



LAKE MINNETONKA CONSERVATION DISTRICT

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AGENDA – ***AMENDED**

LAKE MINNETONKA CONSERVATION DISTRICT

Wednesday, June 12, 2019

Wayzata City Hall

600 Rice Street, Wayzata, MN 55391

WORK SESSION

6:30 p.m. to 7:00 p.m.

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

1. **No Work Session**- Meeting to Start at Formal Meeting

FORMAL BOARD AGENDA

7:00 p.m. to Adjournment

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** – 05/22/2019 LMCD Regular Board Meeting
7. **APPROVAL OF CONSENT AGENDA**
 - A) Audit of Vouchers (06/01/2019 – 06/15/2019)
 - B) May Financial Summary and Balance Sheet
 - C) Resolution Accepting Save the Lake Contributions (04/01/2019 – 05/21/2019)

8. PUBLIC COMMENTS – Persons in attendance for subjects not on the agenda (**limited to 5 minutes**). *Audience members may provide information to the Board. Please direct all comments to the Board Chair. The Board generally will not engage in public discussion or act on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.*

9. PUBLIC HEARINGS

- A) 5345 Cedar Point Road, Variance for Dock Use Area Length and Side Setbacks (Continued)
- B) Tonka Yacht Rental: New Commercial Dock License, New Non-Intoxicating Liquor License Application, and Ports of Call for 4801 Shoreline Drive

10. OTHER BUSINESS

11. OLD BUSINESS

- A) Preliminary 2020 Budget
- B) Draft Communications & Public Engagement RFP

12. NEW BUSINESS

- A) High Water Declaration Regulated Areas**

13. TREASURER REPORT

14. EXECUTIVE DIRECTOR UPDATE

- A) Lake Minnetonka Vegetation & AIS Master Plan Progress

15. STANDING LMCD COMMITTEE / WORKGROUP UPDATE

- Aquatic Invasive Species Taskforce
- Budget Workgroup
- Recodification Workgroup
- Save the Lake Committee
- Strategic Plan Subcommittee

16. ADJOURNMENT

Future Items – Tentative

- Lake Use Vision and Policy Discussion Continuing Series- TBD
 - Boat Density
 - Lake Sales and Services

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16. ADJOURNMENT

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- Lake Use Vision and Policy Discussion Continuing Series- TBD
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**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., May 22, 2019
Wayzata City Hall

WORK SESSION

6:00 p.m. to 6:55 p.m.

Members present: Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; Nicole Stone, Minnetonka.

Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matthew Cook, Environmental Administrative Technician.

Members absent: Bill Cook, Greenwood; Ann Hoelscher, Victoria; Mark Kroll, Orono; Chris Rich, Woodland; Gregg Thomas, Tonka Bay; Jake Walesch, Deephaven; and Deborah Zorn, Shorewood. (Excelsior Vacant.)

Acting Chair Baasen called the Work Session to order at 6:05 p.m.

1. BUDGET DISCUSSION

Executive Director Schleuning provided an overview of the changes presented this meeting in response to feedback from the Board regarding the 2020 preliminary budget. The revised budget includes two options, both that are balanced. The recommended budget by the financial workgroup (Treasurer Cook, Chair Thomas, Director Hughes, and Executive Director Schleuning) is to increase the overall budget by 1.1%. This would increase the city levy by an average of 2.4%. The second option was to not increase the city levy, but use \$15,500 of reserve funds to cover the gap.

The recommended budget would allow an appropriate reserve fund amount. These reserve funds are important and appropriate for use for strategic initiatives.

Schleuning reviewed the updated 2020 preliminary budget and commentary. She explained a meeting with member cities would be scheduled June 5, 2019. Comments would be compiled for review by the board the next meeting.

REGULAR MEETING

7:00 p.m.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Ann Hoelscher, Victoria; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes,

Spring Park; Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; Nicole Stone, Minnetonka; and Jake Walesch, Deephaven. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

Members absent: Gregg Thomas, Tonka Bay; Bill Cook, Greenwood; Mark Kroll, Orono; Chris Rich, Woodland; and Deborah Zorn, Shorewood. (Excelsior Vacant)

4. APPROVAL OF AGENDA

MOTION: Hughes moved, Walesch seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Acting Chair Baasen noted that Chair Thomas is still looking for volunteers for the June 8th event in Excelsior.

6. APPROVAL OF MINUTES- 05/08/2019 LMCD Regular Board Meeting

MOTION: Hughes moved, Brandt seconded to approve the 05/08/2019 LMCD Regular Board Meeting minutes as submitted.

VOTE: Ayes (9) Abstained (1) Molitor. Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Molitor moved, Walesch seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (05/16/2019 – 05/31/2019); **7B)** April Financial Summary and Balance Sheet; and, **7C)** Executive Director Compensation.

VOTE: Motion carried unanimously.

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

There were no public comments.

9. PUBLIC HEARING

A) 5345 Cedar Point Road, Variance for Dock Use Area Length and Side Setbacks

Matt Cook presented a variance application for 5345 Cedar Point Road in Minnetrista. He stated that the Board action recommended tonight would be to continue the public hearing to consider the application at the June 12, 2019 Board meeting that will provide adequate opportunity for public input and follow up regarding

any public comments made tonight. He stated that the notice sent to the surrounding residents was two days late and therefore staff wants to ensure that adequate time is provided to receive comments. He identified a previous fire lane located west of the parcel that has been vacated. He noted that the applicant has since obtained 7.5 feet of the fire lane for their property and shoreline. He provided background information noting that the applicant's property has approximately 57.5 feet of shoreline and is one parcel. He stated that this is a previously existing dock and the applicant is seeking a variance to ensure compliance. He noted that in 2018 a complaint was received regarding setbacks and the length of the dock structure and watercraft. He reviewed the variance request for the dock use area adjustment that would reduce the side setback and would include a length extension. He displayed the site plan as submitted. He reviewed the variance standards and how those apply to this request. He stated that comments were solicited from the MN DNR, MCWD and Minnetrista and no comments were received. He noted that staff received an email from a resident of a neighboring property to the east in support of the variance as requested and stated that a representative of the property owners to the west expressed opposition. He noted that because the last notice was less than ten days, staff will send another ten-day notice, and this will be considered at the June 12th meeting.

Acting Chair Baasen asked and received confirmation that public comments will be received tonight but no formal action will be taken as the action will be continued to the next meeting.

Gilchrist confirmed that the purpose of continuing the hearing would be to allow additional time for those residents that received eight days of notice rather than ten.

Klohs asked if there is an aerial of the docks installed.

Matt Cook replied that he does not have that image. He stated that the dock to the east would be of similar length because there is inadequate depth at 60 feet.

Acting Chair Baasen asked the nature of the objection.

Matt Cook replied that he believed the objection was due to the length of the dock, side setback and the number of boats.

Hoelscher stated that it seems there are converging property lines and asked the rule for that.

Matt Cook replied that converging lot lines are considered an area rather than a line itself. He stated that the idea of safe navigation is what is kept in mind. He stated that the Board should consider whether this action would impede access for the property to the west that has the converging lot line. He provided additional details on the swim platform and slide.

Klohs asked if anyone has received dredging permits for this area.

Matt Cook replied that he is not aware of any such permits but has not looked into that topic.

Acting Chair Baasen opened the public hearing at 7:18 p.m.

Andrew Marnach, Attorney representing the property owners of 5355 Cedar Point Road, stated that the property owners are opposed because of convergence. He stated the property to the west would have an impact on their dock to allow the continued violation of the LMCD rules. He explained that the dock length has far exceeded the length of dock allowed and the number of boats allowed. He stated that he does not presume to know the reasoning behind the restrictions on dock length but would assume it is related to convergence on adjacent properties. He stated that the neighbor to the east has his dock right up to the lot line, which may be why he supports the request. He stated that if the variance is not approved, the applicant would need to move his dock to the east, which may intrude on that property owner's desires. He provided aerial photographs showing the length of the dock and lower side setbacks, which both impact the property owner at 5355 Cedar Point Road. He stated that this variance would cause an issue between the two property owners. He noted that the applicant has a boat 15 feet wide and therefore with the existing dock location, the boat extends over the property line. He confirmed that his client objects to both the side setback and dock length.

Klohs asked if there is anyone in that area that has received a length variance for their dock.

Marnach replied that he is not aware of any other variances. He stated that he believes that the limitation on dock length would be to prevent situations of this nature where one property owner could encroach on another. He explained that the fire lane is going to be divided between the two property owners, each property owner would receive 7.5 feet. He explained that if the setback is granted, the property owner will move that dock to the west further once the fire lane area is added to his parcel. He stated that once the fire lane is split, the issue of encroachment will increase.

Brandt stated that it appears that all the docks along that area of shoreline have similar lengths, presumably to reach deeper water.

Acting Chair Baasen asked and received confirmation that the applicant is not a new resident and has lived at the property for multiple years.

Pete Hanson, 5335 Cedar Point Road, stated that he has lived in his home for ten years and has never had any issues with setbacks. He read language from the LMCD website that states many property owners work with each other to avoid the need to obtain a variance. He stated that the purpose of having longer docks is to reach navigable water for the boats. He stated that most of the homes in this area have 50 feet of shoreline. He stated that obviously not everyone can meet the code and have instead discussed the issue with each other to avoid issues. He believed the main issue is that the property owner to the west is new to the area and uses the property as a rental property rather than living there as a resident. He stated that the docks are close together but still far enough apart to enjoy the lake as property owners with boats and children swimming. He stated that his dock is 108 feet. He stated that the applicant's property is further in than his property and that may be why additional length is needed.

Bruce Allen, 5325 Edsall Road, stated that he has lived in his home for three years and his dock is a similar

length to the other docks in the area. He stated that all the property owners are in the same situation, a boat could not navigate the waters without longer docks because of the shallow water. He explained that the property owners in the area have worked together to find a solution that works for everyone.

Applicant, Eric Funderburk, stated that he has lived in his home for 19 years and over that time, his boats have increased in size and decreased in speed. He stated that he does have a 1997 Searay, which is 33 feet long and 13.5 feet wide. He stated that there is a 20-foot boathouse over that boat as well. He stated that in order to have sufficient setbacks he would need a larger lot, as 60 feet would be required, and he only has 57 feet. He stated that he needs at least four feet of water under the boat to avoid churning. He stated that the dock is 128 feet in length. He stated that the investors to the west have a 96-foot-long dock with 85 feet of shoreline, which means they also exceed the limit. He explained that all docks in this area exceed the limit in order to reach navigable waters. He believed that his request would meet the criteria for a variance. He noted that this variance would not move the dock location and he would actually be decreasing the size of the swim platform to bring that into compliance. He stated that he would not be moving further to the west, he would simply leave the dock in the same location. He stated that if they move their dock to the east that would simply cause a chain reaction of issues for the properties to the east. He stated that as situated, everyone is able to reach navigable waters in the current dock locations.

Klohs asked the number of watercraft the applicant has.

Funderburk replied that he has four watercraft in the water with additional watercraft above the OHW mark. He stated that they have two boats and two jet skis in the water and the remaining are above the OHW mark. He stated that all the watercraft are registered to him, he is not renting any dock slips. He noted that one of the boats shown in the aerial photograph by the neighbor attorney was sold two years ago.

Acting Chair Baasen noted that this public hearing will be continued to the June 12th meeting. He welcomed members of the public to return at that time if they wish to make additional comments.

Marnach stated that as the applicant's dock currently sits, the 13.5-foot-wide boat exceeds 3.5 feet over the boundary line. He stated that the property owner to the east puts his dock right on the property line and was unaware if there is a waiver, whether that is formal or informal. He stated that the property owner to the west of his client's property also puts his dock right on the lot line. He noted that his client has attempted to speak with that property owner to the west but was not successful as the resident did not speak English.

Funderburk stated that when he reviewed the variance criteria there is a mention of a unique situation. He stated that he is in a dispute with his property owner to the west that rents their property as a vacation home and believes that their comments in opposition are a weapon in this disagreement. He noted that the property owner to the west is much closer to that objecting property and no opposition has been formally filed with the LMCD from the rental property owner. He asked that the Board approve the request.

Rich Anderson, 3205 Crystal Bay Road, stated that there is a similar situation in his area. He stated that if there is no issue with the property to the east, perhaps the docks in that area could be moved slightly or turned and that would solve the problem of the objecting property owner.

No additional comments were offered, and the public hearing was closed at 7:49 p.m.

Gilchrist noted that the hearing will be reopened at the June 12th meeting.

Klohs noted that this is a perfect example where no one in the area is compliant and a better solution would be for the homeowners to come to an agreement, as has been done in the past for this area.

MOTION: Walesch moved, Hughes seconded to approve a continuance of the public hearing and to consider the application at the June 12, 2019 Board meeting to provide adequate opportunity for public input and follow up regarding any public comments received.

VOTE: Motion carried unanimously.

10. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

Acting Chair Baasen noted that the 2020 budget was discussed at the workshop earlier tonight. He stated that Cook adjusted his forecasts to show a 2.4 percent inflationary increase, which would balance the budget. He stated that preliminary approval would be needed for the budget and the final adoption will occur in June.

Hughes asked who will be representing the cities at the meeting schedule for June 5th.

Acting Chair Baasen explained that the cities are invited to voice any concerns.

Schleuning stated that the previous year none of the cities attended.

MOTION: Walesch moved, Stone seconded to approve the proposed preliminary 2020 budget and direct staff to solicit input from member cities.

VOTE: Motion carried unanimously.

12. NEW BUSINESS

There was no new business.

13. TREASURER REPORT

No report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Lake Minnetonka Vegetation & AIS Master Plan Progress: An initial meeting was held to discuss engagement activities and timing for information to be available.
- Solar lights were repaired and maintenance over the past few weeks and are ready to be installed.
- Although higher water levels continue, high water has not yet been declared and the LMCD continues to monitor the issue.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Recodification Workgroup: Gilchrist reported that he received a few comments in support of the draft letter he composed. He noted that a link will be made available on the website to receive comments.

Save the Lake Committee: Baasen reported that the letter will soon be sent out.

Strategic Plan Subcommittee: Schleuning reported that more information will be brought forward in the future.

16. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:07 p.m.

Gregg Thomas, Chair

Ann Hoelscher, Secretary

:35 PM
6/04/19

Lake Minnetonka Conservation District
Check Detail
June 1 - 15, 2019

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
06/14/2019	EFT19-69	ADP Service Fee		Alerus Checking		
			Payroll 6/1/19 - 6/15/19	4180M10 · Professional Services - Admin.	Admin.	-76.70
TOTAL						-76.70
06/13/2019	EFT19-70	SelectAccount Group Service Ce...		Alerus Checking		
			HSA Employer Contribution for June 2019...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for June 2019...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
TOTAL						-225.00
06/13/2019	EFT19-71	Unum Life Insurance		Alerus Checking		
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	-84.78
TOTAL						-84.78
06/04/2019	EFT19-72	P.E.R.A		Alerus Checking		
			Payroll 6/1/19 - 6/15/19	2020 · Payroll Liabilities -	Admin.	-1,270.78
TOTAL						-1,270.78
06/04/2019	EFT19-73	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-9,095.42
			P. E.R.A.	2020 · Payroll Liabilities -	Admin.	1,270.78
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-680.78
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-694.42
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-9,157.71
06/13/2019	21613	A La Carte Design		Alerus Checking		
06/13/2019	Inv.#40776		High Water No Wake Signs	4160M20 · Public Safety - S/L	STL	-595.15
TOTAL						-595.15

:35 PM

6/04/19

Lake Minnetonka Conservation District
Check Detail
 June 1 - 15, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
06/13/2019	21614	AIS Advanced Imaging Solutions		Alerus Checking		
06/13/2019	Inv.#386069157		Copier Contract 05/20/19 - 06/20/19	4140M10 · Equipment R&M - Admin.	Admin.	-878.37
TOTAL						-878.37
06/13/2019	21615	Andrea Rehm		Alerus Checking		
06/13/2019	Mileage 05/24/19		Mileage 5/24/19	4400M10 · Mileage/Exp's - Admin.	Admin.	-33.99
TOTAL						-33.99
06/13/2019	21616	Innovative Office Solutions LLC		Alerus Checking		
06/13/2019	Inv.#IN2534239		Office Supplies	4220M10 · Office Supplies -Admin.	Admin.	-24.63
TOTAL						-24.63
06/13/2019	21617	Kennedy & Graven	LK110-00004	Alerus Checking		
06/13/2019	April, 2019		Legal Fees April, 2019 Codification Project	4620M10 · Legal Fees - Admin. 4670M10 · Recodification	Admin. Admin.	-1,886.70 -121.10
TOTAL						-2,007.80
06/13/2019	21618	LMCC		Alerus Checking		
06/13/2019	Inv.#1286		VOD Services for Meeting 5/22/19	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
06/13/2019	21619	Mark Hodges Media Productions		Alerus Checking		
06/13/2019	Inv.#20190522		Meeting 5/22/19	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-80.00
TOTAL						-80.00
06/13/2019	21620	Matthew Cook		Alerus Checking		
06/13/2019	Mileage 4/26/1...		Mileage 4/26/19 - 6/3/19	4400M10 · Mileage/Exp's - Admin.	Admin.	-76.27
TOTAL						-76.27

Lake Minnetonka Conservation District
Check Detail
June 1 - 15, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
06/13/2019	21621	MN NCPERS	Unit #923600	Alerus Checking		
06/13/2019	June 2019		Life Insurance, June 2019	4380M10 · Employee Benefits - Admin.	Admin.	-32.00
TOTAL						-32.00
06/13/2019	21622	Tallen & Baertschi		Alerus Checking		
06/13/2019	May, 2019		May prosecution costs	4640M10 · Prosecution Fees - Admin.	Admin.	-1,497.13
TOTAL						-1,497.13
06/13/2019	21623	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
06/13/2019	Inv.#M24772		Board Meeting Minutes 5/22/19	4230M10 · Meeting Exp. - Admin.	Admin.	-145.00
TOTAL						-145.00

Lake Minnetonka Conservation District
Administrative Profit & Loss Budget vs. Actual
 January through May 2019

