



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, January 27, 2021

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Meeting ID: 880 8032 6484

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

PUBLIC PARTICIPATION

Those desiring to participate in the meeting should complete the online form by 2:00 p.m. prior to the meeting. If you are invited to speak at the *Public Comments* Section or *Agenda* Item: 1) Indicate your desire to be heard by "raising hand" through Zoom, 2) Direct comments to Chair Gregg Thomas, 3) Be concise and courteous. The Chair may choose to reorder the agenda for a specific agenda item if it would benefit the needs of those in attendance. People who are disruptive will be expelled from the meeting. If you have questions, please email the Executive Director at vschleuning@lmcd.org.

WORK SESSION AGENDA

6:30 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. Consider Process Regarding Public Comments About Wakes from Watercraft

FORMAL MEETING AGENDA
7:00 p.m.

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

- 1) CALL TO ORDER**
- 2) PLEDGE OF ALLEGIANCE**
- 3) ROLL CALL**
- 4) APPROVAL OF AGENDA**
- 5) CHAIR ANNOUNCEMENTS**, Chair Gregg Thomas
- 6) APPROVAL OF MINUTES** (01/13/2021 LMCD Regular Board Meeting)
- 7) APPROVAL OF CONSENT AGENDA**
 - A) Audit of Vouchers (01/16/2021 – 01/31/2021)
 - B) Variance Request for Dock Use Area, Length and Setbacks, 435 Lakeview Avenue, Tonka Bay
- 8) PUBLIC COMMENTS** – *Provides an opportunity for the public to address the board on items that are not on the agenda. Public comments are limited to 5 minutes and should not be used to make personal attacks or to air personality grievances. Please direct all comments to the Board Chair. The Board generally will not engage in public discussion, respond to or correct statements from the public, or act on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.*
- 9) PUBLIC HEARING**
 - A) Public Hearing for Crosby Cove Homeowner Association, 16139 Cosby Cove, for New Multiple Dock License
 - B) Public Hearing for Variance Request for 975 Heritage Lane for Adjusted Dock Use Area, Length
- 10) OTHER BUSINESS**
- 11) OLD BUSINESS**
 - A) Ordinance and Summary Resolution Making Corrective Amendments to Sites With 50 feet or Width or Less and Correcting a Cross Reference
- 12) NEW BUSINESS**
 - A) Resolution Establishing an Aquatic Invasive Species Committee

13) TREASURER REPORT

14) EXECUTIVE DIRECTOR UPDATE

15) STANDING LMCD COMMITTEE UPDATE

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

16) ADJOURNMENT

Future Items for Review – Tentative

- Pending Public Hearings
 - Multiple Variance Requests on Grays Bay Boulevard- Tentative February 24, 2021
- Lake Use Vision and Policy Discussion Continuing Series
 - Watercraft Density
 - Lake Sales and Services
 - Water Skier Observer Requirements
 - Deicing Eligibility Expansion Review – February 2021
- Reserve Fund Balances



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DATE: January 27, 2021 (Prepared January 13, 2021)

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director *Vickie Schleuning*

RE: Consider Process Regarding Public Comments About Wakes from Watercraft

ACTION

Board consideration of process regarding public comments about wakes from watercraft.

BACKGROUND

The Lake Minnetonka Conservation District (LMCD) has received a significant number of public comments about wakes created by watercraft such as wake boats and large cruisers. Some people feel these large wakes are creating safety hazards, environmental concerns, noise/nuisances, damaging property, and interfering with other uses of the lake. The LMCD has also received a significant number of public comments from others who feel that boats such as wake boats offer a great outdoor recreational outlet and they have the same right to use the lake as any other watercraft owner.

Lake Minnetonka is one of the busiest lakes in the state and is also a regional and national recreation destination. The LMCD has a long history of balancing competing lake uses with the concept of reasonable use to protect the lake and all those who enjoy it. The LMCD Board is committed to listening to all the information presented regarding this issue. Due to the complexity of the wake topic and timing of available information, the listening process will likely occur over several months. This will allow sufficient review of all aspects of the topic. The process will likely include gathering data, continuing or expanding public education including the Own Your Wake Campaign, reviewing results of the University of Minnesota Research Study regarding boat wakes expected to be released first quarter of 2021, following potential state legislation in 2021 since a bill was proposed in the previous legislative session regarding wake boats, and extensive public input from all stakeholders and member cities. During this process, we will be contacting the boating industry, residents, recreationalists, and other stakeholders to find productive ways to determine further next steps, if any.

Some factors for the Board to consider:

1. **Public Communication.** Information will be accessible on the LMCD website at www.lmcd.org, Facebook, and Twitter as appropriate. People may also sign up to be notified by email of Lake Minnetonka activities by emailing www.lmcd.org or calling (952) 745-0789. A webpage that can evolve as needed is available [HERE](#).

2. **Gather/Acquire Existing Data-** LMCD has been gathering scientific and anecdotal information as found or submitted to the office. It can be compiled and presented to the Board. Information about this data gathering project could be provided on the website for public review as appropriate.
3. **Own Your Wake Campaign-** Last season, LMCD promoted the Own Your Wake campaign along with the MN DNR and Hennepin County Sheriff's Office. The boating industry, recreation associations, and marinas also participated in public education to promote safe and responsible boating behavior. Additional ideas could be reviewed to further promote Own Your Wake this season.
4. **University of Minnesota Research Study Regarding Boat Wakes-** LMCD has contributed funding for a research study being conducted by the U of M that will look at the environmental impact of wakes. The research was started fall 2020 with on the lake testing. The preliminary report is expected to be completed and available for review first quarter 2021. While this will not specifically address some of the expressed nuisance concerns, we anticipate it will provide valuable information to review.
5. **MN State Legislation-** During last year's legislative session, a bill was proposed to provide some distance requirements specific to wake boats to reduce the impact from wakes on a statewide basis. While the bill did not pass, another bill may be introduced this year. While Lake Minnetonka is unique in the aspect of being one of the busiest lakes with diverse characteristics, any state change would be valuable to review.
6. **Public Feedback** – Public comments are being compiled for future board review. In what format does the Board want to review public feedback?
7. **Wake Surfing Education Program.** An education program is being proposed that is focused on wake surfing operations. This effort is being led by NMMA, MRAA, and wake surf experts. It is in the development process.
8. **Other?**

STRATEGIC PRIORITIES _____

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

- N/A

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

7:00 P.M., January 13, 2021

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. to 7:00 p.m.

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

Members Absent: None

Persons in Audience:

John Bendt, Eric Evenson, Carol Larsen, Shane Magnuson, Debra Netsch, Neal Netsch, Jill Sims, and Joel Stone. Username "bruce" was also present.

1. Draft Ordinance Making Corrective Changes

Gilchrist commented that as anticipated when adopting the recodification ordinance there would be additional tweaks needed. He stated that the Board had expressed a desire to seeing these proposed changes in a work session prior to the item coming forward on a regular session agenda. He reviewed the proposed ordinance changes.

Kroll commented that this looks great and makes sense. He suggested that all numbers under ten not be spelled out and instead use the numeric value.

Gilchrist stated that in uniformity throughout the code he spelled out any number under 10, as is common practice, and therefore deviation from that would be inconsistent with the remainder of the code.

Chair Thomas commented that he finds it grammatically correct as presented. He also agreed that it is desirable to be consistent throughout the code.

Kirkwood commented that he found it helpful in the presentation that the width of the dock area is not the same as the width of the lot. He asked if that sentence could be added in subdivision three after the word width.

Gilchrist confirmed that the change would be proposed for subdivision three, width, adding that additional statement.

Anderson asked how many sites would pertain to this rule.

Schleuning commented that this rule would pertain to almost all sites.

Anderson asked the number of 50 foot lots had a dock in that location in 1970.

Schleuning commented that there are quite a few.

Anderson if those docks have been in place since February 2, 1970.

Schleuning commented that this states that sites that have been in existence, meaning the parcel, not the dock was in existence. She stated that the existence of the dock would be in reference to the date of May 3, 1978.

Anderson asked the number of docks that were in existence on May 3, 1978 that are still around.

Schleuning commented that there are not too many but there are inquiries periodically.

Chair Thomas asked if an inventory has ever been done on the number of docks per site width or on Lake Minnetonka overall.

Schleuning commented that there have been estimates and stated that she could check into it further.

Chair Thomas stated that he would not suggest staff put a lot of time into it. He stated that whether it is one site or 1,000 sites that meet that criteria it still needs to be addressed in the ordinance.

Anderson agreed and noted that he was just curious.

Cook commented that he happens to own a lot less than 50 feet that was established in the 1930's, noting there are plenty along his bay. He stated that he has an eight-foot-wide boat, and this language would allow an overhang into the neighboring property line. He stated that he would not want to pursue that and asked the ease at which the five feet is applied without any underlying rationalization or suggestion that this would need to happen. He stated that he would be favor of placing more conditions in subset C. He commented that this is a low bar, and the Board should consider whether it should be higher.

Chair Thomas asked if Cook would have concerns with making the addition suggested by Kirkwood and the Board consider these two amendments proposed by Gilchrist. He stated that he would not have a problem with Cook then working with Gilchrist to review the ordinance as a whole.

Cook confirmed that he would support the changes proposed and then could work with Gilchrist to review the ordinance as a whole.

Schleuning stated that it might be helpful to review examples and how it is applied, noting that there are

situations where the five feet is not allowed.

Gilchrist confirmed that he would add the clarifying sentence proposed by Kirkwood related to width. He stated that these changes are non-substantiative changes. He stated that there are policy issues embedded throughout the code that may be appropriate for the Board to review and the issue suggested by Cook could come forward during that overall discussion.

The work session was adjourned at 6:51 p.m.

FORMAL MEETING

Persons in Audience:

John Bendt, Eric Evenson, Carol Larsen, Shane Magnuson, Debra Netsch, Neal Netsch, Jill Sims, and Joel Stone. Username "bruce" was also present.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Members absent: None.

4. APPROVAL OF AGENDA

MOTION: Kroll moved, Walesch 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	aye

Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

There were no Chair announcements.

6. APPROVAL OF MINUTES- 12/09/2021 LMCD Regular Board Meeting

MOTION: Baasen moved, Hughes seconded to approve the 12/09/2021 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	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Walesch moved, Zorn seconded to approve the consent agenda as presented. Items so approved

included: **7A)** Audit of Vouchers (12/16/2020 – 12/31/2020) (01/01/2021 – 01/15/2021); **7B)** Resolution Accepting Save the Lake Contributions (11/24/2020 – 12/31-2020); and **7C)** Variance Request for Adjusted Dock Use Area, Side Setbacks, 1657 Dove Lane, Mound.

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.

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

John Bendt, Tonkawa Road resident and President of Citizens for Sharing Lake Minnetonka, stated that he recently sent a communication to the members of the Board outlining the position of his organization related to wake boats. He stated that they completed an analysis of public comments made through different platforms. He stated that related to a Facebook post, there are 1,520 comments that support the various things his organization supports related to concerns from wake boats. He stated that total includes comments made on Facebook as well as the reactions (likes) to the post. He stated that the comment was related to impact on other lake recreation, music and loud noise, and environmental concerns. He stated that demonstrates that there is widespread concern on this matter, which he believes falls upon the LMCD to deal with.

Jill Sims, National Marine Manufacturers Association, stated that as discussed at a previous work session they were able to convene a group of stakeholders including Hennepin County Sheriff's Office, the DNR, Citizens for Sharing Lake Minnetonka, NMMA, and others to begin creating a draft model that could be used for education. She stated that that she sent the initial draft to the stakeholder group and Schleuning and it will be presented to the Board hopefully at the next meeting. She stated that they continue to advocate for fair access to all users and thanked the Board for being willing to listen to all sides of issues.

9. PUBLIC HEARING

A) Continued Public Hearing for Variance Request for Dock Use Area, Length and Setbacks, 435 Lakeview Avenue, Tonka Bay

M. Cook presented a brief review noting that since the last meeting the LMCD was sent an excerpt from the Tonka Bay City Council meeting at which the Council voted in support of the request. He stated that Tonka Bay staff has stated that the City's fire land is not used as part of the City's multiple dock site. He reviewed a summary of the applicant's proposal and reviewed the staff recommendation.

Anderson asked what would happen in the case that this is approved, and Tonka Bay wants to use the fire lane in the future. He recognized that Tonka Bay does not use this in its calculation for community docks but noted that this seems very similar to the situation in Minnetonka Beach, but in reverse.

Chair Thomas commented that the City of Tonka Bay provided its materials to the LMCD and at the December meeting the Tonka Bay City Council voted to approve this request and project as presented.

Anderson asked if staff would be recommended a five-foot setback.

M. Cook stated that the staff recommendation included a five-foot setback from the side setback of the fire lane unless there is consent from the neighbor. He stated that neighbor offered support of the application prior to the December meeting. He confirmed that staff still supports the five-foot setback as stated in the staff report.

Schleuning provided clarity, noting that the dock structure as shown is in the fire lane and the setback in discussion would be from the neighboring property owner on the other side of the fire lane. She stated that the recommendation would be to either require that five-foot setback or leave as requested if there is continued consent from the private property west of the fire lane.

Anderson commented that he would like to see the five-foot setback.

M. Cook provided clarity on what would happen if one of the neighboring property owners were to remove their consent in the future.

Baasen commented that this would be a double exemption as the applicant would go outside of their dock use into the fire lane and would also encroach into the setback for the neighboring property owner on the other side of the fire lane. He did not believe that LMCD needs to be the group to make a concession to this extreme. He believed that the setback should be implemented in order to remain consistent.

Chair Thomas commented that there would not be encroachment on the residential property owner to the west, the structure would be five feet from that extended property line. He stated that the recommendation of staff has not changed from the recommendation in December.

Baasen referenced the platform and noted that it crosses the property line.

Chair Thomas noted that staff recommends that the platform be moved or shortened to ensure a five-foot setback can be provided. He recognized that the aerial photograph shows that portion extending.

Baasen stated that he also heard the comment that staff was willing to waive that five-foot setback because the neighboring property owner is okay with it.

M. Cook clarified that like most other sites on the lake, the property owner could continue to obtain neighbor consent for setback encroachments. He noted that the five-foot setback would be the distance supported by the LMCD but is all neighbors consent, that would be acceptable.

Baasen stated that he would not like to see the option to allow further encroachment contingent upon ongoing neighbor consent in the finding of fact.

Anderson agreed with the comments of Baasen. He stated that he would like to stick to the five-foot setback. He stated that he would also ask that the applicant provide an after the fact as-built. He stated that the issue of neighbor consent is an issue. He noted that neighbors often do not complain because they have to live next to the applicant and do not want to cause problems.

Walesch commented that he believed that this should move along and asked the applicant if they support the recommendations of staff.

Thomas invited the applicant to address the Board.

Carol Larson, applicant, stated that she is happy with the recommendation of staff and would follow it. She appreciated the help she has received from staff as they have been working on this for the past few years. She stated that she has moved her dock to the east and hoped that a resolution could be reached tonight. She confirmed that she would be fine with the five-foot setback.

Anderson recognized that an as-built would cause additional cost.

Walesch stated that perhaps an updated site plan would be satisfactory.

Anderson confirmed that he would be satisfied with that.

Schleuning commented that the Dove Lane installation is left in the water even though it is not considered a permanent dock installation. She noted that this dock is taken in and put out each year.

Thomas opened the public hearing at 7:35 p.m. No comments were offered, and the public hearing was closed at 7:35 p.m.

MOTION: Walesch moved, Zorn seconded 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 Avenue in Tonka Bay for final approval at the January 27, 2021 LMCD Board meeting with the recommendations of staff to include a five foot setback from the far west edge of City fire lane, that final location and dimensions of a 2nd BSU be provided by applicant and put on official site plan, and that the 2nd BSU (west side of dock) can have lift cover only, no canopy.

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.

10. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

A) AIS Prevention Grant Applications

Schleunig reported that this is a follow up to the Board work session in October, noting that grants became available for AIS prevention in December. She noted that since that time staff and some Board members have been following up to review various options. She stated that grant applications are due for submission the following day. She stated that the first opportunity would be related to CD3 AIS Cleaning Stations and provided a summary of the request. She stated that the suggestion is an application for a grant of \$46,000 where LMCD would fund \$15,000 to \$20,000 and Hennepin County would fund the remaining amount. She noted that future maintenance would be funded by Hennepin County.

Zorn thanked staff for putting this information together. She asked if the Board is being asked to make decisions tonight and whether the AIS Task Force has reviewed the request and made a recommendation.

Schleuning commented that Directors Cook and Newell have been involved in this review, along with Anderson. She stated that staff would like a decision on which items the Board would like to fund as well as the amount.

