



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, December 9, 2020

Join Zoom Meeting

<https://us02web.zoom.us/j/81176920718?pwd=OUp6UzBuRVZsVTFROGxVUkZmaE9udz09>

Dial by your location

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Meeting ID: 811 7692 0718

Passcode: 093066

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 vschleunig@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. Continued Deicing Eligibility Expansion Request from Cove Homeowners Association
2. Information Regarding Proposed New Wake Surfing Education Program

FORMAL MEETING AGENDA
7:00 p.m.

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

- 1) CALL TO ORDER**
- 2) PLEDGE OF ALLEGIANCE**
- 3) ROLL CALL**
- 4) APPROVAL OF AGENDA**
- 5) CHAIR ANNOUNCEMENTS, Chair Gregg Thomas**
 - A) Board Self-Evaluations
 - B) Executive Director Performance Appraisal
- 6) APPROVAL OF MINUTES (11/11//2020 LMCD Regular Board Meeting)**
- 7) APPROVAL OF CONSENT AGENDA**
 - A) Audit of Vouchers (11/16/2020 – 11/30/2020) (12/01/2020 – 12/15/2020)
 - B) Resolution Accepting Save the Lake Contributions (11/01/2020 – 11/23/2020)
 - C) Ratification of Committee Designations
- 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) Continued Public Hearing for Variance Request for Adjusted Dock Use Area, Side Setbacks, 1657 Dove Lane, Mound
 - B) Variance Request for Dock Use Area, Length and Setbacks, 435 Lakeview Avenue, Tonka Bay
- 10) OTHER BUSINESS**
- 11) OLD BUSINESS**
 - A) Designation of Committee Members

12) NEW BUSINESS

- A) 2021 Meeting Calendar
- B) 2021 Appointments for Legal Services, Auditor, Bank Depository, Official Newspapers
- C) Big Island Buoy Replacement Funding for 2021

13) TREASURER REPORT

14) EXECUTIVE DIRECTOR UPDATE

- A) AIS Prevention Grant Applications
- B) Other Updates

15) STANDING LMCD COMMITTEE UPDATE

- Aquatic Invasive Species Taskforce
- Communications
- Finance
- Operations
- Save the Lake
- Nomination

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
- Reserve Fund Balances



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DATE: December 9, 2020 (Prepared December 2, 2020)
TO: Board of Directors
FROM: Vickie Schleuning, Executive Director
SUBJECT: Continued Deicing Eligibility Request from Cove Homeowners Association

ACTION Board follow-up and direction to staff regarding expanding eligibility for deicing license.

BACKGROUND On February 26, 2020, a representative of the Cove HOA requested that the LMCD Board consider granting the Cove’s residential multiple dock facility eligibility for a deicing license. The request was put on hold as the LMCD Board reviewed its deicing regulation generally. The Cove HOA has reached out to staff again to request eligibility again.

If the Board chooses to expand eligibility, it would require a change to LMCD Code.

BUDGET Pursuing further review of this request would require expenditure of staff resources. A Code change would require expenditure of staff resources and likely require legal review.

CONSIDERATIONS Does the Board wish to pursue this request?

STRATEGIC PRIORITIES Operational Effectiveness, Clear & Timely Communications, Effective Governance, Lake Protection (checked), Other

ATTACHMENTS/SUPPLEMENTARY INFORMATION Presentation from February 26, 2020 – Deicing Eligibility Request from Cove HOA

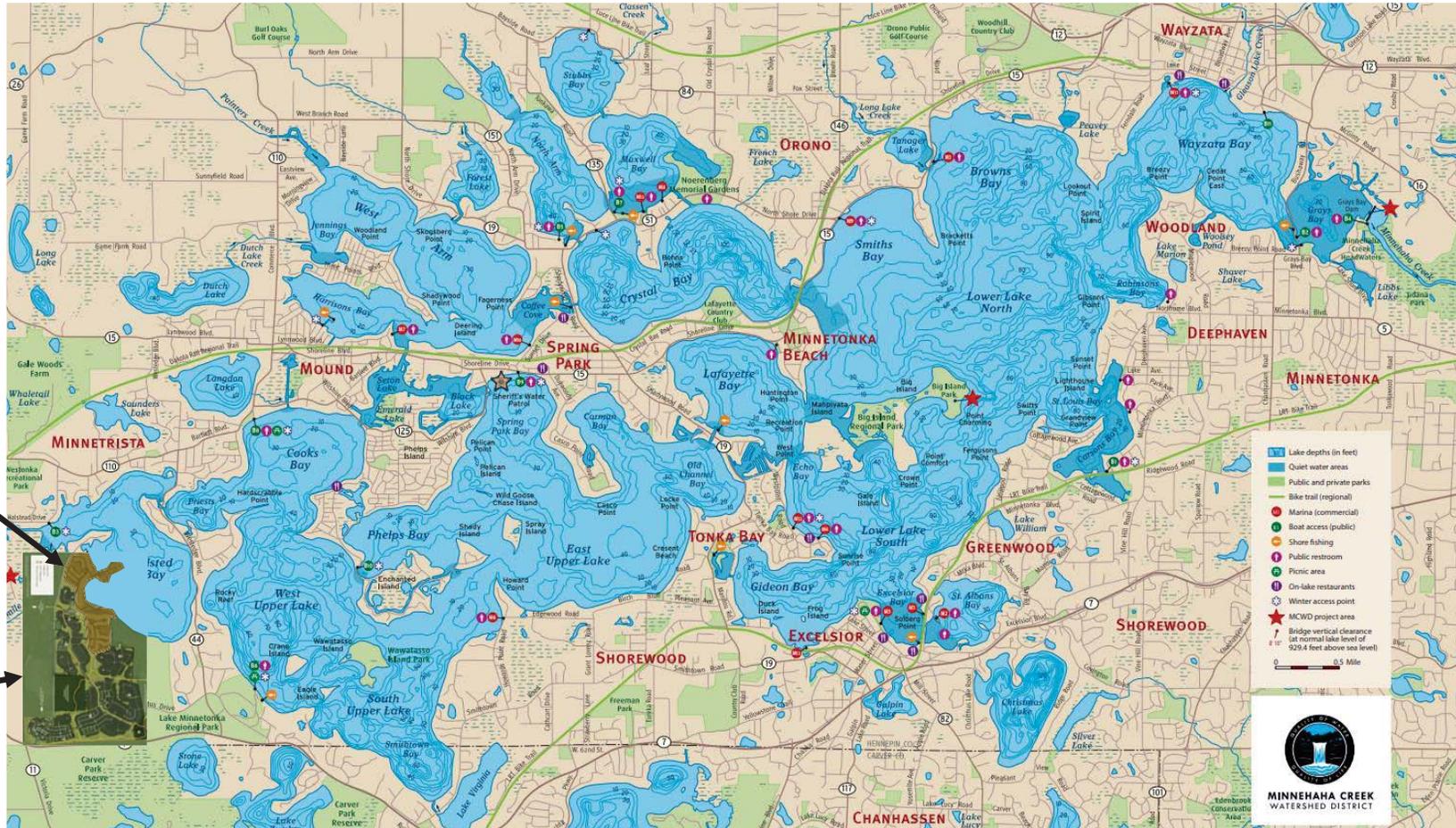


Woodland Cove LLC The Cove on Lake Minnetonka

Deicing Code Change Request

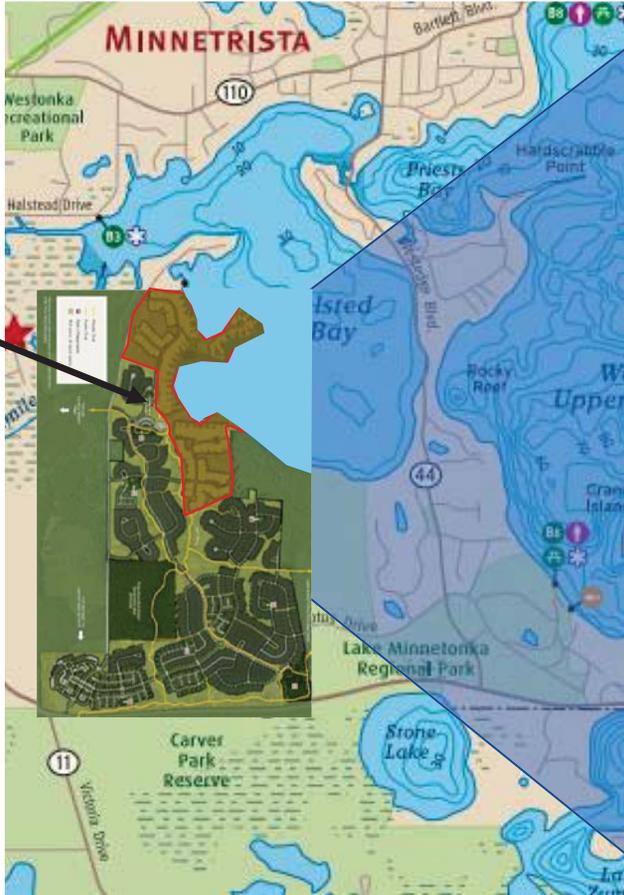
LMCD Work Session – February 26, 2020

Where is the Cove on Lake Minnetonka?



Where is the Cove on Lake Minnetonka?

THE COVE
ON LAKE MINNETONKA

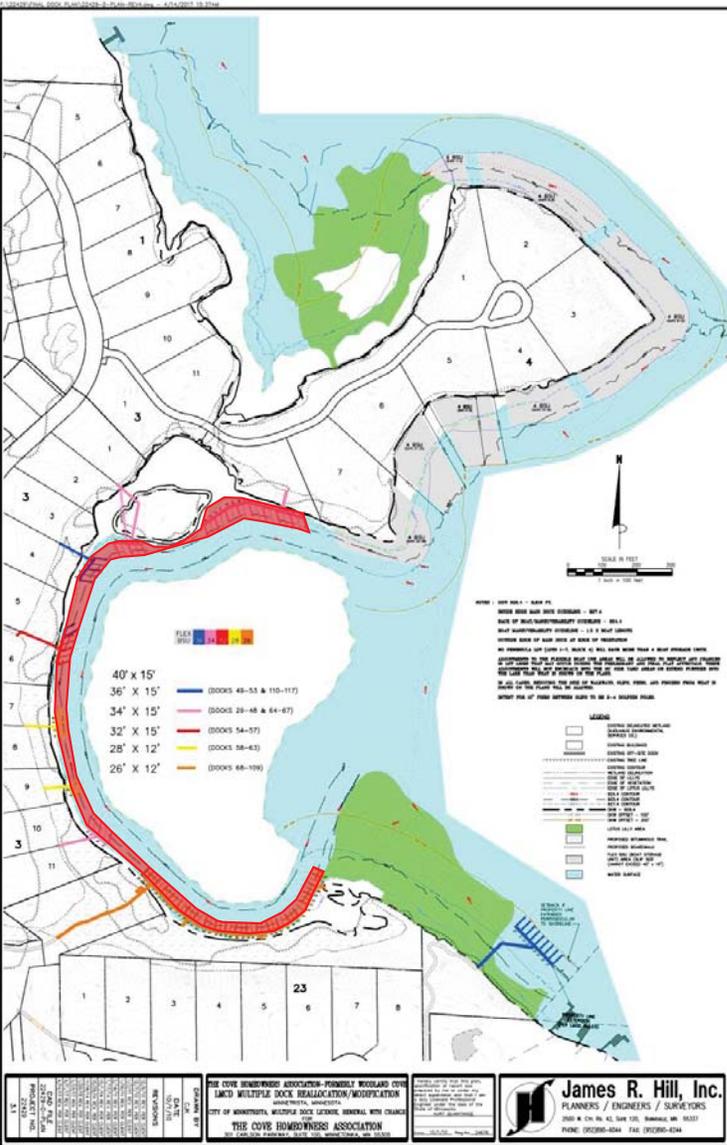


- 90 homes share access to 117 slips.
Most but not all homes have a slip
- Sold 45 homesites to date

THE COVE
ON LAKE MINNETONKA

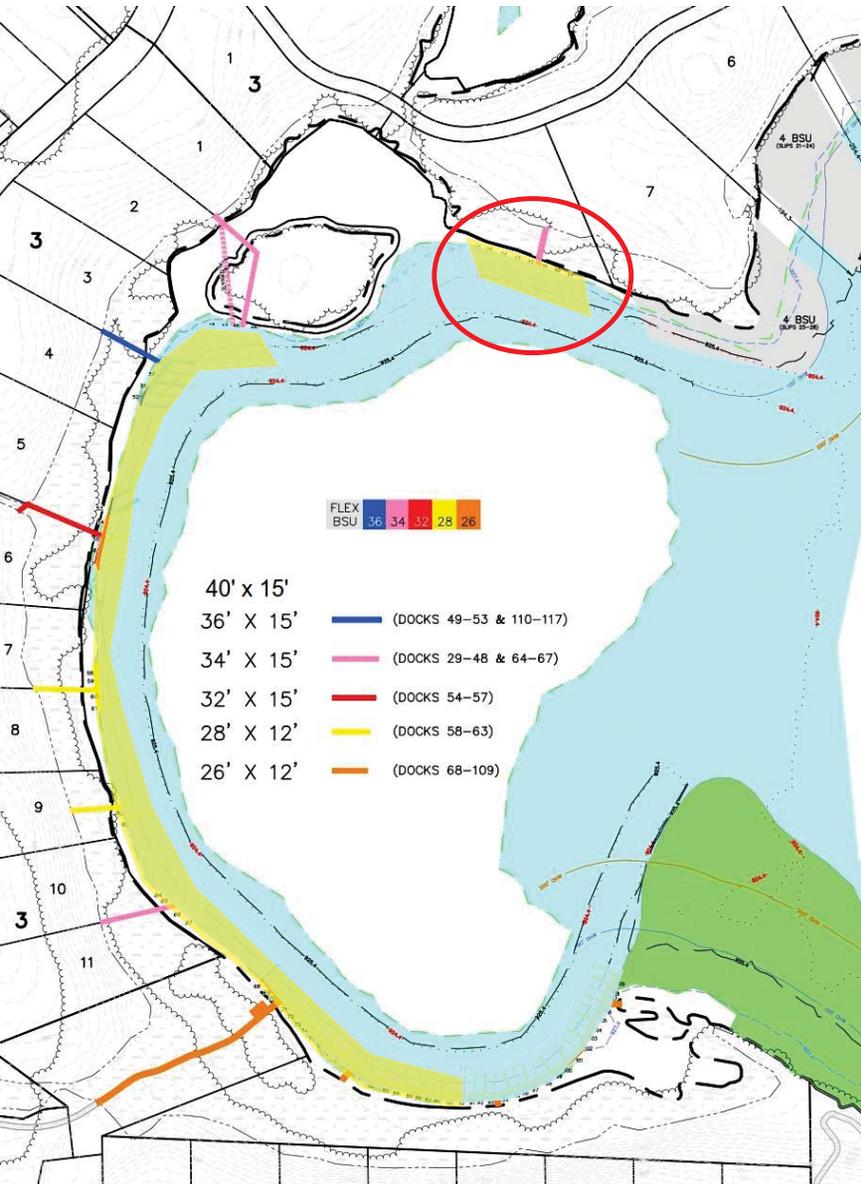
Background

- How did we decide permanent vs. seasonal?
 - In 2010-11 we spoke with marina owners, dock installers, studied existing permanent facilities on the lake.
 - After that work we believed we would not have any issues. Our site appeared well protected.
- In 2011 our narrative explained that intended to install permanent dock in channel.
- During our approvals we talked a lot with the LMCD board about the location, size of the slips, navigation in the channel, color of the canopies, etc.
- We do not recall ever discussing with the board the construction of the slips or issues with needing to deice in the future.