ITEM 7B

06/07/19

Accrual Basis

	Jan - May 19	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Grants & Other Income				
3080M10 · Interest - Admin.	3,232	500	2,732	646%
3300M10 · Other Income - Admin.	0	0	0	0%
3340M10 · Public Agency Grants - Adm	0	1,000	-1,000	0%
Total Grants & Other Income	3,232	1,500	1,732	215%
Licenses/Permits				
3110M10 · Multiple/Perm. Dock Lic -Admin.	78,881	83,000	-4,119	95%
3120M10 · DMA license - Admin.	3,350	3,600	-250	93%
3130M10 · Deicing License - Admin.	262	6,000	-5,738	4%
3170M10 · Variances - Admin.	500	1,000	-500	50%
3200M10 · Special Density - Admin.	0	500	-500	0%
3220M10 · Special Events - Admin.	0	0	0	0%
3240M10 · Charter Boats - Admin.	6,300	3,400	2,900	185%
3280M10 · Liquor/Beer/Wine License-Admin.	14,900	17,500	-2,600	85%
Total Licenses/Permits	104,193	115,000	-10,807	91%
3020M10 · Municipal Dues - Admin.	94,099	280,000	-185,901	34%
3260M10 · Court Fines - Admin.	17,841	50,000	-32,159	36%
3400M10 · Transfers In - Admin.	0	0	0	0%
Total Income	219,365	446,500	-227,135	49%
Gross Profit	219,365	446,500	-227,135	49%
Expense				
Legal				
4110M10 · Public Info./Legal - Admin.	293	1,000	-707	29%
4620M10 · Legal Fees - Admin.	10,964	40,500	-29,536	27%
4640M10 · Prosecution Fees - Admin.	9,111	38,000	-28,889	24%
4650M10 · Room & Board - Admin.	0	500	-500	0%
4670M10 · Recodification	4,784	5,000	-216	96%
Total Legal	25,152	85,000	-59,848	30%
Office & Supplies				
4060M10 · Telephone - Admin.	946	4,000	-3,054	24%
4070M10 · Web Page / Internet - Admin.	160	1,750	-1,590	9%
4080M10 · Postage - Admin.	691	6,500	-5,809	11%
4100M10 · Printing - Admin.	0	8,200	-8,200	0%
4220M10 · Office Supplies -Admin.	1,073	4,500	-3,427	24%
4230M10 · Meeting Exp. - Admin.	1,541	7,000	-5,459	22%
4320M10 · Office Rent - Admin.	9,422	19,200	-9,778	49%
4340M10 · Insurance - Admin.	4,469	4,000	469	112%
4360M10 · Subs/Memberships - Admin.	0	2,500	-2,500	0%
4400M10 · Mileage/Exp's - Admin.	50	1,500	-1,450	3%
4410M10 · Training/Prof. Devel. - ADM	0	1,000	-1,000	0%
4520M10 · Furniture & Equip - Admin.	0	1,550	-1,550	0%
4530M10 · Comp. Sftwr & Hdwr - Admin.	967	5,000	-4,033	19%
Total Office & Supplies	19,318	66,700	-47,382	29%
Personnel Expenses				
4020M10 · Salaries-002 - Admin	75,027	195,500	-120,473	38%
4021M10 · ER Share of Admin FICA/Medicare	5,637	16,000	-10,363	35%
4022M10 · ER PERA - Admin	5,526	15,000	-9,474	37%
4380M10 · Employee Benefits - Admin.	10,328	22,000	-11,672	47%
Total Personnel Expenses	96,518	248,500	-151,982	39%
Professional Services- ADM				
4040M10 · Auditing - Admin.	9,400	9,500	-100	99%
4180M10 · Professional Services - Admin.	1,536	5,500	-3,964	28%
4181M10 · Professional Comp. Serv.-Admin.	200	1,000	-801	20%
4182M10 · Media (Cable/Internet) - Admin.	1,640	4,000	-2,360	41%
Total Professional Services- ADM	12,776	20,000	-7,224	64%

Lake Minnetonka Conservation District
Administrative Profit & Loss Budget vs. Actual
 January through May 2019

	Jan - May 19	Budget	\$ Over Budget	% of Budget
3900M10 · Transfer Out (General Fund)	0	6,200	-6,200	0%
4140M10 · Equipment R&M - Admin.	1,775	1,500	275	118%
4660M10 · Proactive Code Enforcement Prog	0	0	0	0%
4980M10 · Contingency - Admin.	-162	14,800	-14,962	-1%
4990M10 · Equip Rpl- Transfer Out - Admin	0	5,000	-5,000	0%
Total Expense	155,377	447,700	-292,323	35%
Net Ordinary Income	63,988	-1,200	65,188	-5,332%
Net Income	63,988	-1,200	65,188	-5,332%

Lake Minnetonka Conservation District
AIS Management/Prevention Profit & Loss Budget vs. Actual
 January through May 2019

	Jan - May 19	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
3020M30 · Municipal Dues - AIS	26,330	80,000	-53,670	33%
3080M30 · Interest - AIS	0	200	-200	0%
3300M30 · Public Agencies/Other Income	0	20,000	-20,000	0%
Total Income	<u>26,330</u>	<u>100,200</u>	<u>-73,870</u>	<u>26%</u>
Gross Profit	26,330	100,200	-73,870	26%
Expense				
AIS Prevention Program				
4151M30 · Equip. Supplies -AIS Prevention	0	0	0	0%
4181M30 · Prof. Services - AIS Prevention	0	20,000	-20,000	0%
4383M30 · ER Share AIS Prevent. Fica-Med	0	0	0	0%
4531M30 · Software & Hardware/Training	400			
4981M30 · Contingency - AIS Prevention	0	0	0	0%
Total AIS Prevention Program	<u>400</u>	<u>20,000</u>	<u>-19,600</u>	<u>2%</u>
EWM Harvesting Program				
Equipment & Repair				
4150M30 · Equip. Supplies & Maint. - EWM	735	13,000	-12,265	6%
4160M30 · Fuel - Harvester/Wk Boats-EWM	0	3,300	-3,300	0%
4170M30 · Fuel/Supply - Van - EWM	40	1,000	-960	4%
4720M30 · Contract Mechanic Fees - EWM	0	8,000	-8,000	0%
4721M30 · Specialty Mechanic - EWM	0	700	-700	0%
Total Equipment & Repair	<u>775</u>	<u>26,000</u>	<u>-25,225</u>	<u>3%</u>
Office & Supplies- EWM				
4060M30 · Telephone - EWM	0	150	-150	0%
4090M30 · DMV - EWM	0	35	-35	0%
4100M30 · Printing/Advertising - EWM	0	225	-225	0%
4130M30 · Uniforms - EWM	0	190	-190	0%
4350M30 · Ins./Equip. - EWM	579	400	179	145%
Total Office & Supplies- EWM	<u>579</u>	<u>1,000</u>	<u>-421</u>	<u>58%</u>
Personnel Services- EWM				
4020M30 · Salaries - EWM	1,509	31,000	-29,491	5%
4021M30 · ER Share of EWM FICA/Medicare	0	1,400	-1,400	0%
4340M30 · Insurance W/C - EWM	913	3,100	-2,187	29%
Total Personnel Services- EWM	<u>2,422</u>	<u>35,500</u>	<u>-33,078</u>	<u>7%</u>
4740M30 · Truck Service - EWM	0	17,500	-17,500	0%
4980M30 · Contingency - EWM	0	200	-200	0%
Total EWM Harvesting Program	<u>3,777</u>	<u>80,200</u>	<u>-76,423</u>	<u>5%</u>
Total Expense	<u>4,177</u>	<u>100,200</u>	<u>-96,023</u>	<u>4%</u>
Net Ordinary Income	<u>22,153</u>	<u>0</u>	<u>22,153</u>	<u>100%</u>
Net Income	<u><u>22,153</u></u>	<u><u>0</u></u>	<u><u>22,153</u></u>	<u><u>100%</u></u>

Lake Minnetonka Conservation District
Save the Lake Profit & Loss Budget vs. Actual
 January through May 2019

06/07/19

Accrual Basis

	<u>Jan - ...</u>	<u>Budget</u>	<u>\$ Over...</u>	<u>% of B...</u>
Ordinary Income/Expense				
Income				
Contributions				
3001M20 · Donations (General) - S/L	6,896	39,500	-32,604	17%
3002M20 · Donations (Photograph) - S/L	0	0	0	0%
3004M20 · Donations (Solar Light) - S/L	0	500	-500	0%
Total Contributions	<u>6,896</u>	<u>40,000</u>	<u>-33,104</u>	<u>17%</u>
3080M20 · Interest - S/L	0	500	-500	0%
Total Income	<u>6,896</u>	<u>40,500</u>	<u>-33,604</u>	<u>17%</u>
Gross Profit	<u>6,896</u>	<u>40,500</u>	<u>-33,604</u>	<u>17%</u>
Expense				
Office & Supplies- STL				
4080M20 · Postage - S/L	20	1,000	-980	2%
4100M20 · Printing - S/L	398	1,000	-602	40%
4220M20 · Office Supplies - S/L	0	300	-300	0%
Total Office & Supplies- STL	<u>417</u>	<u>2,300</u>	<u>-1,883</u>	<u>18%</u>
Projects & Activities- STL				
4110M20 · Environmental- S/L	0	2,000	-2,000	0%
4111M20 · Public Service/Education - S/L	117	2,000	-1,883	6%
4160M20 · Public Safety - S/L	3,029	36,000	-32,971	8%
Total Projects & Activities- STL	<u>3,146</u>	<u>40,000</u>	<u>-36,854</u>	<u>8%</u>
4980M20 · Contingency - S/L	0	0	0	0%
Total Expense	<u>3,564</u>	<u>42,300</u>	<u>-38,736</u>	<u>8%</u>
Net Ordinary Income	<u>3,332</u>	<u>-1,800</u>	<u>5,132</u>	<u>-185%</u>
Net Income	<u><u>3,332</u></u>	<u><u>-1,800</u></u>	<u><u>5,132</u></u>	<u><u>-185%</u></u>



ITEM 7C

RESOLUTION NO. 188

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

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

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

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

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

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

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

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

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

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

RESOLUTION #188

Page 2

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

Adopted by the Board this 12th day of June, 2019.

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary

Lake Minnetonka Conservation District
Transaction Detail By Account
 April 1 through May 21, 2019

RESOLUTION #188 Attachment 1 - Save the Lake Contribution

<u>Date</u>	<u>Number</u>	<u>Contributor</u>	<u>Memo</u>	<u>Amount</u>
04/01/2019		PayPal	Transfer from PayPal (Robert Tomaschko 100.00)	96.80
04/09/2019		PayPal	Transfer from PayPal (Joe Fronius 7.00)	6.50
04/18/2019	10637	John Packard	STL Donations (General)	50.00
04/18/2019	20989	John & Cheryl Dale	STL Donations (General)	500.00
04/18/2019	10472	J.P. Kirkland	STL Donations (General)	50.00
04/24/2019		Benevity Fund Donation	Transfer from Benevity (Andrew Punch)	28.56
04/25/2019	6182	Dan T. Johnston	STL Donation (General)	50.00
05/09/2019		PayPal	Transfer from PayPal (Joe Fronius 7.00)	6.50
05/20/2019	22146	Wayzata Bay Charters Inc.	STL Donation (Solar Lights)	500.00
05/20/2019	7522	Jane R. Barry	STL Donation (General)	250.00
05/21/2019		Benevity Fund Donation	Transfer from Benevity (Andrew Punch 30.00)	28.56
				1,566.92



ITEM 9A

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: June 12, 2019

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: Variance for Dock Use Area, 5345 Cedar Point Road, Minnetrista

ACTION

Board consideration of a variance for an adjusted dock use area (side setbacks and dock length) for 5345 Cedar Point Rd on West Upper Lake in the Minnetrista, PID 25-117-24-24-0047, 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 Eric and Betsy Funderburk for the property located at 5345 Cedar Point Road in Minnetrista <subject to the following changes>...

Denial

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order denying the variance application from Eric and Betsy Funderburk for the property located at 5345 Cedar Point Road in Minnetrista based on...

BACKGROUND

The applicants, Eric and Betsy Funderburk, have submitted a variance application for 5345 Cedar Point Road in Minnetrista for an adjusted dock use area, altering side setbacks and dock length. A public hearing was held May 22, 2019 and was continued to June 12, 2019.

The original Board memo is attached for more information regarding the application.

CONTINUATION OF PUBLIC HEARING

The continuation of the public hearing provides an opportunity for interested individuals to present their views to the Board for consideration. This is an important part of reviewing the impact of a project. Only items under the LMCD Code and Board authority may be considered as part of any approval or denial decision.

The notice for the original hearing (May 22, 2019) was published in the May 9, 2019 edition of the Lakeshore Weekly News. In addition, the Board packet for the May 22 hearing and the June 12 hearing were posted online and the agendas were posted on the LMCD bulletin board.

A public hearing notice was mailed to nearby residents on May 14, 2019 and again on May 23, 2019.

No comments have been received from the DNR, MCWD, or the City of Minnetrista. The following public comments were received:

1. Neighbors, Pete and Kimberly Hanson of 5335 Cedar Point Road, provided comments in support of the variance application due to the small lots and shallow waters. Their comments are attached and were shared at the public hearing.
2. Neighbor Bruce Allen of 5325 Cedar Point Road also spoke at the hearing in support of the application.
3. Andrew Marnach, a representative of Eric Hermanson and Taylor Sundeen, owners of 5355 Cedar Point Road, provided comments in opposition to the variance application. An email sent by Mr. Marnach before the hearing is attached. Mr. Marnach stated that the dock typically installed at 5345 Cedar Point Road impedes navigation, and that the proposed variance would exacerbate the impediment to navigation.
4. Rich Anderson, 3205 Crystal Bay Road, stated that there is a similar situation in his area. He stated that if there is no issue with the property to the east, perhaps the docks in that area could be moved slightly or turned and that would solve the problem of the objecting property owner.

A review of the conditions and comments will be addressed at the meeting.

RECOMMENDATION

In order to provide sufficient depth for watercraft storage and navigation, staff recommend approval of a variance for length. The dock use area will be further discussed.

ATTACHMENTS

- May 22, 2019 Public Hearing Memo and attachments for 5345 Cedar Point Road Variance Application
- Email of Opposition, sent May 22, 2019 from Representative of 5355 Cedar Point Road
- May 23, 2019 Public Hearing Notice (Residents Within 350ft of Site)

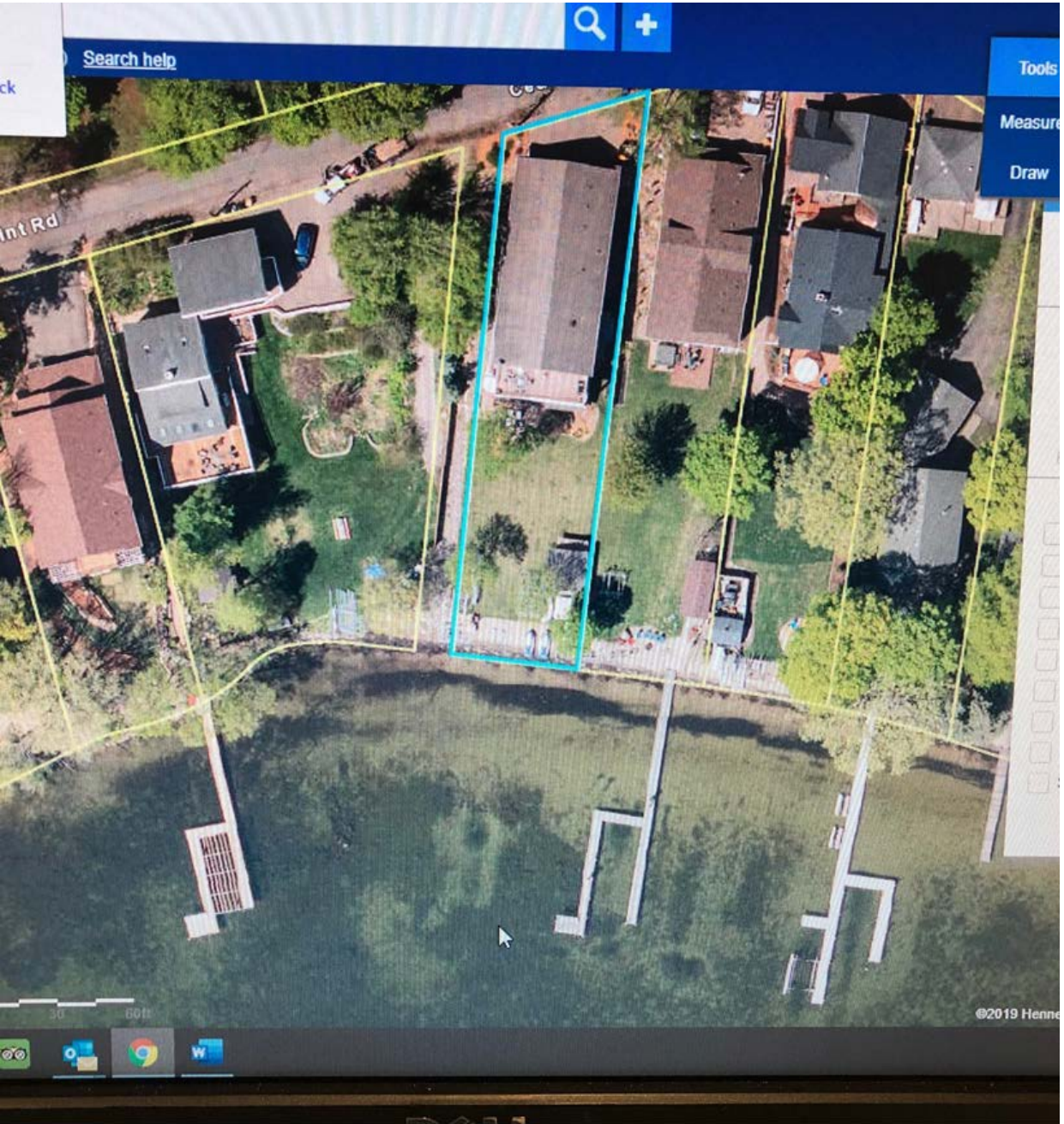
From: [Andrew J. Marnach](#)
To: [M. Cook](#)
Cc: [Eric HERMANSON](#)
Subject: 5-22-19 Public Hearing re: application for variance at 5345 Cedar Point Road, Minnetrista
Date: Wednesday, May 22, 2019 4:28:52 PM
Attachments: [image001.png](#)
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[image007.png](#)
[image008.png](#)
[image009.png](#)
[image011.png](#)
Importance: High