Cook commented that LMCD would be submitting the application for the CD3 unit would be one action and the agreement for supplemental funding on the other items would be another action. He stated that the action tonight would be whether to submit the grant application, noting there would also need to be support for the funding associated with the requests. He stated that the deadline for all the grant applications is the following day, therefore the decisions must be made tonight in order to take action.

Walesch asked if the LMCD would be submitting the grant application for the \$46,000 for the cost of the unit and whom the grant would be submitted to.

Schleuning commented that the grant would be submitted to Hennepin County. She stated that the grant would be in the amount of \$46,000 minus the contribution from the LMCD.

Walesch commented that he does not have an issue with the cleaning station. He stated that this is really not a grant application submitted by LMCD but is the opposite where Hennepin County is asking the LMCD for funds.

Schleuning commented that the County also wants to have AIS prevention tools at this launch and the City and MN DNR would receive the benefits of the CD3 unit.

Walesch commented that Hennepin County is in essence asking the LMCD for \$15,000 to \$20,000 in order to go forward with this.

Schleuning commented that the Hennepin County grants require a funding match. She stated that the City and MN DNR are not in a position to provide the match.

Walesch commented that it seems like a good project but is interested in the reverse roles of the County coming to the LMCD to contribute funds on projects. He stated that while it is great to have collaboration on partnerships, the LMCD should review its priorities and come forward with how the overall budget for AIS would be spent and how that aligns with the LMCD priorities. He stated that comments were made previously from Jabbour stating that the County should have funds available for the LMCD.

Schleuning commented that the State provides the County funds based on the number of launches.

Walesch asked if the full \$46,000 could be requested for the grant.

Schleuning commented that could be done but it would be denied as the grant requires some type of matching funds. She reviewed some of the things that improve the ranking of the application such as matching funds and collaboration.

Walesch commented that it does not seem like the Board would need to make a decision on the I-LIDS right now and to him, if the LMCD can complete a physical survey for \$800, it would not seem the drone would be a better

option because of the cost. He asked for clarification on the watercraft inspection item.

Schleuning commented that the LMCD previously contracted with Three Rivers Park District for that function but is no longer because that was pass-through grant funds. She stated that this current group has worked in the area and this could expand the inspection area for Lake Minnetonka.

Walesch asked if the contribution from the LMCD for inspection help the private company obtain the grant.

Schleuning confirmed that to be true as it would show a collaborative partner and additional matching funds and in return there would be more service provided on Lake Minnetonka.

Walesch asked if there are details on the additional hours that would be provided.

Schleuning estimated about 400 hours or more additional hours if the grant is approved.

Walesch commented that this seems to lack a significant amount of detail when making a decision that involves a five-figure contribution. He stated that it would be great to have more discussions on AIS once the Officers are set for this year. He stated that the LMCD will be again asking the cities for their contributions and he believes that it is important to have a clear idea of how the AIS funds will be spent before asking for those funds.

Newell commented that the discussion on CD3 units came to the area years ago and the company has existed for a number of years with installations throughout the Midwest and in Hennepin County. He stated that Hennepin County likes this equipment very much. He stated that the LMCD has a commitment towards AIS, whether that is done through prevention or treatment. He stated that there have been a number of years since the termination of the harvesting program and funds for AIS continue to accumulate without being directed into a cause. He stated that this would be a cause that could use funds as it is quite possibly the launch with the most activity in the State, and certainly on Lake Minnetonka. He commented that a matching grant would essentially provide the funds not to the County but back to the City of Minnetonka where the launch is located. He commented that this would be used to help prevent the transmission of AIS. He stated that he would like to see the LMCD find ways to use the AIS funds that benefit the cities that contribute to the budget. He stated that the drone idea was presented to him from someone at Hennepin County and they dug into the idea further. He stated that once they got to the pricing, he felt that it was too much and agreed that item should not move forward.

Baasen commented that he agrees with the comments of Newell related to the CD3 Cleaning Stations. He advised that the stations already installed at other locations are used all the time and help to keep the lake clean. He stated that he would support that item. He stated that he would also not be ready to support the drones.

Anderson asked and received confirmation that the MN DNR would not be contributing funds towards the CD3 units. He commented that this appears to be an opposite grant, where the LMCD is providing funds to Hennepin County. He stated that at the Finance Committee meeting the previous night the priorities went in a different direction. He stated that this information was sent late this afternoon and did not believe that was proper practice. He stated that these items were introduced to the Board for discussion purposes a few months prior and the Board is now being asked to take action tonight without the proper background information. He stated that he is hopeful that the other

members of the Board would recognize that this is a very short amount of time and limited information to request over \$35,000. He stated that he would make a motion to deny these actions until the AIS plan can be established with priorities adopted by the Board.

Chair Thomas stated that he would like to provide an opportunity for people to speak before accepting a motion.

Brandt asked if the LMCD would have jurisdiction above the high water mark to do something like the CD3 machine.

Schleuning replied that the LMCD would be partnering with the other agencies and therefore there would be jurisdiction. She stated that this was discussed at the October Board meeting with the direction for staff to work with certain Board members when grants become available. She stated that grants became available in December and staff worked since that time with the intention to present this to the Board with all these options discussed at that time. These grants are time sensitive.

Brandt commented that Hennepin County has a short turnaround time for grants and thanked staff for working quickly. He stated that the State allocates funds for AIS prevention which is sent to counties based on the number of public access site launches and parking stalls. He stated that Hennepin County has \$316,000 to spend on AIS prevent efforts in 2021 and believes that the County should be funding this themselves out of that budget.

Cook commented that these are all requests that have come forward. He stated that he would support participation in the CD3 unit as proposed. He stated that he would be less inclined to participate in the drone flights and watercraft inspections as the drones are an expensive way of gathering information that can be done at a lesser cost. He also did not believe that those funds would be purchasing that many watercraft inspections and did not believe that was the best way to attack that problem. He stated that he would support the CD3 application and not the other applications.

Stone commented that she was also at the Finance meeting the previous day where this was discussed. She stated that she has also spoke with Newell about this between meetings. She felt that the LMCD should take advantage of matching funds and feels that the Board has missed opportunities because of timing. She stated that she has been frustrated that the LMCD has not been able to gain matching funds for projects because of timing. She stated that burden has been placed on staff to find matching funds. She commented that this is a busy launch and therefore she would consider this request because of the matching funds available. She stated that during the Finance meeting there was discussion to be clearer on how funds would be spent. She stated that she can support the CD3 request but recognized that this is quick timing.

Newell commented that he reviewed the report for water inspections when this was done with Three Rivers Park District and the average boats inspected was 2.5 boats per hour and therefore finds that ineffectual for the cost.

Eric Evenson, Lake Minnetonka Association Director, stated that the LMCD and Chair had contacted them in the past about grant opportunities. He stated that they did not receive funding and was told that the County sets aside funds each year for CD3 units, and they just need to work together to find locations for those units, so they did not apply. He commented that this year the LMA is applying for funds for I-LIDS. He stated that the LMA would like to partner with grant applications if requested as in the past.

Schleuning asked Mr. Evenson if the MNDNR and City of Minnetonka agreed to the I-LID for the LMA application.

Evenson commented that they are using the original locations, that have been agreed upon in the past. He noted that is the process they have followed in the past.

Newell referenced the data from the CD3 unit on North Arm Bay. He suggested perhaps putting the I-LID unit at North Arm as those uses could be complementary.

Chair Thomas suggested that discussion occur offline and the discussion focus on this matter tonight.

Brandt commented that there were watercraft inspections conducted on Lake Minnetonka this year, based on publicly available data, and noted that at least 10,000 inspections took place. He asked who conducted the inspections on the lake this year.

Schleuning commented that the MN DNR completes inspections on certain sites, Three Rivers Park District inspects on its site, and understands there was a contractor for other sites. She confirmed that the grant application would increase the inspections from the private company.

Walesch stated that he will be voting against all of these requests. He stated that the CD3 idea is good and appreciates the work that went into it. He commented that perhaps it would have been helpful if the decision of the Board had been to provide that direction on how the AIS funds are to be used. He stated that he is uncomfortable that this is presented as a grant request from the LMCD when he thinks it is really this is an idea from Hennepin County. He stated that the Board is basically in a situation where the County is asking the LMCD for money rather than the LMCD asking the County for money. He commented that the technology could be great in that location but has a problem with the timing and process and believes that the County may install the technology in that location with or without the help of the LMCD.

Cook stated that he is interested in moving this along and gaining approval.

MOTION: Cook moved, Newell seconded to apply for a grant from Hennepin County for AIS Prevention in the amount of \$20,000 for the installation of a CD3 unit at Grays Bay launch.

Further discussion: Walesch asked for clarification as the motion states to request \$20,000 and asked if the LMCD would then be funding \$26,000.

Cook stated that he would accept that as an amendment, noting that the LMCD would be asking for \$26,000 and asked if Newell would agree.

Newell stated that Hennepin County staff told him that they would have \$26,000 available but would want it to be matching.

Anderson stated that it would seem that the earlier discussion stated that the request would be for \$46,000.

Walesch commented that it was his understanding the full cost for the unit would be \$46,000 with the LMCD contributing up to \$20,000, which would leave \$26,000 to be requested from the County.

Anderson stated that the email from staff stated a grant of \$46,000 and asked if that is not true.

Cook repeated his motion to be as follows:

MOTION: Cook moved, Newell seconded to apply for a grant from Hennepin County AIS in the amount of \$26,000 for the installation of a CD3 unit a Grays Bay, recognizing that the LMCD would provide a match of \$20,000.

Further discussion: Kirkwood asked the AIS budget and what percentage this \$20,000 would be.

Cook replied that the AIS budget is about \$80,000 and therefore this would be about 25 percent of the annual budget.

VOTE: A roll call vote was performed:

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

Motion carried (7 Ayes, 6 Nays, 1 Abstention)

Anderson asked if action would be taken on the other items.

Chair Thomas stated that it was his position that the items would just be left as unapproved as there did not appear to be support for those items.

Cook commented that he would not be making any further motions tonight.

B) Public Comments and Considerations Regarding Wakes

Chair Thomas provided a brief update which included work between NMMA and other stakeholders to develop educational materials that could be used related to shared lake use. He stated that once the information is received from the University of Minnesota Study, perhaps a listening session or multiple sessions, could be scheduled in order to obtain public input and determine if the Board should consider additional actions.

Kroll commented that previously there was a motion to stop all information gathering on wakes as it applied to high water and was unsure if the Board believed this was the same situation. He encouraged the Board to be consistent.

Chair Thomas asked staff for input. He did not believe he said anything that would violate the previous actions.

Schleuning stated that she would need more clarity as she believed that actions mentioned by Kroll were related to the high water work group which was then rolled into discussion by the entire Board and this situation has evolved after that.

Kroll commented that a survey had been drafted and it was his interpretation that the Board was not interested in gathering information on this topic.

Schleuning commented that she believed these are two separate actions, related to high water and wake. She stated that she was not a part of the original development of the survey. She stated that at the meetings of the work group the discussion was intended to be high water and not general wakes at that time.

Chair Thomas commented that at the time the Board was not doing any surveys. He commented that people have been sending information to staff on this topic.

Anderson commented that he recalls that the previous motion was not to have any more discussion to include more bays as no wake during high water, because the Water Patrol stated that they supported the high water ordinance as it stands.

Kroll stated there is a difference between legislation and enforcement. Kroll congratulated Magnuson for his promotion to Captain.

Schleuning invited Lt. Magnuson to make some comments and provide an update about Water Patrol.

Magnuson commented that he has been promoted to Captain and will be taking over patrol services. He stated that his replacement has been with the Sheriff's Office for 22 to 23 years and is the Dive Team Commander but will be new to Water Patrol. He stated that he appreciates the community on the lake noting that although those members may not always agree with each other, everyone cares for the lake. He thanked the Board and Schleuning for their support over the years. He stated that he had been in law enforcement for 21 years and found Water Patrol to be a very different experience. He thanked certain individuals such as Bret Niccum, Jay Soule, Richie Anderson, and Gabriel Jabbour in the Lake Minnetonka community for their assistance during his time on Water Patrol.

Chair Thomas offered congratulations on the promotion and stated that the Board looks forward to working with him in his new capacity.

Anderson stated that he appreciated working with Magnuson and that group on the Own Your Wake campaign.

Schleuning thanked Magnuson and commented that they will continue to work together in some fashion.

12. NEW BUSINESS

There was no new business.

13. TREASURER REPORT

Cook commented that the first draft of the year end financials was received, noting that there was not much that was not expected. He provided a brief overview related to administrative, AIS and Save the Lake funds and noted transfers would be made to each of those reserve accounts.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- LMCD 2021 Public Meeting Calendar was updated and will be posted on the website, understanding some committees still need meeting dates.
- Charter Boat License Renewals are underway.
- Ice thickness: The ice is unpredictable this year and some open areas are still reported. Be Safe.
- There has been some fish kill near Grays Bay Dam and staff will follow up with the MN DNR to review possible options. It has been reviewed with the state and no options were available, but maybe new options may be available.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: Cook commented that the Board discussed the grant applications tonight. He stated that the group will hold the TAG meeting in February.

Anderson commented that AIS was not included on the list of Committees that were previously approved by the Board. He commented that it would seem to make sense that this group be setup like the other Committees going forward.

Gilchrist commented that his recollection was that the action of the Board kept the AIS group alive. He did not believe that the Board spoke to how the Committee is to operate.

Anderson commented that he would like the AIS Taskforce to be a Committee similar to the others.

Cook stated that he would support that action.

Gilchrist asked if the suggestion of Anderson would be to make it a standing Committee.

Anderson confirmed that he would like that to be the same as the other Committees with Chair, Vice Chair, and minutes available.

Gilchrist stated that a standing Committee needs to be adopted through resolution, therefore if action is desired a motion could be made directing him to prepare such resolution.

Kroll commented that there is no new business tonight and therefore he was unsure that action could be taken.

Gilchrist stated that it would be the opinion of the Chair.

Chair Thomas stated that he does not see a problem with answering this question tonight.

MOTION: Anderson moved, Cook seconded to direct staff to prepare a resolution establishing an AIS Standing Committee.

VOTE: A roll call vote was performed:

Anderson	aye
Baasen	nay
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.

Communications: Hoelscher reported that the group met on December 10th and will meet again on January 28th. She stated that they continue to work with a local journalist to develop articles about Save the Lake and the LMCD. She stated that they are also working to make contacts with newly elected legislators.

Finance: Cook reported that the group met the previous day to establish priorities and provided a brief overview. The group will meet in the beginning of March and will use the information from the audit to begin the budget

process.

Anderson referenced the goal to sell the harvesters and asked if there could be a motion to sell that equipment now in order to move that forward.

Cook stated that he would suggest that topic be added to the next agenda which would allow for additional discussion. He agreed that this early time of the year is the best time to sell that type of equipment and noted that the item could appear on the next agenda which would allow information to be prepared that could be reviewed by the Board.

Operations: Chair Thomas reported that the first meeting was held on December 15th. He stated that full attendance was not gained, therefore election of the Chair was postponed. He stated that the group will be rescheduling its next meeting and it conflicted with the Nominating Committee meeting.

Save the Lake: Baasen reported that the group met the previous day and noted that a Chair and Secretary were appointed. He noted that Save the Lake financials were reviewed. He reported that there was a highly successful fourth quarter appeal, but the group came in under budget for the amount of funds raised for the year. He stated that they are working with the Communications Committee in order to increase publicity for Save the Lake. He stated that the group will be working to develop a list of priorities and reviewed some of the suggestions the group will be working on.

Anderson asked for input on the process for outside members being a part of this Committee noting that he would like to see that move forward in February.

Baasen confirmed that would be good timing and noted that he will work with Anderson and the group to bring the non-Board members of that Committee forward for Board approval.

Nomination: Walesch commented that the deadline for self-nominations is Friday, January 15th. He reviewed the current list of self-nominations which includes Thomas, Hoelscher, Baasen, Cook and Anderson. He stated that if anyone else is interested in self-nominating they should do so before the deadline and advised that interviews will take place on January 19th.

Schleunig commented that the floor nominations for additional candidates would occur at the first meeting in February.

Walesch confirmed that the Committee will also offer its slate of recommendations at that meeting. He stated that if people do not self-nominate, they will not be a part of the interview process and will not be included in the recommended slate of Officers.