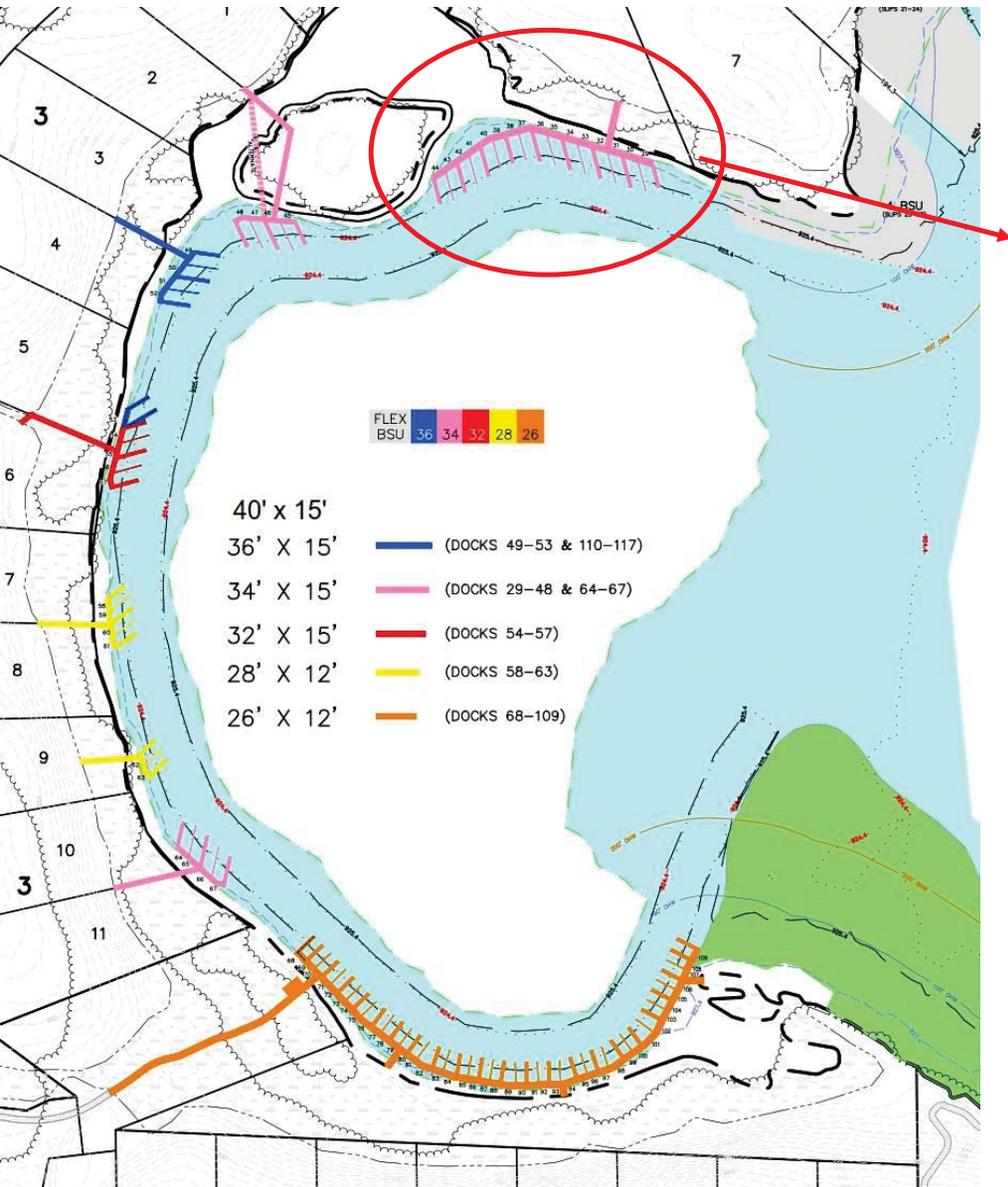
Dock Installation Status

- We started installing docks in 2015 (yellow docks installed - 54)
- From 2015-2017 there were small movements but they general went away when frost came out and ice melted.
- In 2019, last winter, in the middle of winter, ice pressure tipped the docks and tipping did not go away after the ice melted.

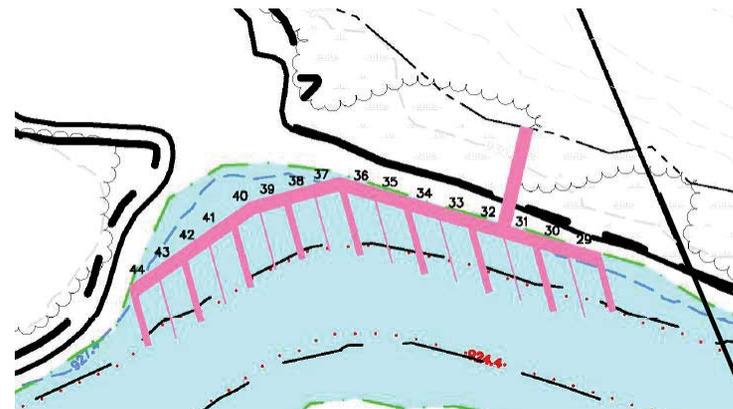




THE COVE
ON LAKE MINNETONKA



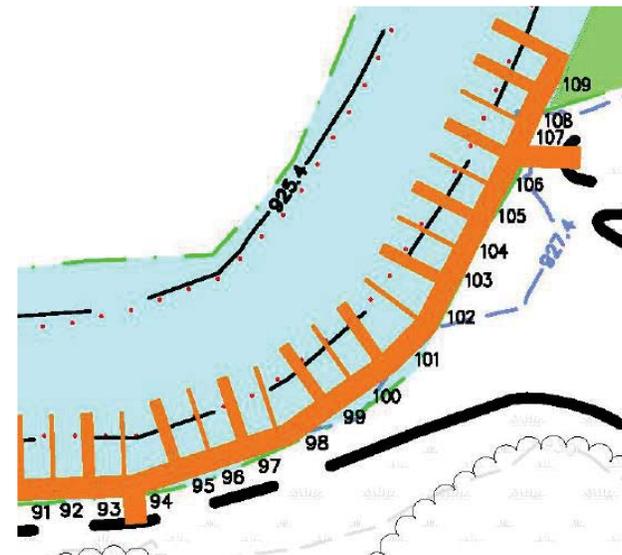
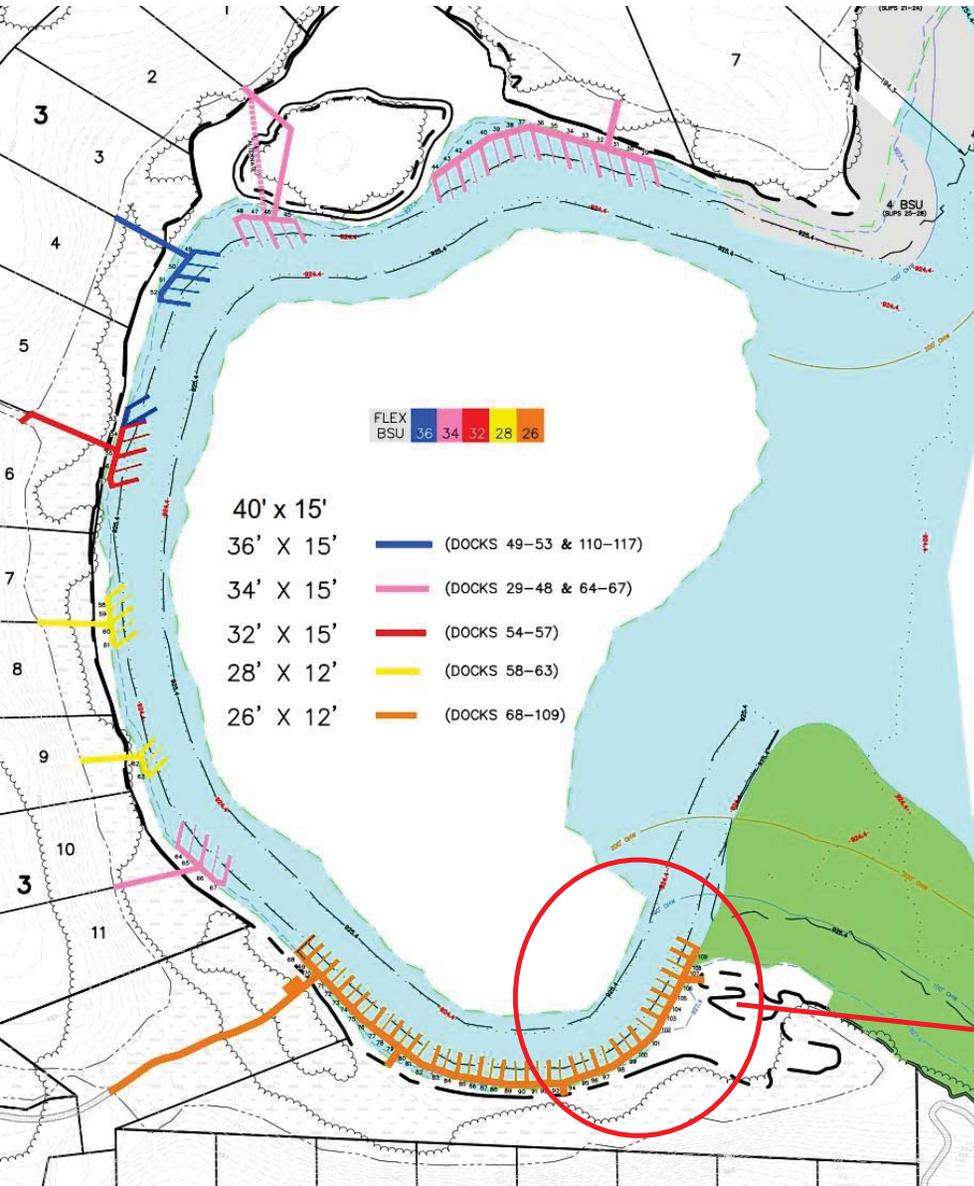
North Docks



- Here today because of ice pressure moving the north docks.
 - Ice push/crush as ice melts and drifts across the lake in the spring – Helped by March 1 deicing license exception
 - Ice pressure (e.g. pressure ridge) as the ice expends and moves during the winter (this is what happened in the north)

South Docks

- Deicing plan was included, have had no issues here yet



Our Request for Consideration

1. Change code to allow Outlot Associations with permanent docks to deice their facilities

10-3.03. Eligible Structures. A deicing equipment license may only be issued for the following structures:

(a) Commercial multiple docks;

(b) Commercial single docks;

(c) Docks that were issued deicing licenses for the winters of 2002/2003, 2003/2004 or 2004/2005; and

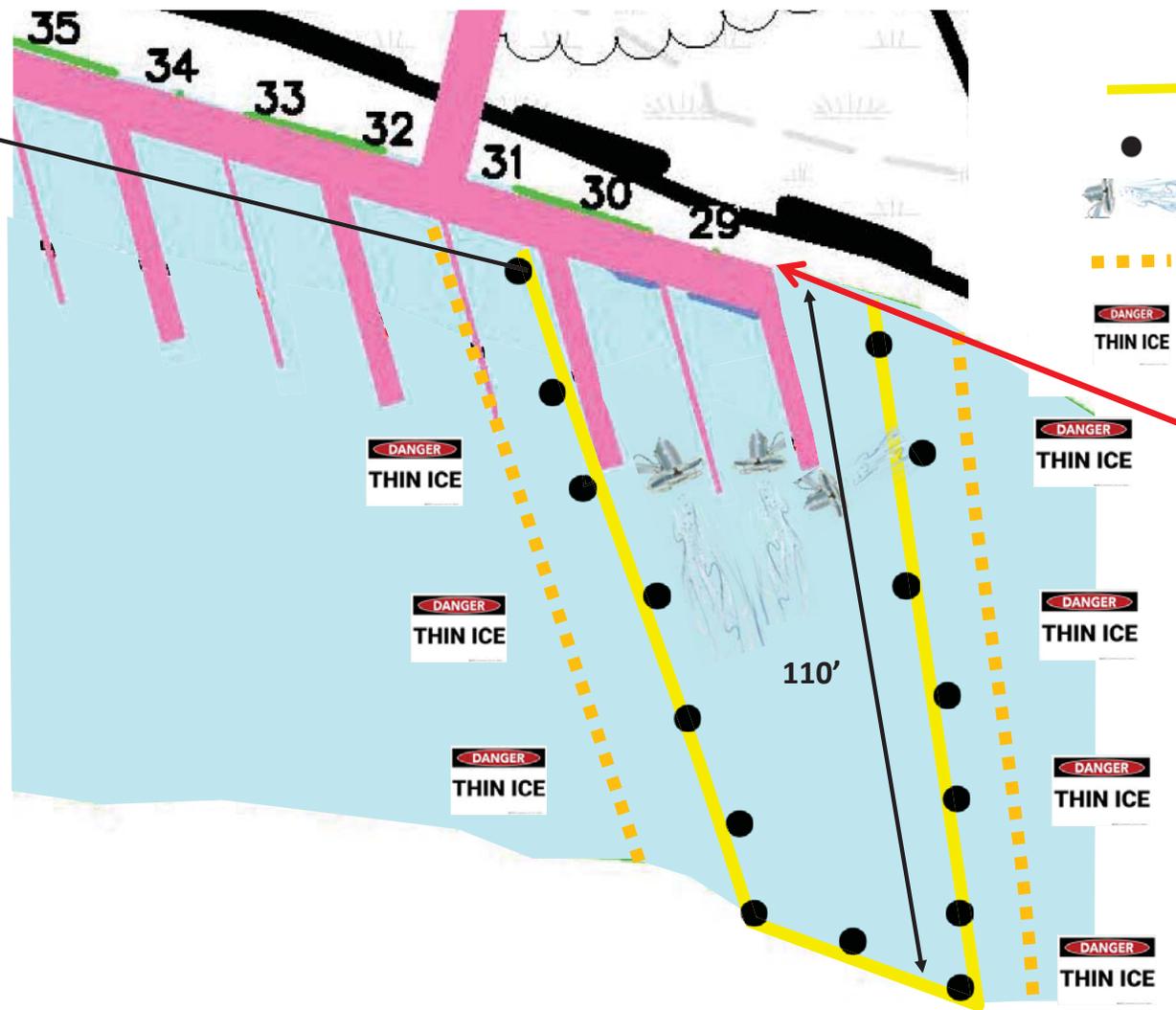
(d) Permanent docks initially issued permanent dock permits between August 17, 2003 and August 10, 2005.

(e) Outlot Association Facilities approved with permanent docks.

2. Approve a deicing permit for our northern facility this year

North Dock - Option B – Across Channel

2" galvanized poles—10-15' on center



-  Silt Curtain
-  Galvanized Poles
-  Blowers
-  Orange Fence
-  Thin Ice Signs—no less than 50'

50' feet to adjacent property

In Closing

- We have a problem and are looking for a reasonable solution.
- Did not try to create an addition burden for the LMCD. Our docks compared to similar associations with permanent docks look sufficiently protected.
- Willing to compensate LMCD for inspection and implementation.
- 17-20 outlot associations (2010 data) could apply to deice under the language change proposed.
- Open to a narrower language so fewer outlot associations would qualify...for example .
 - “(e)outlot associations approved with more than 30(BSU’s) permanent docks”
 - 4-6 associations (2020 data) that fit that definition.
 - Justification - Larger associations with 30+ are also better suited for managing a deicing operation.
- Thank you for giving us the time and opportunity to discuss this issue with you.