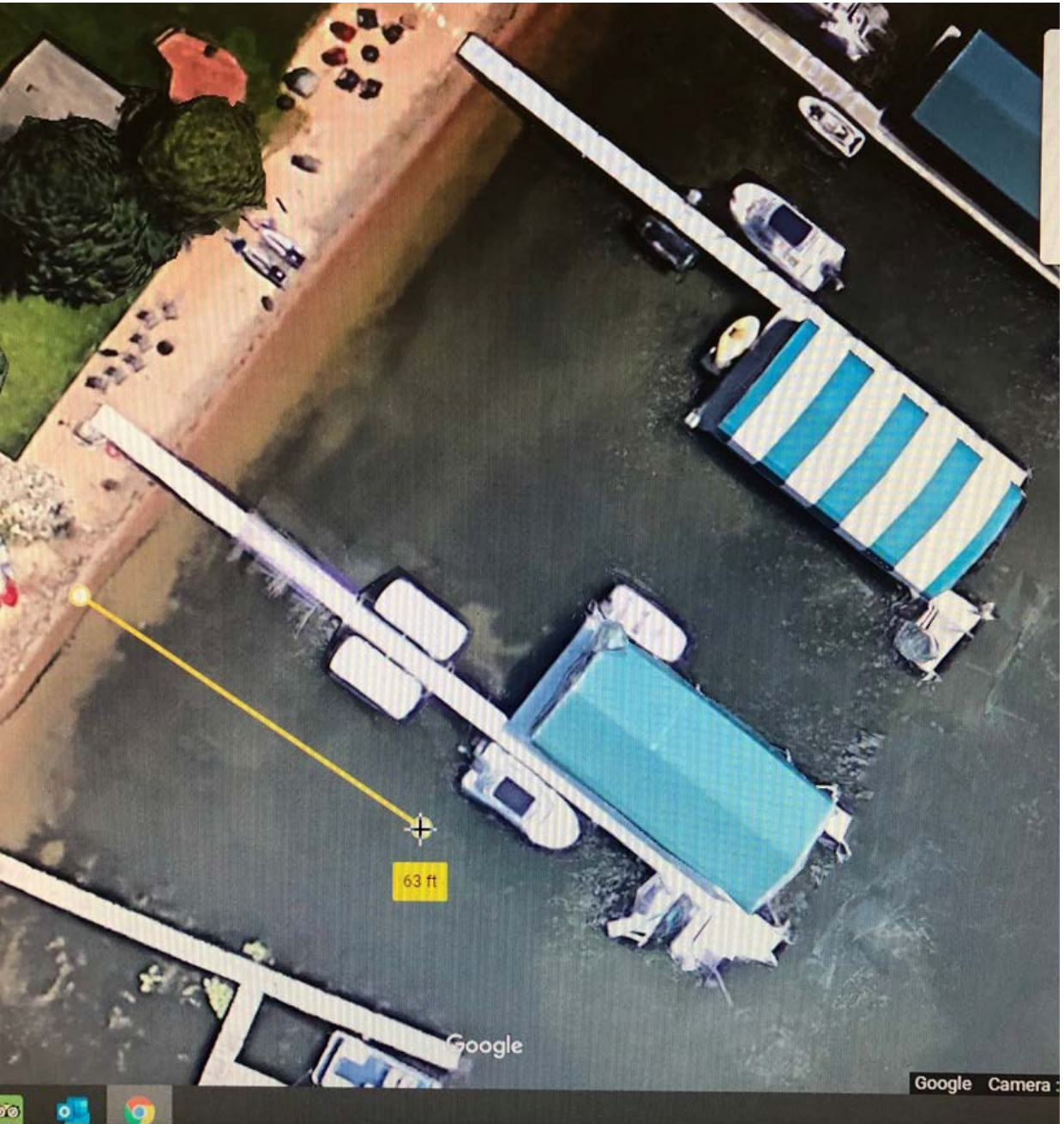
Matthew:

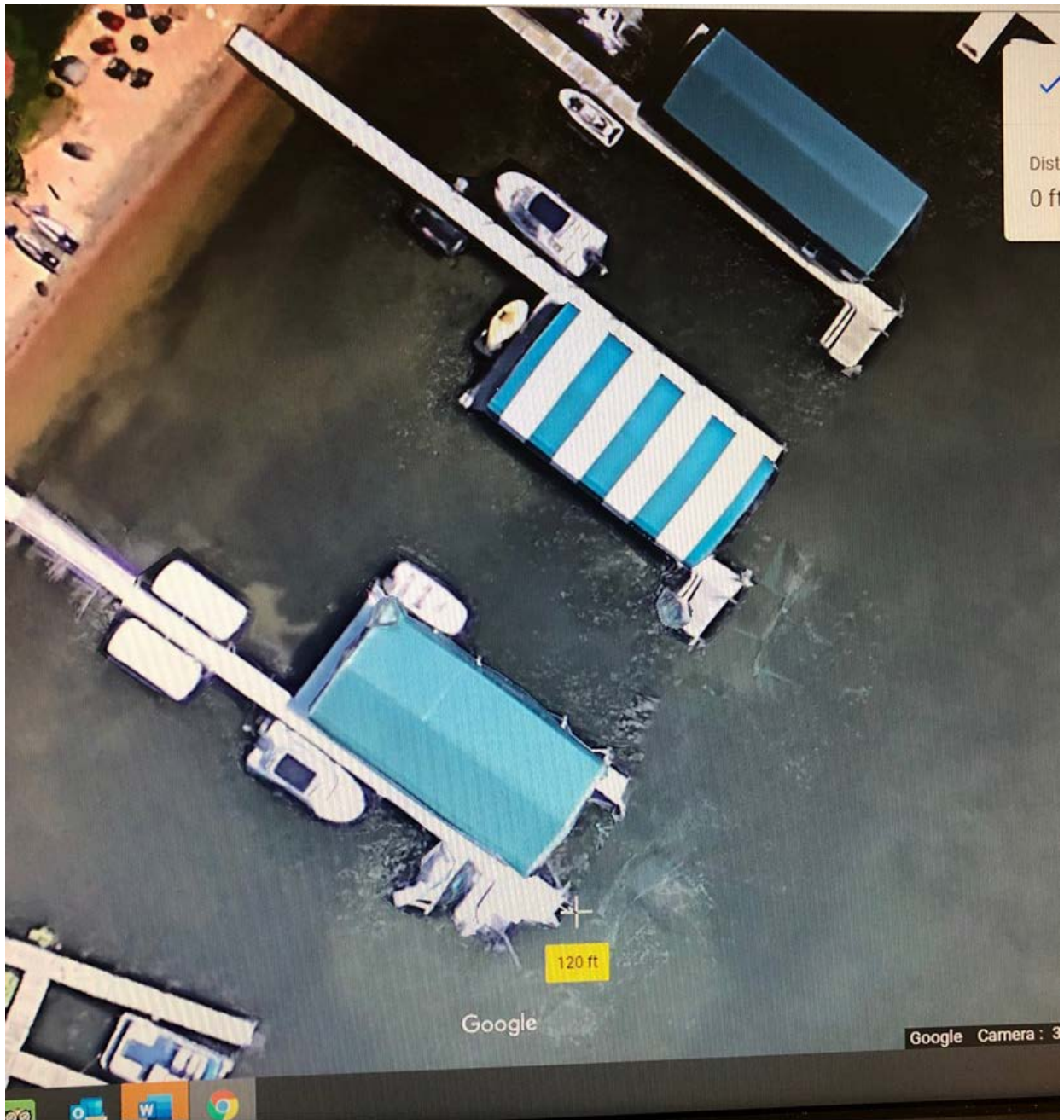
Attached for the consideration of the Lake Minnetonka Conservation District. Please contact me with questions.

Kind regards,

Andrew Marnach

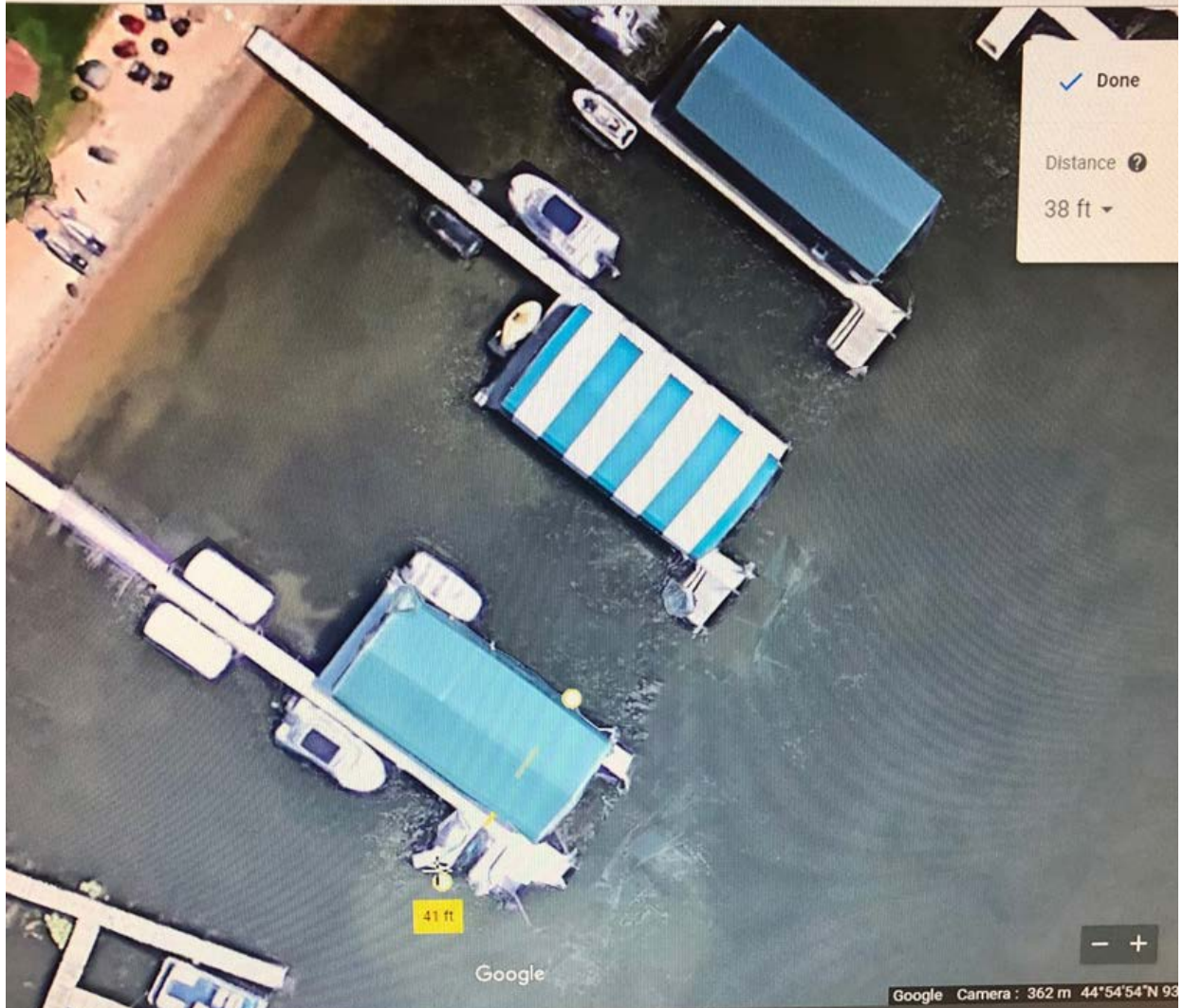




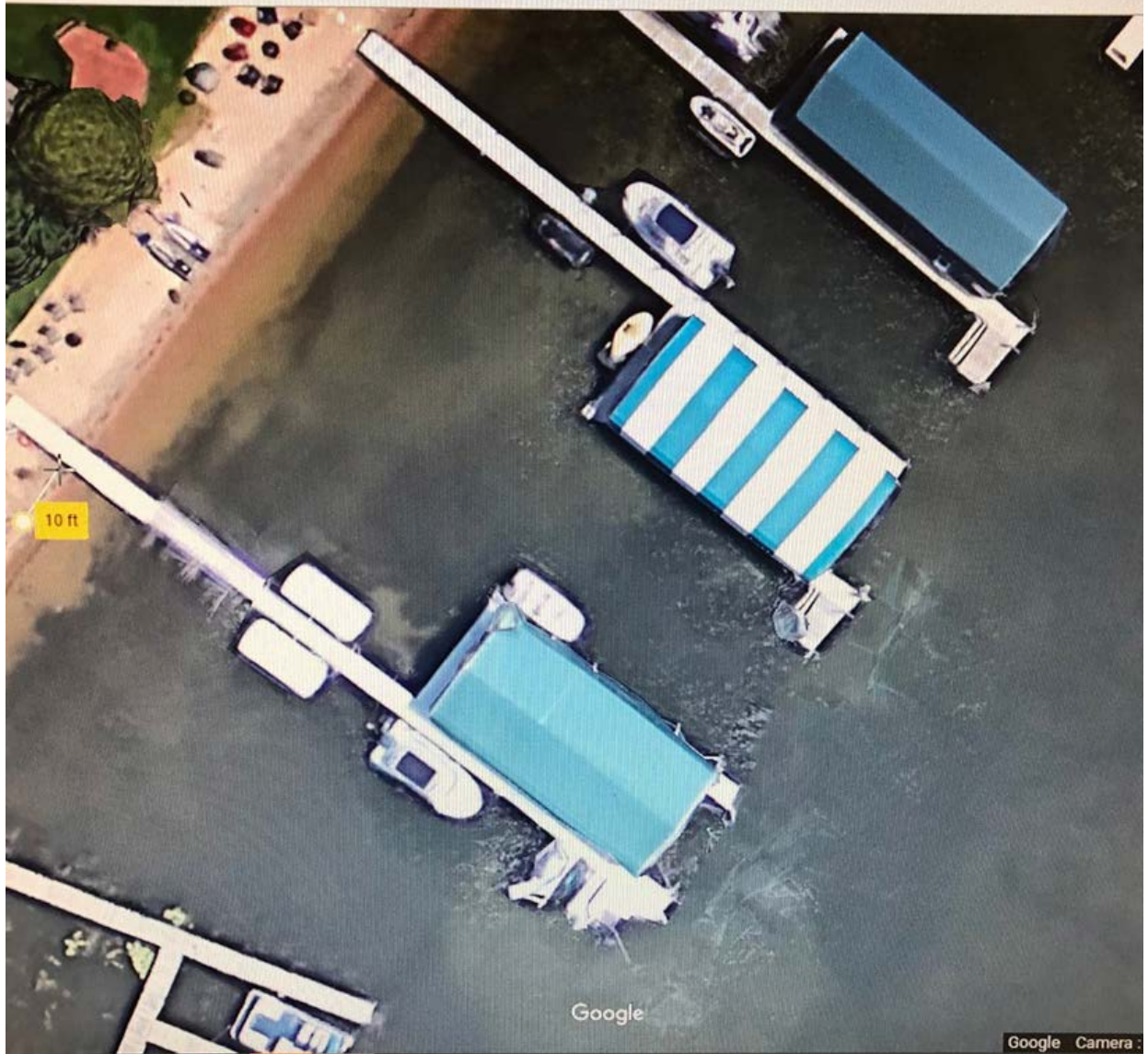


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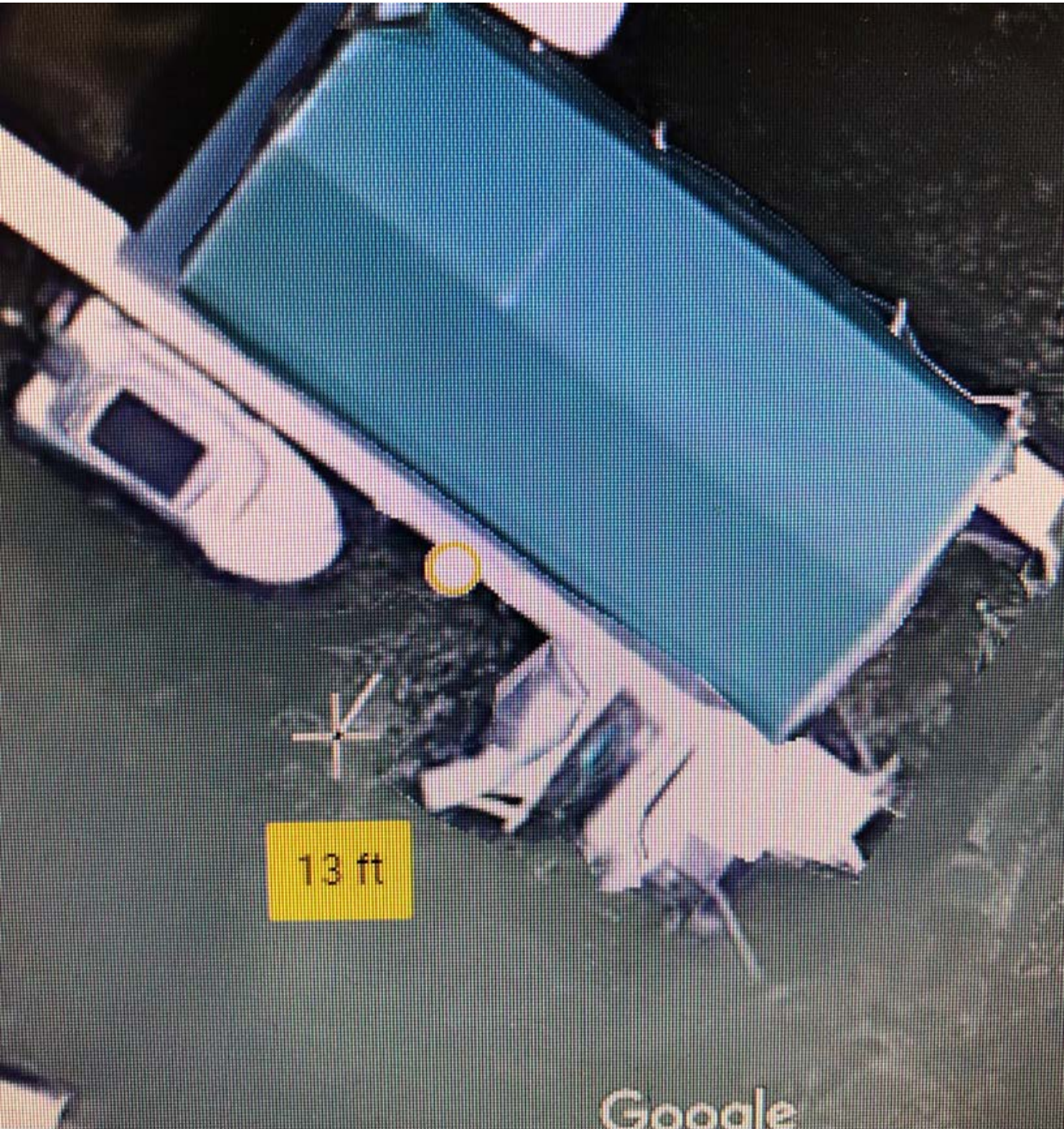


DELL











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If you have received this communication in error, please notify us immediately at amarnach@bassford.com or by telephone at 612.376.1644.

Thank you.



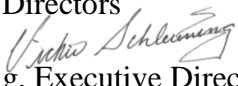
ITEM 9A

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: May 22, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director 

SUBJECT: Variance for Dock Use Areas, 5345 Cedar Point Road, Cedar Point Road

ACTION

Board consideration of a variance for an adjusted dock use area (side setbacks and dock length) for 5345 Cedar Point Rd on West Upper Lake in the Minnetrista, PID 25-117-24-24-0047, and receive public input during the public hearing.

This public hearing will be continued to the June 12, 2019 Board meeting and additional notice will be mailed to ensure sufficient notice has been provided to residents within 350 feet of the property.

BACKGROUND

The applicants, Eric and Betsy Funderburk, have submitted a variance application for 5345 Cedar Point Road in Minnetrista for an adjusted dock use area, altering side setbacks and dock length.

The application request includes a dock with an overall footprint of 31.8 feet wide by 128 feet long. The proposed dock will include an enclosed BSU measuring approximately 17 feet wide and 38 feet long, covered by a canopy.

