMATION

Applicant: Neal & Deb Netsch Title (Owner, Authorized Agent, etc.): Owners

Address: 1657 Dove Lane

City, State, Zip: Mound, MN 55364

Phone: 507-317-3364 (Neal cell) Email: nealnetsch@gmail.com

Property Owner (if different from applicant): _____

Relationship to Property Owner: _____

Address: _____

City, State, Zip: _____

Phone: _____ Email: _____

2. PROPERTY INFORMATION

Site Address: 1657 Dove Lane, Mound, MN 55364

Abutting Lakeshore Property Owners (Name and Mailing Address)

North or West: North: _____

West: Kelly Ede & Tim May; 1668 Canary Ln

South or East: Jorj Ayaz 4844 Island View Dr. Home Address
1649 Dove Lane Dock Property

Other affected parties: _____

3. PROPOSED VARIANCE

Type of Variance: Length of Dock

State practical difficulties causing the variance to be required: We are requesting a variance regarding the length of our dock due to the unusual shape of our shoreline. Our dock has been at its current location since before we owned the property. The dock was lengthened when we purchased the property in 2014. Since the dock was added at 1649 Dove Ln with 2 boats docked, we have been cut off access to the East side of our dock, and have had to park both of our boats on the West side of our dock. If we were to shorten our dock, we would not be able to park both boats on the West side as the water is too shallow. We would have to place one boat on each side of our dock, which will cause a tight 90 degree corner to dock our boat posing risk of damage to the boat on the South side of the dock at 1649 Dove Lane. We understand the current situation, is not an ideal situation for any involved including us, but all have access to docking as it is. Thus we are asking for a variance to keep our dock as it is currently is, to allow us dock access for two boats on our 120 feet of shoreline.

4. ATTACHMENTS

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

- | | |
|---|---|
| <input type="checkbox"/> Locator map, county plat map | <input type="checkbox"/> Proposed facility site plan with scaled drawing of docks on abutting and other affected dockage |
| <input type="checkbox"/> Certified Land Survey, Legal Description | <input type="checkbox"/> Names & mailing addresses of owners within a 350-foot radius of the property.
(See note below.) |
| <input type="checkbox"/> Existing facility site plan | |

***Names & Mailing Addresses: The LMCD provides notice of a public hearing, which is published and mailed to owners within 350 feet of the subject property. The applicant is required to obtain mailing labels from Hennepin County for property owners within a 350-foot radius of the site. Labels are now available online by visiting <https://gis.hennepin.us/locatenotify/default.asp>. Set the buffer distance to 350 feet and print the "mail list," which includes both taxpayer and resident information. If the property is located in Carver County, contact the LMCD office for assistance.

Several of the required attachments can be combined into a single document. Absence of requested data may result in a processing delay or the application may be deemed incomplete.

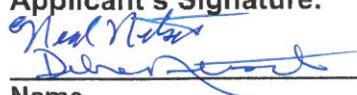
5. FEES

Application Fee (Non-refundable)	\$250.00
Deposit (Refundable, upon full compliance with the Code and extent of administrative, inspection and legal service required.)	<u>\$250.00</u>
TOTAL FEE ENCLOSED (This fee is for processing of the application and does not entitle the applicant to a variance.)	<u>\$500.00</u>

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.

Applicant's Signature:



Name

owner

owner

Title

7-5-20

7-5-2020

Date

Return to:

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



ITEM 9A ATTACHMENT 5

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: September 22, 2020

TO: Sun Sailor
Legal Department
publicnotice@apgecm.com

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (10/01/2020 Edition)

LAKE MINNETONKA CONSERVATION DISTRICT

PUBLIC HEARING NOTICE

7:00 PM, October 14, 2020

**Debra & Neal Netsch
1657 Dove Lane, Mound MN 55364
Jennings Bay, Lake Minnetonka**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a variance application from Debra & Neal Netsch of 1657 Dove Lane in Mound. An application has been submitted to adjust the site's dock use area. 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.