Add 6 slips to aerial to show 2019 dock installation

THE COVE
ON LAKE MINNETONKA

Extra Slides

HOA's with Permanent Docks that Could Apply for Deicing

The Cove Homeowners Assoc.	Minnetrista	Halsted Bay	Outlot Association/Private	117	Permenant
Seahorse Condominium Assoc.	Mound	Jennings Bay	Multiple Dwelling	76	Permenant
Park Hill & Park Island Apts.	Spring Park	Seton Lake	Multiple Dwelling	50	Permenant
Excelsior Bay Associates	Excelsior	Excelsior Bay	Multiple Dwelling	49	Permenant
Cedarhurst Assoc.	Deephaven	Robinsons Bay	Outlot Association	22	Permenant
Bayshore Manor Condominium	Excelsior	Excelsior Bay	Multiple Dwelling	20	Permenant
Seton Village Association, Inc.	Spring Park	West Arm Bay	Outlot Association	20	Permenant
Villas of St. Alban's Bay Association	Edina	St. Albans Bay	Outlot Association	19	Permenant
Smithtown Bay Assoc.	Victoria	Smithtown Bay	Outlot Association	17	Permenant
Libbs Lake Boat Club	Minnetonka	Libbs Lake Bay	Outlot Association	16	Permenant
Baycliffe Property Owners Assoc.	Minnetrista	S. Upper Lake	Outlot Association	15	Permenant
Driftwood Shores Association	Mound	Harrisons Bay	Outlot Association	10	Permenant
Grays Landing Homeowners Assoc.	Minnetonka	Grays Bay	Outlot Association	10	Permenant
Pheasant Lawn Homeowners Association	Orono	Carmans Bay	Outlot Association	10	Permenant
Channel Town Association	Mound	Lost Lake / Cooks Bay	Outlot Association	6	Permenant
Maple Crest Estates	Minnetrista	Jennings Bay	Outlot Association	5	Permenant
Walters Port Assoc.	Orono	Carmans Bay	Outlot Association/Private	5	Permenant



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DATE: December 9, 2020 (Prepared December 4, 2020)
TO: Board of Directors
FROM: Vickie Schleuning, Executive Director
SUBJECT: Information Regarding Proposed New Wake Surfing Education Program

ACTION
Board receipt of presentation from National Marine Manufacturers Association (NMMA) representative Jill Simms and Chris Bank of CrossPoint Marine regarding proposed wake surfing education program.

BACKGROUND
Ms. Simms and Mr. Bank will provide information regarding an proposed program meant to educate wakesurfers and wakesurf boat operators to address the potential effects of large wakes from wakesurfing on other lake users and lakeshore property owners.

BUDGET
N/A

STRATEGIC PRIORITIES
Operational Effectiveness, Clear & Timely Communications, Effective Governance, X Lake Protection, Other

ATTACHMENTS/SUPPLEMENTARY INFORMATION
• N/A

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

7:00 P.M., November 12, 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

6:30 p.m.

Members Present:

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

Members Absent:

Jake Walesch, Deephaven and Deborah Zorn, Shorewood.

Person(s) in Audience:

John Bendt and Henry Graef. There may have been unidentified parties in attendance as well.

1. General Overview About Riparian Rights

Gilchrist provided an overview of riparian rights and related LMCD regulations. He also provided examples and situations that have occurred in the past related to riparian rights and decisions made in certain court cases.

Chair Thomas asked for clarity on whether the riparian rights go with the ordinary high water mark or the low water mark.

Gilchrist replied that he did not go into the piece of ownership and the issue of high or low water mark in his presentation and would be hesitant to comment on that during this presentation.

Anderson asked if Gilchrist could send the presentation to Schleuning to distribute to the Board for future reference.

Gilchrist confirmed that he could do that.

Schleuning noted that she distributed the presentation via email to the Board prior to tonight's meeting but would also send the corrected version.

Kirkwood asked if any of the riparian rights carry over to the boaters launching their boats for use of the

lake.

Gilchrist stated that use would fall under the public rights for use of the lake surface for recreation and they would not have riparian rights.

2. ADJOURNMENT

There being no further business, the work session was adjourned at 7:05 p.m.

FORMAL MEETING

7:00 p.m.

1. CALL TO ORDER

Chair Thomas called the meeting to order at 7:05 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and Deborah Zorn, Shorewood (arrived at 7:24 p.m.). Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

Members absent: None

4. APPROVAL OF AGENDA

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

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye

Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	absent

Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas commented that the meeting is being held on Thursday in this instance because Veterans Day was the previous day. He thanked all veterans for their service. He noted that under future items for review a bullet was added related to harvesting equipment status noting that the intent would be to discuss that topic within 30 days of the TAG meeting.

6. APPROVAL OF MINUTES- 10/28/2020 LMCD Regular Board Meeting

MOTION: Baasen moved, Cook seconded to approve the 10/28/2020 LMCD Regular Board Meeting minutes as submitted.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

Anderson referenced Items 7C and 7D. He stated that he is not opposed to the actions but asked if there should be discussion on those items or whether this is the typical process.

Cook requested to remove Items 7C and 7D from the consent agenda for further discussion.

MOTION: Cook moved, Anderson seconded to remove Items 7C and 7D from the consent agenda for further discussion.

VOTE: A roll call vote was performed:

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

Motion carried.

MOTION: Cook moved, Kroll seconded to approve the consent agenda as amended removing Items 7C and 7D. Items so approved included: **7A)** Audit of Vouchers (11/01/2020 – 11/15/2020); and **7B)** Resolution Accepting Save the Lake Contributions (09/15/2020-10/31/2020).

VOTE: A roll call vote was performed:

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

Walesch aye
Zorn absent

Motion carried unanimously.

Chair Thomas noted that Items 7C and 7D would now be considered under New Business.

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

Mr. Bendt, 1120 Tonkawood Road, stated that over the past several months a number of wakeboard issues have been brought to the attention of the Board. He stated that issues have been brought forward related to issues with wake detracting from the enjoyability of other lake users, loud and sometimes offensive music, and damage to the shoreline from wake. He commended the Board for its support of the Saint Anthony Falls Lab Study on wakes. He agreed that the study should inform any regulations related to distance from shore for wake boats. He stated that he is also pleased to see increased education related to loud music but believed that more needs to be done to resolve that issue. He stated that he is disappointed with the lack of response from the Board related to the impact that wakeboarding has on the ability of other users to enjoy the lake. He stated that there is a non-profit, Citizens for Sharing Lake Minnetonka LLC, which has been formed by those that support regulation of wake surfing in order to allow users to enjoy the lake. He stated that he has accepted the position of President of the organization and asked the Board to be faithful to its mission and restore balance so that all can enjoy the lake.

9. PUBLIC HEARING

There were no public hearings

10. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

There was no old business.

12. NEW BUSINESS

A) 2021 LMCD Employee Compensation Adjustments (Previously Consent Agenda Item 7C)

Anderson stated that he requested this item to be pulled from the Consent Agenda as he was unsure that was the proper process, noting that he was unsure the Board had discussed the topic. He stated that he does support the increase as he believes that happy employees tend to stay with the organization. He noted that he does not have any issues with the contracts under the next item either, but simply believed that the topics should be up for discussion in the case that someone had questions or opinions.

Newell referenced the time management analysis that was previously discussed. He noted that perhaps that could identify how some responsibilities could be shifted to take advantage of the strengths of employees, such as the Lake Manager some tasks were reassigned. He stated that he does support proper compensation of staff.

MOTION: Anderson moved, Cook seconded to approve the annual base wage adjustment for employees for 2021 at a rate of 2.75 percent.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

B) LMCD Board Meetings Contracts/Agreements for Professional Services: LMCC Video On Demand Services; Mark Hodges Media Productions, Producer; and TimeSaver Off-Site Secretarial, Inc., Meeting Minutes (Previously Consent Agenda Item 7D)

Anderson asked for input from Cook related to the proposed increases.

Cook stated that he is supportive of the proposed increases as they are in line with what has been anticipated.

MOTION: Anderson moved, Cook seconded to approve LMCD Board Meetings Contracts/Agreements for Professional Services: LMCC Video On Demand Services; Mark Hodges Media Productions, Producer; and TimeSaver Off-Site Secretarial, Inc., Meeting Minutes as presented.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

A) Proposed Standing Committees

Chair Thomas commented that the Officers and Schleuning have discussed the process of how some topics are discussed before bringing them forward to the Board for formal consideration. He stated that the recommendation has been to create four standing Committees: operations, finance, communications, and Save the Lake. He stated that Committees would be more formal than work groups and would have posted meetings with minutes recorded. He stated that rather than placing burden on staff to complete the minutes, they would ask for a member of the Committee to take minutes. He stated that a project outline was prepared by the Board Officers for each of the Committees. He stated that the intent would be for the Board Officers to Chair one of the Committees initially such as Cook acting as Chair of the Finance Committee, Hoelscher would act as Chair of Communications Committee, Baasen would act as Chair of the Save the Lake Committee, and Chair Thomas would act as Chair of the Operations Committee. He hoped that each of the Board members would have reviewed the project outline for each Committee to determine their area of interest.

Baasen commented that he believes the project outline to be accurate for the Save the Lake Committee and welcomed anyone that would like to participate.

Hoelscher commented that the communications group has been meeting informally and has active members. She encouraged others to join or participate in the meetings of the group.

Cook stated that he did not have anything to add about the Finance Committee.

Hughes asked if these Committee meetings would be held virtually similar to the Board meetings.

Chair Thomas commented that until the pandemic is over, he would not foresee in person meetings.

Gilchrist commented that the order for operations of the LMCD would be that all meetings be held electronically.

Kirkwood referenced the Operations Committee and asked if this group would discuss the items brought forward to the agenda. He noted that there has been some confusion on how items are selected and scheduled for the agenda.

Chair Thomas stated that in order to do that, the Operations Committee would need to meet twice per month as the Board meets twice per month. He explained that the agenda is set by discussion between himself, Hoelscher, Gilchrist and Schleuning. He stated that if there is a request for an agenda item, a Board member can bring that forward to the Chair or staff.

Schleuning commented that there is an issue of timing depending on the amount of background work that is needed for some topics. She could not recall a requested item that was not brought forward to an agenda, but welcomed feedback.

Newell commented on an agenda topic that he desired and was brought forward to a Board agenda. He stated that he has since done additional work on the topic that he will provide an update on at the appropriate time. He stated that in regard to Committees, he gets bogged down with processes that seem to go nowhere rather than progress. He stated that if there are Committees, he would like to see tasks assigned to members and results reported in a timely manner.

Chair Thomas commented that the bylaws states that the Chair and Executive Director set the agenda.

Anderson commented that he has brought forward suggestions for the agenda that were added in the past when requested. He noted that it appears that only Save the Lake has a Chair identified, which he would believe would give that member more authority than other members. He asked if a Committee must include two members of the public.

Baasen explained that he believed the Save the Lake Committee was created in 1982 and has always had a Chair to run the meeting. He stated that it does not mean that the Chair has more influence than any other member. He noted that all actions are subject to vote by its members. He noted that because this Committee has eight members, a Chair is helpful to run the meeting.

Anderson stated if recommendations are being made for the Committee, he would like to see two members of the Committee replaced with Gabriel Jabbour and Jay Soule.

Baasen stated that they have never turned down a member or asked to have a member removed. He confirmed that additional members of the public could join. He stated that each member of the Save the Lake Committee is active in discussions and participate equally and does make a financial contribution to Save the Lake. He noted that the two members Anderson suggested to be added to the Committee have been members of Save the Lake in the past and for whatever reason have decided not to be a part of the

Committee at this time.

Anderson asked if there is a Chair for each of the Committees.

Chair Thomas confirmed that he would Chair the Operations Committee, Hoelscher would Chair the Communications Committee, Cook would Chair the Finance Committee and Baasen would Chair Save the Lake.

Schleuning referenced the board report and commented that the Committees are meant to be more formal with consistency with posted meetings open to the public, a chair, and documented minutes.

Chair Thomas stated he has not heard comments in support or opposition for this idea.

MOTION: Anderson moved, Kirkwood seconded to approve the standing Committees.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

Chair Thomas asked if the membership should be appointed or whether members should express their interest. It was determined that taking formal action would be putting people on the spot and suggested that the decision be delayed with the Committees beginning in January.

Schleuning referenced the board report and stated that she would be interested in knowing whether members of the Board that currently serve on those groups in an informal manner would want to continue. Also, she stated that interest can also be expressed by members of the Board that would like to join the committees.

Baasen stated that he would suggest that the Committees be allowed to form in that manner rather than

asking the Board to vote on who is allowed or disallowed to serve on the Committee.

Chair Thomas noted that the Board will next meet in December and asked that members of the Board contact the Chair of the Committee or staff if they would like to join a Committee.

Anderson commented that the decision was made to form Committees but also believed that the Board should vote on who the Chair of each Committee will be.

Chair Thomas commented that in the interest of starting these formal Committees, the suggestion was to have one of the Officers Chair a Committee. The intent was to be helpful to the board He stated that it could be left as the Committees have been formed and members of the Board should alert Schleuning as to their interest in joining or being the Chair of a Committee.

Gilchrist stated that Standing Committees are formed through resolution per the bylaws and therefore to formalize the motion taken tonight, he will prepare a resolution to ratify at the next meeting.

13. TREASURER REPORT

No report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- An update was provided on the recent work with the developer for the update to the website.
- The winter rules will be updated and she welcomed any additional suggestions for incorporation.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: Cook stated that they are attempting to schedule the next meeting.

Budget Workgroup: No report.

Communications and Legislative Relations: Hoelscher reported that the group has not met since the last Board meeting but will meet on November 19th via Zoom.

Nominating Committee: Zorn reported that the group has not yet met and typically meets later in December or early in January.

Save the Lake Committee: Baasen reported that the group met the previous week and received an update on fundraising efforts for the year. He stated that excluding the contributions of Jabbour and Anderson provided for the Hennepin County Sheriff's Office Water Patrol, the group is only about halfway to its goal for the year. He reported that a solicitation letter was mailed to an expanded mailing list.

Strategic Plan Subcommittee: No report.

Other: Baasen referenced items being removed from the Consent Agenda earlier tonight, which he opposed through the vote. He stated that information is included in the Board packet for review for each of the items included on the Consent Agenda. He stated that any member of the Board can request to pull an item from the Consent Agenda, but noted that if the information in the packet is thoroughly reviewed, it may answer the questions a member may have related to the item.

Newell asked to connect with Cook offline to discuss items related to AIS.

Anderson commended staff for the work they did to prepare the harvesters for winter.