The applicants' property has approximately 57.5 feet of 929.4 feet OHW shoreline, including the 7.5 feet to be added from the vacation of an adjacent fire lane. The applicants have already received a Hennepin County examiner's directive to secure this vacated land.

The applicants are seeking a variance to extend their dock to 128 feet in order to achieve adequate water depth. The applicants report that the depth of water (measured from the OHW) from the landward side of the proposed BSU is approximately three feet, and the depth of water from the lakeward end of the proposed BSU is approximately four feet.

The applicants propose reductions to side setback distances on both the east and west sides of the site. The applicants propose a 16.7-foot setback from the eastern side site line for both the canopy and dock, and a 9-foot setback for dock and a 20.5-foot setback for the canopy on the west side.

CONSIDERATIONS OF VARIANCE

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

1. Have the applicants sufficiently demonstrated practical difficulties exist 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 variance is within spirit and intent of 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. Are the applicants 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?

ANALYSIS

1. **Variance.** LMCD Code Section 1.07 Subd 3 allows for variances for dock lengths to a depth of five feet where deemed appropriate.

Subd. 3. Length Variances. The length limitations prescribed by this ordinance 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 feet 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.

2. **Watercraft Density.** LMCD Code Section 2.02 allows boat storage as follows:
 - A. General Rule – one restricted watercraft per 50 feet of continuous shoreline.
 - B. Unless a greater number is authorized by the general rule, up to two restricted watercraft may be kept at a dock or mooring on a residential site which was in existence on August 30, 1978.
 - C. Up to four restricted watercraft are allowed at a residential site. If all the following conditions are met:
 - a. There is one, and no more than one single family residential structure on the site.
 - b. The dockage rights at the site are owned exclusively by the owners of the lot.
 - c. All of the watercraft kept at the dock are owned by and registered to persons who live in the one residential structure at the site.

The applicants currently store four watercraft on site, in accordance with paragraph “C” above.

3. **Side Setbacks.** The side setbacks as prescribed in 2.01 Subd. 2 b) are determined by extending the side site lines into the Lake and measuring the corresponding side setback distance from the side site line.

For purpose of setback calculation, the Code states that the side setback shall be measured

from the “side site lines as extended into the Lake.” The code also defines “site” as “any shoreline lot, parcel, or other piece of property legally Subdivided and recorded in the office of the County Recorder.” Section 2.01 Subd. 2b of the LMCD Code requires side setback distances of 10 feet for docks less than 50 feet in length and 15 feet for dock length of 50-100 feet. The portions of the proposed structure that extend further than 100 feet into the lake require a 20-foot setback. The canopy requires a 20-foot setback.

4. **Dock Dimensions.** LMCD Code Section 2.12, Subd. 12 states that a dock can be greater than 8 feet in length or width, but not both.

The site plan submitted by the applicants shows the “L” portion of the dock (southwest corner of structure) with dimensions that do not comply with LMCD regulations. The applicants have agreed to reconfigure this portion of the dock to be no greater than 8 feet in at least one dimension (length or width).

5. **Conditions and Reasonable Use.** The Board will consider whether the strict application of the authorized dock use area in these circumstances as prescribed by Section 2.01 Subd. 2a prohibit the applicants from using the Lake in a reasonable manner and if the request is based solely on economic considerations.
6. **LMCD Board Authority.** The Board has the authority under Section 1.07 of the LMCD Code to allow for adjustments of authorized dock use areas and setbacks, and grant variances accordingly.

Below is an excerpt from LMCD Code Section 1.07, Subd. 1:

Where practical difficulties occur... 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.

PUBLIC HEARING

The public hearing provides an opportunity for interested individuals to present their views to the Board for consideration. This is an important part of reviewing the impact of a project. Only items under the LMCD Code and Board authority may be considered as part of any approval or denial decision.

The hearing notice was published in the May 9, 2019 edition of the Lakeshore Weekly News. In addition, the Board packet is posted online and the agenda is posted on the LMCD bulletin board.

A public hearing notice was mailed to nearby residents on May 14, 2019. Because these notices should be given at least 10 days prior to the public hearing, it is recommended the hearing on May 22, 2019 be continued on June 12, 2019 after additional notice is given.

In compliance with MN DNR General Permit 97-6098 and general communications, the MN DNR, MCWD, and the City of Minnetrista were provided a copy of the variance application for review.

No comments have been received from the DNR, MCWD, or the City of Minnetrista. The applicants' neighbors, Pete and Kimberly Hanson of 5335 Cedar Point Road, provided comments in support of the variance due to the small lots and shallow waters. Their comments are attached.

RECOMMENDATION

Staff recommend, after receiving comments as part of the public hearing, that the Board continue the public hearing to the June 12, 2019 Board meeting.

Staff recommend approval of a variance for length. Regarding setbacks, options will be discussed with the Board for consideration at the May 22, 2019 meeting.

ATTACHMENTS

- LMCD Code Excerpts
- Variance Application
- Site Plan
- Email of Support from Neighbor
- Public Hearing Notice (Lakeshore Weekly News)
- Public Hearing Notice (Residents Within 350ft of Site)



Section 1.07. Variance.

Subd. 1. General Statement. 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 district 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 ordinance 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 ordinance 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 feet 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. 4. Application. Applications for variances shall be filed with the Executive Director of the district. The application shall contain (a) the name and address of the applicant; (b) the description and location of the property for which the variance is sought; (c) the variance for which the application is made; (d) the names and addresses of the owners of abutting sites; (e) the names and addresses of the owners of other affected sites; (f) a map or plat of the site for which the variance is sought, and of abutting or other affected sites, showing any existing docks, moorings or other structures; (g) the consent of the applicant permitting officers and agents of the district to enter upon the applicant's premises at reasonable times to investigate the application and to determine compliance with any variance which may be granted; and (h) such other information, such as surveys and photographs, as the Executive Director may require to assist the Board in consideration of the application.

Subd. 5. Fee. The variance application shall be accompanied by a fee in the amount established by resolution of the Board of Directors plus an additional deposit in an amount established by resolution of the Board to cover legal, surveying, engineering, inspection, maintenance or other expenses incurred by the District. The Board shall approve all expenses charged against the deposit and the unused portion thereof shall be returned to the applicant. The application shall state that the applicant agrees 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 deposit. Fees shall not be refunded at any time after the processing of the application has been commenced.

Subd. 6. Hearings. Upon receipt of a completed variance application, the Executive Director shall schedule a hearing by the Board on the application in accordance with Section 1.05. The Board may grant a variance from the literal provisions of this Code in instances where the property owner can show practical difficulties exist by virtue of circumstances which are unique to the individual property or properties under consideration or to provide access to

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

Subd. 7. Orders to Other Owners. The Board shall not require the owner of any site who is not the applicant to take any action at variance with what is otherwise permitted by this chapter without first giving the owner a reasonable opportunity to be heard thereon as provided by Subdivision 6. If the Board orders such owner to take the action proposed, or any part thereof, a reasonable length of time within which to take such action shall be afforded. Any such order shall be in writing, shall be served upon the owner in the manner that civil process is served, and shall specify the length of time within which the owner shall take the required action, which time shall be no less than 30 days.

Subd. 8. Violations. Locating, constructing, installing or maintaining a dock, mooring or other structure in a manner different from the terms and conditions of a variance which is ordered or permitted is a violation of this Code and grounds for rescission of the variance.

Subd. 9. Temporary Low Water Variances. During periods when the Lake level falls below elevation 928.0 feet NGVD, the Board may issue temporary low water variances for multiple docks and moorings in locations or configurations not otherwise allowed by this Code. Such variances shall be subject to the provisions of this section; provided, however, that the Board may waive application requirements of Subd. 4 and may waive the public hearing requirement of Subd. 6. No such variance shall be granted which provides storage for more watercraft or larger watercraft than would be allowed without a variance. Temporary low water variances may be issued for a specified term or for such time as low water conditions continue as determined by the Board. Removal or relocation for the winter season may be required.

Section 2.01. Authorized Dock Use Area.

Subd. 2. Description of Authorized Dock Use Area. An authorized dock use area is described as follows:

b) Width - The authorized dock use area for sites bordering on the Lake is limited in width by the setback limitations prescribed herein. The setback from side site lines as extended in the Lake shall be as follows:

For that portion of the length of the authorized dock use area which extends from the shore_____	The setback shall be
Zero to 50 feet	10 feet
50 to 100 feet	15 feet
100 to 200 feet	20 feet

Section 2.02. Shoreline Requirements

Subd. 1. General Rule. 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 one for each 50 feet of continuous shoreline in existence on May 3,

1978, unless authorized to do so by special density license pursuant to Section 2.05. For sites with continuous shoreline greater than 100 feet, when measurements determining the number of restricted watercraft allowed result in the provision of a fractional restricted watercraft, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall be counted as one additional restricted watercraft.

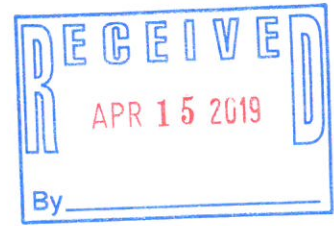
2.12, Miscellaneous Provisions, Subd. 12. Dock Dimensions. “A dock may exceed eight feet, excluding posts, in either its length or width, but not both.....”

ATTACHMENT



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: Eric & Betsy Funderburk

Address: 5345 Cedar Point Road

City, State, Zip: Minnetrista, MN 55364

Phone: (612) 940-5848 Fax: _____ Email: eric.funderburk@nevro.com

Property owner (if different from applicant): _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

PROPERTY LOCATION:

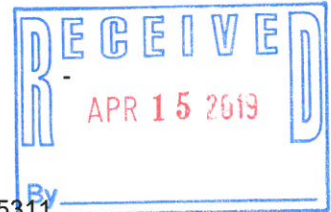
Located in the city of: Minnetrista

Address & Property Identification No (PID): 5345 Cedar Point Road : 25-117-24-24-0047
Address PID#

TYPE OF VARIANCE: Length and Setback

State practical difficulties causing variance to be required:

We need the length of dock to get to safe navigable water due to the gradual slope of the lake bottom in the Douglass Beach area. Our dock is 31.8ft wide and our lot is 57.5 feet wide. Our other neighbor to our east is only a foot off the line and cannot move down. It would cause a cascading effect for the next four properties. They all go out just as far.



ABUTTING LAKESHORE PROPERTY OWNERS:

North or West: Taylor J Sundeen Et Al, 18911 100th Ave North, Maple Grove, MN 55311
(Name and mailing address)

South or East: Peter and Kimberly Hanson, 5335 Cedar Point Road, Mound, MN 55364
(Name and mailing address)

Other affected parties (attach sheet if necessary):

(Name and mailing address)

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

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

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

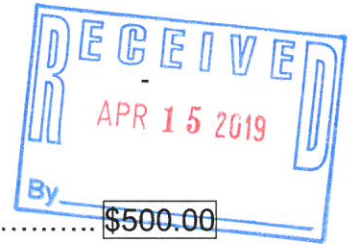
Absence of significant data requested above could result in a processing delay.

FEE CALCULATION

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

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

Variance Application



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

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

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


Authorized Signature

4/15/2019
Date

Owner

Title

self

Relationship to Owner

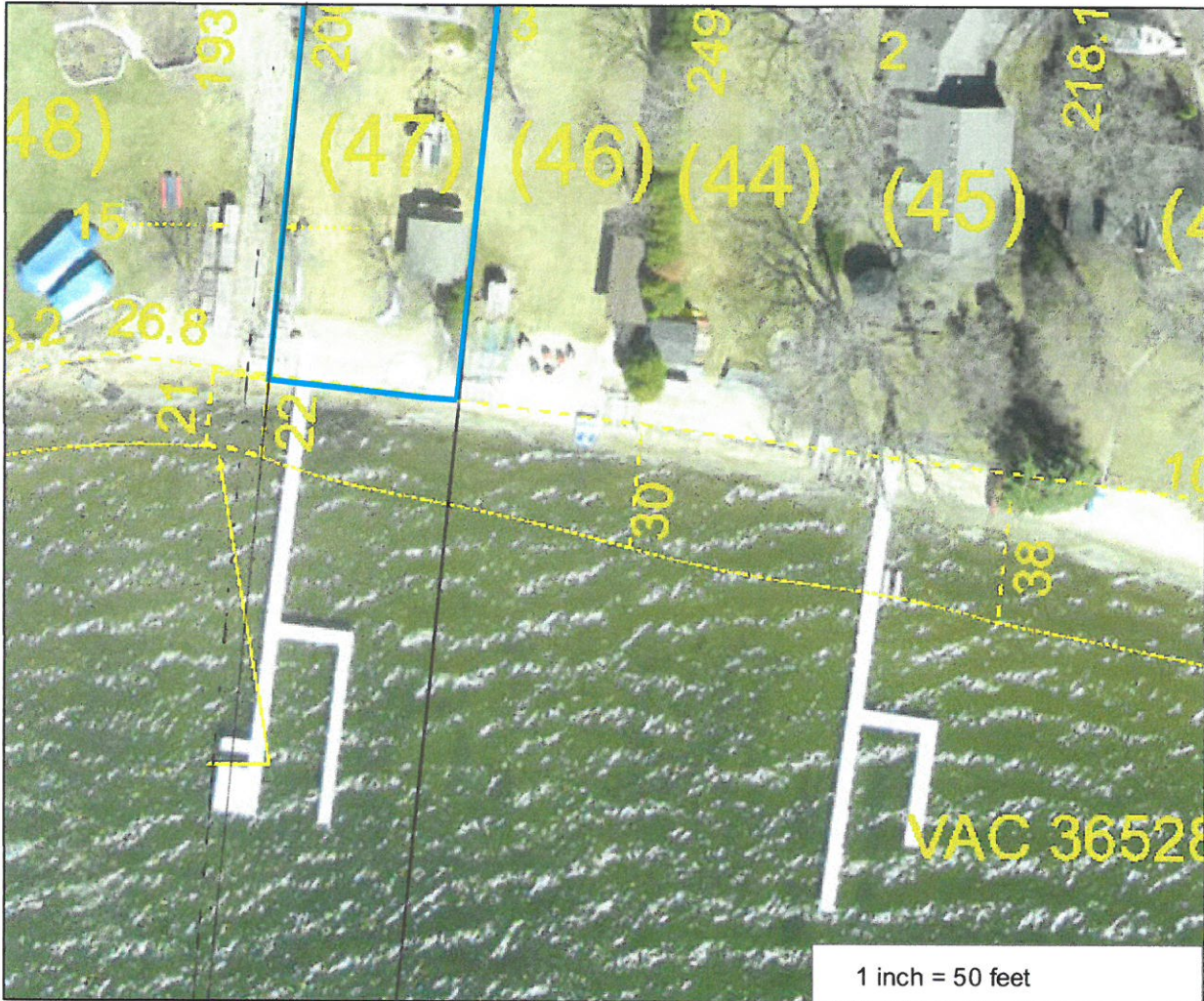
Return this application, attachments and fee to:

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



Hennepin County Property Map

Date: 4/15/2019



PARCEL ID: 2511724240047

OWNER NAME: Eric G Funderburk Et Al

PARCEL ADDRESS: 5345 Cedar Point Rd,
Minnetrista MN 55364

PARCEL AREA: 0.24 acres, 10,645 sq ft

A-T-B: Torrens

SALE PRICE: \$622,500

SALE DATA: 05/2001

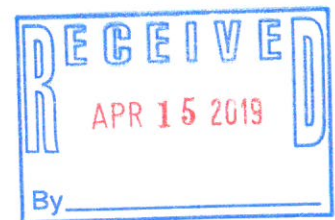
SALE CODE: Warranty Deed

ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Homestead
MARKET VALUE: \$855,000
TAX TOTAL: \$10,129.08

ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Homestead
MARKET VALUE: \$883,000

Comments:

2015



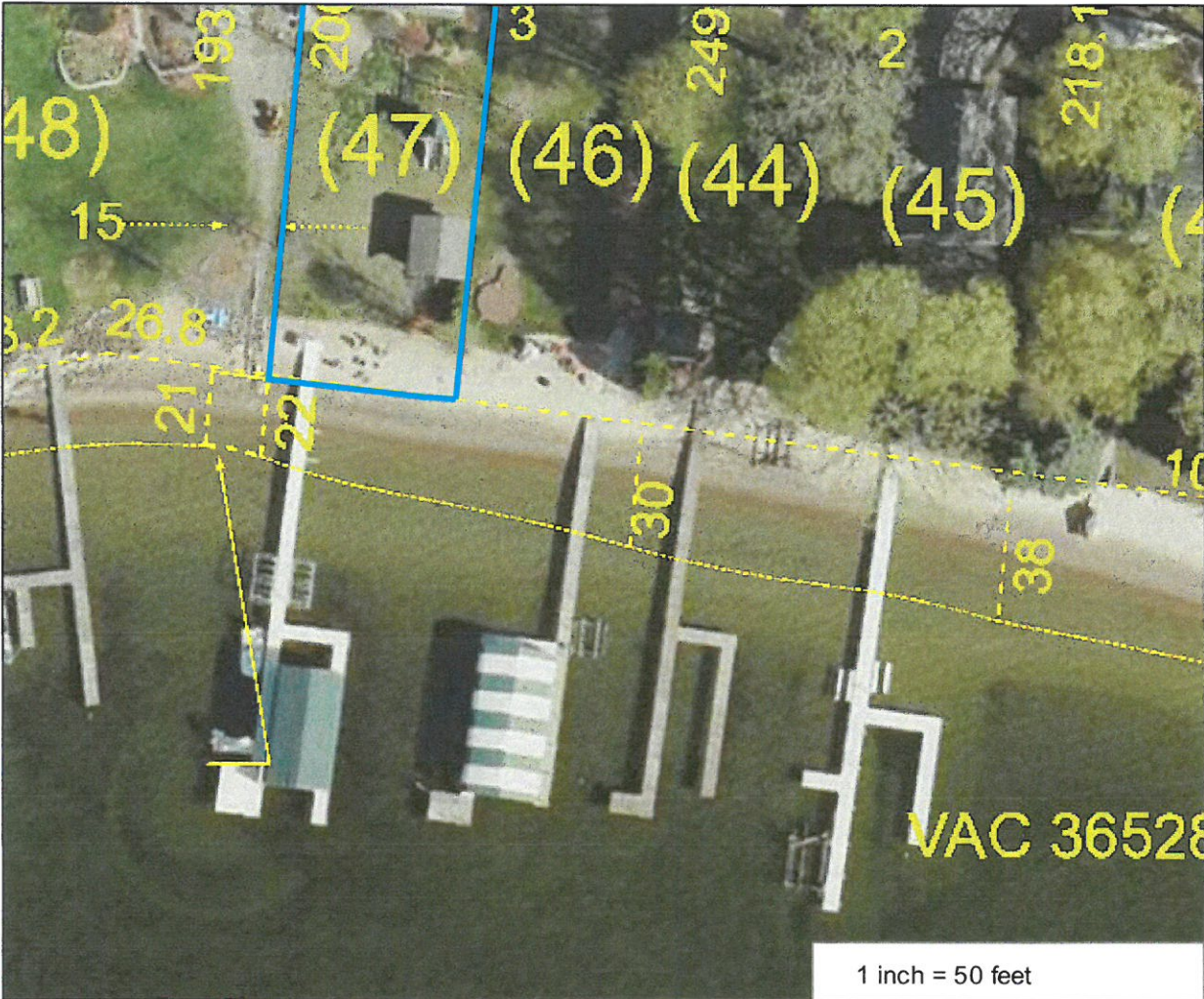
This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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Hennepin County Property Map