16. ADJOURNMENT

MOTION: Baasen moved, Kroll seconded to adjourn the meeting at 9:22 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	absent
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	absent

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary

10:38 AM

01/20/21

Lake Minnetonka Conservation District
Check Detail
 January 16 - 31, 2021

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
01/28/2021	EFT-21-7	ADP Service Fee		Alerus Checking		
			Payroll 1/16/21 - 1/31/21	4180M10 · Professional Services - Admin.	Admin.	-80.53
TOTAL						-80.53
01/29/2021	EFT-21-8	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,620.57
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,200.93
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-643.36
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-656.25
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	78.08
			MN SUI-ER	4023M10 · SUI MN	Admin.	-8.57
TOTAL						-8,649.74
01/29/2021	EFT-21-9	Frontier Communications		Alerus Checking		
			Phone and Internet 1/4/21 - 2/3/21	4060M10 · Telephone - Admin.	Admin.	-206.85
TOTAL						-206.85
01/29/2021	EFT-21-10	SelectAccount Group Service Fee		Alerus Checking		
			HSA Administrative fee for January 2021	4380M10 · Employee Benefits - Admin.	Admin.	-2.85
TOTAL						-2.85
01/29/2021	EFT-21-11	Health Partners		Alerus Checking		
			Dental Insurance, February 2021	4380M10 · Employee Benefits - Admin.	Admin.	-170.85
TOTAL						-170.85
01/29/2021	EFT-21-12	P.E.R.A		Alerus Checking		
			Payroll 1/16/21 - 1/31/21	2020 · Payroll Liabilities -	Admin.	-1,200.93
TOTAL						-1,200.93

10:38 AM

01/20/21

Lake Minnetonka Conservation District
Check Detail
January 16 - 31, 2021

Date	Num	Name	Memo	Account	Class	Paid Amount
01/29/2021	EFT-21-13	SW/WC Service Cooperatives		Alerus Checking		
			Health Insurance, February 2021	4380M10 · Employee Benefits - Admin.	Admin.	-2,164.50
TOTAL						-2,164.50
01/19/2021	EFT-21-14	US Bank		Alerus Checking		
			Amazon Adobe Acrobat Pro 2020	4530M10 · Comp. Sftwr & Hdwr - Admin.	Admin.	-748.00
			Consumer Cellular - Phone for Home	4060M10 · Telephone - Admin.	Admin.	-29.80
			Amazon - Office Supplies	4220M10 · Office Supplies -Admin.	Admin.	-258.91
			Best Buy - Keyboard, Speakers, Adapter(s), Web...	4530M10 · Comp. Sftwr & Hdwr - Admin.	Admin.	-149.96
			Amazon - Ice Safety Equip & Supplies	4520M10 · Furniture & Equip - Admin.	Admin.	-39.27
			FishUSA - Ice Auger	4520M10 · Furniture & Equip - Admin.	Admin.	-166.65
			Amazon - Ice Safety Supplies	4520M10 · Furniture & Equip - Admin.	Admin.	-11.99
TOTAL						-1,404.58
01/28/2021	21908	City of Mound		Alerus Checking		
01/28/2021	February 2021		Rent, February 2021	4320M10 · Office Rent - Admin.	Admin.	-1,649.96
TOTAL						-1,649.96
01/28/2021	21909	LMCC		Alerus Checking		
01/28/2021	Inv.#1397		VOD Services for Meeting 1/13/21	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 27, 2021 (Prepared January 21, 2021)

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: Multiple Dock License for Crosby Cove Homeowners Association at 16139 Crosby Cove, Grays Bay, Minnetonka

ACTION

Board consideration of the Crosby Cove Homeowners Association Multiple Dock License Application, and receive public input as part of the public hearing for the application. This site is located at 16139 Crosby Cove in the City of Minnetonka MN 55391 (PID 08-117-22-41-0052), Grays Bay.

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 multiple dock license application for the property located at 16139 Crosby Cove in Minnetonka for final approval at the February 10, 2021 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 multiple dock license application for the property located at 16139 Crosby Cove in Minnetonka for a final vote at the February 10, 2021 LMCD Board meeting based on...

Continue Hearing

I make a motion to continue the public hearing for the Crosby Cove Homeowners Association for a new Multiple Dock License to the February 10, 2021 Board meeting for further consideration

APPLICATION SUMMARY

The applicant, Crosby Cove Homeowners Association and represented by Craig Swanson ("Applicant"), submitted a multiple dock license application for the facility at 16139 Crosby Cove in Minnetonka (PID 08-117-22-41-0052; "Site") for seven boat storage units (BSUs). The Applicant's property has approximately 339 feet of 929.4 feet OHW shoreline on the southern portion of the parcel.

The parcel has shoreline on the northern portion of the parcel, as well, but the Applicant is not requesting consideration of this shoreline measurement as part of this application since it is not needed for the total number of BSUs being requested with this Application. The Applicant may wish to request it in future applications. Currently the code would allow this non-continuous shoreline to be included in shoreline measurements through a variance without demonstrating hardship.

Site Background

The applicant has submitted an application for a new multiple dock license to store additional watercraft at an existing site. The applicant's site currently has four (4) boat storage units (BSUs), which does not require a license or approval from the LMCD. The applicant proposes to add three (3) BSUs to the existing dock structure, bringing the total to seven (7) BSUs. A multiple dock license for a residential association is required for more than four (4) BSUs/watercraft stored on the site. Watercraft sizes and types may be limited due to the current width of the bridge and depth of the water in this location.

Proposed Setbacks

The proposed setbacks from the dock structure are: approximately 40 feet from the western side site line, and; approximately 100 feet from the eastern side site line. The bridge on the site is over 40 feet to the east of the proposed structure and watercraft. The proposed application exceeds the double setback requirement, which is 20 feet.

Proposed Dock Length

The Applicant proposes a dock structure of approximately 40 feet in length as measured from the 929.4 FT OHW, the similar distance of the existing four (4) docks. While the code generally refers to a dock length up to 100 feet in dock length, this would conflict with the navigation in the channel as well as properties on the other side of the channel. This would also be true of any request for the properties on the other side of the channel.

Proposed BSUs

The Applicant proposes three (3) additional boat storage units (BSUs), for a total of seven (7). The BSUs measure 12 feet wide by 24 feet long. Applicant's property has approximately 339 feet of 929.4 feet OHW shoreline on the southern portion of the parcel. Without consideration of the north property, the boat per 50 feet of shoreline would allow 6.8 BSUs. By Code, this fractionalized number is rounded up to 7 BSUs.

The parcel has shoreline on the northern portion of the parcel, as well, but is not requesting consideration of this shoreline measurement as part of this application. Currently the code would allow this non continuous shoreline within the parcel measurement to be considered with a variance application.

EAW

The footprint of the proposed structure (including existing structure components) is approximately 6,400 square feet. At 20,000 square feet, a Mandatory EAW would be required.

Given the footprint is well below this threshold and no significant ecological impacts are apparent, LMCD staff do not anticipate a Mandatory EAW would be triggered. However, the LMCD Board may elect to require a Discretionary EAW be completed if substantiated.

CONSIDERATIONS OF A MULTIPLE DOCK LICENSE_____

The following items should be considered when considering granting a residential multiple dock license as referenced to the code section below:

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

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

- (a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
 - The increase of three watercraft generally meets the 1 boat to 50 feet of shoreline density criteria.
- (b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
 - The proposed structure generally complies.
- (c) Whether the proposed structure will be structurally safe for use by the intended users;
 - The proposed structure is an extension of the current dock structure and there are no known reports regarding safety issues.
- (d) Whether the structure will comply with the regulations contained in this Code;
 - The structure will generally comply.
- (e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;
 - The addition of three watercraft, for a total of seven, is not anticipated to unreasonably increase the volume of traffic in the vicinity.
- (f) Whether the proposed structure will be compatible with the adjacent development;
 - The structure proposed is part of the Crosby Cove Homeowners Association, which currently has a dock with four boat storage units at this location.
- (g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
 - There is an existing structure at this location and the proposal exceeds setback requirements. The orientation of slips, size of slips, and inclusion of lifts matches the existing style.

- (h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;
 - The types and size of watercraft will be limited by the specifications of the current bridge and shallower water depth.
- (i) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;
 - There is an existing structure at this location with no known reports of nuisances.
- (j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
 - The dock will be used by the homeowners in the association. There are no known reports regarding sanitation or parking concerns at this location.
- (k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;
 - Not applicable.
- (l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and
 - The proposal meets dock use area requirements.
- (m) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).
 - The applicant is not proposing to use the shoreline measurements of the non-continuous shoreline on the north side of the waterway. The code would allow the non-continuous shoreline to be used as part of the shoreline measurement through a variance.

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Minnetonka were provided information regarding the applications on January 15, 2021. City and agency comments are due by January 25, 2021. Comments received as of January 22, 2021 are summarized below. Any comments received after December January 22, 2021 will be provided at the Board meeting for review.

- No comments received as of 01/21/2021.

As of January 21, 2021, no comments have been received from the general public. Comments received on or after January 22 will be shared at the January 27 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 January 14, 2021 edition of the Sun Sailor (official LMCD newspaper). On January 15, 2021, 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

LMCD staff recommend approval of this residential multiple dock license since the proposal generally meets the license review criteria and with the following minimum conditions:

1. Structures, boat lifts, and watercraft limited to a 4-foot overhang as measured along the long side of the angled dock walkways.
2. Boat lifts with a cover in conformance with the current code are allowed. Canopies are prohibited.
3. The Applicant proposes to install the additional dockage for the BSUs upon request of the HOA members over time.
4. Provide a final site plan to-scale showing the proposed dock structure and all site measurements.

BUDGET

N/A

STRATEGIC PRIORITIES

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

1. LMCD Code Excerpts
2. Aerial Imagery of Site
3. Existing Site Plan
4. Proposed Site Plan
5. Multiple Dock License Application
6. Public Hearing Notice (Sun Sailor)
7. Public Hearing Notice Mailing

ITEM 9A ATTACHMENT 1

LMCD Code Excerpts



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

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

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

- (a) General Limit. The length of an authorized dock use area extends into the Lake a distance equal to the length of shoreline frontage of the site as measured at right angles to the side site lines as extended into the Lake. The total length of the authorized dock use area shall not extend beyond 100 feet, even if the site has more than 100 feet of shoreline frontage, unless otherwise specifically provided in this Section.

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.

5-1.05. Residential Uses. The residential uses identified in this Section are eligible to apply for residential licenses on the Lake. The LMCD does not license the use itself, but the license issued for the structure will identify the particular residential use designation recognized by the LMCD. These designations are not directly dependent on the zoning approvals issued for a property by the municipality in which the use is located. Each type of residential use is identified below and may be referred to in this Code collectively as residential uses. The residential uses identified in this Code are as follows:

- (a) Single-family residential; and
- (b) Residential associations.

5-1.09. Residential Associations. A residential association property may apply for the following types of licenses:

- (a) Association single dock license;
- (b) Association multiple dock license; or
- (c) Association permanent dock permit.

All license applications shall be submitted and processed in accordance with the requirements and procedures in Article 6, Chapter 4 of this Code.

5-2.09. Association Multiple Docks.

Subd. 1. Description. An association multiple dock is a dock constructed, placed, or maintained by a residential association use for the storage of five or more restricted watercraft.

Subd. 2. Licensing. The placement of an association multiple dock requires an association multiple dock license, the application for which shall be submitted and processed in accordance with Section 6-4.09.

Subd. 3. License Renewals. An association multiple dock license shall be renewed annually as provided in Section 6-4.11.

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

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

- (n) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
- (o) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
- (p) Whether the proposed structure will be structurally safe for use by the intended users;
- (q) Whether the structure will comply with the regulations contained in this Code;
- (r) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;
- (s) Whether the proposed structure will be compatible with the adjacent development;
- (t) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
- (u) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;

- (v) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;
- (w) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
- (x) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;
- (y) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and
- (z) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).

Subd. 5. Limitations. The following limitations and restrictions apply to structures licensed under this Section.

- (a) Zoning Districts. No commercial single dock shall extend across the extended zone line between sites zoned differently by a municipality.
- (b) Non-Continuous Shoreline. If the dock use area of the site includes non-continuous shoreline, the limitations in Section 2-4.09, subdivision 4(a) apply.

Subd. 6. As-Built Survey. Upon completion of the dock installation, the licensee shall provide the LMCD an as-built survey of the docks and site indicating the 929.4 NGVD foot shoreline, a line indicating the 100 foot distance from shore, dock dimensions, setbacks from the extended property lines, and witness marks for seasonal docks. The Executive Director or the Board may waive this requirement in writing.

6-4.09. Association Multiple Dock License. An application for an association multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for an association multiple dock license shall, in addition to the information required in Section 6-1.03, contain the following information:

- (a) A plan showing the design, with dimensions, and location of the structure, including all boat storage units.

Subd. 2. Issuing Authority. The Executive Director is authorized to issue an association multiple dock license administratively without a public hearing. The Executive Director may refer any association multiple dock application to the Board and shall refer to the Board any association multiple dock application that the Executive Director proposes to deny. The license shall specify the authorized boat storage units allowed at the structure.

Application for MDL at 16139 Crosby Cove, Minnetonka
LMCD Board Meeting
January 27, 2021

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

- (a) Whether the proposed structure satisfies the review criteria for a commercial multiple dock, to the extent applicable, in Section 6-2.01, subdivision 3, excluding the public use criteria.

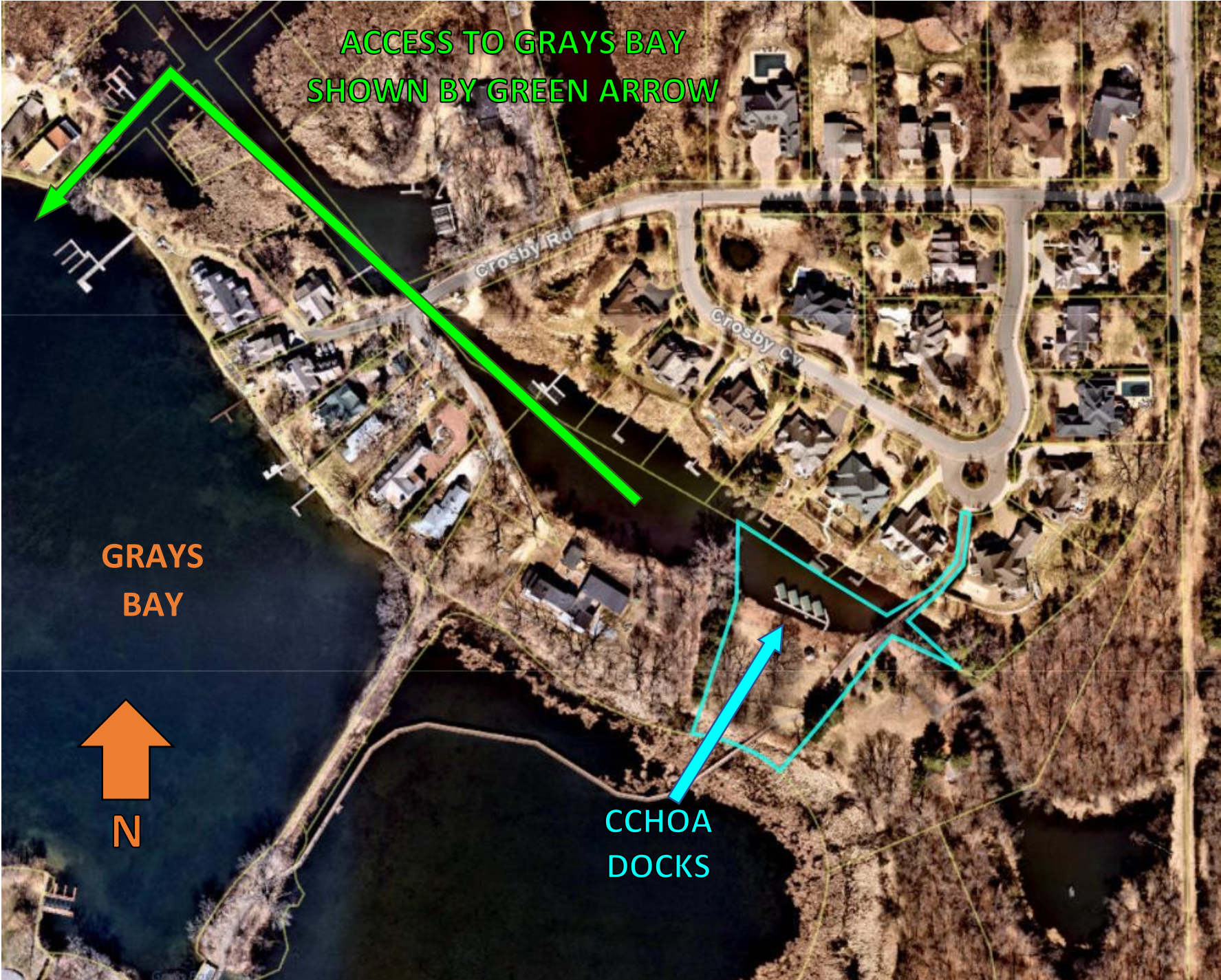
Subd. 4. Restrictions. An association multiple dock constructed after September 17, 1999 which provide dockage for more than one residential unit shall be so located and configured as to minimize the impact of the facility on adjacent and nearby properties which are not provided dockage at the facility, provided such location and configuration is reasonable, does not pose a hazard to navigation and is deemed by the Board to be generally consistent with the review criteria in this Section