Pursuant to a statement issued by the presiding officer under Minnesota Statutes, section 13D.021, the meeting and hearing may be conducted remotely using electronic means. The LMCD's usual meeting room may not be available to the public or the Directors. Information on how to connect to the hearing will be posted on the LMCD's website. Those desiring to participate in the hearing may also email the Executive Director at vschleuning@lmcd.org for information on how to connect. The usual meeting place is Wayzata City Hall, 600 Rice Street, Wayzata, MN 55364. Information about meeting logistics will be available on the LMCD website, www.lmcd.org.

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



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: September 22, 2020

TO: Laker Pioneer
Legal Department
publicnotice@apgecm.com

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (09/29/2020 Edition)

LAKE MINNETONKA CONSERVATION DISTRICT

PUBLIC HEARING NOTICE

7:00 PM, October 14, 2020

**Debra & Neal Netsch
1657 Dove Lane, Mound MN 55364
Jennings Bay, Lake Minnetonka**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a variance application from Debra & Neal Netsch of 1657 Dove Lane in Mound. An application has been submitted to adjust the site's dock use area. 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.

Pursuant to a statement issued by the presiding officer under Minnesota Statutes, section 13D.021, the meeting and hearing may be conducted remotely using electronic means. The LMCD's usual meeting room may not be available to the public or the Directors. Information on how to connect to the hearing will be posted on the LMCD's website. Those desiring to participate in the hearing may also email the Executive Director at vschleuning@lmcd.org for information on how to connect. The usual meeting place is Wayzata City Hall, 600 Rice Street, Wayzata, MN 55364. Information about meeting logistics will be available on the LMCD website, www.lmcd.org.

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



ITEM 9A ATTACHMENT 6

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October 2, 2020

TO: Property Owner or Resident

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice

You are receiving this notice since Hennepin County property records indicate you own or reside upon property within 350 feet of a site being considered for an adjusted dock use area including side setback adjustments. The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the variance application. The site is located at 1657 Dove Lane in Mound and has shoreline on Jennings Bay. The applicants are Debra and Neal Netsch of 1657 Dove Lane, Mound, 55364.

The applicant proposes to adjust the dock use area for the site. All interested persons will be given an opportunity to comment. An aerial image and proposed site plan is enclosed for your reference.

Public Hearing Information

A public hearing will be held at 7:00 PM, October 14, 2020. 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.

Pursuant to a statement issued by the presiding officer under Minnesota Statutes, section 13D.021, the meeting and hearing may be conducted remotely using electronic means. The LMCD's usual meeting room may not be available to the public or the Directors. Information on how to connect to the hearing will be posted on the LMCD's website. Those desiring to participate in the hearing may also email the Executive Director at vschleuning@lmcd.org for information on how to connect. The usual meeting place is Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. Information about meeting logistics will be available on the LMCD website, www.lmcd.org.

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

Debra and Neal Netsch, 1657 Dove Lane, Mound | Variance Application

For illustrative purposes only.

Source: Hennepin County Interactive Property Map, 10/02/2020



CERTIFICATE OF SURVEY

LEGAL DESCRIPTION:

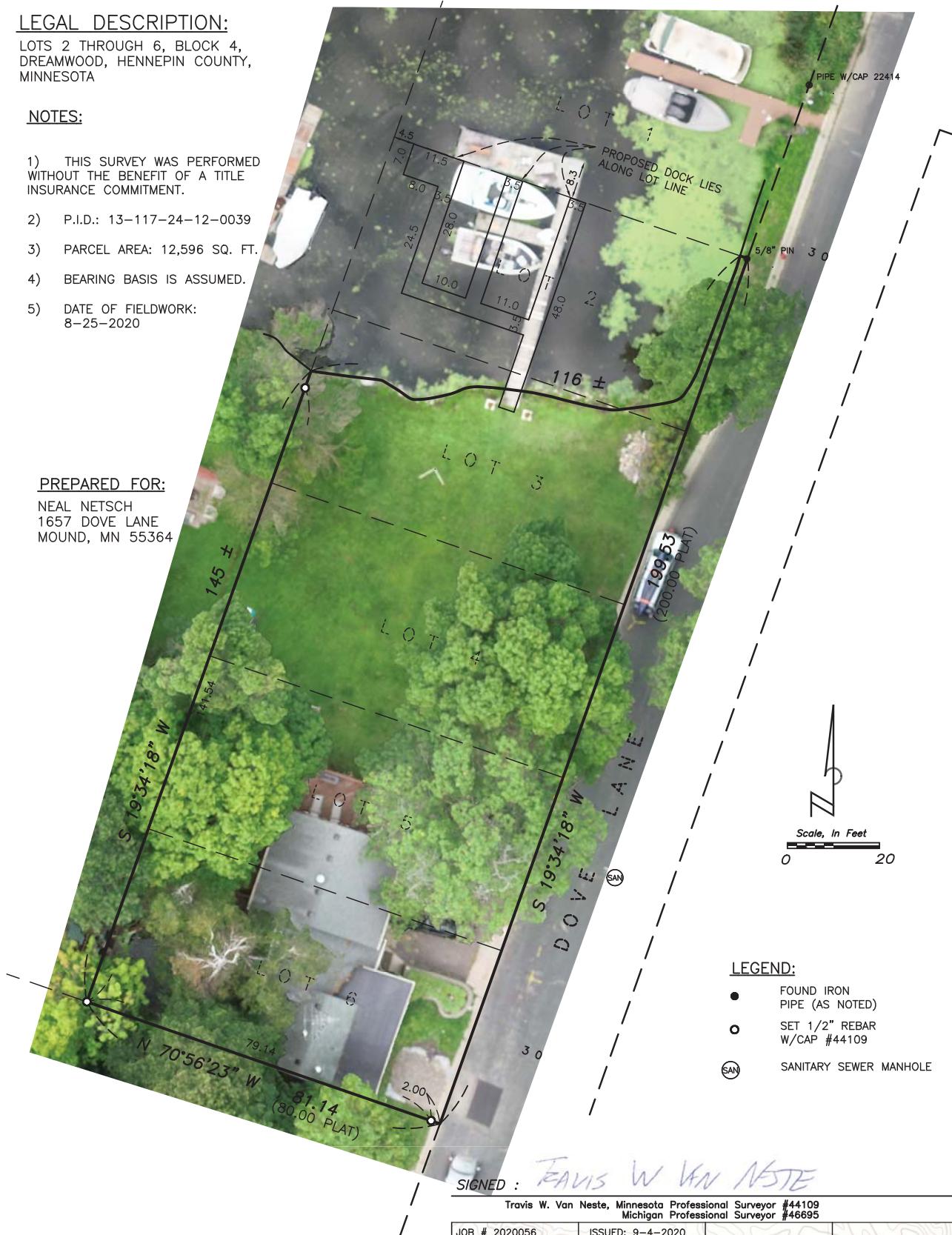
LOTS 2 THROUGH 6, BLOCK 4,
DREAMWOOD, HENNEPIN COUNTY,
MINNESOTA

NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) P.I.D.: 13-117-24-12-0039
- 3) PARCEL AREA: 12,596 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK:
8-25-2020

PREPARED FOR:

NEAL NETSCH
1657 DOVE LANE
MOUND, MN 55364





ITEM 12A

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October 14, 2020

TO: LMCD Board of Directors
Vickie Schleuning

FROM: Vickie Schleuning, Executive Director

RE: Appointment of 2021 LMCD Board Members

ACTION

Board consideration in authorizing staff to send a letter to member cities regarding the LMCD Board appointments for 2021 and beyond.

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

Approval:

I make a motion to authorize staff to send a letter to member cities regarding LMCD Board appointments for 2021.

Denial:

I make a motion to not authorize a letter to member cities regarding the LMCD Board appointments for 2021.