Date: 4/15/2019



PARCEL ID: 2511724240047

OWNER NAME: Eric G Funderburk Et Al

PARCEL ADDRESS: 5345 Cedar Point Rd,
Minnetrista MN 55364

PARCEL AREA: 0.24 acres, 10,645 sq ft

A-T-B: Torrens

SALE PRICE: \$622,500

SALE DATA: 05/2001

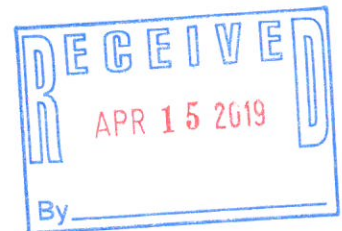
SALE CODE: Warranty Deed

ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Homestead
MARKET VALUE: \$855,000
TAX TOTAL: \$10,129.08

ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Homestead
MARKET VALUE: \$883,000

Comments:

~~2006~~ 2012



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Hennepin County Property Map

Date: 4/15/2019



PARCEL ID: 2511724240047

OWNER NAME: Eric G Funderburk Et Al

PARCEL ADDRESS: 5345 Cedar Point Rd,
Minnetrista MN 55364

PARCEL AREA: 0.24 acres, 10,645 sq ft

A-T-B: Torrens

SALE PRICE: \$622,500

SALE DATA: 05/2001

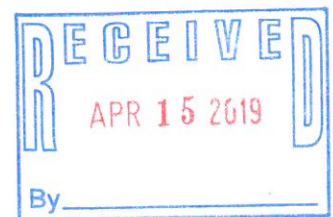
SALE CODE: Warranty Deed

ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Homestead
MARKET VALUE: \$855,000
TAX TOTAL: \$10,129.08

ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Homestead
MARKET VALUE: \$883,000

Comments:

~~2012~~ 2009



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Hennepin County Property Map

Date: 4/15/2019



PARCEL ID: 2511724240047

OWNER NAME: Eric G Funderburk Et Al

PARCEL ADDRESS: 5345 Cedar Point Rd,
Minnetrista MN 55364

PARCEL AREA: 0.24 acres, 10,645 sq ft

A-T-B: Torrens

SALE PRICE: \$622,500

SALE DATA: 05/2001

SALE CODE: Warranty Deed

ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Homestead
MARKET VALUE: \$855,000
TAX TOTAL: \$10,129.08

ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Homestead
MARKET VALUE: \$883,000

Comments:

2006



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COUNTY 2019



Hennepin County Property Map

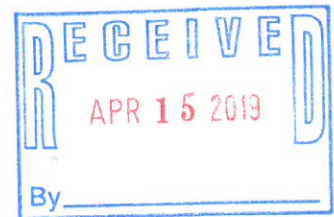
Date: 4/15/2019



No results

Comments:

2004



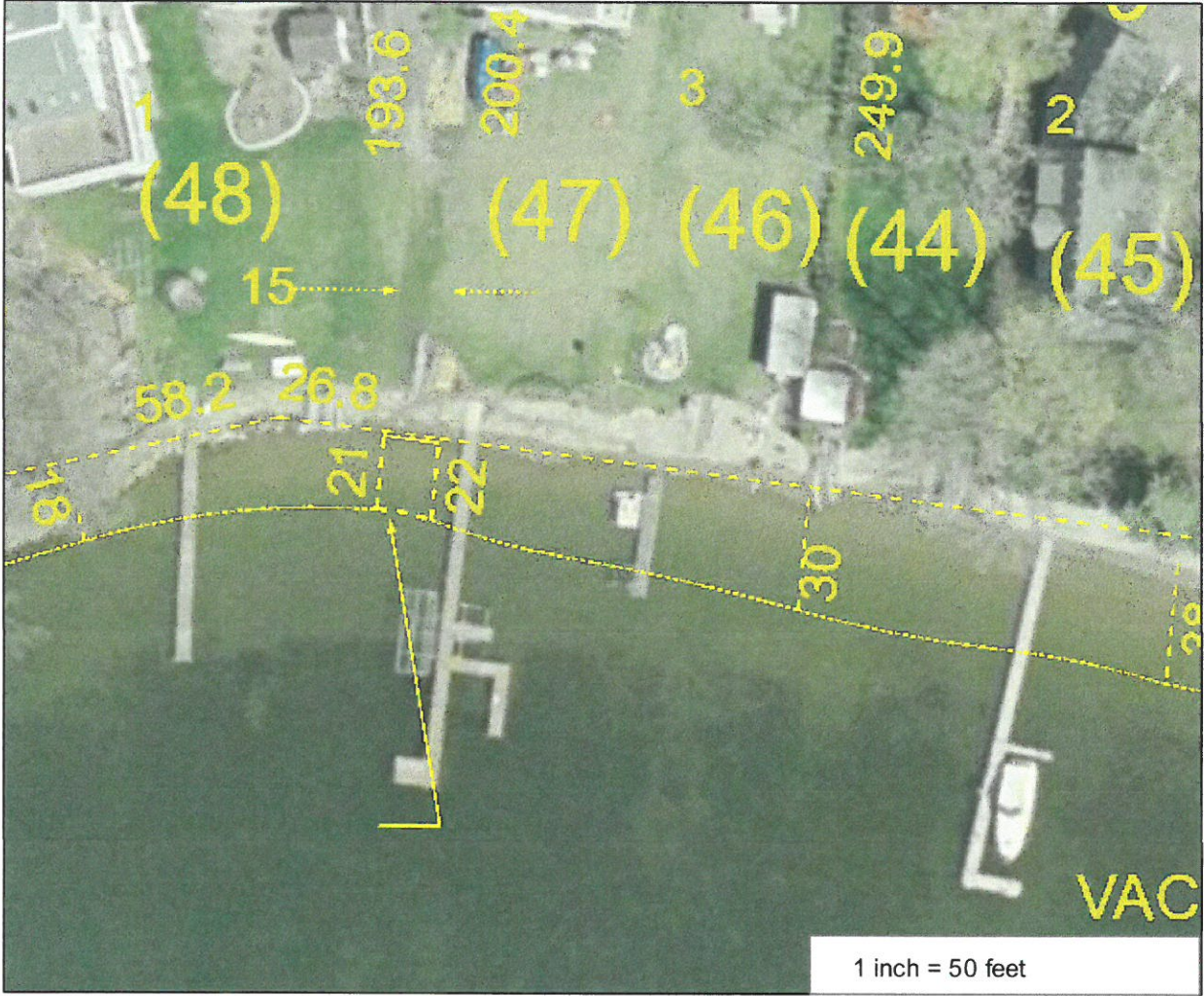
This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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Hennepin County Property Map

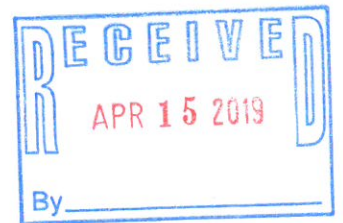
Date: 4/15/2019



No results

Comments:

2002



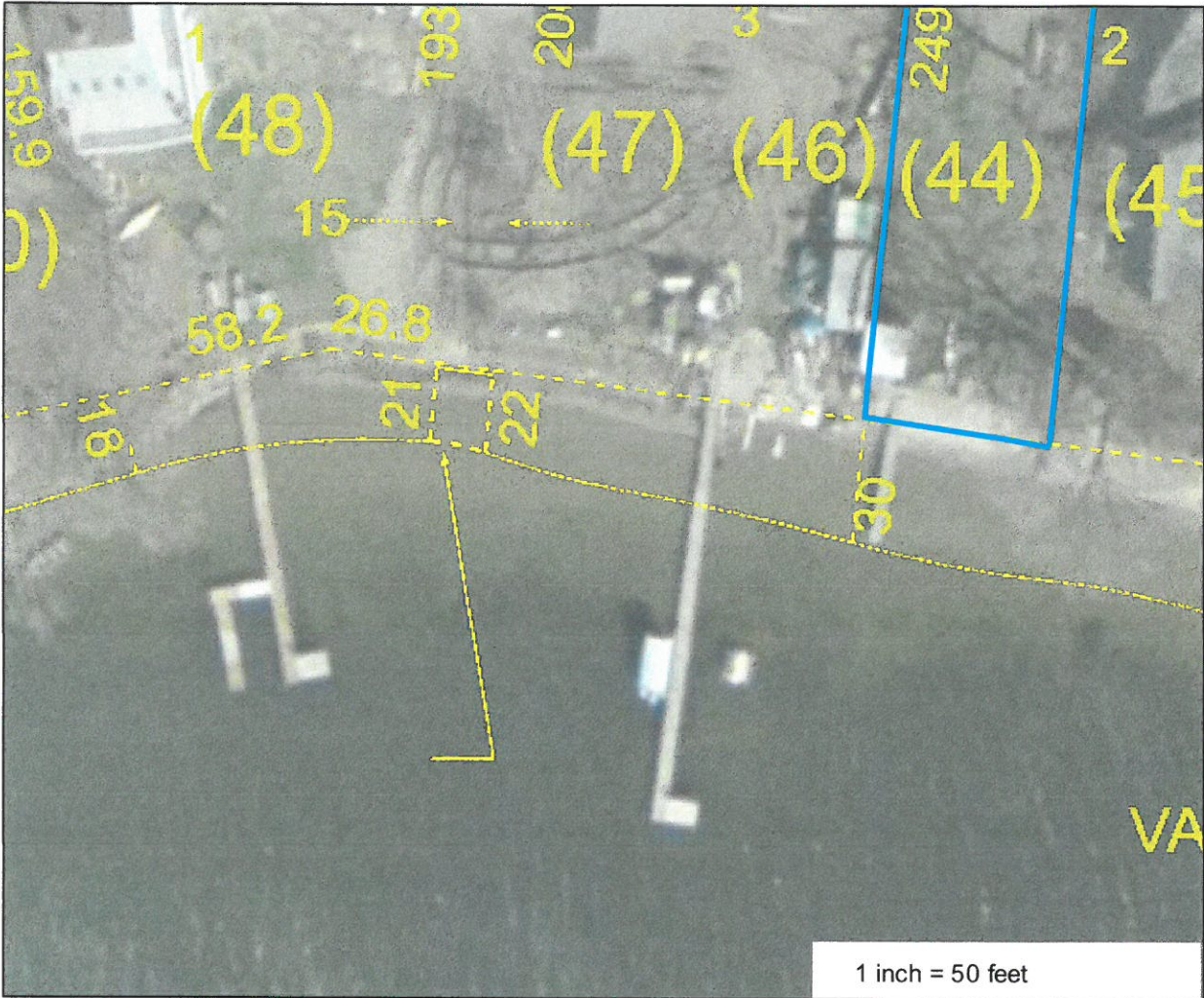
This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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Hennepin County Property Map

Date: 4/15/2019



PARCEL ID: 2511724240044

OWNER NAME: Bruce W Allen & Ann L Allen

PARCEL ADDRESS: 5325 Edsall Rd, Minnetrista MN 55364

PARCEL AREA: 0.28 acres, 12,291 sq ft

A-T-B: Torrens

SALE PRICE: \$780,000

SALE DATA: 05/2016

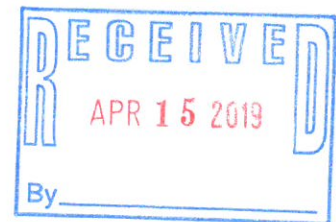
SALE CODE: Warranty Deed

ASSESSED 2018, PAYABLE 2019
 PROPERTY TYPE: Residential Lake Shore
 HOMESTEAD: Non-Homestead
 MARKET VALUE: \$834,000
 TAX TOTAL: \$9,850.58

ASSESSED 2019, PAYABLE 2020
 PROPERTY TYPE: Residential Lake Shore
 HOMESTEAD: Non-homestead
 MARKET VALUE: \$914,000

Comments:

2000



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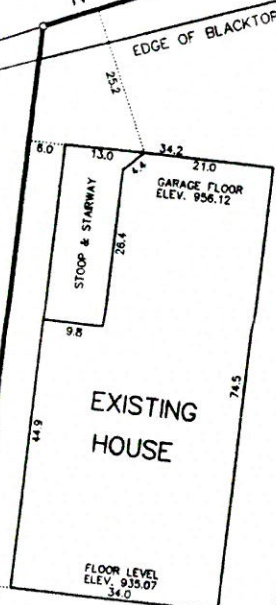
CERTIFICATE OF SURVEY FOR
Eric Funderburk
 IN LOT 3, BLOCK 9, DOUGLAS
 HENNEPIN COUNTY, MINNESOTA

CEDAR POINT ROAD

EDSALL ROAD

N 72°31'07" E 54.96

199.82 PLACE



EXISTING HOUSE

224.18

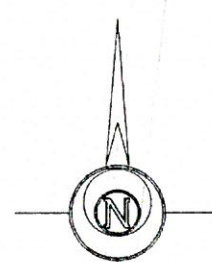
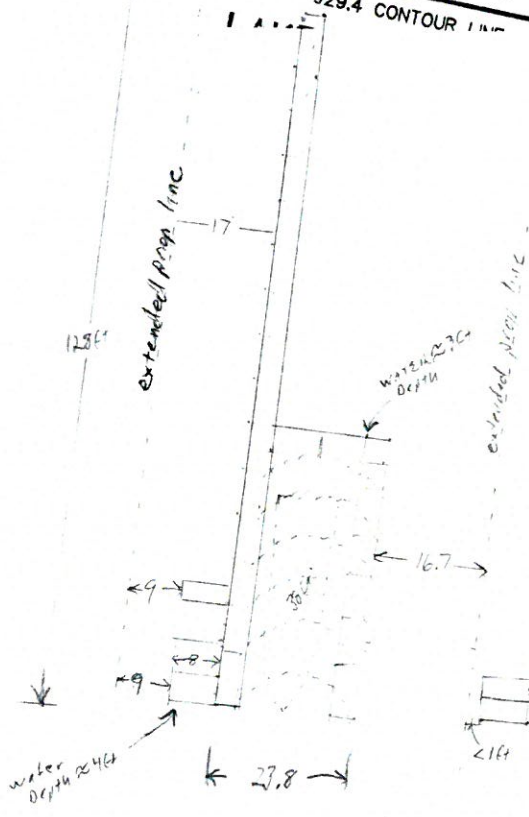
SINCLAIR N 7°02'51" E

S 7°03'30" W

SURVEY LINE

N 81°10'34" W 50.02

Lake
 Minnetonka



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 PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.		SCALE 1"=20'
<i>Eric Funderburk</i>		DATE 5/16/01
DATE 5-16-01	MN LICENSE NUMBER 22785	JOB NO. 01-171

Boat Draft
 2'11" minimum

ATTACHMENT

M Cook

From: Pete Hanson < >
Sent: Thursday, April 18, 2019 3:53 PM
To: M Cook
Cc: Hanson, Kimberly
Subject: Funderburk-Support of Length and Setback Variance

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Cook & Lake Minnetonka Conservation District Board Members,

I am writing in support for the dock length and setback variance for our immediate neighbor to the west, Betsy and Eric Funderburk at 5345 Cedar Point Road.

Our home is located in the Douglas Beach area of the lake. In this area homes are close together, but we do the best we can with the small lots that we have. The majority of the lots on Douglas beach are 50 feet wide. Due to the minimum size lots, the curvature of the shoreline and water depth in the area, the standard set backs are difficult to conform to. In addition, the slope of the lake is gradual with the depth at the end of the current dock is approximately 4 feet. The current length of the dock is necessary to get to safe and navigable waters and to minimally disturb the bottom.

We have lived next to the Funderburk's for 10 years and we have never had an issue with the dimensions of their dock.

I ask that you allow this variance to go through.

Thank you for your consideration,
Kimberly & Pete Hanson

5335 Cedar Point Road
Minnetrista, MN 55364



ATTACHMENT

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: May 2, 2019

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

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (05/09/19 Edition)

LAKE MINNETONKA CONSERVATION DISTRICT PUBLIC HEARING NOTICE

7:00 PM, May 22, 2019
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

Eric and Betsy Funderburk
5345 Cedar Point Road, Minnetrista, MN 55364
West Upper Lake, Lake Minnetonka

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a variance application for Eric and Betsy Funderburk of 5345 Cedar Point Road in Minnetrista. An application has been submitted to adjust the site's dock use area through changes to dock length and side setbacks. 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.



ATTACHMENT

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: May 14, 2019
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 a for adjusted dock use area (side setbacks and dock length). The site is located at 5345 Cedar Point Road in Minnetrista, MN.

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the variance application. The applicant proposes to reduce side setbacks for the site and increase dock length to reach sufficient depth for boat storage. All interested persons will be given an opportunity to comment.

Public Hearing Information: A public hearing will be held at 7:00 PM, May 22, 2019, at Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. The applicants are Eric and Betsy Funderburk of 5345 Cedar Point Road, Minnetrista, MN 55364. The site is located on West Upper Lake on Lake Minnetonka.

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



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: May 23, 2019
TO: Property Owner or Resident
FROM: Vickie Schleuning, Executive Director
SUBJECT: Public Hearing Notice

You are receiving this notice because Hennepin County property records indicate you own or reside upon property within 350 feet of a site being considered for a for adjusted dock use area (side setbacks & dock length). The site is located at 5345 Cedar Point Road in Minnetrista, MN.

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the variance application. The applicant proposes to reduce side setbacks for the site and increase dock length to reach sufficient depth for boat storage. All interested persons will be given an opportunity to comment.

Public Hearing Information: A public hearing will be held at 7:00 PM, June 12, 2019, at Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. The applicants are Eric and Betsy Funderburk of 5345 Cedar Point Road, Minnetrista, MN 55364. The site is located on West Upper Lake on Lake Minnetonka.

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

Eric Funderburk, 5345 Cedar Pt Rd, Minnetrista

Variance Application

For illustrative purposes only. Aerial imagery (2015) may not depict current conditions.