ITEM 9A ATTACHMENT 2

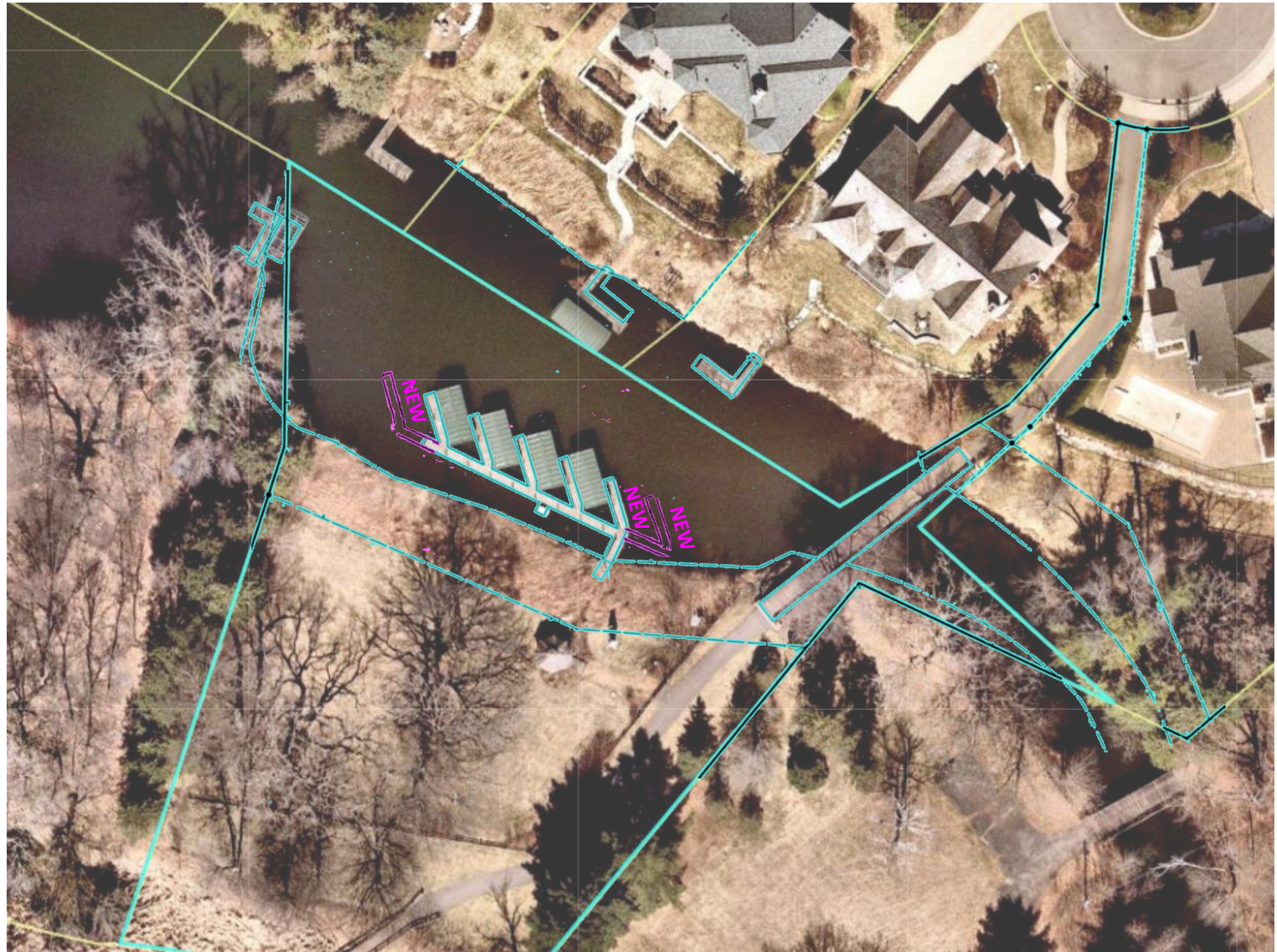
Crosby Cove Homeowners Association (CCHOA), 16139 Crosby Cove, Minnetonka | Multiple Dock License Application
For illustrative purposes only. Taken from Hennepin County Property Information Map 01/14/2021.



Crosby Cove Homeowners Association (CCHOA), 16139 Crosby Cove, Minnetonka | Multiple Dock License Application
For illustrative purposes only. Aerial imagery from 2020. Taken from Hennepin County Property Information Map 01/14/2021.



FOR ILLUSTRATIVE PURPOSES ONLY

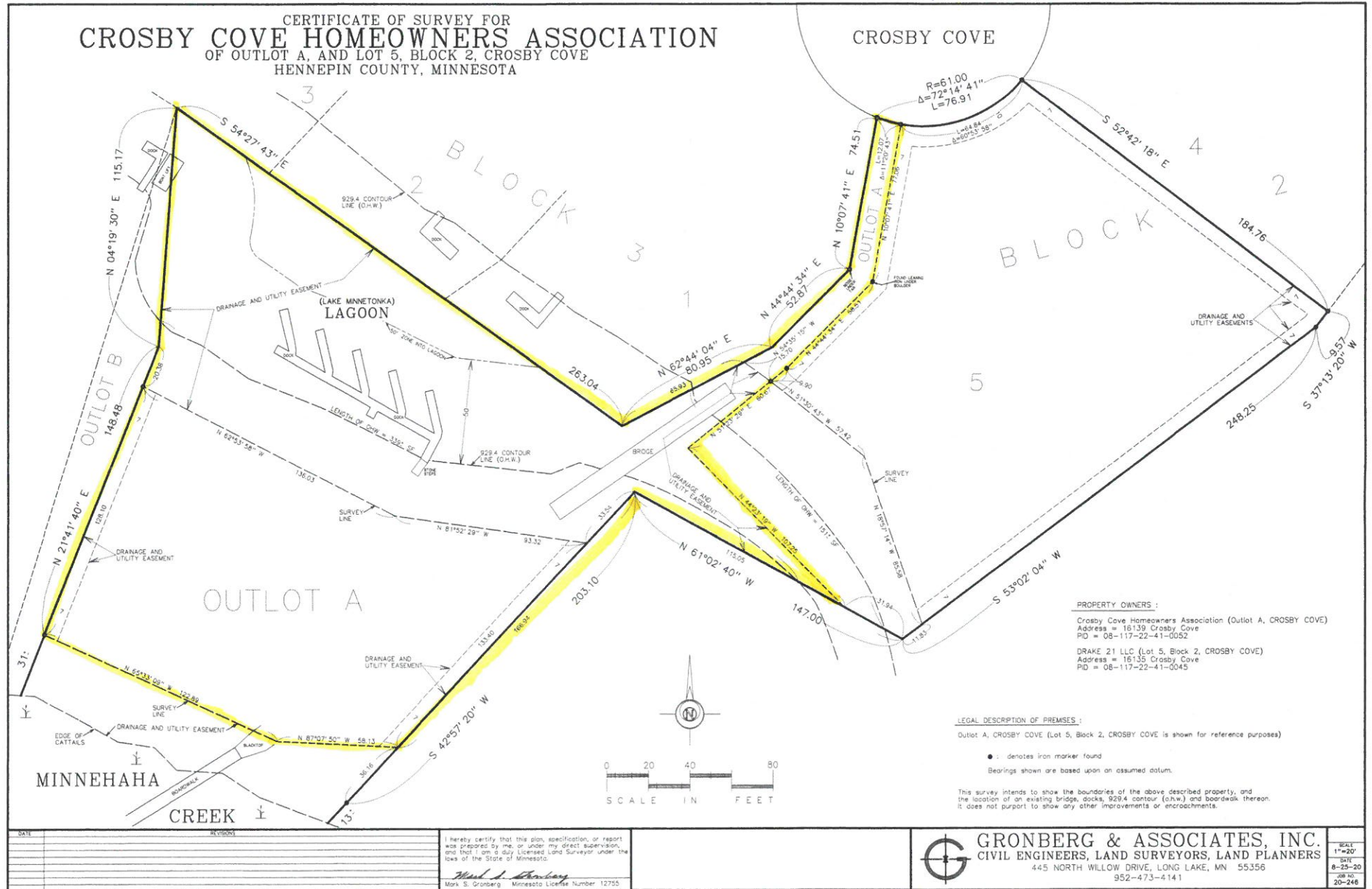


EXISTING IN BLUE

PROPOSED IN PURPLE

ITEM 9A ATTACHMENT 3

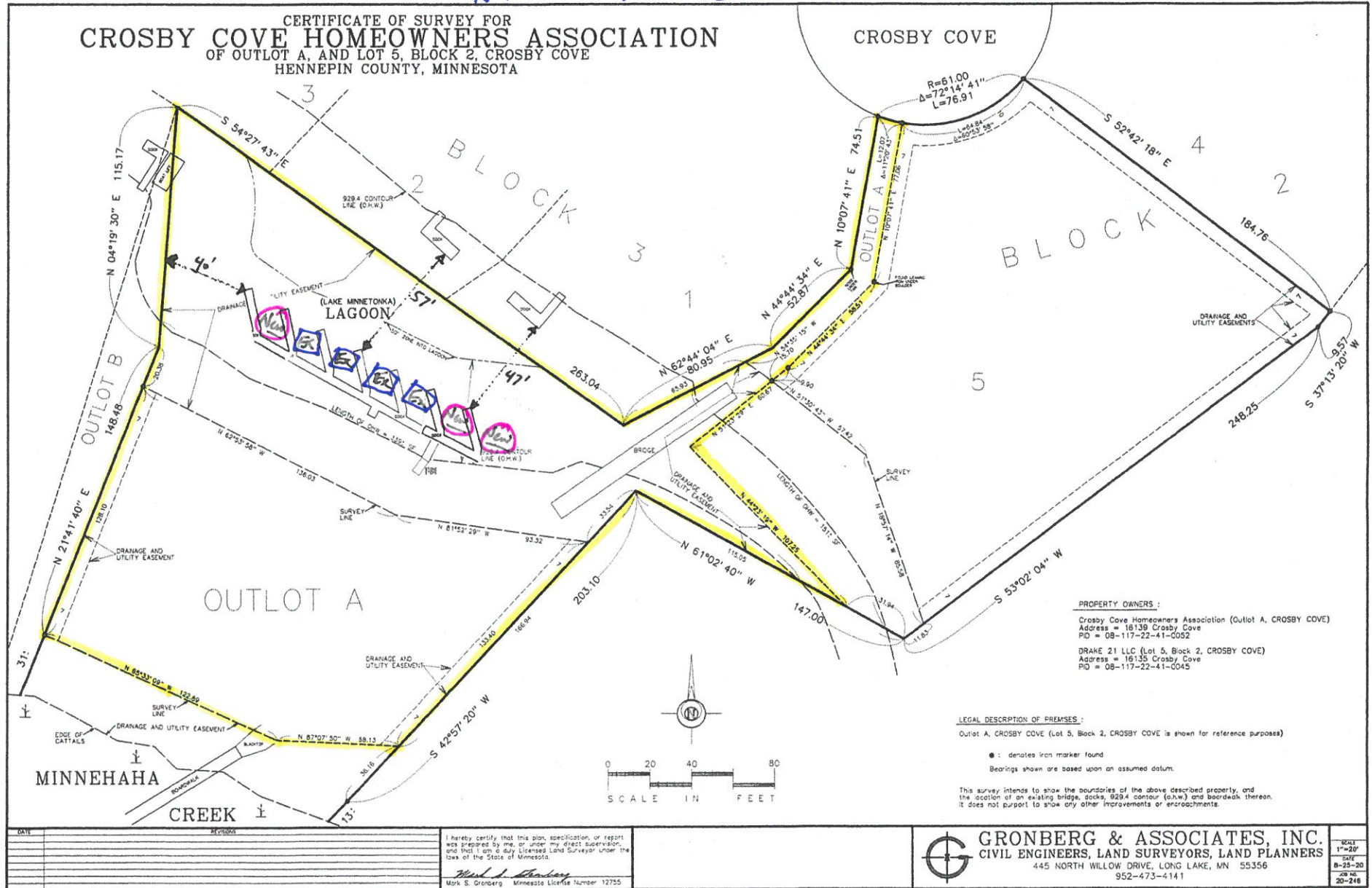
EXISTING "AS-IS" SURVEY + Dock Layout



LEGEND: EX = existing boat slip/lift
New = proposed new boat slip location some time in future

PROPOSED DOCK LAYOUT

ITEM 9A ATTACHMENT 4



ITEM 9A ATTACHMENT 5

November 25, 2020

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

Dear LMCD:

This letter, corresponding application and supporting documents are being submitted on behalf of the Crosby Cove Homeowners Association (CCHOA) located in the northeast corner of Grays Bay. The enclosed application and supporting documents outline our desire to have the right to increase the number of BSUs for our association from four to seven.

We recognize and appreciate the mission of the LMCD; to preserve and enhance the Lake Minnetonka experience and to promote lakeshore usage and ease of access by lakefront and non-lakefront homeowners alike. The CCHOA includes a total of 14 homes; 6 homes with direct lake access, 7 with indirect/ shared lake access, and 1 with no interest or association rights to lake access.

Presently, the 7 homes with indirect/ shared lake access share a 4 BSU dock that is placed on the CCHOA common lot. This subject lot is described in the supporting documents. The LMCD objective is to have 50 lineal feet of contiguous lakeshore per BSU. The CCHOA common lot has 339 lineal feet of contiguous lakeshore, or nearly 85 feet per existing BSU. This does not include the lineal footage of the 6 homeowners who have direct lake access. We are requesting the right to add 3 more BSUs to our association dock, for a total of 7 BSUs. The addition of 3 BSUs would equate to 48.43 lineal feet of lakeshore for each of the 7 BSUs.

CCHOA accesses Lake Minnetonka via a small, dead-end channel that goes under Crosby Rd. The culvert/ bridge under Crosby Rd is small enough that it essentially prohibits boats that are larger than a 24-foot runabout. If all 7 BSUs are used by Crosby Cove, and the surrounding neighbors all use their BSU rights, there would be a total of 14 boats in the channel. The channel has a minimum of 1,400 lineal feet of lake shore, equating to over 100 lineal feet of lake shore per BSU.

Adding the 3 requested BSUs to the existing dock will not in any way affect navigation of the channel by CCHOA members or boaters of the public. The channel width at the dock is wide enough to allow for boats navigating in to and out of the subject BSUs, between the existing dock and the opposing shore (which is CCHOA homes) as well as for the homes on

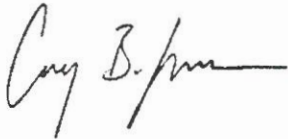


the opposite shore. We see and anticipate no impact on channel navigation for anyone. Also, the channel effectively ends for all navigation except kayaks and canoes 75 feet beyond (to the east) of the subject docks due to water depth and channel width. This channel has very little boat traffic.

Finally, of the 7 CCHOA homes that have indirect access to the lake via the existing 4 BSUs, 4 use this access. As homes in the association sell, we expect this will increase and we would like to add the requested BSUs as needed over time.

Thank you for your time and consideration of our request.

Best regards,

A handwritten signature in black ink, appearing to read "Craig Swanson", with a stylized flourish at the end.

Craig Swanson

Crosby Cove Homeowners Association

Board Member

612 998 216

cswanson@insigniahealth.com



Homeowners Association

November 21, 2020

**BOBBY
SWILLER
PRESIDENT
16100**

aspenroadtrip@yahoo.com

To whom it may concern,

This letter verifies that Craig Swanson is a director of Crosby Cove Homeowners Association and that he is authorized to speak for our HOA in the matter of our multiple dock new license application.

**BRIAN
LIPSCHULTZ
16183**

blipschultz@eaglestreetpartners.com

The board and membership of our HOA supports this application and we appreciate Lake Minnetonka Conservation District's time and attention devoted to our request.

**JIM
DOLAN
16110**

jim.dolan@dolanmedia.com

Sincerely,

A handwritten signature in cursive script, appearing to read "Bobby Swiller", written in dark ink.