16. ADJOURNMENT

MOTION: Walesch moved, Newell seconded to adjourn the meeting at 8:07 p.m.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary

Lake Minnetonka Conservation District
Check Detail
November 16 - 30, 2020

ITEM
7A

Date	Num	Name	Memo	Account	Class	Paid Amount
11/30/2020	EFT-20-138	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,520.88
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,187.00
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-635.90
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-648.63
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	78.08
TOTAL						-8,540.33
11/30/2020	EFT-20-139	ADP Service Fee		Alerus Checking		
			Payroll 11/16/20 - 11/30/20	4180M10 · Professional Services - Admin.	Admin.	-80.53
TOTAL						-80.53
11/25/2020	EFT-20-140	Frontier Communications		Alerus Checking		
			Phone and Internet 11/4/20 - 12/...	4060M10 · Telephone - Admin.	Admin.	-200.18
TOTAL						-200.18
11/30/2020	EFT-20-141	SelectAccount Group Service Fee		Alerus Checking		
			HSA Administrative fee for Nove...	4380M10 · Employee Benefits - Admin.	Admin.	-2.85
TOTAL						-2.85
11/30/2020	EFT-20-142	Health Partners		Alerus Checking		
			Dental Insurance, December 2020	4380M10 · Employee Benefits - Admin.	Admin.	-170.85
TOTAL						-170.85
11/25/2020	EFT-20-143	P.E.R.A		Alerus Checking		
			Payroll 11/16/20 - 11/30/20	2020 · Payroll Liabilities -	Admin.	-1,187.00
TOTAL						-1,187.00
11/30/2020	EFT-20-144	SW/WC Service Cooperatives		Alerus Checking		
			Health Insurance, December 2020	4380M10 · Employee Benefits - Admin.	Admin.	-2,164.50
TOTAL						-2,164.50

Lake Minnetonka Conservation District
Check Detail
 November 16 - 30, 2020

Date	Num	Name	Memo	Account	Class	Paid Amount
11/25/2020	EFT-20-145	US Bank		Alerus Checking		
			Consumer Cellular (phone, work ...	4060M10 · Telephone - Admin.	Admin.	-29.78
			Home Depot Tarps for Harvesters	4150M30 · Equip. Supplies & Maint. - EWM	AIS	-185.82
			Fortinet Inc. Annual Subscription	4180M10 · Professional Services - Admin.	Admin.	-419.35
			Amazon Shop Vac and Kleenex	4220M10 · Office Supplies -Admin.	Admin.	-66.85
			Amazon Disinfectant Cleaner, Di...	4220M10 · Office Supplies -Admin.	Admin.	-83.16
TOTAL						-784.96
11/20/2020	EFT-20-146	FRANCOTYP-POSTALIA, INC.		Alerus Checking		
			Postage for STL Mailing	4080M20 · Postage - S/L	STL	-150.00
TOTAL						-150.00
11/25/2020	21879	City of Mound		Alerus Checking		
11/25/2020	December 2020		Rent, December, 2020	4320M10 · Office Rent - Admin.	Admin.	-1,649.96
TOTAL						-1,649.96
11/25/2020	21880	ECM Publishers, Inc.		Alerus Checking		
11/25/2020	Inv.#805385, 8...		435 Lakeview Av PH	4110M10 · Public Info./Legal - Admin.	Admin.	-46.26
			Deicing Licensee Activity	4110M10 · Public Info./Legal - Admin.	Admin.	-100.23
TOTAL						-146.49
11/25/2020	21881	FRANCOTYP-POSTALIA, INC.		Alerus Checking		
11/25/2020	Inv.#R1104679...		Quarterly Rental Fee for Postage...	4080M10 · Postage - Admin.	Admin.	-86.85
TOTAL						-86.85
11/25/2020	21882	LMCC		Alerus Checking		
11/25/2020	Inv.#1390		VOD Services for Meeting 11/12/...	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00

Lake Minnetonka Conservation District
Check Detail
 November 16 - 30, 2020

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Paid Amount</u>
11/25/2020	21883	Unum Life Insurance		Alerus Checking		
11/25/2020	December 2020		Long Term Disability, December ...	2020-LT · Payroll Liabilities - UNUM	Admin.	-160.69
TOTAL						-160.69
11/25/2020	21884	Kennedy & Graven		Alerus Checking		
11/25/2020	October 2020		Legal Fees October 2020	4620M10 · Legal Fees - Admin.	Admin.	-2,170.00
TOTAL						-2,170.00

7:40 AM

12/03/20

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

ITEM
7A

Date	Num	Name	Memo	Account	Class	Paid Amount
12/10/2020	EFT-20-147	ADP Service Fee		Alerus Checking		
			Payroll 12/1/20 - 12/15/20	4180M10 · Professional Services - Admin.	Admin.	-80.53
TOTAL						-80.53
12/15/2020	EFT-20-148	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,436.12
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,175.14
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-629.54
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medicare	Admin.	-642.15
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	78.08
TOTAL						-8,454.59
12/01/2020	EFT-20-149	SelectAccount Group Service Center		Alerus Checking		
			HSA Employer Contribution for December 2020 (Vickie Schleuning)	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
			HSA Employer Contribution for December 2020 (Matt Cook)	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
			HSA Employer Contribution for December 2020 (Tammy Duncan)	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
TOTAL						-350.01
12/10/2020	EFT-20-150	P.E.R.A		Alerus Checking		
			Payroll 12/1/20 - 12/15/20	2020 · Payroll Liabilities -	Admin.	-1,175.14
TOTAL						-1,175.14
12/10/2020	21885	ECM Publishers, Inc.		Alerus Checking		
12/10/2020	Inv.#806205		Deicing Licensee Activity	4110M10 · Public Info./Legal - Admin.	Admin.	-154.70
			Lakeview Ave Public Hearing	4110M10 · Public Info./Legal - Admin.	Admin.	-71.40
TOTAL						-226.10
12/10/2020	21886	Laci Gagliano		Alerus Checking		
12/10/2020			STL Fall Solicitation Letter/Editorial	4180M20 · Professional Services - S/L	STL	-300.00
TOTAL						-300.00
12/10/2020	21887	NCPERS Group Life Insurance		Alerus Checking		
12/10/2020	December 2020		Life Insurance, December 2020	4380M10 · Employee Benefits - Admin.	Admin.	-48.00
TOTAL						-48.00

7:40 AM

12/03/20

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

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Paid Amount</u>
12/10/2020	21888	Tallen & Baertschi		Alerus Checking		
12/10/2020	November 2020		November Prosecution Cost	4640M10 · Prosecution Fees - Admin.	Admin.	-1,561.60
TOTAL						-1,561.60
12/10/2020	21889	AIS Advanced Imaging Solutions		Alerus Checking		
12/10/2020	Inv.#429866924		Copier Contract 11/20/20 - 12/20/20	4140M10 · Equipment R&M - Admin.	Admin.	-848.43
TOTAL						-848.43



RESOLUTION NO. 209

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

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

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

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

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

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

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

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

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

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

RESOLUTION #209

Page 2

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

Adopted by the Board this 9th day of December, 2020.

ATTEST:

Gregg Thomas, Chair

Dan Baasen, Secretary

Lake Minnetonka Conservation District
Transaction Detail By Account
November 1 through November 23, 2020

Resolution #209 Attachment 1 - Save the Lake Contribution

Date	Num	Name	Memo	Amount
11/10/2020	PayPal	Ann Hoelscher	Transfer from PayPal (Hoelscher \$250.00)	242.45
11/23/2020	PayPal	Nicole Stone	Transfer from PayPal (Stone \$500.00)	485.20
11/23/2020	PayPal	David Sturgeon	Transfer from PayPal (Sturgeon \$50.00)	48.25
				<hr/> 775.90



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: December 9, 2020 (Prepared December 3, 2020)

TO: Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: Ratification of Committee Designations

ACTION _____

Board ratification with the approval of the resolution verifying previous approval from the November 12, 2020 LMCD Board meeting for 2021 committee designations.

BACKGROUND _____

At the November 12, 2020 LMCD Board Meeting, a roll call vote to approve the 2021 committee designations was taken and passed, but a resolution not offered or approved.

Board approval of the action above ratifies the previous approval of the committee designations for the record.

BUDGET _____

N/A

STRATEGIC PRIORITIES _____

- Operational Effectiveness
- Clear & Timely Communications
- Effective Governance
- Lake Protection
- Other

ATTACHMENTS/SUPPLEMENTARY INFORMATION _____

- Resolution Establishing Standing Committees

ATTACHMENT



LAKE MINNETONKA CONSERVATION DISTRICT STATE OF MINNESOTA

RESOLUTION NO. 210

A RESOLUTION ESTABLISHING STANDING COMMITTEES OF THE LAKE MINNETONKA CONSERVATION DISTRICT

WHEREAS, the Board of Directors (“Board”) of the Lake Minnetonka Conservation District (“LMCD”) has relied on informal temporary workgroups and formal committees to supplement the LMCD’s limited staff, to gather information, and to develop and make recommendations to assist the Board in conducting its business;

WHEREAS, the Board determines it is in the best interests of the LMCD to restructure its committees into standing committees and to establish specific roles for each;

WHEREAS, Section 5.1 of the Bylaws of the Lake Minnetonka Conservation District (“Bylaws”) indicates the Board may establish standing committees from time to time by resolution;

WHEREAS, the Bylaws indicate the membership of a standing committee does not need to be limited to Board members, but at least one Board member must be on each standing committee;

WHEREAS, the Board acted by motion at its November 12, 2020 meeting to establish the Operations, Finance, Communications, and Save the Lake standing committees for the LMCD; and

WHEREAS, the Board desires to act by Resolution to formalize and ratify the establishment of the standing committees.

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

1. The following are hereby approved and ratified as the standing committees (“Committee” or “Committees”) of the LMCD:
 - Operations Standing Committee;
 - Finance Standing Committee;
 - Communications Standing Committee; and
 - Save the Lake Standing Committee.

2. The Committees shall be subject to, and shall comply with, each of the following:
 - (a) The Committees are advisory to the Board and the scope of their work shall be determined by the Board. The Board will assign to each Committee such tasks and work as the Board determines is appropriate. Each Committee may, on its own initiative, undertake a review of such matters that are within its role, as defined by the Board, as it determines is appropriate.
 - (b) The Board shall appoint members to the Committee, which shall serve at the pleasure of the Board and may be removed at any time for any reason.
 - (c) Committee members shall serve a one-year term and may be reappointed to a Committee with no limit on the number of terms served.
 - (d) The Board shall fill the vacancies on a Committee by appointment.
 - (e) Each Committee shall have no less than five members. No more than six current Board members may serve on any one Committee.
 - (f) A Committee member must be present to vote. Voting by proxy is not allowed.
 - (g) Committees are subject to the Open Meeting Law and their meetings shall be noticed and be open to the public as required by Minnesota Statutes, chapter 13D. Each Committee may establish a schedule of its regular meetings and file it with the Executive Director for posting. The posting place for meetings of the Committees is the LMCD bulletin board and will also be posted on the LMCD website.
 - (h) A majority of the members actually serving on a Committee at any given time shall constitute a quorum. A majority vote of those members present and voting, assuming at least a quorum is present, is needed to take action.
 - (i) Committee members shall not be compensated by the LMCD for their service on a Committee.
 - (j) Committees are not authorized to represent the LMCD to other groups without the prior approval of the Board. Committees are not authorized contract or to otherwise obligate the LMCD.
 - (k) Each Committee shall appoint a chair and a secretary. The chair shall be responsible for presiding at Committee meetings and the secretary shall keep minutes of the meetings. The secretary shall provide the LMCD copies of its draft and approved minutes. The LMCD shall be responsible for retaining the records of the Committees to the extent required by law.
 - (l) Each Committee shall communicate the information and recommendations it develops to the Board in writing, by oral report, or in such other manner as is appropriate.

3. With the exception of the Nominating Committee and the AIS Task Force, the existing LMCD committees are extinguished and merged into the appropriate standing committee established herein. This Resolution does not prohibit the Board from creating such other committees, task forces, and workgroups as it determines are needed.

Adopted this 9th day of December 2020.

BY THE BOARD OF DIRECTORS

Gregg Thomas, Chair

Attest: _____
Dan Baasen, Secretary



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: December 9, 2020 (Prepared December 4, 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 (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 continued 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 January 13, 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 January 13, 2020 LMCD Board meeting based on...

APPLICATION SUMMARY

The applicant, 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.

The LMCD Board initially reviewed this application at its October 14, 2020 regular meeting. The applicant and the adjacent property owner, during the public hearing, agreed to review alternative layouts and continue the public hearing at a later date. At the time this report was prepared, the two parties had not identified a mutually agreed-upon plan, so the applicants have decided to return to the LMCD Board for a final decision. The applicants have submitted an alternative dock layout for the Board's consideration in addition to the original proposal.

Site 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. 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 929.4 feet above sea level. The water depth measurements were adjusted based on the water level at the time. 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.

For the alternative layout, the applicant is proposing to use the east side of the dock for either a platform or for a third BSU.

At the board meeting, the property owner to the north of this property had asked if the city would allow an encroachment of his dock to the north. In follow up with the City of Mound staff, LMCD staff were advised the City does not support an encroachment since this area is used as public access for fishing. Further, a storm drainpipe is located in that area and should not be obstructed.

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 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.

As of December 4, no additional public comments have been received since the initial public hearing on October 14, 2020. Information regarding the public notice for the second hearing is below.

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.

Since this continued hearing was not scheduled for a specific board meeting date, it required additional public notice. The additional hearing notice was published in the November 26, 2020 edition of the Sun Sailor (official newspaper) and the November 28, 2020 edition of the Laker Pioneer. On November 19, 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

If the board chooses to approve the variance, the minimum recommendations are provided for consideration:

1. The alternative plan submitted with the angled dock design provides safer entry and exist to the boat slips given the proximity and position of the adjacent dock to the north.
2. 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 and platform, the proposed layout eliminates the existing side-opening slips. While the platform was removed on the west side, the dock walkway was increased to 7 feet in width that the applicant stated was to provide adequate width for fishing. This does not improve setback distances on the west side. The platform has been relocated to the east side as an option. However, the Applicant continues to want the option for temporary boat storage.
3. Watercraft and other structures fit entirely within the boat storage units to prevent encroachment beyond the northern side site line.
4. Standard variance conditions reflecting environmental, nuisances, maintenance, etc.

BUDGET _____

N/A

STRATEGIC PRIORITIES _____

Operational Effectiveness Clear & Timely Communications Effective Governance Lake Protection Other

ATTACHMENTS _____

1. October 14, 2020 Public Hearing Memo
2. LMCD Code Excerpts
3. Aerial Imagery of Site
4. Alternative Proposed Site Plan
5. Original Proposed Site Plans
6. Variance Application
7. Second Public Hearing Notice (Sun Sailor and Laker Pioneer)
8. Second Public Hearing Notice Mailing



ITEM 9A ATTACHMENT 1

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.

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

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

Operational Effectiveness Clear & Timely Communications Effective Governance Lake Protection Other

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

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



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.

- (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,

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.