BACKGROUND

Each year, information is sent to member cities regarding the status of their LMCD representative appointments. The terms for some members of the Lake Minnetonka Conservation District (LMCD) Board of Directors will expire January 31, 2021. Terms on the LMCD Board run from February 1st through January 31st of the following year with multiple-year terms requested. In addition, the letter provides information regarding attendance at regular meetings, as well as some of the work Board members perform outside the regular board meetings. Please review the information and let us know if any changes are needed.

More information about serving on the Board is available on the website. Serving on the LMCD Board is a great way to guide the future of Lake Minnetonka, helping to protect the Lake and all those who enjoy it.

BUDGET

N/A

STRATEGIC PRIORITIES _____

Operational
Effectiveness

Clear & Timely
Communications

Effective
Governance

Lake
Protection

Other

ATTACHMENTS/SUPPLEMENTARY INFORMATION _____

- Draft Letter to Member Cities Regarding Board Member Appointments



ATTACHMENT

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October XX, 2020

TO: LMCD Member Cities (Mayors, Managers, and Clerks)

FROM: Vickie Schleuning, *Vickie Schleuning*, Executive Director

SUBJECT: Appointment of 2021 LMCD Board Members

The terms for some members of the Lake Minnetonka Conservation District (LMCD) Board of Directors will expire January 31, 2021. Terms on the LMCD Board extend from February 1st through January 31st of the following year. The state enabling LMCD legislation calls for Board members to be appointed by their respective member cities for a three-year term, with no term limits. If necessary, a city does have the ability to recall its member anytime and appoint another member for the remainder of the three-year term. Because of the uniqueness of Lake Minnetonka and the important application of the ordinances, it is beneficial for Directors to serve multiple years.

Through your partnership, we have processed a high number of projects and achieved many successes this past year. We hope that your appointed Director will consider serving another term. We appreciate the time, guidance, and dedication of your Board Member representative in helping to preserve and enhance the "Lake Minnetonka experience."

Appointments. At this time, the cities with the January 2021 expiration terms are requested to reappoint or appoint new members to the Board of Directors. A list of the current City appointment terms is provided in the enclosed table. Please note that officer positions will be considered by the Board tentatively in February through a Nominating Committee process.

Attendance & Participation. This past year, the overall attendance of the Board Members was good. The individual Board Member attendance records for the LMCD Regular meetings are provided in the following table. Members also contribute through their attendance at and participation in Special Meetings, Workgroups, Committees, special events, and projects outside the regular meeting schedule. The membership of Committees and Workgroups is also included in an enclosed table.

Appointment of 2021 LMCD Board Members

October XX, 2020

Page 2

LMCD Board Member Appointments

Jan. 2021 Expirations & Appointments	2022 – Term Ending	2023- Term Ending
Dan Baasen, Wayzata (Current Secretary)	Ben Brandt, Mound	Rich Anderson, Orono
Jake Walesch, Deephaven	Gary Hughes, Spring Park	Bill Cook, Greenwood (Current Treasurer)
	Dennis Klohs, Minnetonka Beach	Ann Hoelscher, Victoria (Current Vice Chair)
	Nicole Stone, Minnetonka	Mike Kirkwood, Minnetrista
		Mark Kroll, Excelsior
		Denny Newel, Woodland
		Gregg Thomas, Tonka Bay (Current Chair)
		Deborah Zorn, Shorewood

Member City	Board Member	Regular Board Meeting Attended	Total Board Meetings	Rate of Attendance	Additional Committee/ Workgroup Participation
Deephaven	Jake Walesch	18	20	90%	Nominating Committee Dec 2019 – Feb 2020, Communications/Legislative Workgroup
Excelsior 1/8 - Current	Mark Kroll	15	16	94%	High Water/No Wake Workgroup
Greenwood	Bill Cook (2020 Treasurer)	16	20	80%	AIS Task Force, STL Committee, Finance Workgroup, Officer Workgroup, Deicing Operations & Permanent Dock Workgroup
Minnetonka	Nicole Stone	18	20	90%	STL Committee, Nominating Committee Dec 2019-Feb 2020
Minnetonka Beach	Dennis Klohs	17	20	85%	Strategic Plan Subcommittee