Bobby Swiller
President

**CRAIG
SWANSON
16127**

Cswanson@insigniahealth.com



**MULTIPLE DOCK
NEW LICENSE APPLICATION**
LAKE MINNETONKA CONSERVATION DISTRICT

For LMCD Use:

Fee Amount: _____ Check # _____ Date Received: _____

1. CONTACT INFORMATION

Applicant: Craig Swanson Applicant Title (Owner, Authorized Agent, etc.): Board Member

Address: 16127 Crosby Cove, Minnetonka, MN 55391

Phone: 612 998 6216 Email: cswanson@insigniahealth.com

Property Owner (if different from applicant): Crosby Cove Homeowners Association

Address: Outlot A, Lot 5, Block 2, Crosby Cove

Phone: 612 998 6216 Email: cswanson@insigniahealth.com

2. SITE INFORMATION

Facility Use Classification (Check all that apply):

- ☐ a) Commercial Marina ☐ d) Transient ☐ g) Residential Multiple Dock
☐ b) Club ☐ e) Outlot Association
☐ c) Municipal ☒ f) Residential Association

Facility Type:

- ☐ a) Qualified Commercial Marina ☐ c) Qualified Sailing School
☐ b) Qualified Yacht Club ☒ d) Not Applicable

Site Address: Outlot A, Lot 5, Block 2, Crosby Cove

Site Lake Frontage: 339 feet Boat Storage Unit Density: 7

Describe type of dock construction (material, permanent/pilings, floating, etc.) and attach to-scale drawing:

Existing 4 BSU dock is galvanized aluminum frame with wood deck. Four lifts are galvanized aluminum with small canopy for max 24' boats.

Due to protected nature of channel, dock and lifts are left in water year-round. Dock is at the end of a dead-end channel. Boat traffic and boat size is regulated by the only entry point to area which is a culvert under Crosby Rd. No boats larger than 24'+/- runabout fit.

Check the parking requirements of the City and indicate the number of required parking spaces for any of the following services your facility provides:

Boat Storage	<u>0</u>
Launching ramps	<u>0</u>
Sales	<u>0</u>
Service	<u>0</u>
Boat Rentals	<u>0</u>
Restaurant	<u>0</u>
Other (explain)	<u>0</u>
TOTAL	<u>0</u>

Restroom facilities provided:

☐ Yes☒ No

If yes, number of indoor: _____ and/or outdoor portable: _____

Boat toilet pumping service provided:

☐ Yes☒ NoTotal square footage of dock area including maneuvering space = est 5,000 sq. ft.

***An EAW is mandatory when marina size reaches or surpasses 20,000 sq ft, and in 20,000 sq ft increments thereafter. A discretionary EAW may be required if potential for significant adverse environmental impacts.

Boat Storage Units (BSU) computation:

Lakeshore Frontage 339 feet divided by 50 = 6.78 BSU's allowable under the one-boat -per-fifty-foot rule. If this number is less than the total BSU's applied for below, an application for a Special Density License is required per Code Section 2-4.05.

Number of BSU's applied for:

LOCATION		USE	
Slips	7	Rent, lease, etc.	
Slides		Service work	
Lifts	7	Company use	
Tie-ons		Private use	7
Moorings		Transient use	
Other		Other	
TOTAL BSU's	7	TOTAL BSU's	7

Watercraft Storage Unit computation schedule: Enter the number of BSU and WSU in each slip size category and complete the slip size chart provided as an attachment to this application (Note: This is only for fee calculations and does not entitle the applicant to install BSUs to the maximum WSU range dimension.)

BSU	SLIP SIZE CATEGORIES	WSU
_____	BSU @ 1 WSU (each slip up to 20' long and /or up to 10' wide)	_____
<u>7</u>	BSU @ 1.5 WSU (each slip up to 20'-24' long and/or 11' wide)	<u>10.5</u>
_____	BSU @ 2 WSU (each slip up to 24-32' long and/or 12' wide)	_____
_____	BSU @ 2.5 WSU (each slip up to 32-40' long and/or 14' wide)	_____
_____	BSU @ 3 WSU (each slip up to 40-48' long and/or 16' wide)	_____
_____	BSU @ 4 WSU (each slip over 48' long and/or over 16' wide)	_____
<u>7</u>	BSU and WSU Totals	<u>10.5</u>

3. ATTACHMENTS

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Locator map, county plat map | <input checked="" type="checkbox"/> Existing facility site plan |
| <input checked="" type="checkbox"/> Certified land survey, legal description | <input type="checkbox"/> Copies of all required permits, licenses, & approvals obtained from the MN DNR and from the city in which the site is located. |
| <input checked="" type="checkbox"/> Slip size report (approved & proposed) | <input checked="" type="checkbox"/> Names and mailing addresses within 350 foot radius (See note) |
| <input checked="" type="checkbox"/> Proposed facility site plan with scaled drawing of docks on abutting properties | |

***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 facility 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.

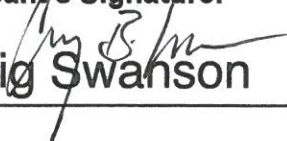
4. FEES

Base Fee (Non-refundable)	<u>\$500.00</u>
Number of Watercraft Storage Units (WSU) <u>10.5</u> x \$7.50	<u>\$ 78.75</u>
Total Fee Enclosed	\$ 578.75

I certify that the information provided herein and any attachments hereto are true and correct statements to the best of my knowledge no changes have been or will be made without LMCD approval at this site and that a new license will be obtained from the Lake Minnetonka Conservation District before making any change. I understand that any license issued may be revoked by the District for violation of the LMCD code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance, or other expenses required that be incurred by the District in excess of the original fee. I agree to the provisions of the license, if granted; and I consent to permitting officers and agents of the District to investigate at all reasonable times and to determine compliance with all applicable regulation.

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

Applicant's Signature:


Craig Swanson
 Name

Board Member
 Title

Nov 25, 2020
 Date

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



Type an address or a property ID (PID) [Search help](#)

Tools

Legend

Print

Share

Help

Property

[Go to Property links](#)

[Clear results](#)

PID: 0811722410052

16139 Crosby Cove
Minnetonka, MN 55391

Owner/Taxpayer

Owner: Crosby Cove
Homeowners Asscn

Taxpayer: CROSBY COVE
HOMEOWNERS
ASSCN
C/O GARY
OBERMILLER
2511 CROSBY
ROAD
MINNETONKA MN
55391

Tax Parcel

Parcel Area: 1.46 acres
63,704 sq ft

Torrens/Abstract: Abstract

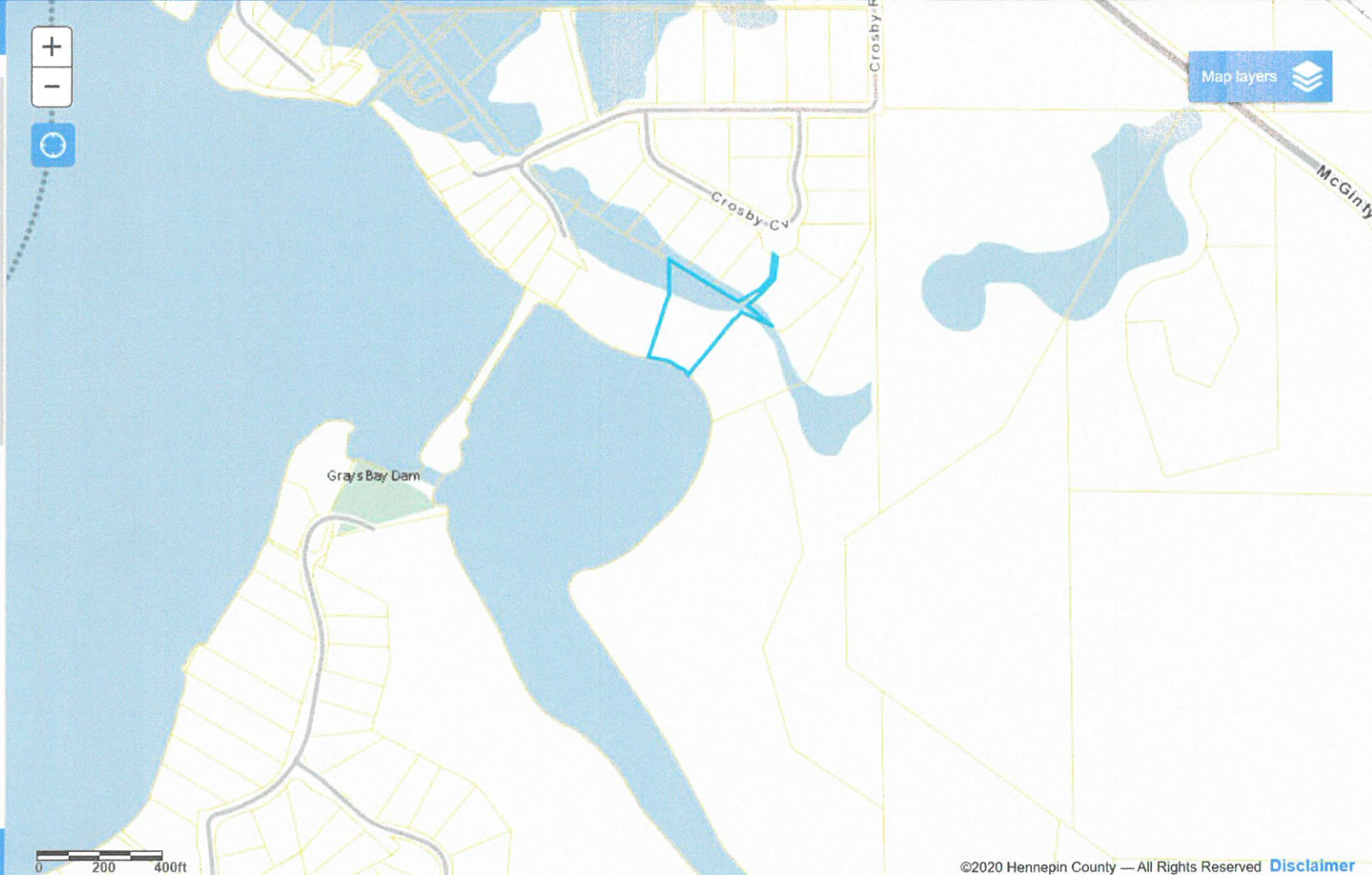
Addition: Crosby Cove

Lot:

Block:

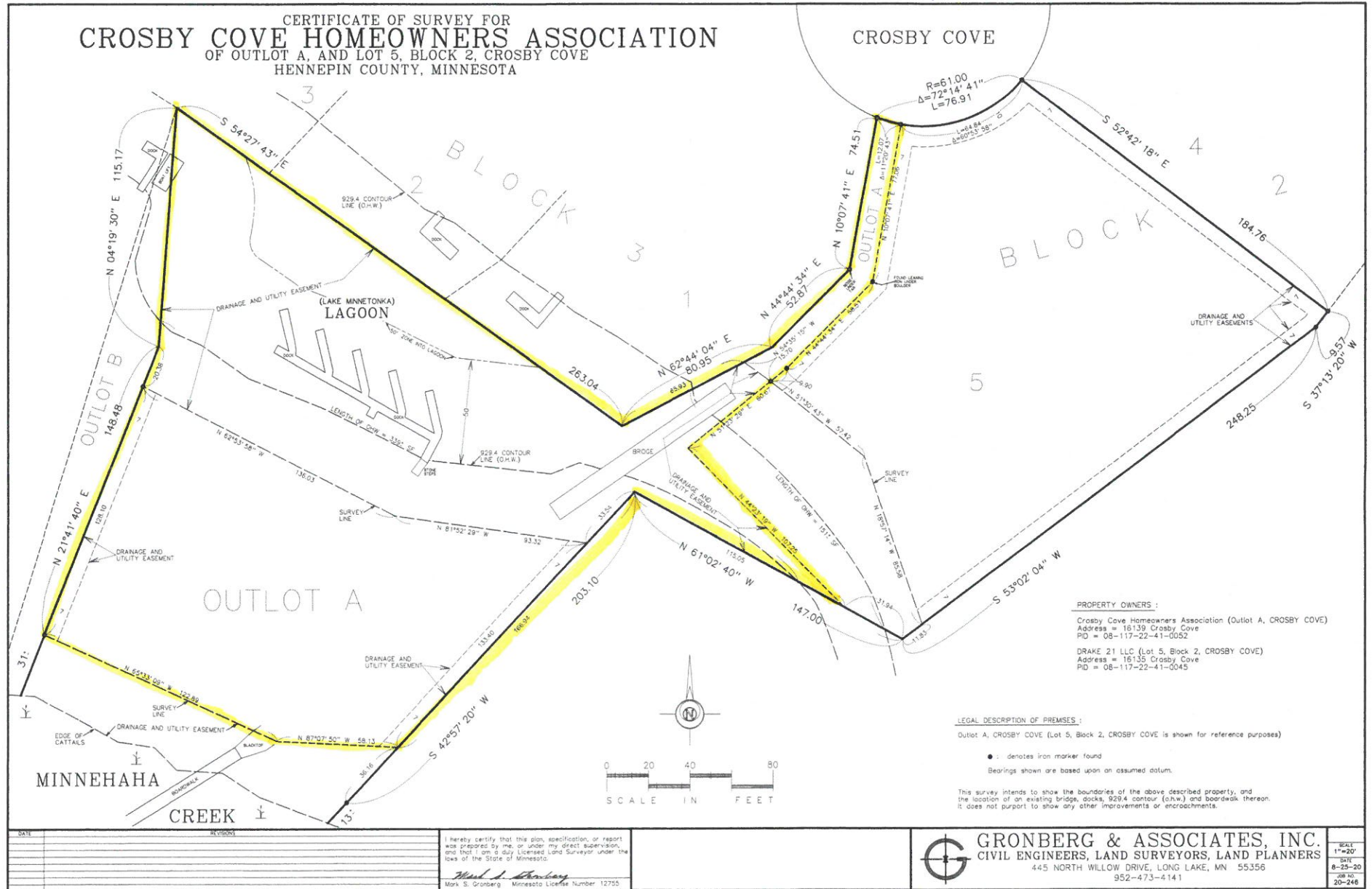
Metes &
Bounds: Outlot A

[Go to...](#)



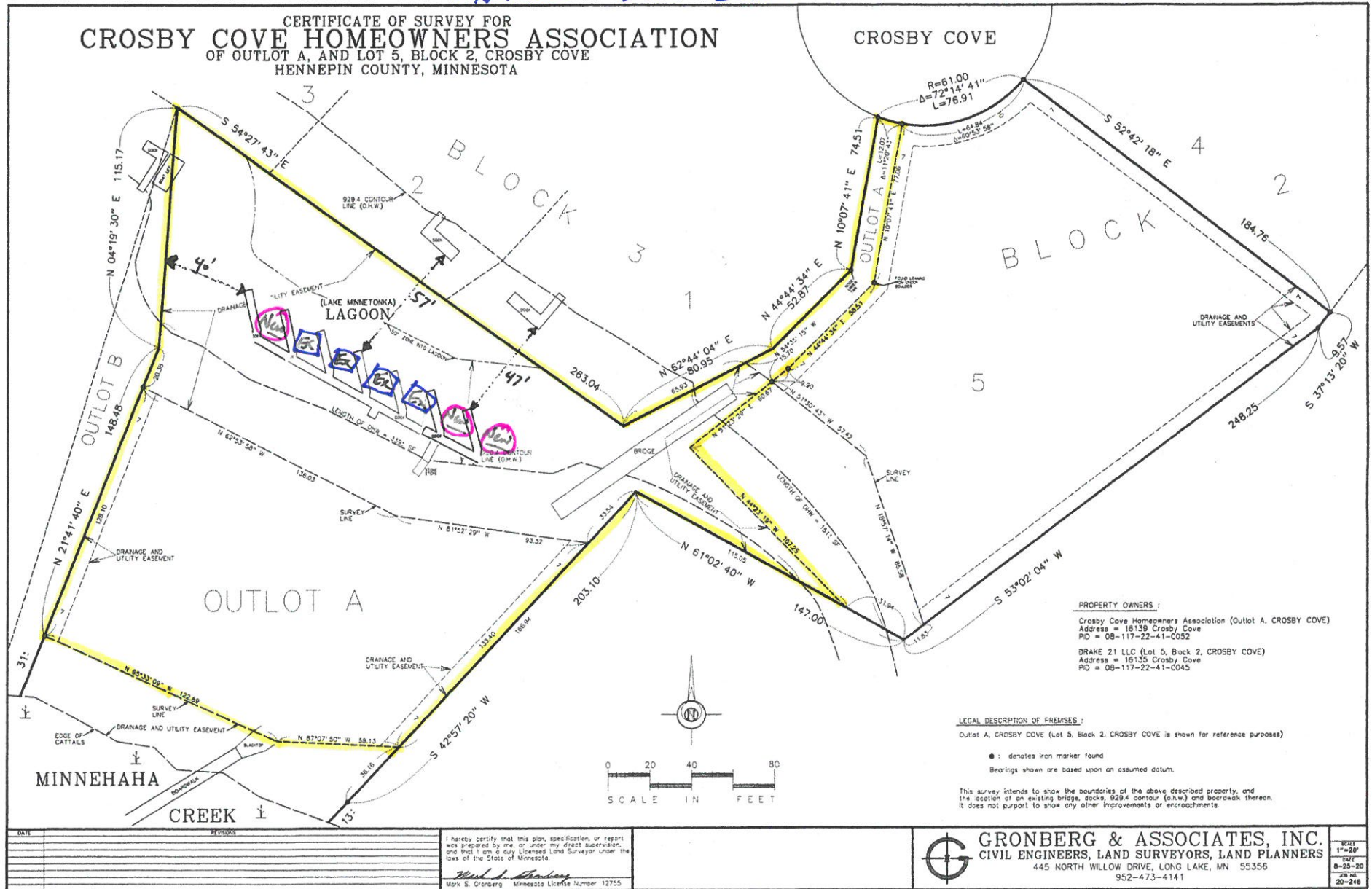
EXISTING "AS-IS" SURVEY + Dock Layout

CERTIFICATE OF SURVEY FOR CROSBY COVE HOMEOWNERS ASSOCIATION OF OUTLOT A, AND LOT 5, BLOCK 2, CROSBY COVE HENNEPIN COUNTY, MINNESOTA



LEGEND: EX = existing boat slip/lift
New = proposed new boat slip location some time in future

PROPOSED DOCK LAYOUT





ITEM 9A ATTACHMENT 6

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 4, 2021

TO: Sun Sailor
Legal Department
publicnotice@apgecm.com

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (01/14/2021 Edition)

LAKE MINNETONKA CONSERVATION DISTRICT PUBLIC HEARING NOTICE

7:00 PM, January 27, 2021

**Craig Swanson of Crosby Cove HOA
16139 Crosby Cove, Minnetonka MN 55391
Grays Bay, Lake Minnetonka**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a multiple dock license application from Craig Swanson (16127 Crosby Cove) of Crosby Cove HOA. An application has been submitted to install dockage for three (3) additional watercraft on the site, which currently stores four (4) watercraft. The additional watercraft would trigger the need for a multiple dock license. 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 7

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 15, 2021
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 multiple dock license. The site is located at 16139 Crosby Cove in Minnetonka. The Crosby Cove Homeowner's Association currently has four (4) boat storage units (BSUs) at the site. The applicant proposes to add three (3) BSUs to the site for a total of seven (7).