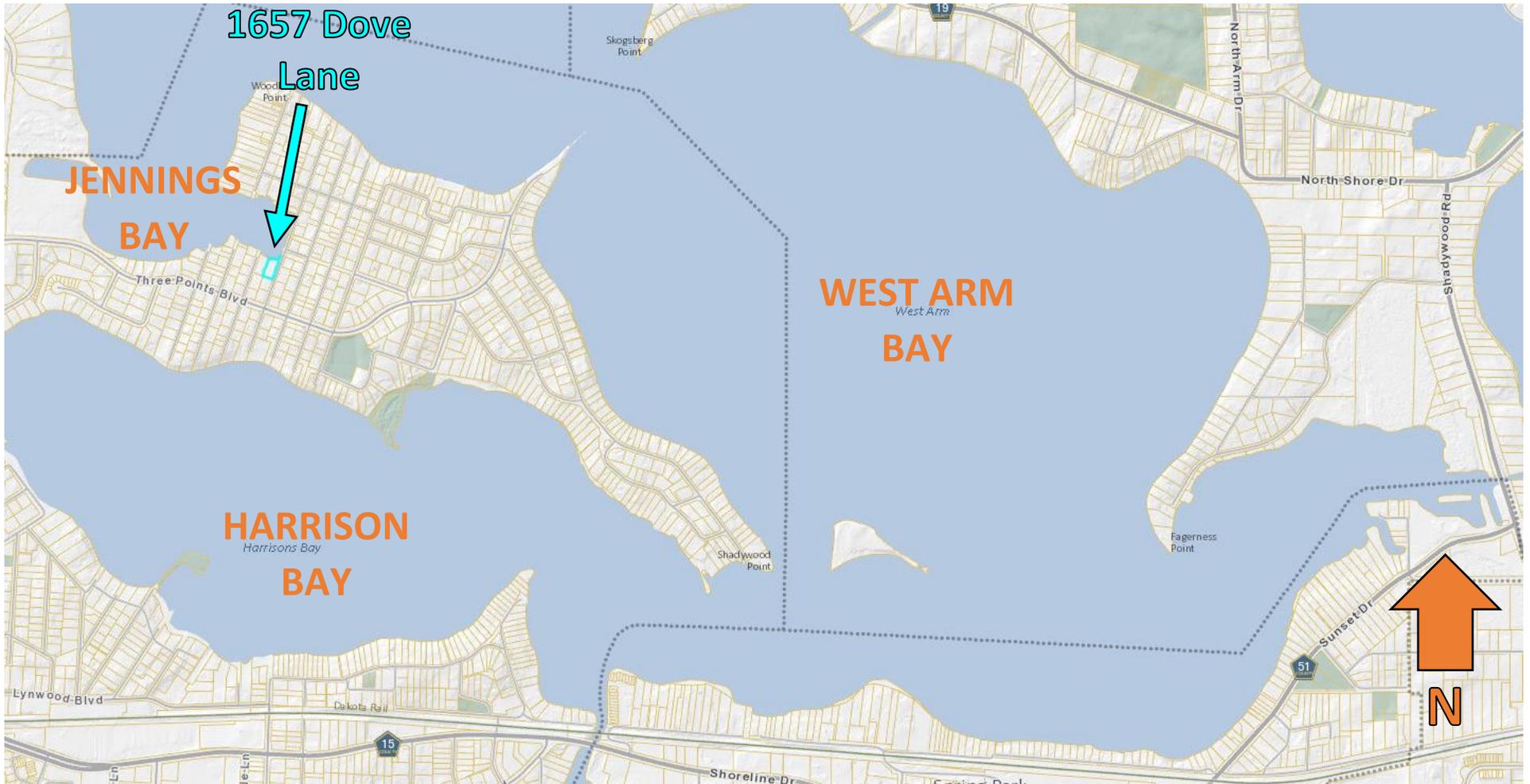
Subd. 2. Unusual Configurations. Where the provisions of this Code would cause the authorized dock use area of two or more sites to overlap, or where there is any other unusual configuration of shoreline or extended lot lines, which causes a conflict between the owners of two or more adjacent or nearby 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.

Debra and Neal Netsch, 1657 Dove Lane, Mound | Variance Application
For illustrative purposes only.
Source: Hennepin County Interactive Property Map, 09/30/2020

ITEM 9A ATTACHMENT 3



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



5 10 20
20ft
scale in ft

CERTIFICATE OF SURVEY

ITEM 9A ATTACHMENT 4
ALTERNATIVE PLAN

DESCRIPTION:

6, BLOCK 4,
NEPIN COUNTY,

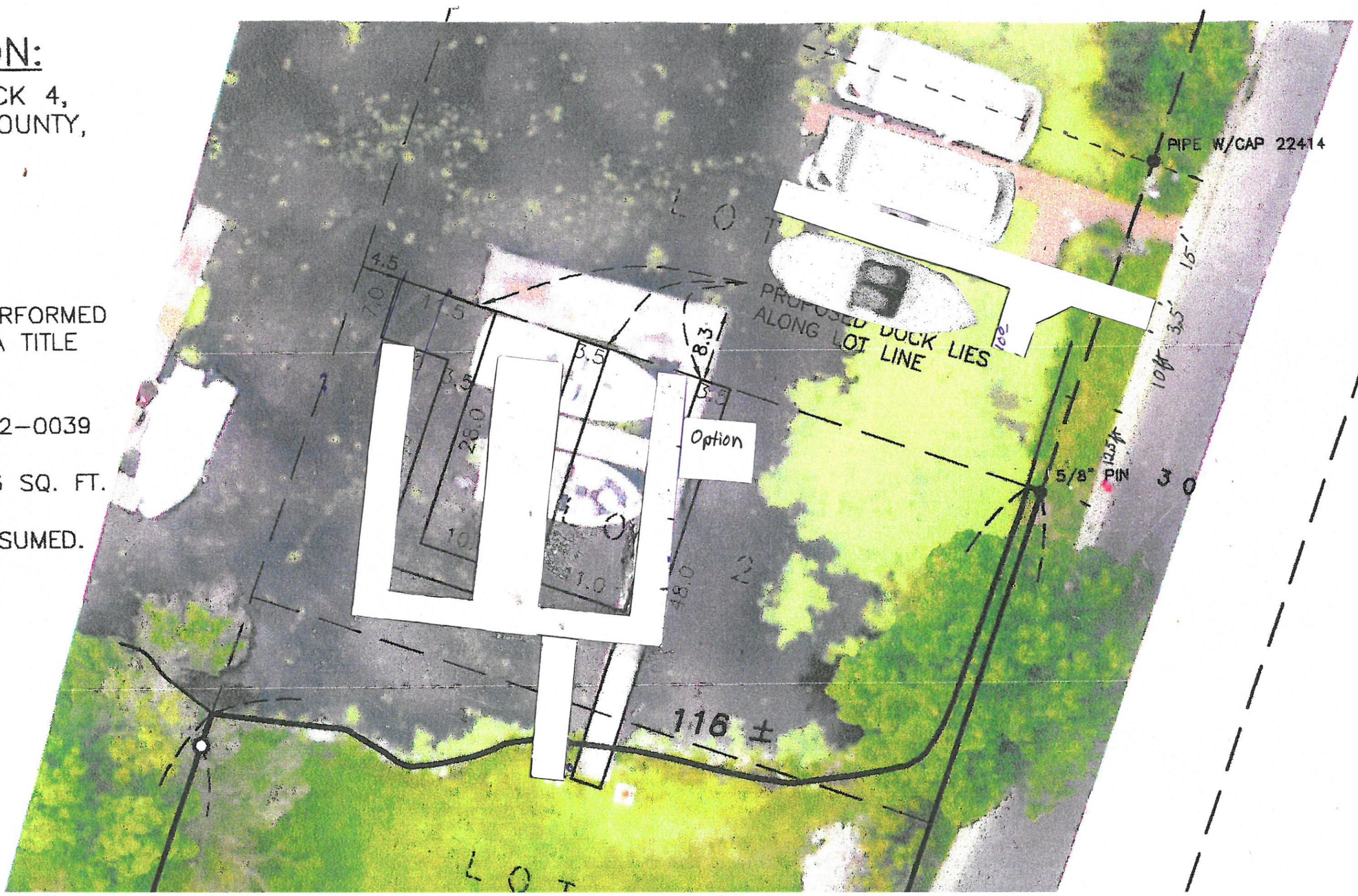
WAS PERFORMED
BENEFIT OF A TITLE
EXAMINATION.

17-24-12-0039

AREA: 12,596 SQ. FT.

NO ENCUMBRANCES
ARE ASSUMED.

FIELDWORK:



ITEM 9A ATTACHMENT 5 CERTIFICATE OF SURVEY

LEGAL DESCRIPTION:

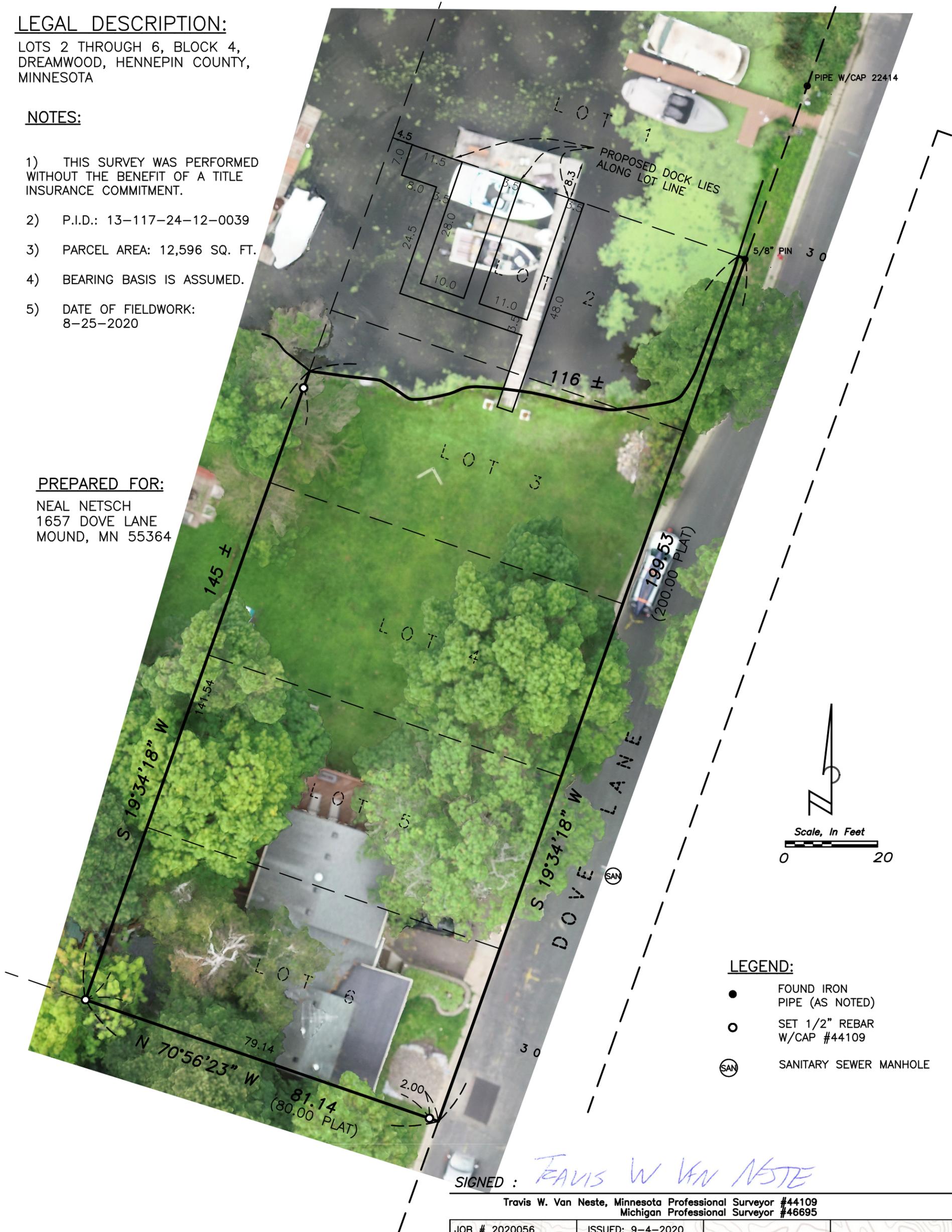
LOTS 2 THROUGH 6, BLOCK 4,
DREAMWOOD, HENNEPIN COUNTY,
MINNESOTA

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



- LEGEND:**
- FOUND IRON PIPE (AS NOTED)
 - SET 1/2" REBAR W/CAP #44109
 - ⊙(SAN) SANITARY SEWER MANHOLE

SIGNED : *Travis W Van Neste*

Travis W. Van Neste, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #46695

JOB # 2020056	ISSUED: 9-4-2020
DRAWN BY: TWVN	REV:
SCALE: 1"=20 FEET	

VAN NESTE SURVEYING PROFESSIONAL SURVEYING SERVICES

85 WILDHURST ROAD, EXCELSIOR, MN 55331
(952) 686-3055 VANNESTESURVEYING.COM



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:

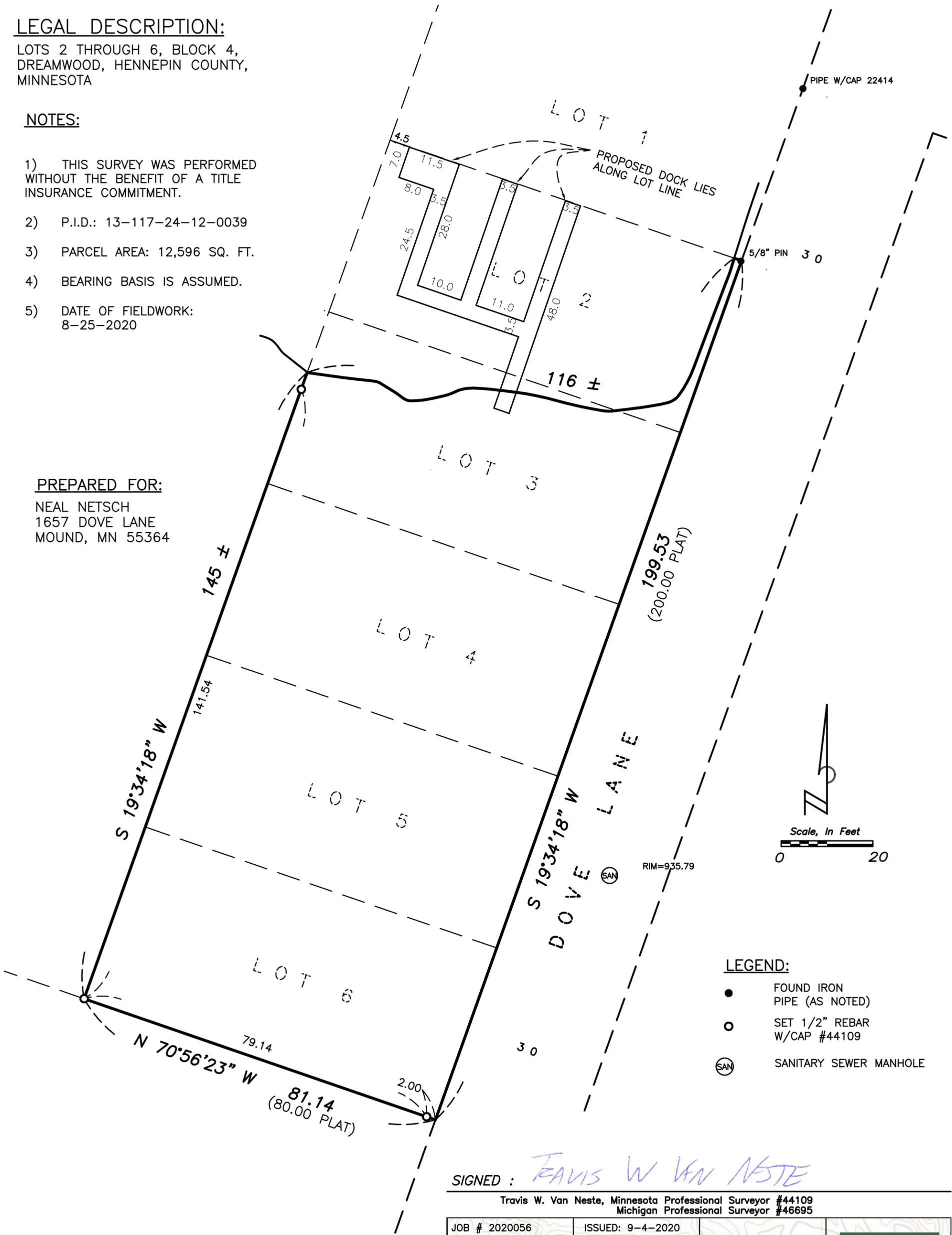
LOTS 2 THROUGH 6, BLOCK 4,
DREAMWOOD, HENNEPIN COUNTY,
MINNESOTA

NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
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- 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



LEGEND:

- FOUND IRON PIPE (AS NOTED)
- SET 1/2" REBAR W/CAP #44109
- ⊙ SANITARY SEWER MANHOLE

SIGNED :

Travis W Van Neste

Travis W. Van Neste, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #46695

JOB # 2020056	ISSUED: 9-4-2020
DRAWN BY: TWVN	REV:
SCALE: 1"=20 FEET	

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PROFESSIONAL SURVEYING SERVICES

85 WILDHURST ROAD, EXCELSIOR, MN 55331
(952) 686-3055 VANNESTESURVEYING.COM



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 6

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 it's 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:

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

***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.

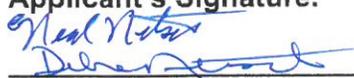
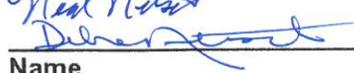
5. FEES

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:

	<i>owner</i>	<i>7-5-20</i>
	<i>owner</i>	<i>7-5-2020</i>
Name	Title	Date

Return to:
Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364



ITEM 9A ATTACHMENT 7

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 8

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:

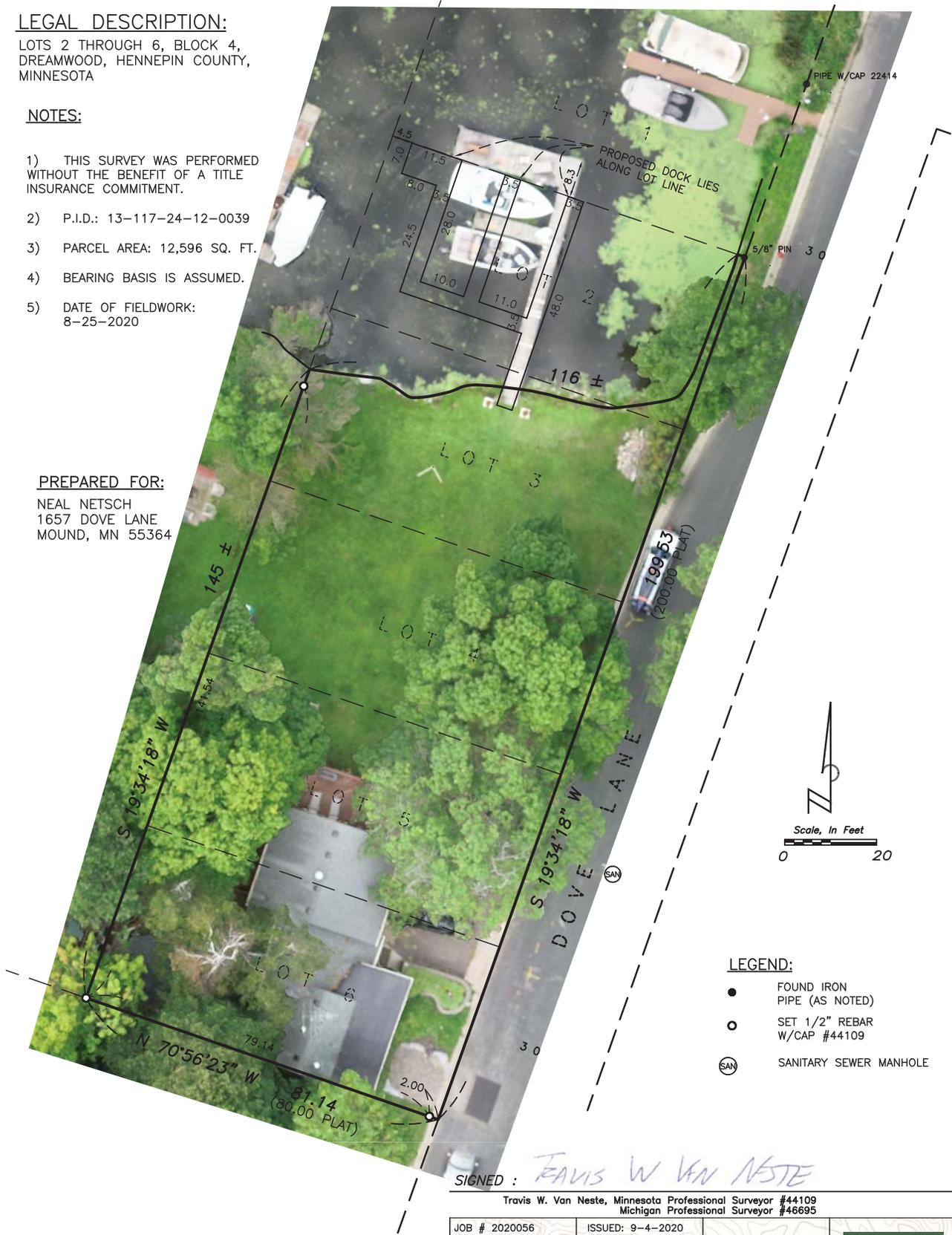
LOTS 2 THROUGH 6, BLOCK 4,
DREAMWOOD, HENNEPIN COUNTY,
MINNESOTA

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



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.

JOB # 2020056	ISSUED: 9-4-2020
DRAWN BY: TAWN	REV:
SCALE: 1"=20 FEET	

VAN NESTE SURVEYING
PROFESSIONAL SURVEYING SERVICES

85 WILDHURST ROAD, EXCELSIOR, MN 55331
(952) 686-3055 VANNESTESURVEYING.COM





LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: December 9, 2020 (Prepared December 4, 2020)

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: Variance for Adjusted Dock Use Area (length and setbacks), 435 Lakeview Ave, Tonka Bay

ACTION

Board consideration of a variance for an adjusted dock use area (length and side setbacks) for 435 Lakeview Ave on Gideon Bay in the City of Tonka Bay (PID 27-117-23-32-0014) 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 Carol Larsen for the property located at 435 Lakeview Ave in Tonka Bay for final approval at the January 13, 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 Carol Larsen for the property located at 435 Lakeview Ave in Tonka Bay for a final vote at the January 13, 2020 LMCD Board meeting based on...

APPLICATION SUMMARY

The applicant, Carol Larsen ("Applicant"), submitted a variance application for 435 Lakeview Ave in Tonka Bay (PID 27-117-23-32-0014; "Site") for an adjusted dock use area for and side setbacks. The Applicant's property has approximately 52.8 feet of 929.4 feet OHW shoreline.

Site Background

The Applicant's current dock does not meet standard LMCD Code requirements. The Applicant's parcel has lot lines that converge. The water depths also present challenges. A dock and watercraft have been installed at this location for many years. The proposed layout represents the layout that was installed for the 2020 boating season. The proposed site plan reflects a reduction in length of 8 feet and a significant movement eastward compared to previous years.

Proposed Setbacks

The proposed dock extends into the dock use area of the adjacent property to the west. The proposed dock would be set back 12.5 feet from the east side site line.

Proposed Dock Length

The Applicant proposes a dock structure of approximately 88 feet in length as measured from the 929.4 OHW. LMCD staff took approximate depth measurement readings on October 1, 2020, which indicate the water depth on the landward (north) side of the proposed canopy is between 3 to 4 feet from 929.4 feet above sea level. The water depth on the lakeward (south) side of the proposed canopy is approximately 5 to 5.5 feet from the 929.4 ft above sea level. The water depth measurements were adjusted based on the water level at the time.

Proposed BSUs

The Applicant proposes 2 boat storage units (BSUs). The BSU covered by a canopy measures 14 feet wide by approximately 42 feet long. The Applicant proposed to keep a small lift on the west side of the dock structure. The Applicant's primary objective is to maintain the use of the currently owned watercraft while occupying this property.

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 Tonka Bay were provided information regarding the applications on November 23, 2020. City and agency comments were due by December 4, 2020. Comments received as of December 4, 2020 are summarized below. Any comments received after December 4, 2020 will be provided at the Board meeting for review.

- Staff from the City of Tonka Bay stated that the City Council will be reviewing the

request at a meeting on December 8, 2020. LMCD staff will provide the City’s comments at the LMCD Board meeting on December 9, 2020.

As of December 4, 2020, no comments have been received from the general public by LMCD staff. Comments received after December 4 will be shared at the December 9 meeting.

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 November 19, 2020 edition of the Sun Sailor (official newspaper) and the November 14, 2020 edition of the Laker Pioneer. On November 23, 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

It is recommended that the public hearing be continued until the January 13, 2021 Board Meeting. Comments are anticipated from the City of Tonka Bay regarding the proposed encroachment of the fire lane and associated public access after the Council Meeting on December 8, 2020. This would allow time to review the comments and have discussion with the Applicant.

BUDGET

N/A

STRATEGIC PRIORITIES

Operational Effectiveness Clear & Timely Communications Effective Governance Lake Protection Other

ATTACHMENTS

1. LMCD Code Excerpts
2. Aerial Imagery of Site
3. Aerial Imagery of Site (as supplied by applicant)
4. Site Plan
5. Variance Application
6. Public Hearing Notice (Sun Sailor and Laker Pioneer)
7. Public Hearing Notice Mailing



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.

- (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, 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.

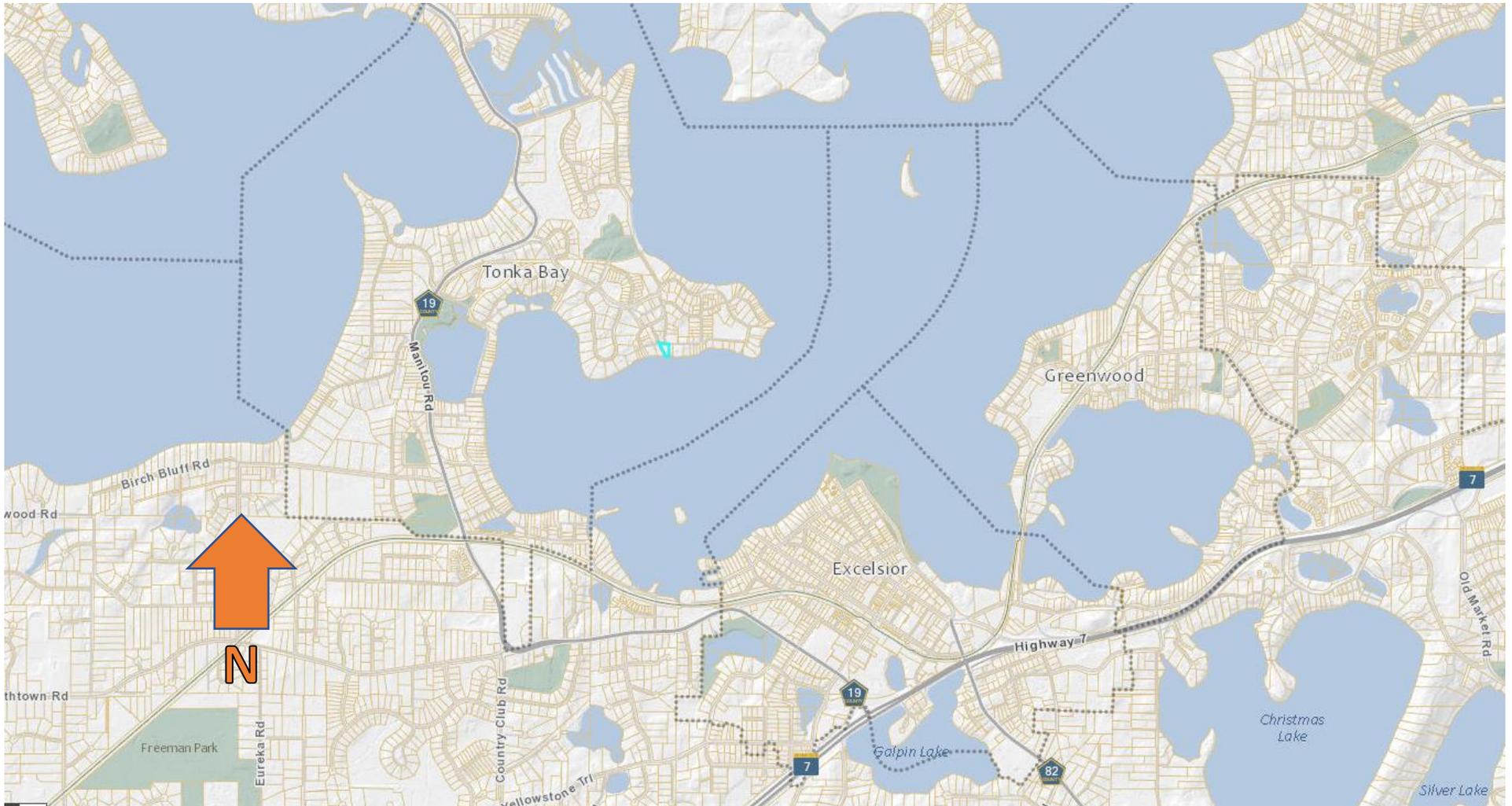
Subd. 2. Unusual Configurations. Where the provisions of this Code would cause the authorized dock use area of two or more sites to overlap, or where there is any other unusual configuration of shoreline or extended lot lines, which causes a conflict between the owners of two or more adjacent or nearby 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.

Carol Larsen, 435 Lakeview Avenue, Tonka Bay | Variance Application
For illustrative purposes only. Aerial imagery (2018) may not depict current conditions.
Source: Hennepin County Interactive Property Map, 03/12/2020

ITEM 9B ATTACHMENT 2



Carol Larsen, 435 Lakeview Avenue, Tonka Bay | Variance Application
For illustrative purposes only. Aerial imagery (2018) may not depict current conditions.
Source: Hennepin County Interactive Property Map, 03/12/2020



Carol Larsen, 435 Lakeview Avenue, Tonka Bay | Variance Application
For illustrative purposes only. Aerial imagery (2020) provided by applicant.

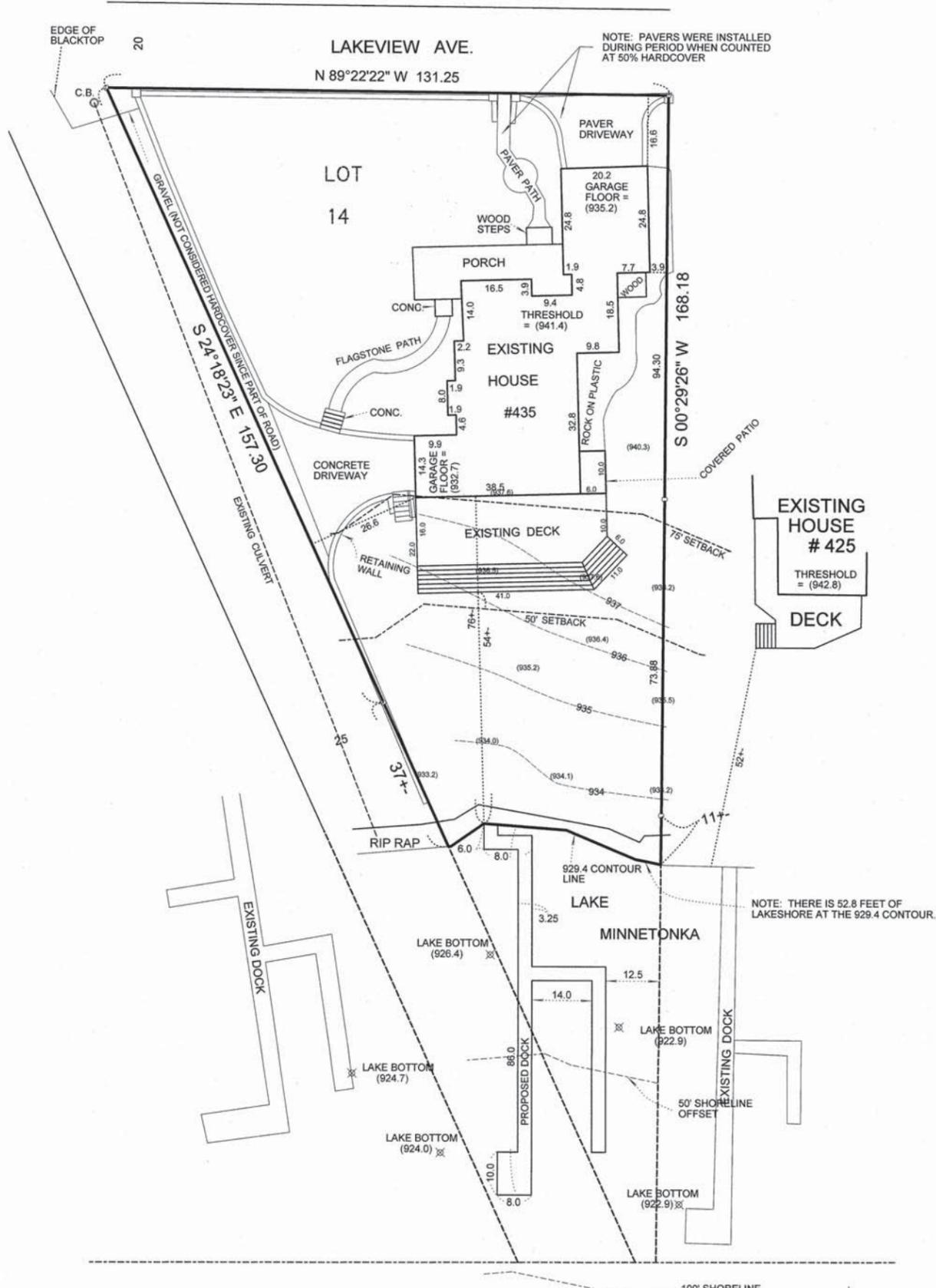


ITEM 9B ATTACHMENT 3





**CERTIFICATE OF SURVEY FOR
CAROL LARSEN
OF LOT 14, AUDITORS SUBDIVISION NUMBER NUMBER 113
HENNEPIN COUNTY, MINNESOTA**



LEGAL DESCRIPTION OF PREMISES:

Lot 14, AUDITOR'S SUBDIVISION NUMBER 113, Hennepin County

- : Denotes iron marker
- (935.2) : Denotes existing spot elevation
- 936- : Denotes existing contour lines
- ⊗ : Denotes location of existing lake bottom elevation

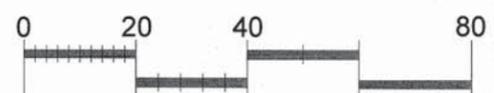
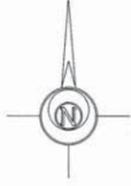
Bearings shown are based on assumed datum.