Appointment of 2021 LMCD Board Members

October XX, 2020

Page 3

Member City	Board Member	Regular Board Meeting Attended	Total Board Meetings	Rate of Attendance	Additional Committee/Workgroup Participation
Minnetrista 1/22 - Current	Mike Kirkwood	15	15	100%	Communications Workgroup
Mound	Ben Brandt	18	20	90%	AIS Task Force
Orono	Rich Anderson	17	18	94%	Deicing Operations & Permanent Dock Workgroup, High water/No Wake Workgroup
Shorewood	Deborah Zorn	15	20	75%	Strategic Plan Subcommittee, Nominating Committee Dec 2019 – Feb 2020, High Water/No Wake Workgroup
Spring Park	Gary Hughes	18	20	90%	Strategic Plan Subcommittee, Deicing Operations & Permanent Dock Workgroup, High Water/No Wake Workgroup
Tonka Bay	Gregg Thomas (2020 Chair)	19	20	95%	STL Committee, Officer Workgroup
Victoria	Ann Hoelscher (2020 Vice Chair)	20	20	100%	Communications Workgroup, Officer Workgroup
Wayzata	Dan Baasen (2020 Secretary)	17	20	85%	STL Committee (Chair), Officer Workgroup
Woodland 1/8 - Current	Denny Newell	16	16	100%	STL Committee, AIS Task Force, Finance Workgroup, High Water/No Wake Workgroup

Please let me know your city's appointments for 2021 by **Thursday, December 31, 2020 if possible or after your council meeting where approvals are made.** For those of you who have already sent information, thank you. A copy of the official Council appointment is also required. Appointments typically start February 1, 2021. I look forward to working with your city in the coming year. If you have questions, please contact me at (952) 745-0789 or vschleuning@lmcd.org.

Kennedy

&

Graven

C H A R T E R E D

Troy J. Gilchrist
150 South Fifth St.
Suite 700
Minneapolis MN 55402
(612) 337-9214 telephone
(612) 337-9310 fax
tgilchrist@kennedy-graven.com
<http://www.kennedy-graven.com>

ITEM 12B

Also: St. Cloud Office
501 W. Germain Street, Suite 304
St. Cloud, MN 56301
(320) 240-8200 telephone

MEMORANDUM

To: LMCD Board of Directors

From: Troy Gilchrist, LMCD Attorney

Date: October 6, 2020 (October 14, 2020 Regular Meeting)

Re: Resolution Amending the Bylaws to Address Conflicts of Interest

The Board received training on conflicts of interest at its August 26, 2020 work session and had an opportunity to discuss the issue and a proposed bylaw amendment at its September 23, 2020 work session. A resolution to adopt the proposed bylaw amendment is now before the Board for consideration and action. If the Board would like to proceed with the amendment, a motion to adopt the resolution needs to be approved by a 2/3 vote of all the members (10 affirmative votes).

The presence of a conflict of interest is an issue nearly every governing body faces at some point. While the concept is clear, applying the law to determine if a conflict exists in a given situation can be challenging. In each instance, the criteria set out in statute and common law must be applied to the facts of the specific situation to reach a considered opinion on whether a conflict exists. That is why the proposed bylaw amendment strongly encourages members to seek advice from the LMCD attorney long before the matter involving the potential conflict comes before the Board.

This issue is also important in that a member participating in the Board's discussion and vote on a matter in which the member is found to have a conflict can invalidate the Board's proceeding and decision. In order to protect the integrity and validity of the Board's actions, the proposed bylaw amendment sets out the legal criteria and provides a means by which a member may raise the question of a conflict with respect to another member. The person raising the issue is required to state the basis for the claim and may make a motion to exclude the person from participating in the matter. If the motion passes, the member may speak to the issue as a member of the public, but may not discuss or vote on the issue as a member of the Board.