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the license application. All interested persons will be given an opportunity to comment.

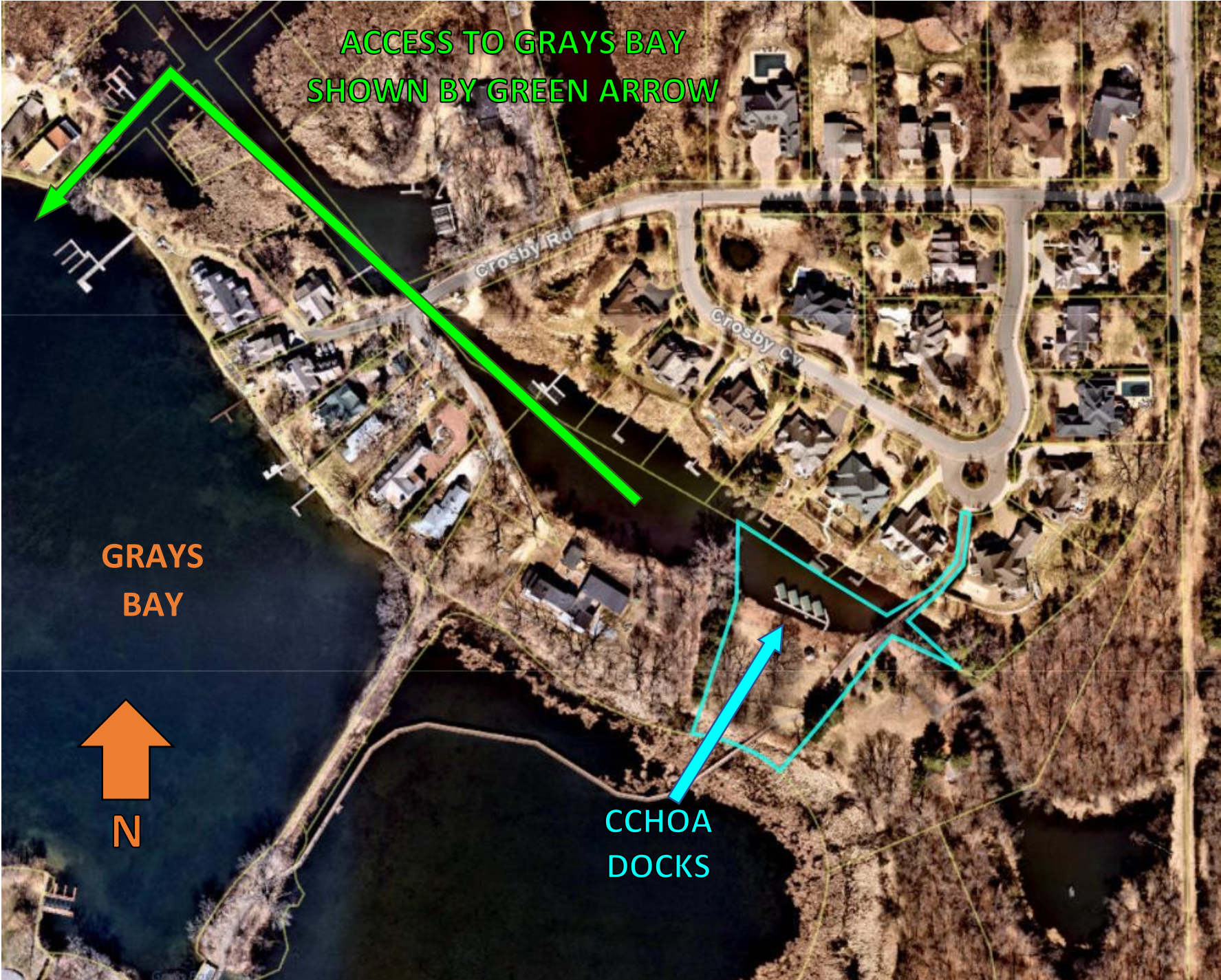
Public Hearing Information

A public hearing will be held at 7:00 PM, January 27, 2021. 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.

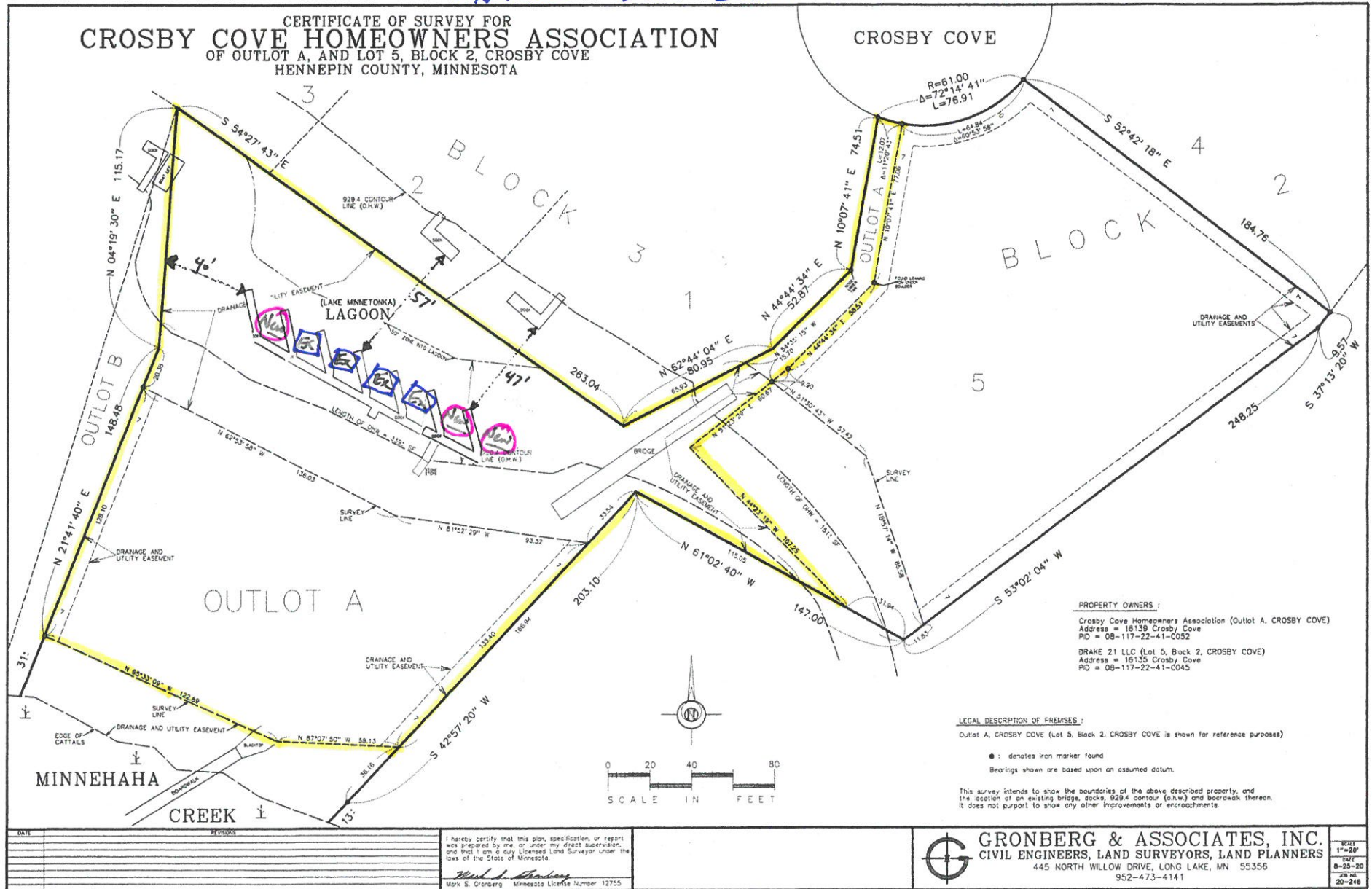
Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

Crosby Cove Homeowners Association (CCHOA), 16139 Crosby Cove, Minnetonka | Multiple Dock License Application
For illustrative purposes only. Aerial imagery from 2020. Taken from Hennepin County Property Information Map 01/14/2021.



LEGEND: Ex = existing boat slip/lift
New = proposed new boat slip location some time in future

PROPOSED DOCK LAYOUT





LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 27, 2021 (Prepared January 22, 2021)

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: Variance for Adjusted Dock Use Area (length), 975 Heritage Lane, Orono

ACTION

Board consideration of a variance for an adjusted dock use area for length for 975 Heritage Lane on Tanager Lake in the City of Orono (PID 10-117-23-11-0003), 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 Mark Schindele for the property located at 975 Heritage Lane for final approval at the February 10, 2021 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 Mark Schindele for the property located at 975 Heritage Lane for a final vote at the February 10, 2021 LMCD Board meeting based on...

APPLICATION SUMMARY

The applicant, Mark Schindele ("Applicant"), submitted a variance application for 975 Heritage Lane on Tanager Lake (PID 10-117-23-11-0003; "Site") for an adjusted dock use area for length. The Applicant's property has approximately 340 feet of 929.4 feet OHW shoreline.

Site Background

The Applicant's dock use area is shallow, and the Applicant seeks a length variance to reach adequate depth for watercraft storage.

Proposed Setbacks

The proposed dock meets or exceeds the standard setback requirements. The proposed setbacks from the dock structure are 48.4 feet from the southern side site line and 110.2 feet from the northern side site line.

Proposed Dock Length

The Applicant proposes a dock structure of approximately 134 feet in length as measured from the 929.4 OHW. The applicant's dock installer submitted depth measurement readings which indicate the water depths around the proposed BSU of between three (3) and four (4) feet. These depths are similar to those found and verified for the adjacent property to the south for a length application submitted and approved in 2020 (980 Heritage Lane). While the dock structure length is proposed at 134 feet, because of the angle of the dock to the shoreline, the actual distance into the lake is approximately 110 feet.

Proposed BSUs

The Applicant proposes at least one (1) boat storage unit (BSU) within a dock structure and three (3) additional BSUs. The BSU structure measures 14 feet wide by 32 feet long. The Applicant would have space with the proposed structure to meet the 20-foot side setback requirement if watercraft were stored on the north and/or south sides of the proposed BSU dock structure.

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 Orono were provided information regarding the applications on January 15, 2021. City and agency comments were due by January 25, 2021. Comments received as of January 22, 2021 are

summarized below. Any comments received after December January 22, 2021 will be provided at the Board meeting for review.

- No comments have been received at the time of the memo.

As of January 22, 2021, the LMCD has not received any comments from the general public. Comments received after January 22 will be shared at the January 27 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 January 14, 2021 edition of the Sun Sailor (official LMCD newspaper). On January 15, 2021, 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

LMCD staff recommend approval with the following conditions:

1. Ownership confirmation must be submitted by the Applicant to verify completion of purchase and closing of property sale.
2. The request appears to meet the general variance criteria and Applicants are requesting the minimum length necessary to achieve reasonable water depths of 3-4 feet for navigation. Applicant indicates approval of a proposed dock structure length of 134 feet, and distance into the lake from the 929.4 OHW of approximately 110 feet will accomplish sufficient navigation. Depth measurements will be confirmed during the site review after installation.
3. The number of watercraft allowed on the dock is subject to the density regulations contained in Section 2-4.05 of the Code as long as all setbacks are met.
4. Applicant will obtain all required approvals if the installation of the dock will impact any delineated wetlands.
5. Other standard variance language is incorporated.

BUDGET

N/A

STRATEGIC PRIORITIES

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

ATTACHMENTS

1. LMCD Code Excerpts
2. Aerial Imagery of Site

Application for Variance at 975 Heritage Lane, Orono
LMCD Board Meeting
January 27, 2021

3. Site Plan
4. Variance Application
5. Public Hearing Notice (Sun Sailor)
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.

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

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,

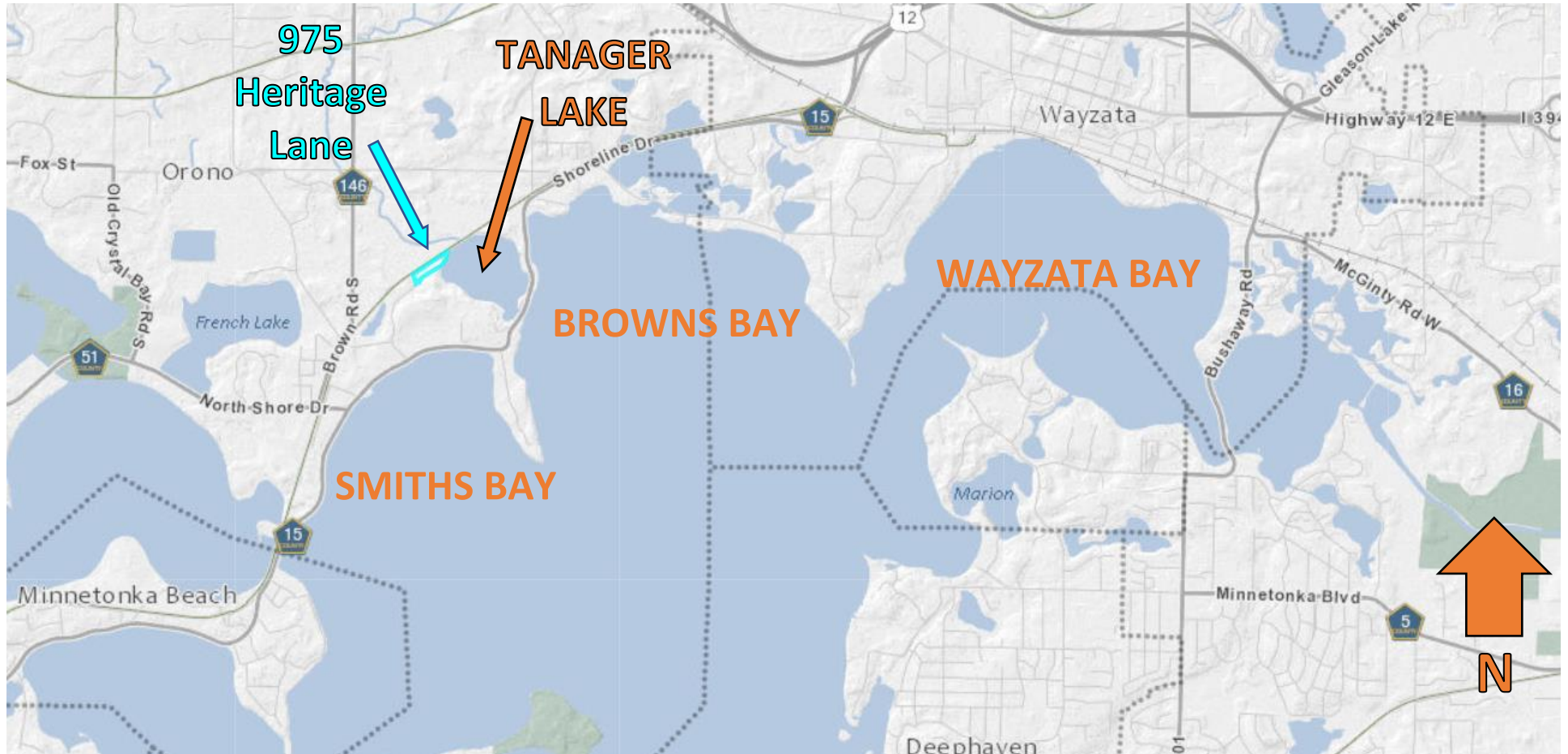
Application for Variance at 975 Heritage Lane, Orono
LMCD Board Meeting
January 27, 2021

and the variance, if granted, would not alter the essential character of the area. No variance may be granted to allow a use that is not permitted under this Code. The Board may impose conditions in the granting of variances to ensure compliance and to protect other riparian owners and users of the Lake. No variance for access for persons with disabilities shall be granted which allows or provides for the storage of a greater number of watercraft than otherwise would be permitted under this Code.