Source: Hennepin County Interactive Property Map, 05/01/2019



5345
Cedar Point Road

WEST UPPER LAKE

Type: Length and Sideline Setback
Variances
Date: July __, 2019
Applicant: Eric Funderburk & Betsy Funderburk
Site PID: 25-117-24-24-0047

**LAKE MINNETONKA CONSERVATION DISTRICT
HENNEPIN COUNTY, MINNESOTA**

IN RE:

Application of Eric Funderburk and Betsy
Funderburk for variances for dock length
and side setbacks for the property located
5345 Cedar Point Road in the City of Minnetrista

**FINDINGS OF FACT
AND ORDER**

The Lake Minnetonka Conservation District ("LMCD") received an application from Eric Funderburk and Betsy Funderburk (collectively, the "Applicant") for variances from the 100 foot limit on dock length and for reduced side setback distances for the dock located at 5345 Cedar Point Road, Minnetrista, Minnesota and legally described in the attached Attachment One ("Subject Property"). The LMCD Board of Directors ("Board") held a public hearing, after due notice having been provided, on the requested variances May 22, 2019, at the Wayzata City Hall in the City of Wayzata, Minnesota. In order to ensure the neighboring owners had the full period of notice and opportunity to testify, continued the hearing to June 12, 2019 to allow for additional public input before discussing and taking any action on this application. Based on the proceedings and the record of this matter, the Board hereby makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Staff Memo dated May 22, 2019 regarding the requested variances is incorporated into this Order by reference, except that the conditions contained herein shall be controlling.
2. The Subject Property is located in the City of Minnetrista and is on West Upper Lake, which is part of Lake Minnetonka ("Lake").
3. The Subject Property has a shoreline of approximately 57.5 feet of shoreline, which includes 7.5 feet obtained from the vacation of the adjacent fire lane.
4. The Applicant proposes to install a dock with an overall footprint of 31.8 feet wide by 128 feet long, with an enclosed BSU measuring approximately 17 feet wide and 38 feet long that is covered by a canopy.
5. The Applicant proposes a variance from the 100 foot length limit on the dock use area to allow a dock with a length of 128 feet in order to reach adequate water depth to operate a

watercraft.

6. The Applicant also seeks variances from the 15 foot sideline setback for a dock and 20 foot sideline setback for a canopy to allow the installation of the dock and boat canopy with a 9 foot setback from the dock and 20.5 foot setback from the canopy to the western sideline, and 16.7 foot setback from the canopy and dock to the eastern sideline.
7. The depth of the water in front of the Subject Property does not reach five feet until approximately ___ feet into the Lake.
8. Section 1.07, Subd. 3 of the LMCD Code of Ordinances (“LMCD Code”) expressly provides for dock length variances “to allow the construction and maintenance of a dock in the Lake to a water depth of five feet, measured from 929.4 feet 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.”
9. The strict application of the 100 foot limitation on the length of the authorized dock use area and the length of the allowed dock in these circumstances would prohibit the Applicant from using the Lake in a reasonable manner, the shallow water condition was not created by the Applicant, and requested dock length is not based solely on economic considerations.
10. The Applicant’s proposed installation of a dock to access a navigable portion of the Lake is a reasonable use of the Subject Property.
11. The Board issued dock length variances to other properties around the Lake due to similar conditions.
12. Practical difficulties exist in this case that justify the Board exercising its authority under Section 1.07 of the LMCD Code to grant a dock length variance for the Subject Property.
13. The proposed variances from the sideline setbacks *[findings will be set out once the Board has its discussion and gives direction]*
14. Given the extent of the intrusion of the proposed dock structure into the Lake, it is reasonable to impose limitations on the dock facility and watercraft storage, as herein set forth, to mitigate the impacts to the Lake community

ORDER

ON THE BASIS OF THE FOREGOING AND THE RECORD OF THIS MATTER, IT IS ORDERED by the Board as follows:

1. Dock Length Variance. A twenty eight (28) foot dock length and authorized dock use area variance is hereby approved for the Subject Property to allow the installation of a dock with a length of up to one hundred and twenty eight (128) feet into the Lake from elevation 929.4 NGVD, as shown on the dock plan attached hereto as Attachment Two, subject to compliance with all of the following conditions:

- a. _____
- b. All watercraft stored at the Subject Property must be owned and registered to residents of the Subject Property.
- c. Up to ____ watercraft may be stored at the dock, with the boat slips with a size of _____.
- d. Watercraft may not extend beyond the length of the boat slips.
- e. Any structures placed as part of this variance shall be maintained in good condition and shall promptly be removed, together with any watercraft stored on them, if this variance is ever revoked by action of the Board or if it is rendered null and void.
- f. This variance shall be rendered null and void in event the Subject Property is subdivided. If the Subject Property is combined with another property, the applicant shall request a review of the variance by the LMCD Executive Director to determine if a new or amended variance is required. If the Executive Director determines that a new or amended variance is required, the applicant shall submit an application for the variance to the LMCD within 45 days of the determination or bring the Subject Property into conformance with the LMCD Code without reliance on this variance within the same period.
- g. Utilization of the Lake pursuant to this variance constitutes, and shall be deemed, acceptance of, and agreement to, the terms and conditions of this variance without exception, qualification, or reservation.
- h. This variance grants no vested rights to the use of the Lake. Use of the Lake shall at all times remain subject to regulation by the LMCD to assure the public of reasonable and equitable access to the Lake.

2. Sideline Setback Variance. _____

[Need direction]

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation District this ____ day of July 2019.

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary

DRAFT

ATTACHMENT ONE
Legal Description of Subject Property

DRAFT

ATTACHMENT TWO
Dock Plan

[attached hereto]

DRAFT



To preserve and enhance the "Lake Minnetonka experience"

**5345 CEDAR POINT RD
WEST UPPER LAKE, MINNETRISTA
VARIANCE APPLICATION
CONTINUED PUBLIC HEARING**

Lake Minnetonka Conservation District
Board Meeting
June 12, 2019

Presented by: Matthew Cook, Environmental Administrative Technician

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OVERVIEW

- Board Action
- Background
- Variance Request
- Variance Standards
- Considerations & Code Analysis
- Public / Review Agency Comments
- Public Hearing
- Staff Comments
- Q & A

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BOARD ACTION

1. Discussion

2. Approval or Denial of:

- Variance application for LENGTH EXTENSION
- Variance application for SIDE SETBACK REDUCTION

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5345 CEDAR PT RD, MINNETRISTA



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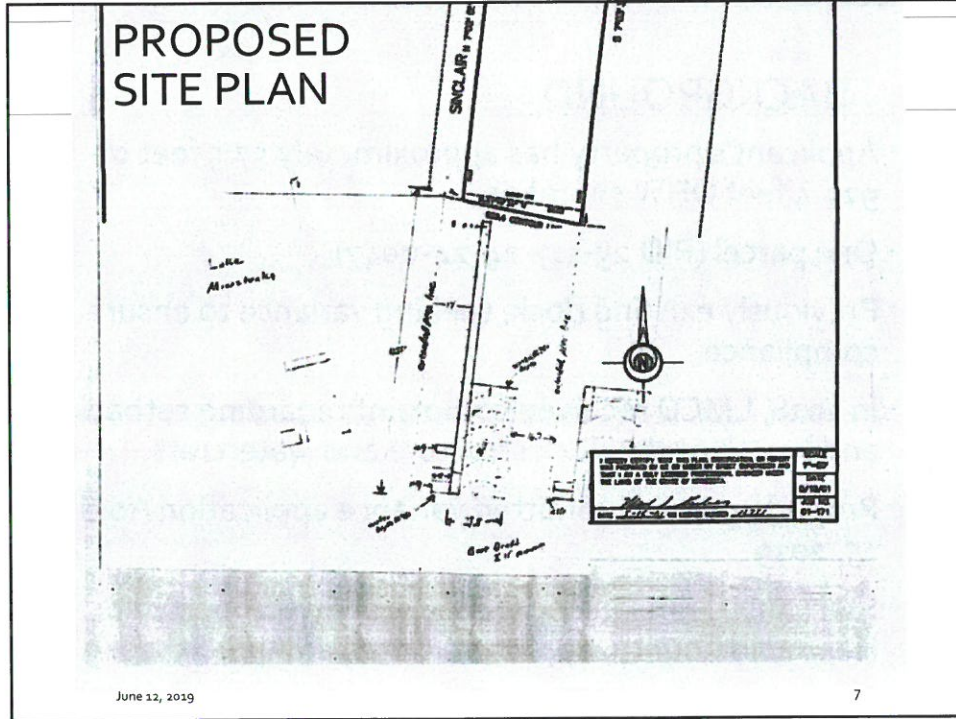
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BACKGROUND	
<ul style="list-style-type: none">• Applicant's property has approximately 57.5 feet of 929.4 feet OHW shoreline.• One parcel (PID 25-117-24-24-0047)• Previously existing dock, seeking variance to ensure compliance• In 2018, LMCD received complaint regarding setbacks and length of the dock structure and watercraft• Property owner submitted variance application April 15, 2019• Staff noted fire lane not recorded with property at Hennepin County; applicant remedied April 25, 2019	
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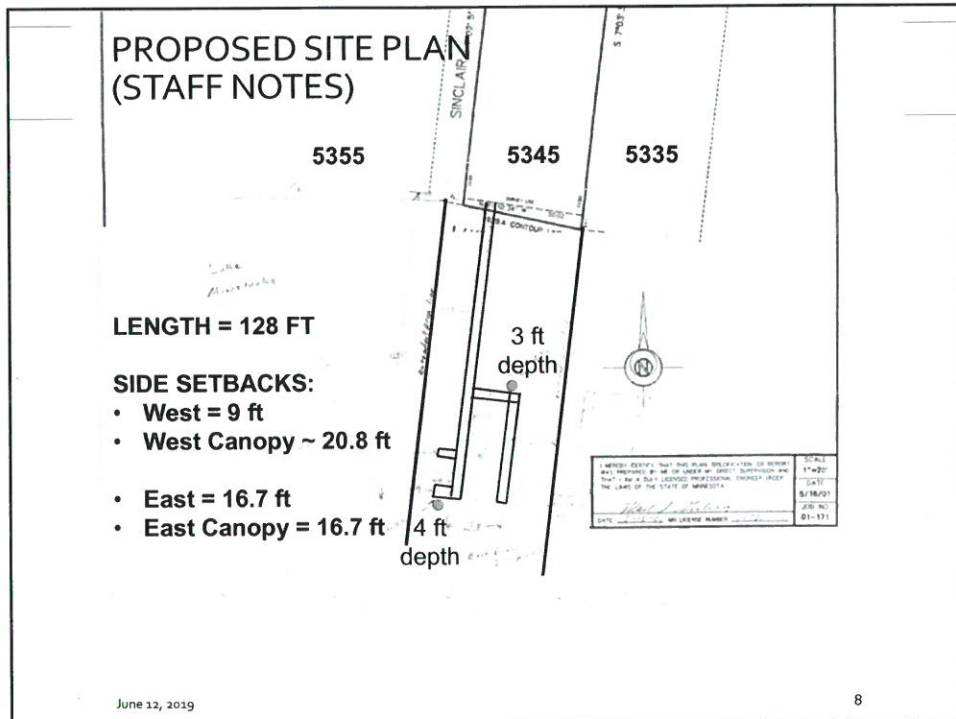
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VARIANCE REQUEST	
<ul style="list-style-type: none">• Dock Use Area Adjustment<ul style="list-style-type: none">• Side setback reduction<ul style="list-style-type: none">• Applicant proposes the following setbacks from the extended side site lines:<ul style="list-style-type: none">• EAST – 16.7-foot setback for structures, watercraft, and canopy• WEST – 9-foot setback for structures and watercraft; ~20.8-foot setback for canopy• Length extension<ul style="list-style-type: none">• Applicant proposes a dock structure which extends to approximately 128 feet from the OHW	
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VARIANCE STANDARDS

1. **Has applicant sufficiently demonstrated practical difficulties exist that each of following are true?**
 1. Strict application of code prohibits property owner from using Lake in reasonable manner that is otherwise permitted by the code.
 2. Granting variance is within spirit and intent of code.
 3. 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.
 4. Granting variance does not alter essential character of the area.
2. **Is applicant proposing a use not allowed under the code?**
3. **Would variance, if granted and with conditions imposed, adversely affect:**
 1. Purpose of Code?
 2. Public health, safety, and welfare?
 3. Reasonable access to or use of the Lake by public or riparian owners?

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CONSIDERATIONS & CODE ANALYSIS

- **Adjusted Dock Use Area.**
 - Board may adjust authorized dock use area for a property in order to provide reasonable access to the lake.
- **Side Setback Reduction**
 - Section 2.01 subd. 2b of the LMCD Code delineates setback distances of:
 - **10** feet for docks less than **50** feet in length;
 - **15** feet for docks between **50** and **100** feet in length; and,
 - **20** feet for docks greater than **100** feet in length.
 - Setback distances from canopies are **20** feet.
- **Length Extension**
 - Generally equal to shoreline, but not further than 100 feet in length.

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PUBLIC / REVIEW AGENCY COMMENTS

- **Agency Review of Application / Comments (General Permit)**
 - No comments were received from the MN DNR, MCWD or City of Minnetrista.

- **Public Comments**
 - Residents of neighboring properties to the east (5335 and 5325) support the variance as proposed by the applicants.
 - Representative of owners of 5355 expressed opposition.
 - A marina owner suggested an angled dock configuration for the properties.

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PUBLIC COMMENTS RESPONSE

- Based on site inspections in 2018 and current site plan, no significant obstruction appears to exist
- Setback distance is increased with the inclusion of the fire lane, not decreased
- Angling the docks would require adjustments of neighboring dock use areas. It also may expose boats to more of a broad side wind and wake

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PUBLIC HEARING

- **Public Hearing Requirements**
 - **Notification in accordance with legal requirements**
 - Posted in official newspaper May 9, 2019
 - Owners of properties within 350 feet notified, 10-day notice (May 14 and May 23)
 - Posted online
 - **Opportunity for interested individuals to present their views to Board for consideration**
 - Part of reviewing impact of a project
 - **Only items under the LMCD Code and Board authority may be considered as part of any Approve or Deny decision**

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STAFF RECOMMENDATIONS

- Staff recommend approval of length variance to provide ~4 ft of water depth
- Staff does not recommend approval of proposed adjusted side setbacks
 - One consideration is the navigable space for all adjacent properties move further out from shore
- Staff recommend denial of any platform that exceeds 8 feet in both length and width

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STAFF COMMENTS

- Dock structure and watercraft storage constructed and maintained in strict conformance with dock plan.
- Watercraft storage must remain in compliance with LMCD Code Section 2.02, watercraft density.
- Watercraft not extend beyond length of boat slip. For purposes of Order, length overall means horizontal length from foremost to aftermost point of watercraft, including all attached equipment in its normal operating position.

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STAFF COMMENTS

Previously Suggested Standard Provisions to Include in Variances:

- Any structures placed as part of this variance shall be maintained in good condition and shall promptly be removed, together with any watercraft stored on them, if this variance is ever revoked by action of the Board or if it rendered null and void.
- This variance shall be rendered null and void in event the Subject Property is subdivided. If the Subject Property is combined with another property, the applicant shall request a review of the variance by the LMCD Executive Director to determine if a new or amended variance is required. If the Executive Director determines that a new or amended variance is required, the applicant shall submit an application for the variance to the LMCD within forty five (45) days of the determination or bring the Subject Property into conformance with the LMCD Code without reliance on this variance within the same period.
- This variance grants no vested rights to the use of the Lake. Use of the Lake shall at all times remain subject to regulation by the LMCD to assure the public of reasonable and equitable access to the Lake.
- Utilization of the Lake pursuant to this variance constitutes, and shall be deemed, acceptance of, and agreement to, the terms and conditions of this variance without exception, qualification, or reservation.

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To preserve and enhance the "Lake Minnetonka experience"

QUESTIONS?

Lake Minnetonka Conservation District

Board Meeting

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ITEM 9B

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: June 12, 2019

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician
Matthew Cook

THROUGH: Vickie Schleuning, Executive Director
Vickie Schleuning

SUBJECT: New Commercial Dock License and Non-intoxicating Liquor License – Tonka Yacht Rental

ACTION

Board consideration of Tonka Yacht Rental 2019 Commercial Dock License and Non-intoxicating Liquor License applications and receive public input as part of the public hearing for the applications. The proposed dock site's address is 4801 Shoreline Drive, located in the City of Mound. The proposed ports of call for the *Fait Accompli* are: Lord Fletchers, Spring Park; Wayzata City Docks, Wayzata; Lafayette Club, Minnetonka Beach; and, Maynards, City of Excelsior.

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

Approval of Multiple Dock Application:

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order approving the 2019 Commercial Dock License applications for the property located at 4801 Shoreline Drive in Mound as presented <with the following conditions...> for consideration at the June 26, 2019 LMCD Board meeting.

Approval of Non-intoxicating Liquor License Application:

I make a motion to approve a 2019 Non-Intoxicating Liquor License for Tonka Yacht Rental's *Fait Accompli* with the following authorized ports of call: Lord Fletchers, Spring Park; Wayzata City Docks, Wayzata; Lafayette Club, Minnetonka Beach; and, Maynards, City of Excelsior <with the following conditions...> for consideration at the June 26, 2019 LMCD Board meeting.

Denial:

I make a motion to direct LMCD legal counsel to draft Findings of Fact and Order denying Tonka Yacht Rental a _____ license for the property located at 4801 Shoreline Drive in Mound based on the following reasons... for consideration at the June 26, 2019 Board meeting.

BACKGROUND

Commercial

Steve Bedell, owner and sole operator of Tonka Yacht Rental (“Applicant”), submitted applications for the commercial dock facility located at 4801 Shoreline Drive on the Seton Channel in Mound. The Applicant proposes to use the dock as a berthing location for the commercial operation of *Fait Accompli*, a charter boat. The Applicant is requesting four (4) boat storage units (“BSUs”), with the *Fait Accompli* occupying one (1) BSU and the remaining three (3) BSUs reserved for personal use. The site has approximately 185 feet of 929.4 OHW shoreline.

Non-intoxicating Liquor License

Steve Bedell of Tonka Yacht Rental LLC (Tonka Yacht Rental) has submitted the attached new non-intoxicating liquor license application for a new watercraft for hire vessel named *Fait Accompli*.

Patrons of the *Fait Accompli* will bring their own alcoholic beverages. This requires a Non-intoxicating Liquor License from the LMCD and a Consumption and Display Permit from the Alcohol & Gambling Enforcement Division of the State Department of Public Safety.

The *Fait Accompli* is a 46-foot vessel made by Bluewater. The total capacity is anticipated at 32, which includes two (2) crew members and up to 28 passengers. The occupancy load will be determined during the final inspections of the watercraft.

The applicant has also applied for a Watercraft for Hire Certificate of Registration, which is reviewed administratively. LMCD staff will complete their review of this application after the public hearing and final Board decision.

The applicant proposes to berth the watercraft at 4801 Shoreline Drive in Mound. The applicant has proposed the following ports of call for operation of the *Fait Accompli* Lord Fletchers, Spring Park; Wayzata City Docks, Wayzata; Lafayette Club, Minnetonka Beach; and, Maynards, City of Excelsior. LMCD Code Section 5.44, Subd. 2 states that "no ports of call shall be authorized by the Board without first securing a certificate from the municipality within such port of call lies stating the activities conducted by the applicant at the port of call are in compliance with municipal zoning laws." Staff will submit certificates to the Cities of Spring Park, Wayzata, Minnetonka Beach, and Excelsior.