This survey shows the boundaries of the above described property, and the location of an existing house, driveways, retaining walls, and existing "hardcover" thereon. It does not purport to show any other improvements or encroachments.

EXISTING HARDCOVER

- HOUSE = 2211 SQ.FT.
- PORCH = 369 SQ.FT.
- DECK = 1011 SQ.FT.
- COVERED PATIO = 60 SQ.FT.
- PAVER DRIVEWAY 346 SQ.FT. X .5=173 SQ.FT
- CONCRETE DRIVEWAY = 518 SQ.FT.
- RETAINING WALLS = 376 SQ.FT.
- CONCRETE = 39 SQ.FT.
- WOOD = 62 SQ.FT.
- PAVER PATH 130 SQ.FT. X .05=65 SQ.FT.
- FLAGSTONE PATH = 83 SQ.FT. (75% COVER)
- ROCK ON PLASTIC = 396 SQ.FT.
- TOTAL HARDCOVER = 5363 SQ.FT.

LOT AREA = 15601+ SQ.FT.
5363 / 15601 x 100 =34.38%



SCALE IN FEET

DATE	REVISIONS
2-24-20	ADDED LAKESHORE OFFSETS AND 929.4 DISTANCE

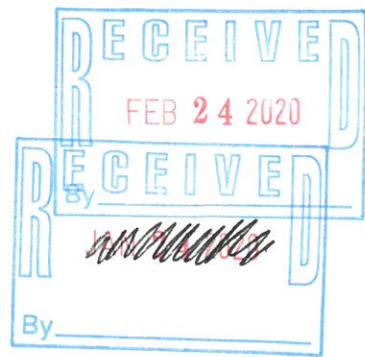
DESIGNED: I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
DRAWN: *Mark S. Hanley*
CHECKED: *Mark S. Hanley*
DATE: 2-24-20 MINN. LICENSE NUMBER: 12755

DATE: 1-30-20
SCALE: 1"=20'
JOB NO: 20-027
SHEET: 1 OF 1



GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435

ITEM 9B ATTACHMENT 5



VARIANCE APPLICATION

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

LMCD Receipt # _____

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

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

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

Applicant: CAROL LARSEN

Address: 435 LAKEVIEW AVE

City, State, Zip: TONKA BAY, MINNESOTA 55331

Phone: 612.978.8536 Fax: _____ Email: croseLARS@aol.com

Property owner (if different from applicant): _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

PROPERTY LOCATION:

Located in the city of: TONKA BAY

Address & Property Identification No (PID): 27-117-23-32-0014
Address PID#

TYPE OF VARIANCE: Length and side setbacks; adjusted dock use area

State practical difficulties causing variance to be required:

Converging LOT Lines

ABUTTING LAKESHORE PROPERTY OWNERS:

19655 Silver Lake Trail
Excelsior 55331

North or West: CHRIS AND CORINNE ERHART 445 LAKEVIEW AVE, Tonka Bay 55331
(Name and mailing address)

South or East: JAMES J. KUHLEMEIER 425 LAKEVIEW AVE, Tonka Bay, 55331
(Name and mailing address)

Other affected parties (attach sheet if necessary):

City of Tonka Bay / 4901 Manitou Rd / TB, MN 55331
(Name and mailing address)

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

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

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

can be 1 document

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

FEE CALCULATION

APPLICATION FEE..... (non-refundable).....\$250.00

DEPOSIT..... (refundable, upon full compliance with the Code and extent of administrative, inspection and legal service required).....+\$250.00

Variance Application

TOTAL FEE ENCLOSED..... (this fee is for processing of the application and does not entitle the applicant to a variance)..... \$500.00

I certify that the information provided herein and the attachments hereto are true and correct; I understand that any variance granted may be revoked by the District for violation of the LMCD code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the District in excess of the amount of the application fee. I consent to permitting officers and agents of the District to enter the premises at reasonable times to investigate and to determine whether or not the Code of the District is being complied with.

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

Carl Roosaasen
Authorized Signature

02-24-2020
Date

OWNER
Title

Relationship to Owner

Return this application, attachments and fee to:

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



ITEM 9B ATTACHMENT 6

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: November 10, 2020

TO: Sun Sailor
Legal Department
publicnotice@apgecm.com

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (11/19/2020 Edition)

**LAKE MINNETONKA CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, December 9, 2020**

**Carol Larsen
435 Lakeview Ave, Tonka Bay MN 55331
Gideon Bay, Lake Minnetonka**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a variance application from Carol Larsen of 435 Lakeview Ave in Tonka Bay. 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 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.



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: November 10, 2020

TO: Laker Pioneer
Legal Department
publicnotice@apgecm.com

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (11/14/2020 Edition)

**LAKE MINNETONKA CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, December 9, 2020**

**Carol Larsen
435 Lakeview Ave, Tonka Bay MN 55331
Gideon Bay, Lake Minnetonka**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a variance application from Carol Larsen of 435 Lakeview Ave in Tonka Bay. 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.

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ITEM 9B ATTACHMENT 7

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: November 23, 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 (side setbacks and dock length). The site is located at 435 Lakeview Ave in Tonka Bay.

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the variance application. The applicant proposes to adjust the dock use area for the site. All interested persons will be given an opportunity to comment.

Public Hearing Information

A public hearing will be held at 7:00 PM, December 9, 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.

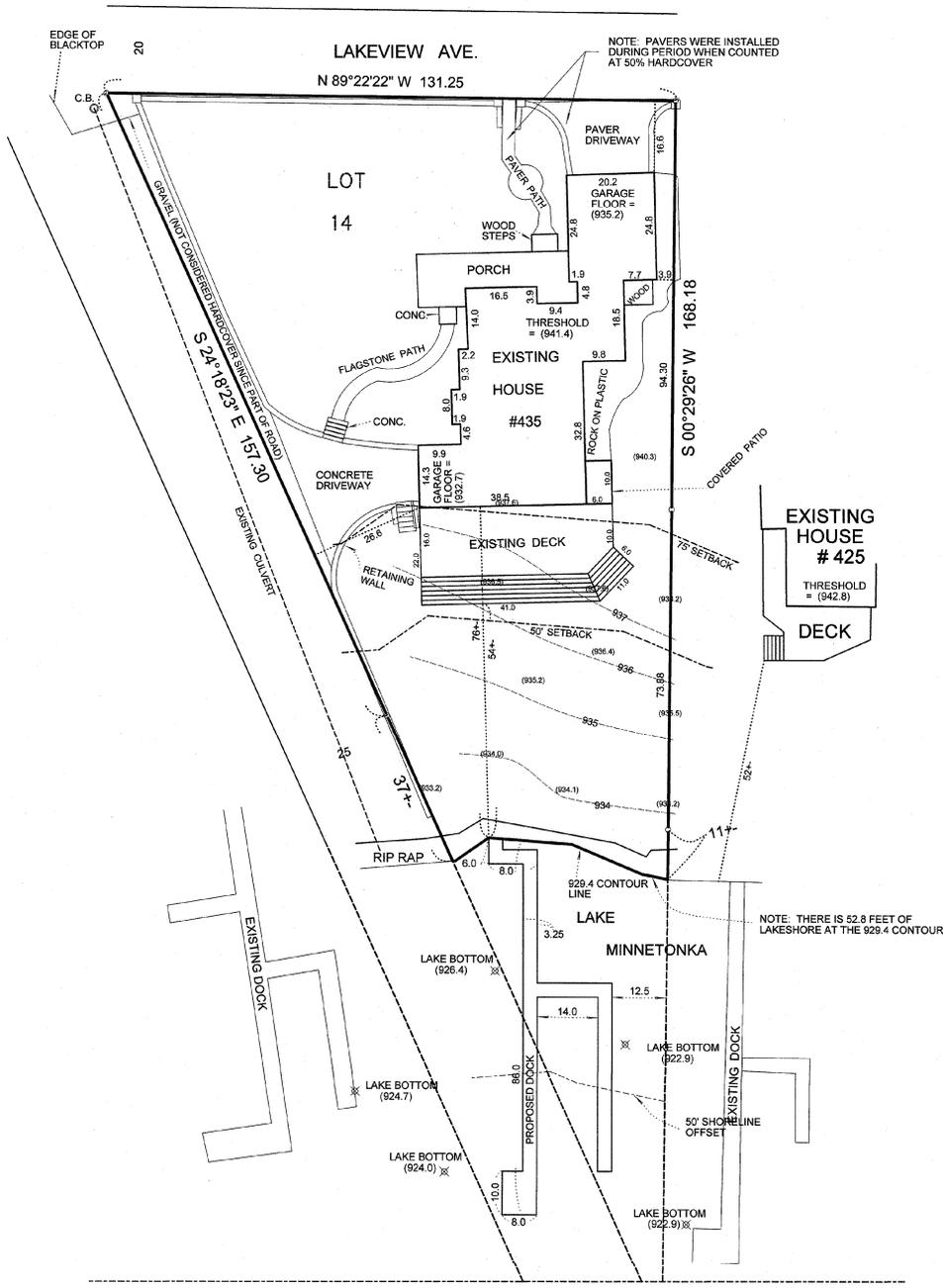
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Carol Larsen, 435 Lakeview Avenue, Tonka Bay | Variance Application
For illustrative purposes only. Aerial imagery (2020) provided by applicant.



CERTIFICATE OF SURVEY FOR
CAROL LARSEN
 OF LOT 14, AUDITORS SUBDIVISION NUMBER NUMBER 113
 HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION OF PREMISES:

Lot 14, AUDITOR'S SUBDIVISION NUMBER 113,
 Hennepin County

- : Denotes iron marker
- (935.2) : Denotes existing spot elevation
- 936 : Denotes existing contour lines
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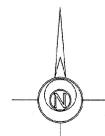
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- DECK = 1011 SQ.FT.
- COVERED PATIO = 60 SQ.FT.
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- FLAGSTONE PATH = 83 SQ.FT. (75% COVER)
- ROCK ON PLASTIC = 386 SQ.FT.
- TOTAL HARDCOVER = 5363 SQ.FT.

LOT AREA = 15601+- SQ.FT.

5363 / 15601 x 100 =34.38%



SCALE IN FEET

REVISIONS	
DATE	REMARKS
2-24-20	ADDED LAKESHORE OFFSETS AND 929.4 DISTANCE

DESIGNED: _____
 DRAWN: _____
 CHECKED: *Madeline...*
 DATE: 2-24-20 MINN. LICENSE NO. 12755

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

DATE: 1-30-20
 SCALE: 1"=20'
 SHEET: 20-027
 SHEETS: 4

GRONBERG & ASSOCIATES, INC.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
 445 N. WILLOW DRIVE LONG LAKE, MN 55356
 PHONE: 952-473-4141 FAX: 952-473-4435



ITEM 11A

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: December 9, 2020 (Prepared December 4, 2020)

TO: Board of Directors

FROM: Vickie Schleuning, Executive Director *Vickie Schleuning*

SUBJECT: Designation of Committee Members

ACTION _____

Board approval of 2021 Committee Member designations.

BACKGROUND _____

At the November 12, 2020 LMCD Board Meeting, the Board approved standing committees that would review a variety of topics in a category rather than continuing the previous system of creating rolling workgroups to address specific topics as they arise. The Board established or continued the following committees:

- AIS Task Force
- Communications
- Finance
- Nominating
- Operations
- Save the Lake

LMCD Board Members were asked to volunteer for the newly established committees and to confirm their participation on continued committees.

BUDGET _____

N/A

STRATEGIC PRIORITIES _____

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

ATTACHMENTS/SUPPLEMENTARY INFORMATION _____

- To be provided prior to meeting after additional input from Board members



ITEM 12A

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: December 9, 2020 (Prepared December 4, 2020)

TO: Board of Directors

FROM: Vickie Schleuning, Executive Director *Vickie Schleuning*

SUBJECT: 2021 Public Meeting Calendar

ACTION

Board adoption of the LMCD 2021 Public Meeting Calendar.

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

Approval

I make a motion to adopt the 2021 LMCD Public Meeting calendar <or amended as follows...>.

Denial

I make a motion to deny adoption of the 2021 LMCD Public Meeting calendar <or amended as follows...>.

BACKGROUND

The LMCD identifies regularly-scheduled Board and Committee meetings each year through a Public Meeting Calendar. The meeting schedule for the new committees remains to be determined at this time. The Board may update the public meeting calendar, once adopted, with schedules for the committees once they are developed.

BUDGET

N/A

STRATEGIC PRIORITIES

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

ATTACHMENTS/SUPPLEMENTARY INFORMATION

- Draft 2021 Public Meeting Calendar



Lake Minnetonka Conservation District 2021 Public Meeting Calendar

DRAFT

January

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

LMCD Regular Board Meetings

Wayzata City Hall, 600 Rice Street
 *2nd and 4th Wednesday of Each Month
 6:00 p.m. - 7:00 p.m.: Work Session (Not televised)
 7:00 p.m. - Adjourn: Formal Agenda (Televised)
 Televised on LMCC: <http://www.lmcc-tv.org/lmcd.html>
 *No Meeting Scheduled for 4th Wednesday in November
 *No Meeting Scheduled for 4th Wednesday in December

March

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Aquatic Invasive Species (AIS) Task Force

LMCD Office, 5341 Maywood Road
 Suite 200, Mound
 2nd Friday of February & quarterly thereafter
 as needed.
 8:30 a.m.

May

S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Save the Lake Committee

City of Minnetonka, 14600 Minnetonka Blvd
 Burwell Room, Minnetonka
 Typically 2nd Tuesday every other month
 5:00 p.m.