ITEM 9B ATTACHMENT 2

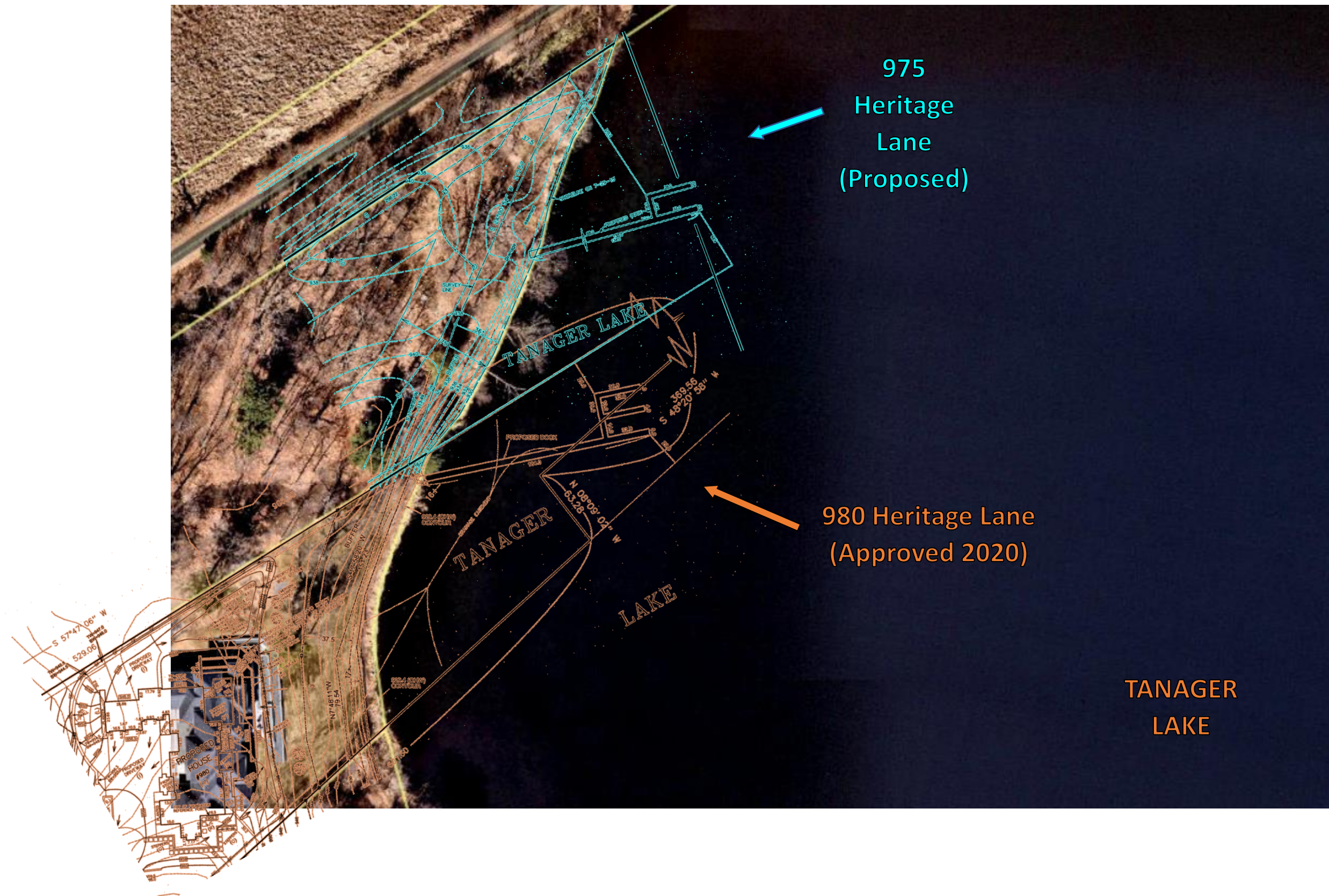
Mark Schindele, 975 Heritage Lane, Orono | Variance Application

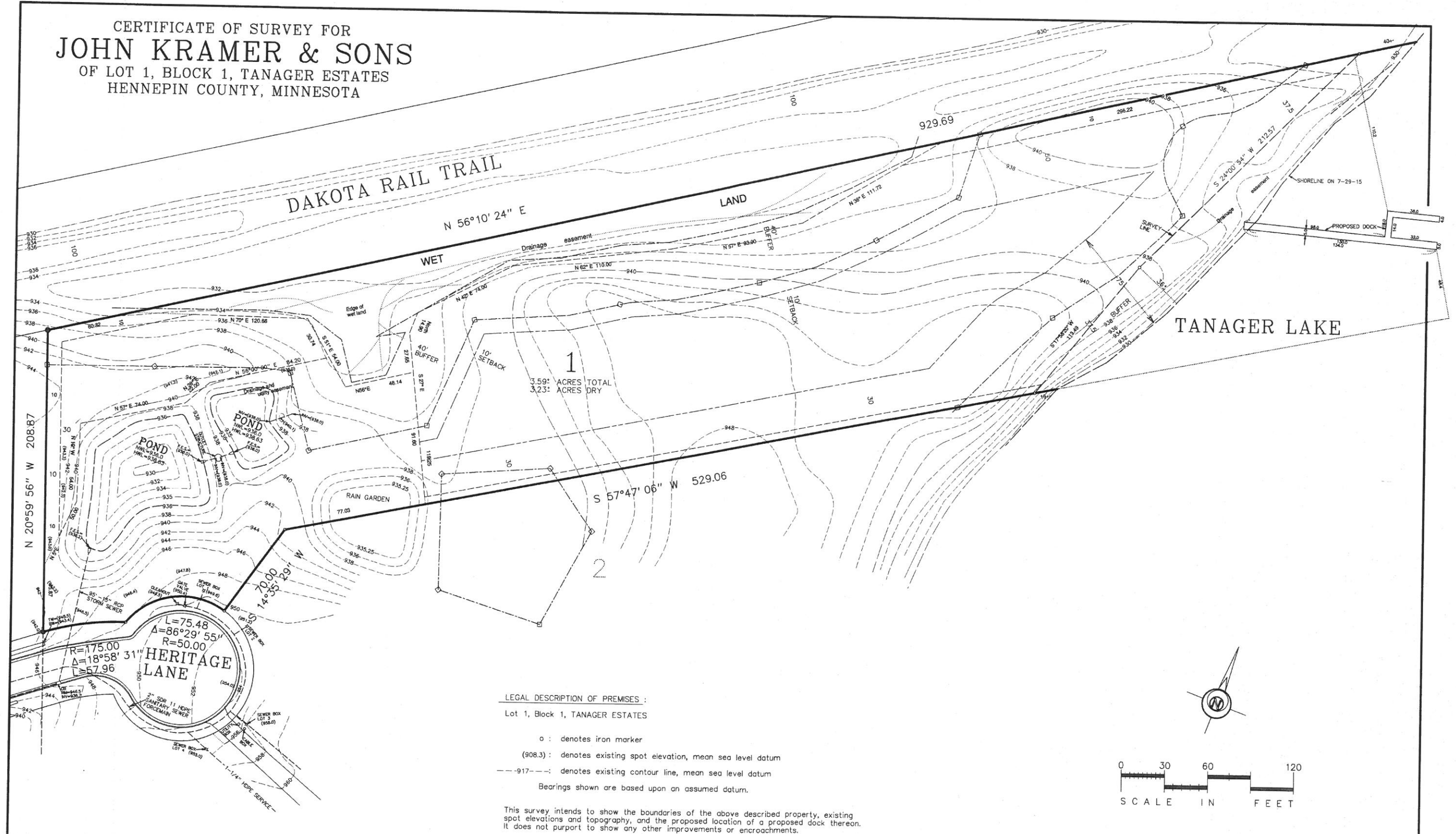
For illustrative purposes only. Taken from Hennepin County Property Information Map 01/14/2021.



Mark Schindele, 975 Heritage Lane, Orono | Variance Application
For illustrative purposes only. Aerial imagery from 2020. Taken from Hennepin County Property Information Map 01/14/2021.





[illegible]

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

Mark S. Gronberg Minnesota License Number 12755

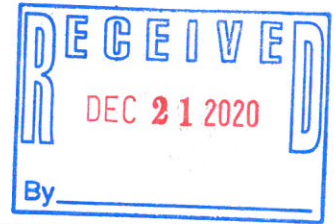


GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE, LONG LAKE, MN 55356
952-473-4141

SCALE
1"=30'
DATE
8-4-20
JOB NO.
20-249B

**VARIANCE APPLICATION**

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



LMCD Receipt # _____

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

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

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

Applicant: Tonka Built JAKE YOUNGEREN BEN BJORKLUND

Address: 6225 Sunnyside Rd E

City, State, Zip: Minnetonka, MN 55364

Phone: 952.239.5936 Fax: _____ Email: Ben@tonkabuilt.com

Property owner (if different from applicant): Mark Schindeler

Address: 975 Heritage Ln

City, State, Zip: Orono, MN 55391

Phone: 612.387.7691 Fax: X

PROPERTY LOCATION:

Located in the city of: Orono

Address & Property Identification No (PID): 975 Heritage Ln. : 1011723110003

TYPE OF VARIANCE: length and water depth variance

State practical difficulties causing variance to be required:

Shallow water.

ABUTTING LAKESHORE PROPERTY OWNERS:

North or West: Hennepin County Regional Jail Road. 701 4th Ave S Suite 400 Np's, MN 55415
(Name and mailing address)

South or East: Ti Anne Ferrer 980 Montrose Ln Maymont, MN 55391
(Name and mailing address)

Other affected parties (attach sheet if necessary):

(Name and mailing address)

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

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

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

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

FEE CALCULATION

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

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

Variance Application

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

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

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

 12/14/20
Authorized Signature Date

Owner - Tonka Beach
Title

Lake Service Provider/Contractor
Relationship to Owner

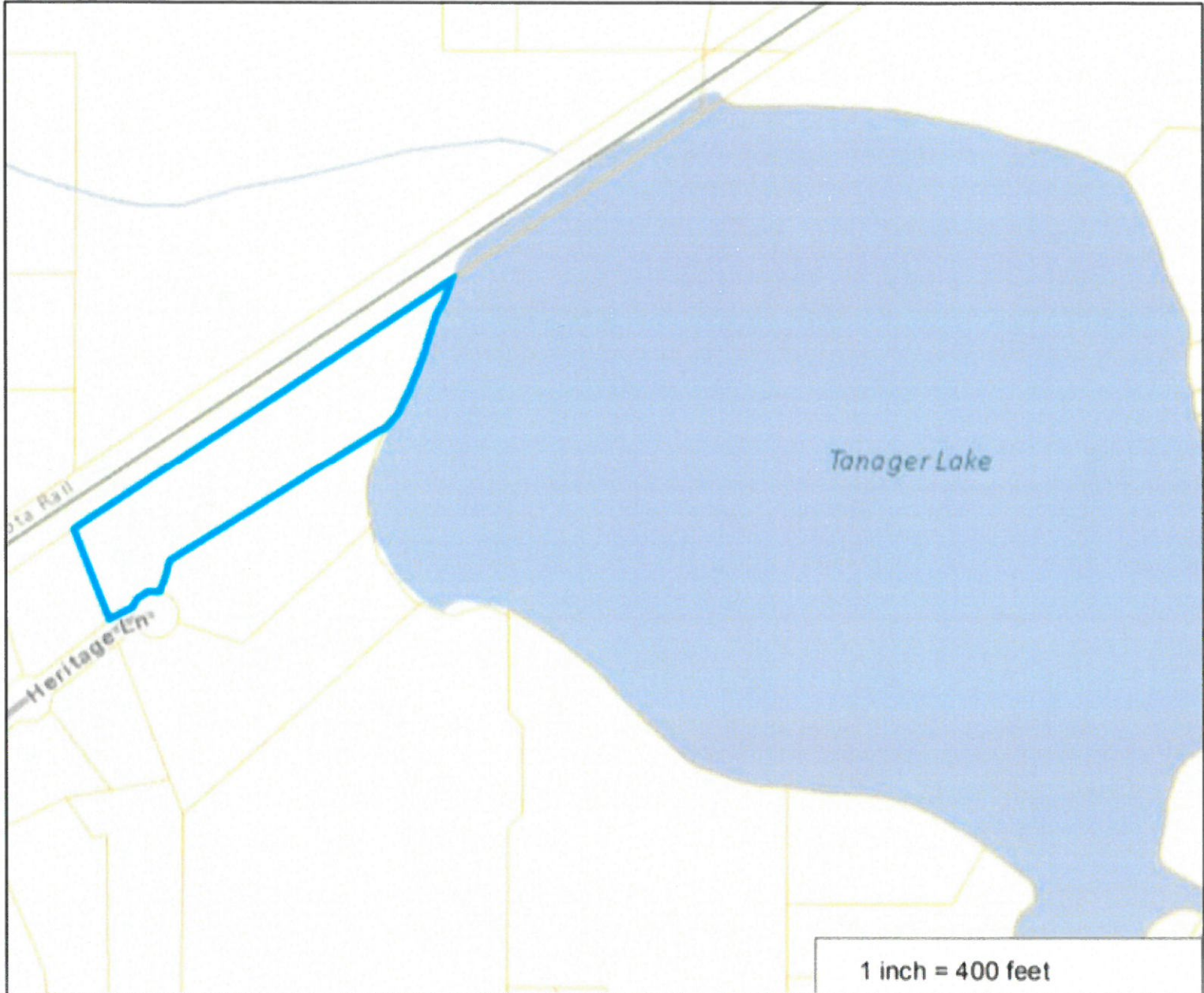
Return this application, attachments and fee to:

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



Hennepin County Property Map

Date: 12/1/2020



PARCEL ID: 1011723110003

OWNER NAME: Kraemer Fm R/E Hldg Llc Etal

PARCEL ADDRESS: 975 Heritage La, Orono MN 55391

Comments:

CERTIFICATE OF SURVEY FOR
JOHN KRAMER & SONS
 OF LOT 1, BLOCK 1, Tanager Estates
 HENNEPIN COUNTY, MINNESOTA

LEGAL DESCRIPTION OF PREMISES:

Lot 1, Block 1, Tanager Estates

- o : denotes iron marker
- (908.3) : denotes existing spot elevation, mean sea level datum
- 917--- : denotes existing contour line, mean sea level datum
- Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, existing spot elevations and topography, and the proposed location of a proposed dock thereon. It does not purport to show any other improvements or encroachments.

DATE	PROPOSED DOCK SHOWN	REVISIONS
12-11-20		

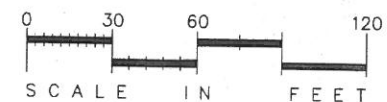
I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

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

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

SCALE
 1"=30'
 DATE
 8-4-20
 JOB NO.
 20-2400

This survey intends to show the boundaries of the above described property, existing spot elevations and topography, and the proposed location of a proposed dock thereon. It does not purport to show any other improvements or encroachments.