Pursuant to LMCD Code Sections 5.25, Granting of License, the LMCD shall conduct a preliminary investigation of the applicant. The LMCD utilizes the Hennepin County Sheriff's Office (HCSO) to perform the investigations. The investigation has been completed and no disqualifying evidence was found by the HCSO investigation.

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Mound were provided copies of the proposed applications, with comments due in the LMCD office by June 7, 2019.

The MN DNR provided the comment below:

The dock covering (if any) may not constitute a boathouse, as describe here:

<https://www.revisor.mn.gov/statutes/cite/103G.245.Subd.4>

The proposed canopy does not appear to constitute a “boathouse” or a “boat storage structure” as described in MN Statutes, section 103G.245, subdivision 4.

The City of Mound provided the following comments:

The B-2 zoning and use of the property is primarily residential so use as a port of call or for commercial activities on the land may take place. The City’s letter is attached for reference.

As of June 6, 2019, no general public inquiries have been received regarding this application.

PUBLIC HEARING

The public hearing provides an opportunity for interested individuals to present their views to the Board for consideration. This is an important part of reviewing the impact of a project. Only items under the LMCD Code and Board authority may be considered as part of any approval or denial decision.

The public hearing notice was published in the May 30, 2019 edition of the Lakeshore Weekly News and posted on the LMCD Bulletin Board. In addition, the Board packet will be posted online.

Pursuant to LMCD Code Sections 5.22, 5.25, Subd. 1, Granting of License, 5.30 are some of the applicable code sections related to the approval of this application. Further, the District shall investigate all facts set out in the Non-intoxicating Liquor License application and that are not reviewed as part of the preliminary background investigation.

SUMMARY OF RELEVANT CODE SECTIONS

The following is a highlight of certain code sections related to this application and for consideration by the Board in consideration of the commercial dock.

- 1. Code Section 2.03, Subd. 7** requires a new multiple dock license application when there is any change in slip size, ownership, size or location of a structure, or in classification defined in 2.11.
- 2. Code Section 2.01, Subd. 1** prohibits a person from using any area of the Lake outside the authorized dock use area for docking and storage of watercraft. An authorized dock use area is defined as “that area of the Lake which may be used for docks, moorings, boat storage, swimming floats, ski jump storage, or which may be enclosed on three sides for any of these purposes”. These three sides are further defined by dock length and side

setback limitations.

While the channel adjacent to the site creates unique navigational concerns that would conceivably limit the maximum dock length on this site, the proposed dock structure does not appear to make navigable space in the channel any narrower than it currently is.

3. Section 2.03, subd. 3(a) lists criteria which may be considered in deciding whether to issue a commercial dock license. Those criteria, along with staff's assessments, are as follows:

- 1) Whether the proposed facility is compatible with the LMCD watercraft density classification criteria.
 - The applicant proposes to store 4 watercraft onsite. The site has an adequate shoreline (185 feet) for this number of watercraft per LMCD Code Section 2.02, Subd. 1.
- 2) Whether the proposed facility will be structurally safe for use by the intended users.
- 3) The facility will comply with the regulations contained in this ordinance.
 - Notwithstanding the required licenses outlined herein, the proposed facility appears to comply with the regulations contained in this ordinance.
- 4) Whether the proposed facility will create a volume of traffic on the Lake in the vicinity of the facility which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the facility.
 - The proposed facility's use is solely for overnight storage of the *Fait Accompli*. It is currently existing storage for residential use.
- 5) Whether the proposed facility will be compatible with the adjacent development.
 - The proposed facility is located in a B- primarily residential property. It would be used for berthing only, with no commercial activities on land or water.
- 6) Whether the proposed facility will be compatible with the maintenance of the natural beauty of the Lake.
 - It is a large watercraft and in existence at the site.
- 7) Whether the proposed facility will affect the quality of the water of the Lake and the ecology of the Lake.
 - The proposed facility is existing and has not appeared to significantly impact the quality of the water and ecology of the Lake.
- 8) Whether the proposed facility, by reason of noise, fumes, or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the

- vicinity of the facility.
- The proposed facility's use is solely for overnight storage of the *Fait Accompli*.
- 9) Whether adequate sanitary and parking facilities will be provided in connection with the proposed facility.
- The proposed facility's use is solely for overnight storage of the *Fait Accompli*.
- 10) Whether the proposed facility will serve the general public as opposed to a limited segment of the public or a limited geographical area.
- The proposed facility would store the *Fait Accompli*, which would be open to and serve the general public via ports of call.
- 11) Whether the facility will obstruct or occupy too great an area of the public water in relationship to its utility to the general public.
- The proposed facility currently exists and has not resulted in any reports of accidents or injuries. However, it is located in a busy channel. The proposal is for berth only.

RECOMMENDATION

LMCD Staff recommend that the Board approve the commercial dock license. Other reasonable conditions may be deemed necessary depending on the Board review and public hearing.

LMCD staff recommend that the Board approve the non-intoxicating liquor license with the conditions that the applicant:

- Provides adequate liability insurance certificates;
- Receives approved certificates for the requested ports of call from each respective City;
- Passes inspections of the watercraft and dock facility; and,
- Satisfactory completion of all other applicable requirements in LMCD Code.

Staff also recommend that the Board approve a refund of any amount of the \$500 background investigation deposit not used, pursuant with LMCD Resolution 95.

If this request is approved, pursuant to LMCD Code Section 3.07, Subd. 3 Issuance of Certificate, the Executive Director will issue Tonka Yacht Rental a 2019 Watercraft for Hire Certificate of Registration for the *Fait Accompli* when the applicable code requirements are met.

Tonka Yacht Rental

Applications for Multiple Dock (Commercial) License and Non-Intoxicating Liquor License

LMCD Board Meeting June 12, 2019

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ATTACHMENTS

- LMCD Code Excerpts
- New Commercial Dock License Application and Site Plan
- City of Mound Comments on Application
- HCSO Investigation Report
- LMCD Non-Intoxicating Liquor License Application
- Public Hearing Notice
- Public Hearing Notification to Property Owners

**ATTACHMENT: LMCD Code Excerpts
Multiple Dock (Commercial) License and Non-Intoxicating Liquor
License Applications**



Section 1.02, Definitions.

Subd. 8. "Commercial dock" means a dock or dock structure used in conjunction with a commercial or other revenue producing business enterprise including a private club, or a dock or dock structure on land owned by a municipality or political subdivision and operated, controlled or licensed by the municipality or political subdivision, but not including apartments or any such businesses involving the leasing of real property for residential use.

Section 2.01. Authorized Dock use area.

Subd. 2. Description of Authorized Dock use area. An authorized dock use area is described as follows:

- a) Length - The authorized dock use area for sites bordering on the Lake extends into the Lake a distance equal to the site Lake frontage to be measured at right angles to the side site lines and, except as provided herein, shall not extend into the Lake a distance of greater than 200 feet in the case of commercial docks in existence on August 30, 1978, and 100 feet in the case of other docks to be measured on a line parallel to the site side lines as extended into the Lake. In the case of commercial docks in existence on August 30, 1978, the lakeward extension of the dock use area more than 100 feet from the shoreline shall be limited to the distance from shore of the docks in existence on said date and that portion of said docks more than 100 feet from the shoreline may not be altered or expanded.

The authorized dock use area for Qualified Commercial Marinas, Qualified Sailing School and Qualified Yacht Clubs extends into the Lake 200 feet.

A site in existence on February 5, 1970, which has a Lake frontage of 40 feet or more, but less than 60 feet, may have a dock extending up to 60 feet into the lake. Any such site which has a Lake frontage of less than 40 feet may have a dock which extends beyond the authorized dock use area to the point necessary to reach a water depth of four feet, measured from 929.4 feet NGVD, and no further; provided that no such dock shall be located or extended more than 60 feet into the Lake. Side setbacks requirements shall be observed, however, unless a variance is granted by the Board under Section 1.07.

The authorized dock use area for dock facilities owned and operated by state agencies, Hennepin County, the LMCD or cities bordering on the Lake and used exclusively for law enforcement, public safety or LMCD purposes may extend up to 125' into the Lake.

- a) Width - The authorized dock use area for sites bordering on the Lake is limited in width by the setback limitations prescribed herein. The setback from side site lines as extended in the Lake shall be as follows:

For that portion of the length

of the authorized dock use area which extends from the shore _____	<u>The setback shall be</u>
Zero to 50 feet	10 feet
50 to 100 feet	15 feet
100 to 200 feet	20 feet

- 1) 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.
- 2) Setbacks shall be doubled for all multiple docks or mooring areas and commercial docks on each side where such multiple docks are not located adjacent to another multiple dock or mooring area or commercial docks; provided, however, that multiple docks or mooring areas and commercial docks in existence on May 3, 1978, shall be non-conforming structures and shall not be subject to this subparagraph 2.) as long as such structures are not expanded, and further provided that setbacks established by Section 2.12, Subd. 3 are not required to be doubled pursuant to this subparagraph 2).
- 3) The authorized dock use area, in the case of sites 50 feet in width or less in existence on February 2, 1970, may be expanded to a side setback limitation of five feet, provided that such setback in no way impairs access to neighboring docks.
- 4) A canopy, as defined in Section 1.02, must be setback from side site lines a minimum distance of 20 feet.

Section 2.02. Shoreline Requirements.

Subd. 1. General Rule. 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 one for each 50 feet of continuous shoreline in existence on May 3, 1978, unless authorized to do so by special density license pursuant to Section 2.05. For sites with continuous shoreline greater than 100 feet, when measurements determining the number of restricted watercraft allowed result in the provision of a fractional restricted watercraft, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall be counted as one additional restricted watercraft.

Section 2.03. Multiple Docks, Mooring Areas, Commercial Docks, and Launching Ramps.

Subd. 1. License Required. No person may locate, construct, install or maintain a multiple dock or mooring area or a commercial dock or a launching ramp on the shoreline of the Lake, or in the waters of the Lake unless licensed by the Board to do so.

Subd. 2. Application for License. Application for a license shall be made on forms provided by the Executive Director. The application for license shall contain (a) the name and address of the applicant, (b) the description of the property on which the facility is to be located, (c) the name and address of the owner of the premises, if different from the applicant, (d) if the applicant is not the owner, an explanation of the interest which the applicant has in the property, (e) a showing that all requisite permits, licenses and approvals from the local municipality have been obtained and that the requirements of any other governmental authority have been met, and (f) a plan showing the design and location of the facility including all Boat Storage Units.

The application shall include such other information as the Executive Director may require to assist the Board in consideration of the application for the license. The application shall also be accompanied by a license fee which shall be established from time-to-time by resolution of the Board; provided that no fee shall be required for applications for launching ramps owned and operated by municipalities or other governmental agencies which are available for use by the general public without payment of fees or other charges. An additional deposit in an amount established from time to time by resolution of the Board shall accompany the application to cover legal, surveying, engineering, inspection, maintenance or other expenses incurred by the District. The Board shall approve all expenses charged against the deposit, and the unused portion thereof shall be returned to the applicant. The application shall state that the applicant agrees 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 deposit. No such deposit shall be required in the case of renewal applications under Subdivision 13 of this Section or new license applications required by Subdivision 7 of this Section which do not require a public hearing, unless a hearing is requested by the applicant pursuant to Section 1.06, Subd. 12.

Subd. 3. Issuance of License. Licenses required by this section may be issued after a public hearing by the Board. Proceedings for the issuance of a license and the granting of a variance under Section 1.07 may be combined and conducted as one proceeding. The Board may impose conditions on the granting of a license, which conditions shall be in writing.

- a) Review Criteria. In exercising its discretion in granting or denying licenses, the Board may consider, among other things, the following:
 - 1) Whether the proposed facility is compatible with the LMCD watercraft density classification criteria.
 - 2) Whether the proposed facility will be structurally safe for use by the intended users.
 - 3) the facility will comply with the regulations contained in this ordinance.
 - 4) Whether the proposed facility will create a volume of traffic on the Lake in the vicinity of the facility which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the facility.
 - 5) Whether the proposed facility will be compatible with the adjacent development.
 - 6) Whether the proposed facility will be compatible with the maintenance of the natural beauty of the Lake.
 - 7) Whether the proposed facility will affect the quality of the water of the Lake and the ecology of the Lake.
 - 8) Whether the proposed facility, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the facility.
 - 9) Whether adequate sanitary and parking facilities will be provided in connection with the proposed facility.
 - 10) Whether the proposed facility will serve the general public as opposed to a limited segment of the public or a limited geographical area.
 - 11) Whether the facility will obstruct or occupy too great an area of the public water in relationship to its utility to the general public.

Sub. 3a. Additional Review Criteria for Qualified Commercial Marinas, Qualified Sailing Schools and Qualified Yacht Clubs. In addition to the review criteria specified in Subdivision 3 of this Section, applications for Qualified Commercial Marinas, Qualified Sailing Schools and Qualified Yacht Clubs to increase the number of Boat Storage Units or to extend docks further into the Lake beyond 100 feet require Board action and are subject to the following conditions:

- a) No license will be granted for a facility with an existing variance unless a new variance for the proposed facility is granted by the Board;
- b) No license will be granted for a proposed facility that overlaps the dock use area of another site;
- c) No license will be granted for a proposed facility that will require removal of emergent native vegetation;
- d) No license will be granted for a proposed facility that interferes with general public navigation or impairs access to use of the dock use area of another site or a district mooring area.

Section 5.22. License Required.

Subd. 1. Licenses. No person shall deal in or dispose of by sale or otherwise, or keep or offer for sale, any beer on the Lake without first having received an on-sale license as hereinafter provided. "On-sale" licenses shall be granted only to registered charter boats meeting the requirements of Minnesota Statutes Chapter 340A for restaurants, clubs and establishments used exclusively for the sale of non-intoxicating malt liquor with the incidental sale of tobacco and soft drinks. "On-sale" licenses shall permit the sale of beer for consumption on the premises only.

Section 5.25. Granting of License.

Subd. 1. Investigation and Hearing. The Board shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the Board shall grant or refuse the application in its discretion.

Section 5.30. Restrictions on Purchase and Consumption.

Subd. 1. Definitions. For purposes of this Section, the following terms have the following meanings:

- a) "Alcoholic beverage" means any beverage containing more than one-half of one percent (0.5%) alcohol by volume.
- b) "Underage person" means any individual under twenty-one (21) years of age.

Subd. 2. Age Misrepresentation. It is unlawful for any underage person to claim to be 21 years old or older for the purpose of obtaining or purchasing an alcoholic beverage.

Subd. 3. Inducing Purchase. It is unlawful for any person to induce an underage person to purchase or procure an alcoholic beverage, or to lend or knowingly permit the use of the

person's driver's license, permit, Minnesota identification card, or other form of identification by an underage person for the purpose of purchasing or attempting to purchase an alcoholic beverage.

Subd. 4. Procurement. It is unlawful for any person to sell, barter, furnish, or give an alcoholic beverage to an underage person..

Subd. 5. Possession. It is unlawful for any underage person to possess an alcoholic beverage with the intent to consume it. Possession of an alcoholic beverage creates a rebuttable presumption of intent to consume. This presumption may be rebutted by a preponderance of the evidence.

Subd. 6. Consumption. It is unlawful for any underage person to consume an alcoholic beverage. As used in this subdivision, "consume" includes the ingestion of an alcoholic beverage and the physical condition of having ingested an alcoholic beverage. A violation of this subdivision exists if consumption, or evidence of consumption, is observed.

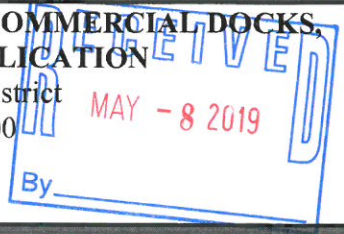
Subd. 7. Liquor Consumption and Display. No person shall consume or display any alcoholic beverage on the premises of a business establishment, club, charter boat, or watercraft for hire that is not also licensed to sell alcoholic beverages or who does not hold a consumption and display permit.

Subd. 8. Watercraft Owners and Operators. It is unlawful for an owner of a watercraft who is present in the watercraft, or for the operator of a watercraft if the owner is not present, to allow, or fail to take reasonable steps to prevent, the possession or consumption of any alcoholic beverage by an underage person on the watercraft if the owner or operator knows, or reasonably should know, the underage person possesses or is consuming any alcoholic beverage. This prohibition does not apply to situations in which an underage person is lawfully in possession of alcoholic beverages during the course and scope of employment.



NEW MULTIPLE DOCKS, MOORING AREAS, COMMERCIAL DOCKS, AND/OR LAUNCHING RAMPS APPLICATION

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



LMCD Receipt # _____

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

Pursuant to LMCD Code Section 2.03, a new multiple dock license is requested, in accordance with all data and other information submitted herewith and made a part hereof.

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

Applicant: Steve Bedell

Address: 4801 Shoreline Drive

City, State, Zip: Mound, MN 55364

Phone: 612-805-3625 Fax: Email: stevebedell1970@gmail.com

Property owner (if different from applicant):

Address:

City, State, Zip:

Phone: Fax: Email:

PROPERTY LOCATION:

The property is located in the city of: Mound

The property is riparian to LMCD bay/area(s): Seton Channel

- 1. Classification of user per Section 2.11, Subd. 2 (please select one):
[a] commercial marina [d] transient [g] private residence
[b] private club [e] outlot association [h] other (explain)
[c] municipal [f] multiple dwelling [x] other (explain)

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

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

New Multiple Dock License Application

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

- | | |
|--|--|
| <input checked="" type="checkbox"/> Locator Map | <input checked="" type="checkbox"/> Scaled drawing of docks on abutting properties |
| <input checked="" type="checkbox"/> County Plat Map | <input checked="" type="checkbox"/> Proposed facility site plan |
| <input checked="" type="checkbox"/> Certified Land Survey, Legal Description | <input checked="" type="checkbox"/> Existing facility site plan |

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

5. All required permits, licenses, and approvals have been obtained from the MN DNR and from the city in which the multiple dock, ramp, and/or mooring is located, copies attached?