As mentioned at the September 23rd work session, the proposed bylaw amendment was expanded to make it clear a contract in which a member has an interest is not valid unless it is unanimously approved by the Board as provided by statute.

ATTACHMENT

LAKE MINNETONKA CONSERVATION DISTRICT STATE OF MINNESOTA

RESOLUTION NO. ____

A RESOLUTION AMENDING THE BYLAWS OF THE LAKE MINNETONKA CONSERVATION DISTRICT

WHEREAS, the Board of Directors (“Board”) of the Lake Minnetonka Conservation District (“LMCD”) adopted the Bylaws of the Lake Minnetonka Conservation District (“Bylaws”) related to the conducting of the Board’s business;

WHEREAS, the Board received training on conflicts of interest and at its September 23, 2020 work session discussed the proposed amendment to the Bylaws regarding conflicts of interest; and

WHEREAS, the Board determines it is in the best interests of the LMCD to adopt rules as part of the Bylaws for how to address conflicts of interest that may occur regarding Board members.

NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

1. The Bylaws are hereby amended to include a new Section 2.6 regarding conflicts of interest as attached, said attachment being incorporated into and made part of this Resolution.
2. The new Section 2.6 is effective immediately.
3. The new Section 2.6 shall be incorporated into the Bylaws and the updated document, upon signature of the Chair and Secretary, shall constitute the official Bylaws of the LMCD.

Adopted by at least a 2/3 vote of all the members on this 14th day of October 2020.

BY THE BOARD OF DIRECTORS

Gregg Thomas, Chair

Attest: _____
Dan Baasen, Secretary

Article II – Board of Directors, of the Bylaws of the Lake Minnetonka Conservation District is amended by adding a new Section 2.6 as follows:

Section 2.6. Conflicts of Interest. The Board has a right to protect the integrity and validity of its decisions by prohibiting Board members who have a conflict of interest regarding a particular matter from voting on that matter. Therefore, Board members shall not participate in the discussion as a Board member or vote on any matter before the Board in which the member has:

- a) A direct or indirect financial interest in a contract with the LMCD; or
- b) A direct interest, pecuniary or otherwise, in the matter based on consideration of the following factors:
 - 1) The nature of the decision being made;
 - 2) The nature of the pecuniary interest;
 - 3) The number of officials making the decision who are interested;
 - 4) The need, if any, to have interested persons make the decision; and
 - 5) The other means available, if any, such as the opportunity for review, that serve to ensure that the members will not act arbitrarily to further their selfish interests.

A Board member shall be considered to have a conflict of interest if the outcome of a matter could substantially affect a member's financial interests or those of an associated business. No contract with the LMCD in which a member has a direct or indirect financial interest shall be valid unless it is approved by a unanimous vote of the Board, with the interested member abstaining, in accordance with Minnesota Statutes, section 471.88.

Members are strongly encouraged to seek advice from the LMCD Attorney regarding any potential conflicts of interest in advance of the matter coming before the Board and to follow the legal advice provided. If any member determines he or she has a conflict of interest, when the matter is reached on the agenda the member must announce he or she will not participate in the discussion and will abstain from voting on the matter due to a conflict of interest. The member then must leave the dais and either join the audience or leave the room. The member will be given the same opportunity as the public to speak on the matter, but only as a member of the public, and shall not vote on the matter.

If any Board member believes another Board member has a conflict of interest, he or she may make a motion to prohibit the member from participating in the discussion and vote on the particular matter. The member making the motion must state the reasons why they believe a conflict of interest exists. If the motion is seconded and adopted by a majority of the members present and voting at the meeting, the member shall be prohibited from participating in the Board's discussion and vote on the matter. The member alleged to have a conflict may vote on the motion to exclude them from participation. Upon the adoption of such a motion, the member shall leave the dais and either join the audience or leave the room. The member will be given the same opportunity as the public to speak on the matter, but only as a member of the public, and shall not vote on the matter.