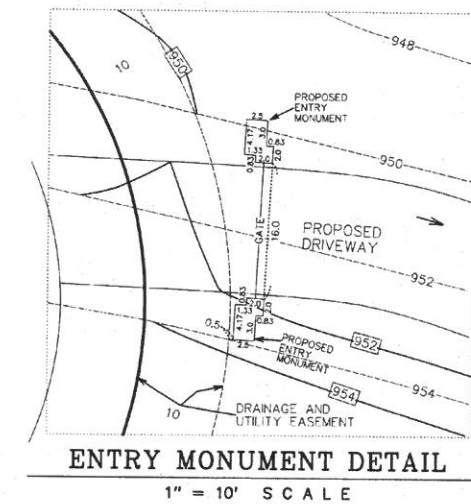
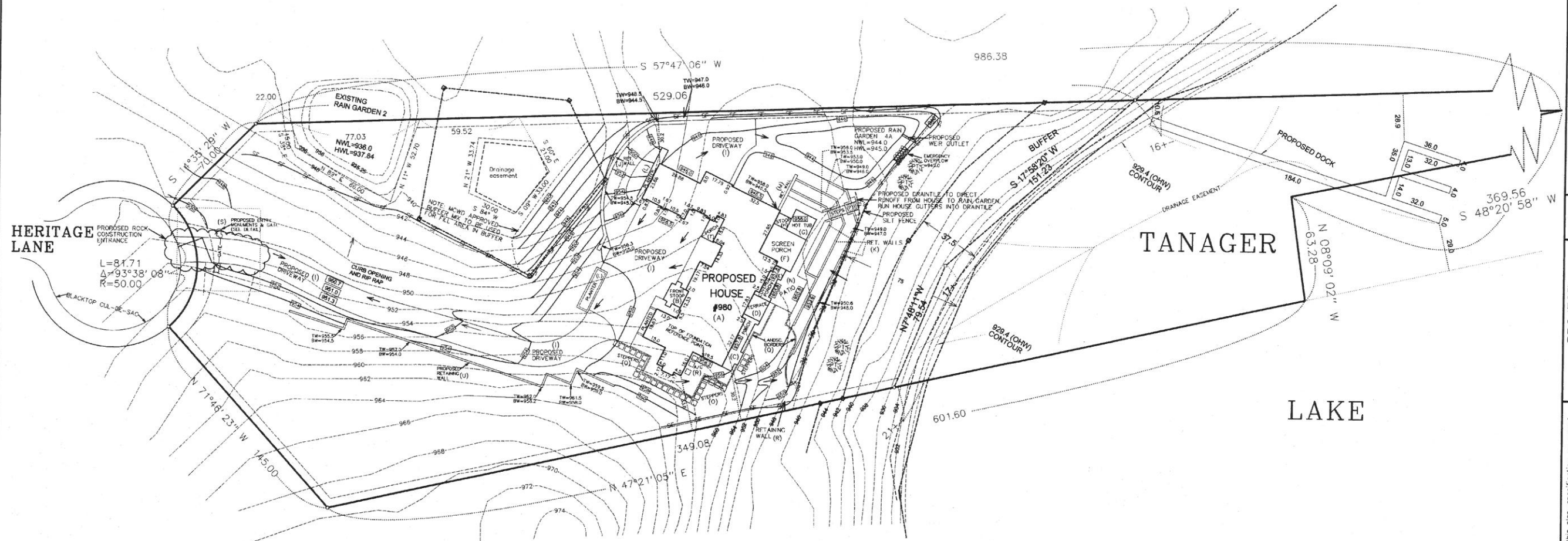
I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

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



SCALE
1"=30'
DATE
8-4-20
JOB NO.
20-249B

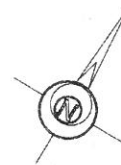
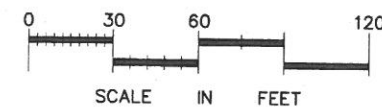
CERTIFICATE OF SURVEY FOR JERRY AND TIFFANE FERRER OF LOT 1, BLOCK 1, Tanager Estates HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION OF PREMISES:
 Lot 2, Block 1, Tanager Estates
 o : denotes iron marker
 (908.3) : denotes existing spot elevation, mean sea level datum
 [910.8] : denotes proposed spot elevation
 ---917--- : denotes existing contour line, mean sea level datum
 ---[930]--- : denotes proposed contour line
 [Tree Symbol] : denotes proposed 4" diameter deciduous tree (4 total to be planted)
 Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries and topography of the above described property, existing spot elevations and topography, and the proposed location of a proposed house, driveway, and grades thereon. It does not purport to show any other improvements or encroachments.

PROPOSED ELEVATIONS: (per architect, verify)
 1) Upper garage = [955.5]
 2) Lower garage = [946.0]
 3) Top of foundation = [958.7]
 4) Main floor = [958.0]
 5) Basement = [947.0]



GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141	
DATE 8-2-17 8-14-17 8-11-18 8-20-19 2-10-20	REMARKS REVISION: IMPROVEMENTS: HERCOWE REVISION: DRIVEWAY, FENCE, WALLS, STOPS AND LANDSCAPING REVISION: PROPOSED ENTRY MONUMENT LOCATION ADD: DOCS
PROJECT I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. <i>Mark S. Gronberg</i> Mark S. Gronberg Minnesota License Number 12755	



ITEM 9B ATTACHMENT 5

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 4, 2021

TO: Sun Sailor
Legal Department
publicnotice@apgecm.com

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (01/14/2021 Edition)

LAKE MINNETONKA CONSERVATION DISTRICT PUBLIC HEARING NOTICE

7:00 PM, January 27, 2021

Mark Schindele
975 Heritage Lane, Orono MN 55391
Tanager Bay, Lake Minnetonka

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a variance application from Mark Schindele of 975 Heritage Lane in Orono (pending purchase). An application has been submitted to adjust the site's dock use area (length). 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 9B ATTACHMENT 6

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 15, 2021
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 (dock length) variance. The site is located at 975 Heritage Lane in Orono on Tanager Lake.

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the variance application. All interested persons will be given an opportunity to comment.

Public Hearing Information

A public hearing will be held at 7:00 PM, January 27, 2021. 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.

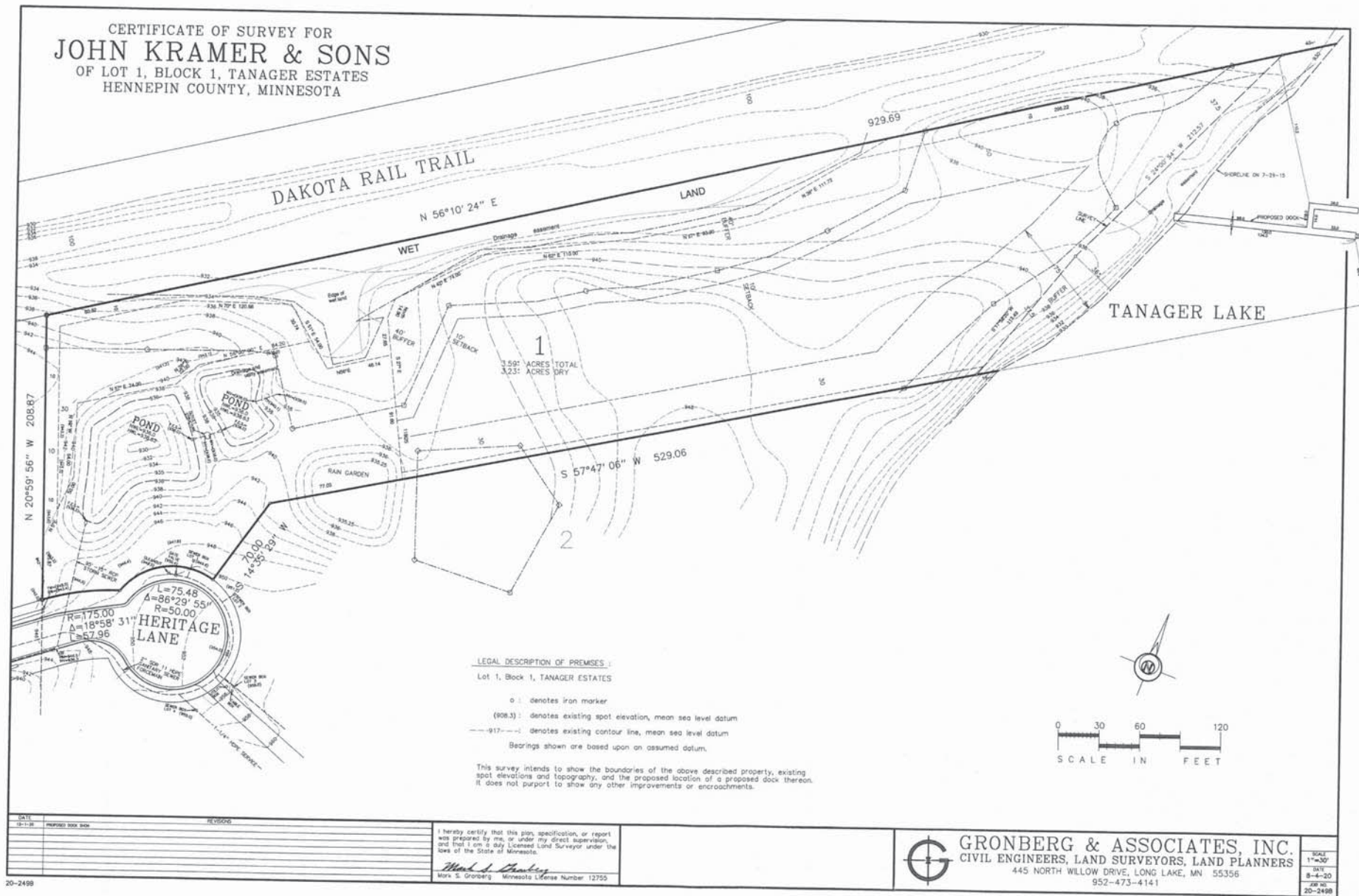
Pursuant to a statement issued by the presiding officer under Minnesota Statutes, section 13D.021, the meeting and hearing may be conducted remotely using electronic means. The LMCD's usual meeting room may not be available to the public or the Directors. Information on how to connect to the hearing 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.

Mark Schindele, 975 Heritage Lane, Orono | Variance Application
For illustrative purposes only. Aerial imagery from 2020. Taken from Hennepin County Property Information Map 01/14/2021.



CERTIFICATE OF SURVEY FOR
JOHN KRAMER & SONS
 OF LOT 1, BLOCK 1, Tanager Estates
 HENNEPIN COUNTY, MINNESOTA






LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 27, 2021 (Prepared January 22, 2020)

TO: Board of Directors

FROM: Vickie Schleuning, Executive Director 

SUBJECT: Resolution Establishing Aquatic Invasive Species Committee

ACTION _____

Board approval of the resolution to establish a standing Aquatic Invasive Species Committee.

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

Approval

I make a motion to establish a standing Aquatic Invasive Species Committee replace the Aquatic Invasive Species Task Force <subject to the following conditions>...

Denial

I make a motion to deny the establishment of an Aquatic Invasive Species Committee for the following reason/s...

BACKGROUND _____

At the January 13, 2021 LMCD Board Meeting, a roll call vote was taken and passed to direct staff to prepare a resolution establishing a standing Aquatic Invasive Species Committee to replace the AIS Task Force. The format and operation would be consistent with the other established 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 _____

- Resolution Establishing the Aquatic Invasive Species Committee

**LAKE MINNETONKA CONSERVATION DISTRICT
STATE OF MINNESOTA**

RESOLUTION NO. ____

**A RESOLUTION ESTABLISHING THE AQUATIC INVASIVE SPECIES STANDING
COMMITTEE OF THE LAKE MINNETONKA CONSERVATION DISTRICT**

WHEREAS, the Board of Directors (“Board”) of the Lake Minnetonka Conservation District (“LMCD”) acted by resolution on December 9, 2020 to formally establish certain standing committees for the LMCD as provided in Section 5.1 of the LMCD Bylaws;

WHEREAS, the Board determines it is in the best interests of the LMCD to create another standing committee to address aquatic invasive species; and

WHEREAS, the current Aquatic Invasive Species Taskforce is being extinguished and its duties shall be assumed by the standing committee established by this Resolution.

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

1. The Aquatic Invasive Species Standing Committee (“Committee”) is established as a standing committee of the LMCD in accordance with Section 5.1 of the LMCD Bylaws.
2. The Committee is subject to, and shall comply with, each of the following:
 - (a) The Committee is advisory to the Board and the scope of its work shall be determined by the Board. The Board will assign to the Committee such tasks and work as the Board determines is appropriate. The 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 by the Board at any time for any reason.
 - (c) Committee members shall serve one-year terms and may be reappointed to the Committee with no limit on the number of terms served.
 - (d) The Board shall fill the vacancies on the Committee by appointment.
 - (e) The Committee shall have no less than three members. The Committee shall be comprised of at least one, but no more than six, current Board members.
 - (f) Committee members must be present to vote. Voting by proxy is not allowed.
 - (g) The Committee is subject to the Open Meeting Law and its meetings shall be noticed and open to the public as required by Minnesota Statutes, chapter 13D. The 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 Committee is the LMCD bulletin board and will also be posted on the LMCD website.

- (h) A majority of the members actually serving on the 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 the Committee.
 - (j) The Committee is not authorized to represent the LMCD to other groups without the prior approval of the Board. The Committee is not authorized to contract or to otherwise obligate the LMCD.
 - (k) The 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 its 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 Committee to the extent required by law.
 - (l) The 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. The existing LMCD Aquatic Invasive Species Taskforce is extinguished and merged into the 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 27th day of January 2020.

BY THE BOARD OF DIRECTORS

Gregg Thomas, Chair

Attest: _____
Dan Baasen, Secretary

OPERATIONS COMMITTEE MINUTES

LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

10:00 A.M., Monday, December 21, 2020

Virtual

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.

1. CALL TO ORDER

Thomas called the meeting to order at 10:05am.

2. ROLL CALL

Members Present: Gregg Thomas, Ann Hoelscher, and Gary Hughes. Also Present: Executive Director Vickie Schleuning.

Members Absent: Deborah Zorn and Rich Anderson.

3. TOPICS

- **Committee Chair and Secretary.**

Hoelscher stated Thomas would be good Committee Chair if time allows. Hughes and Hoelscher would like to only be members.

The committee postponed assignments until all members are present.

- **Operations Committee Meeting Schedule.**

10:00 am on the Tuesday following the first board meeting of each month (January 19, February 16, March 16, etc.). was suggested as the regular meeting time of the Operations Committee for 2021.

It was noted that the Communications Committee regular meetings will be held Thursday following the second Board meeting of each month.

The committee postponed finalizing the meeting schedule until all members are present.

- **Draft Communications Regarding Wakes Public Comments.**

The committee discussed a potential process for reviewing public comments on the topic. Schleuning will make changes to draft process document and bring forward to the full board at a future meeting.

- **Potential Wake Surfing Education Program.**

A preliminary meeting for a wake surfing education program is scheduled for January 5, 2020.

- **Other.**

Hughes would like Ed Lethert to present information about electrical hazards during the formal session of an LMCD Board meeting.

4. NEXT MEETING

The next meeting is scheduled for January 19, 2021.

5. ADJOURNMENT

The meeting was adjourned 10:50 a.m.

Respectfully Submitted,

Gregg Thomas
LMCD Operations Committee Member

SAVE THE LAKE COMMITTEE MINUTES

LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

5:00 P.M., Tuesday, November 10, 2020

Virtual

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.

1. CALL TO ORDER

Meeting called to order at 5:05 pm.

2. ROLL CALL

Present: Dan Baasen, Gregg Thomas, Denny Newell, and Bill Cook. Also present Executive Director Vickie Schleuning

Members Absent: Sue Shuff, David Gross. Nicole Stone, Dan Gustafson.

3. APPROVAL OF MINUTES

Draft minutes will be forwarded to the group.

4. TOPICS

- **Draft Committee Description.** The committee members generally believed the committee description was good. It will be reviewed by the board.
- **Hennepin County Buoy Request.** Hennepin County Environmental Services requested \$5,000 to replace some of the navigation buoys at Big Island. Baasen recommended that Hennepin County should bill the LMCD directly and the funds to pay the bill will come from Save the Lake or other LMCD funds. Cook suggested that the LMCD purchase the buoys directly. The committee voted unanimously to recommend purchase of the buoys up to \$5,000 and that the LMCD purchase the buoys directly. If accepted, the request by Hennepin County Environmental Services was accepted and the LMCD will purchase the buoys in spring 2021. This item will be placed on the agenda of the December 2020 LMCD Board meeting.
- **Save the Lake Solicitation Letter.** Baasen stated the fall solicitation letter differed from the style of past letters, in that it was structured to answer the why, what, and how of Save the Lake, and included four direct appeals. Cook stated the letter had too much text and not enough white space. Cook stated the content was focused on safety and more could be added on environmental topics that we address.
Newell suggested a boat ride or an auction or drawing for future fundraising. Cook suggested Newell be in charge of spring fundraising activity. The LMCD attorney will be consulted regarding use of giveaways, contests, and other similar fundraising activities. Schleuning explained that with the uncertainties of COVID-19 this year that the auction or other person to person activities were not recommended.
- **Other.**
 - **Save the Lake Logo and Name Rights.**

The rights for the Save the Lake Logo and LMCD logo and language are being renewed with the State of Minnesota including design and language. They are renewed every 10 years. As part of the renewal, the language is being researched to see if this is an option this year. A quote of up to \$1,000 was obtained.

- The next meeting is scheduled for January 12, 2020.

Baasen thanked everyone for all the suggestions.

5. ADJOURNMENT

The meeting was adjourned at 5:50 pm.

Respectfully Submitted,

Vickie Schleuning
LMCD Executive Director