July

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Operations Committee

TBD

Finance Committee

TBD

September

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Communications Committee

TBD

November

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Nominating Committee (annual, temporary)

TBD; Typically scheduled in Q4

LMCD Observed Holidays

Office Closed



ITEM 12B

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: December 9, 2020 (Prepared November 30, 2020)

TO: Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: 2021 Contracts for Legal Services, Auditor, Bank Depository, and Official Newspapers

ACTION

Board approval of One-year appointments and designations for 2021 Kennedy & Graven Chartered as the Civil Attorney; Tallen & Baertschi as the Prosecuting Attorney; Abdo, Eick, and Meyers for Audit Services; Alerus Bank as the bank depository; and designating the Sun Sailor as the LMCD’s official newspapers for legal notices.

BACKGROUND

Certain services are provided for the Lake Minnetonka Conservation District (LMCD) by appointment with or without contracts. Most of these contracts or appointments are conducted annually. In certain cases, such as designating the official newspapers for legal publication, an annual designation is required by state law. The appointments for legal services, auditor, the official newspaper, and bank depository are included in this action.

This item is not included on the consent agenda to receive feedback from the Board if they wish to consider a multi-year service agreement with Tallen & Baertschi for prosecution services.

BUDGET

Regular meeting costs are allocated in the annual budget. The quotes provided by the service providers indicate no to minimal increase. More information is provided in the Recommendations section.

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 |
|---|---|---|--|--------------------------------|

RECOMMENDATIONS

Legal Services

Staff has received proposals for legal services for 2021. Based on the attached proposals, staff recommends approval of the following appointment:

- Kennedy & Graven Chartered as the LMCD Civil Attorney. The proposed rate for 2021 is \$177 per hour. This is approximately a 1% increase. The current paralegal and clerk rate would increase by \$2 from \$135 to \$137, and from \$130 to \$132, respectively.
- Tallen & Baertschi as the LMCD Prosecuting Attorney. The current rate is \$143 per hour for attorney time and \$80.50 for legal assistant time. The proposed rate for 2021 is either a 2% cost of living increase for a single-year agreement, or a 4-year agreement with the following terms: Effective January 1, 2021 through the end of 2022, rates reduce by 2%, then increase 1% for each of the following years 2023 and 2024.

Auditor

A proposal for services in 2021 was submitted by Abdo, Eick, and Meyers to provide the financial audit services for the LMCD. The company has been the appointed auditing firm for several years. Their knowledge of our accounting and financial systems is beneficial as we continue to review systems and processes. Therefore, staff recommends the following:

- Abdo, Eick, and Meyers, LLP to conduct the 2021 LMCD Audit. The proposed rate is \$11,000, an increase of \$1,000, which includes additional costs for GASB 75 implementation.

Bank Depository

Alerus Bank meets the requirements for LMCD policies and business needs. Staff recommends:

- Alerus Bank

Official Newspapers

Board approval is necessary to designate the official newspapers for 2021 where LMCD will publish its legal notices. Staff recommends the following:

- Laker Pioneer
- Sun Sailor

ATTACHMENTS/SUPPLEMENTARY INFORMATION

- Kennedy & Graven - Letter
- Tallen & Baertschi – Letter
- Abdo Eick & Meyers LLP - Letter



Offices in
Minneapolis
Saint Paul
St. Cloud

150 South Fifth Street
Suite 700
Minneapolis, MN 55402
(612) 337-9300 telephone
(612) 337-9310 fax
www.kennedy-graven.com
Affirmative Action, Equal Opportunity Employer

TROY J. GILCHRIST
Attorney at Law
Direct Dial (612) 337-9214
Email: tgilchrist@kennedy-graven.com

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

November 19, 2020

Vickie Schleuning
Executive Director
Lake Minnetonka Conservation District
Via E-Mail Only

Re: Rates for Legal Services

Dear Vickie:

I was asked to provide the rates for civil legal services for 2021. The current hourly rate is \$175 and the proposed rate for 2021 is \$177. This is slightly over a 1% increase and is reflective of the consumer price index increase. The current paralegal and clerk rate would also increase by \$2 from \$135 to \$137, and from \$130 to \$132, respectively. The new rates would go into effect on January 1, 2021.

I look forward to continuing to represent the LMCD. Please let me know if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to be "Troy J. Gilchrist", written over a horizontal line.

Troy J. Gilchrist

TALLEN and BAERTSCHI
Attorneys at Law

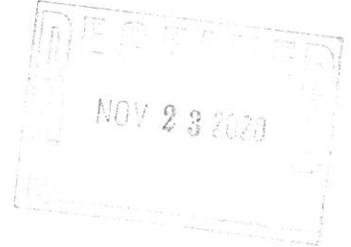
STEVEN M. TALLEN
steve@tablawmn.com

920 2nd Avenue South
Suite 1540
MINNEAPOLIS, MN 55402-2224
612-349-3900

PAUL D. BAERTSCHI
paul@tablawmn.com

Paralegal: Marijo Witte
mwitte@tablawmn.com

November 19, 2020



Vickie Schleunig
Executive Director
Lake Minnetonka Conservation District
5341 Maywood Road
Mound, MN 55364

Re: Prosecution Rates

Dear Ms. Schleunig,

It is time for the board to consider whether to continue my function as the prosecuting attorney for the Lake Minnetonka Conservation District and what the rates would be in the future. Paul and I recognize that the pandemic has been difficult on businesses and governments throughout the nation. In consideration of that, what I would like to propose is a 4-year agreement between the Conservation District and my firm. I would propose that all terms and conditions stay the same as they presently are with the exception of the attorney and legal assistant rates. The current rate is \$143/hour for attorney time and \$80.50 for legal assistants time. According to the Bureau of Labor Standards, the cost of living in Minneapolis has increased approximately 2% during the last year. What I propose is a 4-year agreement with the following terms: Effective January 1, 2021, we would reduce our rates by 2% in consideration of the difficulty most governmental units are having given the pandemic. That rate would remain constant through the end of 2022. Beginning January 1, 2023, we would ask for a 1% increase and beginning January 1, 2024, another 1% increase. If the board elects for the 4-year agreement, then the first year the rates would be \$140.15/hour for attorney time and \$79/hour for legal assistant time. The rates would remain unchanged until January 1, 2023 when the attorney rate would go to \$141.55/hour and the legal assistant rate would go to \$79.80/hour. Effective January 1, 2024, the attorney rate would return to \$143/hour which is the present charge and the legal assistant rate would return to \$80.50/hour.

If the board would prefer to have only a single-year agreement, then I propose a 2% cost of living increase which is approximately what the Bureau of Labor Standards indicates has been the cost of living increase for the Minneapolis area during the past year.

Whatever the board determines is best for the Conservation District, I do want to thank the board for allowing me to serve as the prosecuting attorney for what will be my 34th year. As you know, I have traditionally appeared before the board around this time of year to both present

my proposal and discuss any significant events that have occurred as far as providing prosecution services for the Conservation District. Given the pandemic, I am not certain if the board would like me to appear or not. I will be in touch with the executive director and I will either appear in person, or prepare a written summary of the last year's events for the board's consideration. I want to thank you for the confidence you've shown in keeping me on as your prosecutor for these many years. I look forward to serving in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven M. Tallen", written in a cursive style. The signature is positioned above the printed name.

Steven M. Tallen

SMT/ac

Board of Directors
Lake Minnetonka Conservation District
Mound, Minnesota

We are pleased to confirm our understanding of the services we are to provide the Lake Minnetonka Conservation District (the District) for the year ended December 31, 2020. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the District as of and for the year ended December 31, 2020. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the District's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the District's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Schedule of Net OPEB Liability, Employer Contributions and Investment Returns

We have also been engaged to report on supplementary information other than RSI that accompanies the District's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements.

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information.

- 1) Introductory Section

Audit Objective

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the District's financial statements. Our report will be addressed to the District Board of the District. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or may withdraw from this engagement.

Audit Procedures-General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures-Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures-Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the District's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Other Services

We will also prepare a general ledger trial balance for use during the audit. Our preparation of the trial balance will be limited to formatting information in the general ledger into a working trial balance. As part of the audit, we will assist with preparation of your financial statements of the District in conformity with U.S. generally accepted accounting principles based on information provided by you. We will also use the financial statements to complete the Office of the State Auditors' Reporting Forms. We will also enter the current year capital asset transactions into our software based on information you provide.

Management Responsibilities

Management is responsible for designing, implementing and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, including identification of all related parties and all related party relationships and transactions (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information. With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

You agree to assume all management responsibilities for financial statement preparation services and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

The audit documentation for this engagement is the property of Abdo, Eick & Meyers, LLP and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to any Regulator or its designee. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Abdo, Eick & Meyers, LLP personnel. Furthermore, upon request, we may provide copies of selected audit documentation to any Regulator or its designee. The Regulator or its designee may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

We expect to begin our audit in February 2021 and to issue our reports no later than March 31, 2021. Steven R. McDonald, CPA is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

Our fee for these services will be as follows:

Audit	\$	10,000
GASB 75 Implementation		<u>1,000</u>
Total	\$	<u>11,000</u>

In an effort to reduce environmental impact, you will receive printable, downloadable PDFs of your report. To receive one (1) paper report, you will be charged \$150 for a set-up fee. Additional paper copies will be charged at the rate of \$50 per report.

You may also be billed for travel and other out-of-pocket costs such as report production, typing, postage, etc. if not included in the fee listed above. The fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will discuss it with you and arrive at a new fee before we incur the additional costs. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. Amounts not paid within 30 days from the invoice date will be subject to a late payment charge of .66 percent per month (8 percent per year). If for any reason the account is turned over to collections, additional fees will be added to cover collections cost. In accordance with our Firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Except in the event of your failure to make a payment when due, in the event of a dispute related in any way to our services, our Firm and you agree to discuss the dispute and, if necessary, to promptly mediate in a good faith effort to resolve. We will agree on a mediator, but if we cannot, either of us may apply to a court having personal jurisdiction over the parties for appointment of a mediator. We will share the mediator's fees and expenses equally, but otherwise will bear our own attorneys' fees and mediation cost. Participation in such mediation shall be a condition to either of us initiating litigation. In order to allow time for the mediation, any applicable statute of limitations shall be tolled for a period not to exceed 120 days from the date either of us first requests in writing to mediate the dispute. The mediation shall be confidential in all respects, as allowed or required by law, except our final settlement positions at mediation shall be admissible in litigation solely to determine the prevailing party's identify for purposes of the award of attorneys' fees. In the event you fail to make a payment for services or to reimburse for costs advanced by the Firm on your behalf, the Firm reserves the right to take all legally permissible action, including commencement of litigation in lieu of mediation, and shall have the right to collect its costs, including reasonable attorney's fees, incurred in any such collection or litigation activities.

Should the Lake Minnetonka Conservation District desire to employ the Firm's partner(s) or employee(s) involved in the performance of any audit, review or attest service for or relating to the District at any time during the then current fiscal year of the District up to and including the date of the audit report for that year, or in the twelve months preceding the audit report date for the immediately preceding year, it must have the written consent of the Firm to enter into an employment contract with the Firm partner or employee. Should the Firm agree to such arrangement, the agreement will include a payment equal to 200% of the partner or employee's current annual salary.

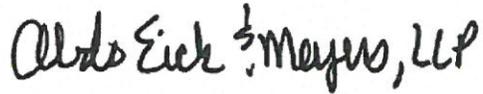
Professional and certain regulatory standards require us to be independent, in both fact and appearance, with respect to the District in the performance of our services. The District shall not, during the term of this agreement and for the twelve months following its termination for any reason, without the prior written consent of the Firm, solicit for employment, or hire any current or former partner or professional employee of the Firm, or any affiliate thereof, if such partner or professional employee has been involved in the performance of any audit, review, or attest service for or relating to the District at any time during the then current fiscal year of the District up to and including the date of the audit report for that year, or in the twelve months preceding the audit report date for the immediately preceding year.

In connection with this engagement, we may communicate with you or others via email transmission. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for interception or unintentional disclosure of emails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

We have the right to withdraw from this engagement, at our discretion, if you do not provide us with any information we request in a timely manner; refuse to cooperate with our reasonable requests or misrepresent any facts; we have reason to believe you may have engaged, or may be planning to engage, in conduct that is unethical and/or unlawful; you engage in conduct directed toward or affecting firm personnel that is disrespectful, inappropriate, and/or potentially unlawful; or we determine that continuing the engagement is not in the best interests of the firm or threatens legal or reputational harm to the firm. In the event of withdrawal under any of these circumstances, such withdrawal will release us from any obligation to complete your report and will constitute completion of our engagement.

We appreciate the opportunity to be of service to the District and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please electronically sign this letter

Sincerely,



ABDO, EICK & MEYERS, LLP
Certified Public Accountants & Consultants

RESPONSE:

This letter correctly sets forth the understanding of the **Lake Minnetonka Conservation District**.

By: _____

Title: _____



ITEM 12C

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: December 9, 2020 (Prepared December 3, 2020)

TO: Board of Directors

FROM: Vickie Schleuning, Executive Director *Vickie Schleuning*

SUBJECT: Big Island Buoy Replacement Funding

ACTION

Board consideration of funding replacement buoys for Big Island Navigation and Safety Lanes.

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

Approval

I make a motion to fund up to \$5,000 for replacement of navigation and safety buoys at Big Island from the general administrative fund account using reserve funds if needed in 2021.

Denial

I make a motion to deny the replacement of buoys for the navigation and safety lanes at Big Island.

BACKGROUND

Some of the buoys at Big Island and others on the lake need to be replaced due to their poor condition. These buoys are located at Big Island due to LMCD initiative and are supplemental to the typical navigation and hazard buoys. Hennepin County is requesting funding to share some of the costs of replacing certain buoys. The County would pay \$10,000 and the LMCD would pay \$5,000. The LMCD Save the Lake has contributed funds in the past for adding navigation and safety lanes at Big Island. Some background information is provided below.

In 2008, the number of buoys at Big Island were doubled. In the past, LMCD has assisted with some replacement costs through the Save the Lake funds, specifically when a high number of buoys were damaged. No additional buoys were added this 2020 season where the navigation lanes and buoy fields were expanded to 600 feet to improve navigation lanes and open the congregation area to help with water movement and potentially reduce the risk of illnesses due to mass gatherings. This was planned before the COVID-19 guidance occurred this season.

The County plans to replace 15 of the larger buoys and 6 of the smaller sizes at the Big Island location in 2021. In addition, the county plans to replace 37 hazard buoys (red, green, point, danger, slow) because they were significantly damaged or not floating at the necessary height. The buoys will be purchased in January 2021 and typically are delivered and paid for in March 2021.

LMCD funding in 2014 was \$3,500. LMCD funding in 2008 was \$6,787. Any additional funding above \$5,000 could be used for slow buoy replacement in other areas of the lake. Each new slow buoy is approximately \$650 each.

On November 10, 2020, the Save the Lake Committee reviewed the request and is recommending funding the buoys up to \$5,000 in funds be paid to replace buoys at Big Island. Also, the Committee recommends purchasing and paying for the buoys directly to the buoy company for accounting purposes. Because this is a general and recurring operating expense, it is recommended the funds be appropriated from the administration fund account. If approved, staff will coordinate the purchase of buoys with Hennepin County staff.

BUDGET _____

The funds expensed would be \$5,000 from the 2021 budget. Because the buoys are replaced on an as-needed basis, they have not been incorporated into the budget routinely. Depending on overall revenues and expenses in 2021, the use of reserve funds may be required. Hennepin County would pay the remaining amount for Big Island buoys, approximately \$10,000 and for the other navigation and hazard buoys that need to be replaced on the lake.

STRATEGIC PRIORITIES _____

Operational Effectiveness Clear & Timely Communications Effective Governance Lake Protection Other

ATTACHMENTS/SUPPLEMENTARY INFORMATION _____

- N/A