ITEM 15- Strategic Plan

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October 14, 2020 (Prepared October 8, 2020)

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director
Vickie Schleuning

RE: Strategic Planning Update – Time in Motion Study

ACTION

Board review of draft Time in Motion materials.

BACKGROUND

On July 7, 2020, the Strategic Plan Committee met to discuss LMCD's progress toward its Strategic Plan initiatives. The Committee members include Gary Hughes, Dennis Klohs, and Deborah Zorn. A significant amount of time is dedicated to accomplishing strategic plan initiatives. However, the Committee also discussed methods to better represent and review more areas of the LMCD Office's operations. In further discussion with LMCD staff, Director Zorn (Chair) has identified that an abridged Time in Motion study could be useful in capturing more organization activities and operations.

Director Zorn and the Committee is seeking input from the Board regarding the draft study and whether the Board would find it beneficial, if additional items or areas of work should be incorporated into it, or areas of work be removed from the Time in Motion study.

CONSIDERATIONS

- Will the Board find this information helpful?
- How much staff resources should be spent on tracking information?
- Per the attached table, what other areas of the office's operations should be reviewed in a potential Time in Motion study?
- Should areas of operation already identified be split into different categories?

BUDGET

Staff resources.

STRATEGIC PRIORITIES

<input checked="" type="checkbox"/>	Operational Effectiveness	<input checked="" type="checkbox"/>	Clear & Timely Communications	<input type="checkbox"/>	Effective Governance	<input type="checkbox"/>	Lake Protection	<input type="checkbox"/>	Other
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ATTACHMENTS/SUPPLEMENTARY INFORMATION

- Time In Motion – Work Areas

ATTACHMENT

LMCD HIGHLIGHTED ACTIVITIES- Strategic Plan Supplement Abridged Time In Motion Study		*DRAFT 10/08/2020*
Administration <ul style="list-style-type: none"> • Meetings • IT- monthly updates • Data retention • Finance – audit, payroll, personnel (benefits) • Funding – sources, options, • Contracts – legal, bank, news, etc • Recodification • Other 	Communications <ul style="list-style-type: none"> • Website • Rules & regulations brochure (winter/spring) • Updates to Board of Directors • Stakeholders <ul style="list-style-type: none"> ○ Municipalities – appointments, budget, update ○ HCSO Water Patrol ○ Partners – MNDNR, TRPD, MCWD, HC, LMA, etc. ○ Community Events • Other 	
Board of Directors <ul style="list-style-type: none"> • Scheduled meetings • Committee/Work group meetings – Officer, Budget, AIS, STL, Strat Plan, Communications, Nomination, other • New board members onboarding/training • Training • Strategic Plan Updates • Self-Evaluation • Individual board member communications & inquiries • Other 	Save The Lake (STL) <ul style="list-style-type: none"> • Fundraising mailer - (fall/spring) • Grants • Solar Lights • Buoys • Boater Safety class • Recognition • Other 	
Operations <ul style="list-style-type: none"> • Regulation <ul style="list-style-type: none"> ○ Applications & licenses (dock, deicing, liquor, watercraft for hire) ○ Signage (summer/winter) ○ Field visits ○ EAW • Complaints – new & continued, areas: Lake Safety, Regulations, AIS, other • Inquiries – new & continued, areas: Lake Safety, Regulations, AIS, other • Data Practice – new & continued across areas: Lake Safety, Regulations, AIS, other • Lake use • High water, low water • Emergency management • Other 	Aquatic Invasive Species (AIS) <ul style="list-style-type: none"> • Master Plan • AIS contractor • Watercraft inspection program • Community Leaders & Resources – MNDNR, UMN, lake leaders • Initiatives – ongoing on Lake Minnetonka and beyond • Other 	
Legislative <ul style="list-style-type: none"> • Funding – levy, grants • Advocating on lake issues 	Other	