Yes No if no explain: _____

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

Boat Storage	_____
Launching ramps	_____
Sales	_____
Service	_____
Boat Rentals	_____
Restaurant	_____
Other (explain)	_____
TOTAL	0

7. Restroom facilities provided: Yes No Indoor _____ Outdoor portable (number) _____

8. Boat toilet pumping service provided? Yes No

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

10. Boat Storage Units (BSU) computation: Lakeshore Frontage 0 feet divided by 50 = 0 BSU's allowable under the one-boat per fifty-foot rule. **If this number is less than the total BSU's applied for in No. 12 below, an application for a Special Density License is required per Code Section 2.05.**

11. Number of BSU's applied for:

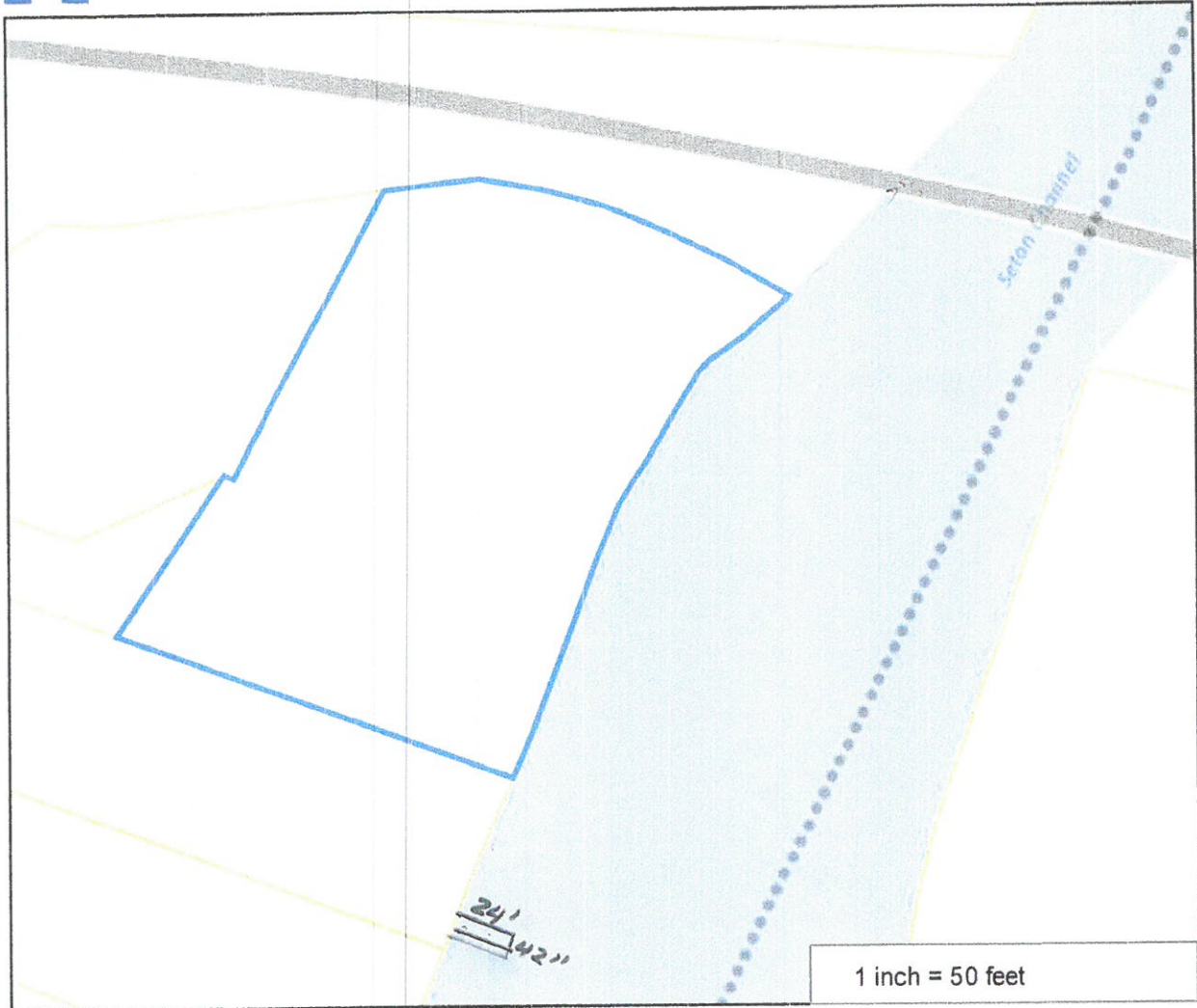
LOCATION	
Slips	
Slides	
Lifts	
Tie-ons	
Moorings	
Off Lake Rack Storage	
Other	
TOTAL BSU's	0

USE	
Rent, lease, etc.	
Service work	
Company use	
Private use	
Transient use	
Other	
TOTAL BSU's	0



Hennepin County Property Map

Date: 4/17/2019



PARCEL ID: 1311724440052

OWNER NAME: J & S Bedell

PARCEL ADDRESS: 4801 Shoreline Dr, Mound MN 55364

PARCEL AREA: 0.35 acres, 15,328 sq ft

A-T-B: Both

SALE PRICE: \$80,000

SALE DATA: 06/1979

SALE CODE:

ASSESSED 2018, PAYABLE 2019

PROPERTY TYPE: Residential Lake Shore

HOMESTEAD: Non-Homestead

MARKET VALUE: \$336,000

TAX TOTAL: \$5,590.54

ASSESSED 2019, PAYABLE 2020

PROPERTY TYPE: Residential Lake Shore

HOMESTEAD: Non-homestead

MARKET VALUE: \$357,000

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

COPYRIGHT © HENNEPIN COUNTY 2019



DOCK & LIFT, INC.

Tim & Mike Latterner

4550 Shoreline Drive Spring Park, MN 55384

www.dockandlift.com

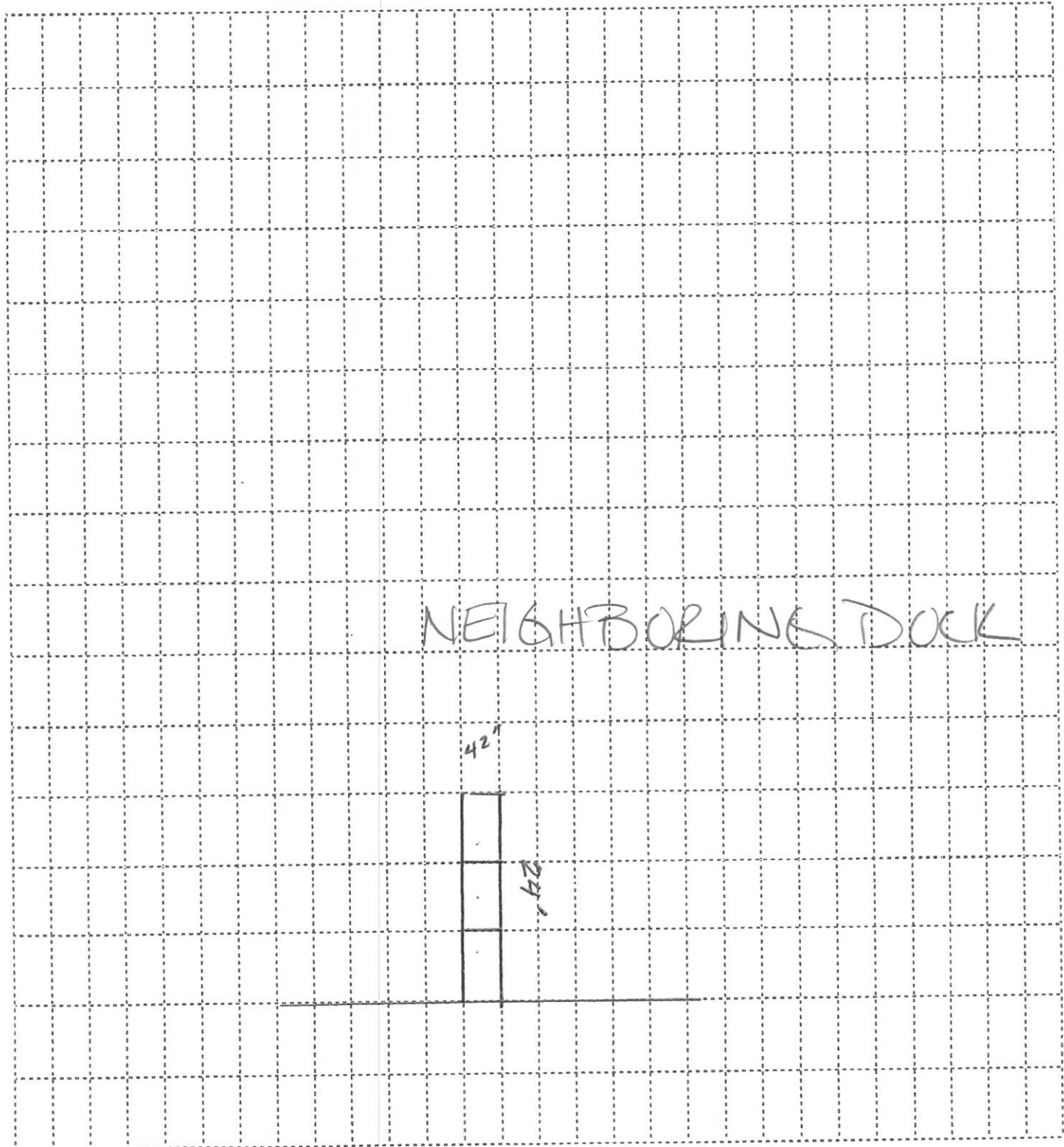
DOCK SKETCH

Phone: 952/471-8343 or 952/474-7934

Fax: 952/471-2608

e-mail: info@dockandlift.com

Customer Name <i>Steve Bedell</i>	Customer Address <i>4823 Bartlett Blvd</i>	
Customer Phone	Customer City, State & Zip	Date
Customer E-Mail		







DESCRIPTION OF PROPERTY SURVEYED

Lots 1 and 2 of "Skarp's East Lawn", excepting and reserving therefrom that part of described as follows: Beginning at the Southwesterly corner of said Lot 2; thence Southwesterly along the Southwesterly boundary line of said Lot 2, a distance of 100 feet to a point; thence Northeastly along a line which runs at an angle of 81 degrees 27 minutes to the left from said Southwesterly boundary line to a point intersecting the Southerly line of County Road No. 15 (formerly County Road No. 7); thence Southwesterly along said Southerly line to the point of beginning;

Also that part of Lot 3 of "Skarp's East Lawn" described as follows: Commencing at a point on the Northwesterly line of said lot distant 22.2 feet Southwesterly from the Northwesterly corner of said lot; thence Southwesterly 35 feet to a point which is distant 22 feet Southwesterly from the Northwesterly line of said lot; thence Southwesterly at an angle to the right of 48 degrees 34 minutes a distance of 10.6 feet; thence Southwesterly parallel with the Northwesterly line of said lot a distance of 30 feet; thence Northwesterly on a line which if extended would intersect the Northwesterly line of said lot at a point distant 95.6 feet Southwesterly from the Northwesterly corner of said lot a distance of 28 feet and which point is the point of beginning of the land to be described; thence Southwesterly to a point in the Southwesterly line of said lot distant 103.6 feet Southwesterly from the Southwesterly corner thereof; thence Southwesterly along the Southwesterly line of said lot to the Southwesterly corner of said lot; thence Northwesterly to the Northwesterly corner of said lot; thence Northwesterly along the Northwesterly line of said lot to a point distant 95.6 feet Southwesterly from the Northwesterly corner of said lot; thence Southwesterly to the point of beginning.

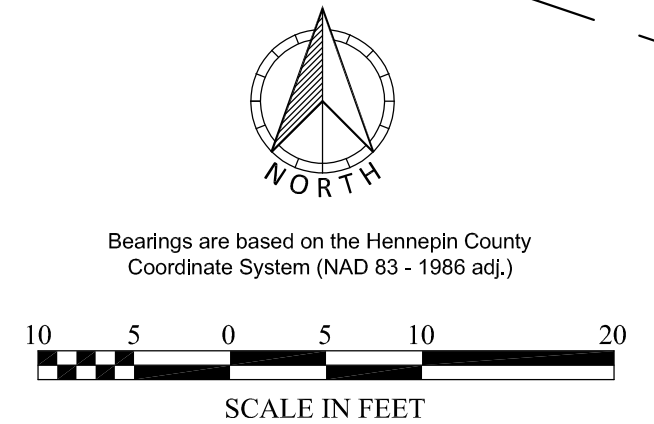
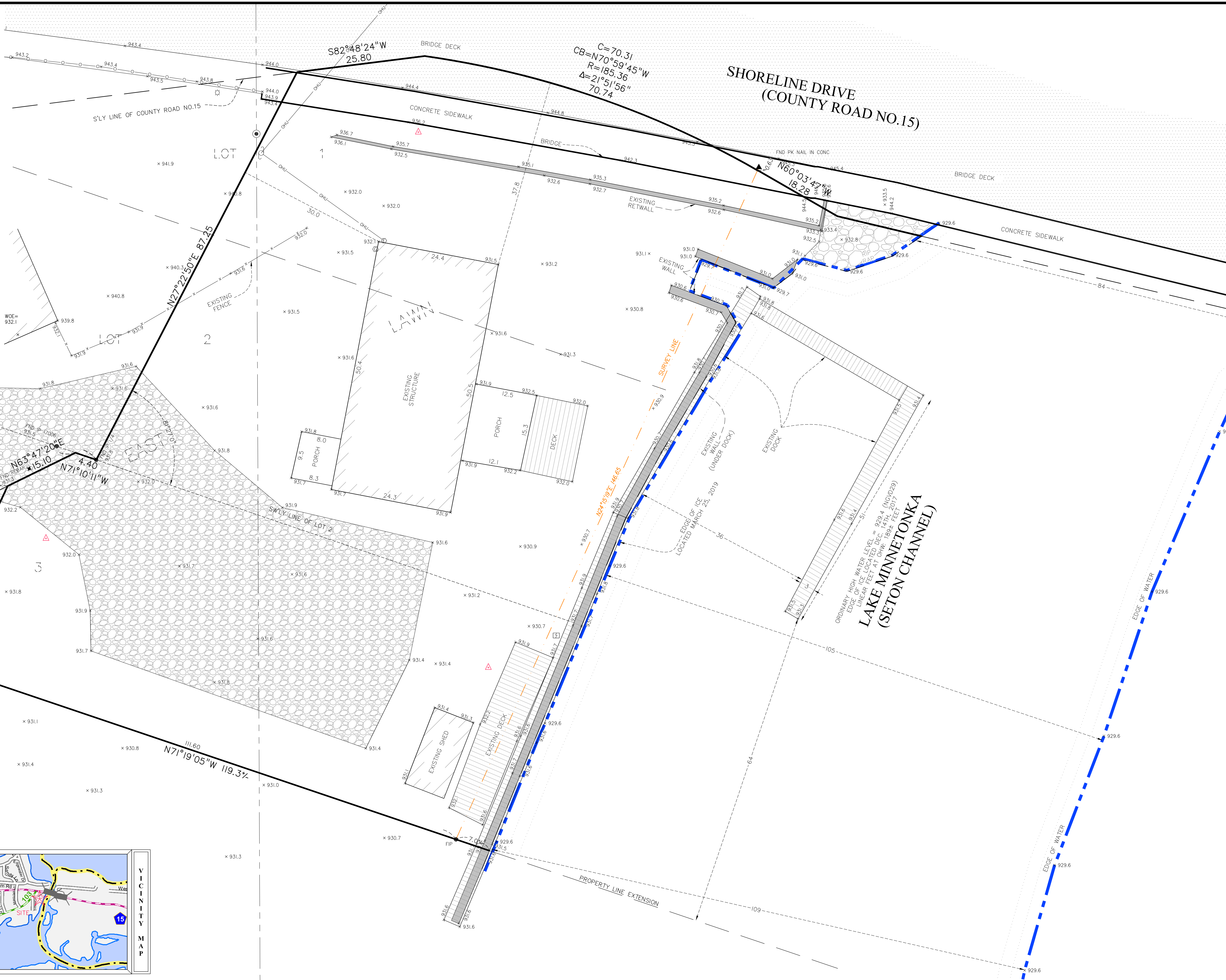
STANDARD NOTES

- 1) **Site Address:** 4801 Shoreline Drive, Mound, Minnesota 55364.
- 2) A title opinion was not furnished to the surveyor as part of this survey.
- 3) **Flood Zone Information:** X (area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.) per Flood Insurance Rate Map, Community Panel No. 27053C0292F, effective date of November 4, 2016.
- 4) **Parcel Area Information:** Area: 15.778± s.f. - 0.362± acres (As measured to Ordinary High Water Line)
- 5) **Benchmark:** Elevations are based on Hennepin County Control Point Station Name: MOUND which has an elevation of: 937.60 feet (NAVD29).
- 6) **Zoning Information:** The current Zoning for the subject property is B-2 (General Business) per the City of Mound's zoning map dated January 30, 2012. The setback, height, and floor space area restrictions for said zoning designation are as follows:

Principal Structure Setbacks -
 Streets: 30 feet
 Side: 30 feet
 Rear: 30 feet
 Height: 35 feet

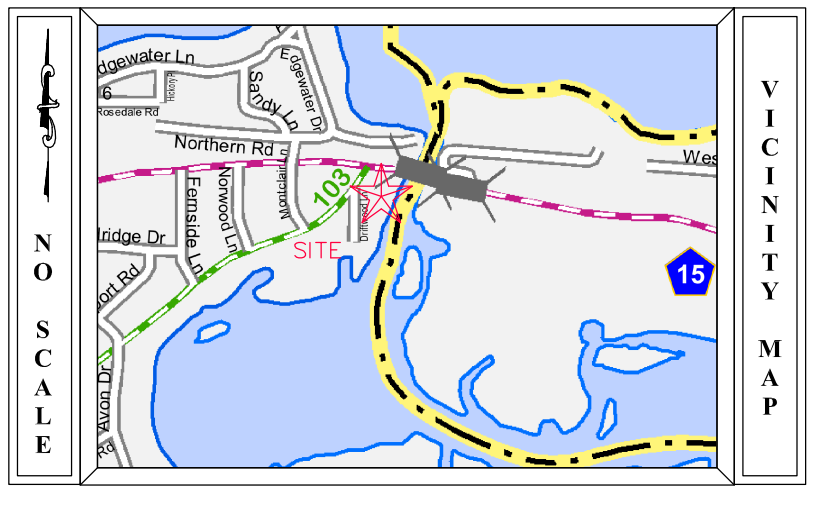
Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process. We have not received the current zoning classification and building setback requirements from the insurer.

- 7) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-0002.



SURVEY LEGEND

- | | | |
|---|--|---|
| <ul style="list-style-type: none"> ○ CAST IRON MONUMENT ● IRON PIPE MONUMENT SET ● IRON PIPE MONUMENT FOUND ● DRILL HOLE FOUND ✕ CHISELED "X" MONUMENT SET ✕ CHISELED "X" MONUMENT FOUND ✕ REBAR MONUMENT FOUND ✕ PK NAIL MONUMENT SET ✕ PK NAIL MONUMENT FOUND ✕ PK NAIL W/ ALUMINUM DISC ⊠ SURVEY CONTROL POINT ⊠ A/C UNIT ⊠ CABLE TV PEDESTAL ⊠ ELECTRIC TRANSFORMER ⊠ ELECTRIC MANHOLE ⊠ ELECTRIC METER ⊠ ELECTRIC OUTLET ⊠ YARD LIGHT ⊠ LIGHT POLE ⊠ FIBER OPTIC MANHOLE ⊠ FIRE DEPT. HOOK UP ⊠ FLAG POLE ⊠ FUEL PUMP ⊠ WELL TANK ⊠ PROPANE TANK ⊠ GAS METER ⊠ GAS VALVE ⊠ GAS MANHOLE ⊠ GENERATOR ⊠ GUARD POST ⊠ HAND HOLE ⊠ MAIL BOX | <ul style="list-style-type: none"> ⊙ PIEZOMETER ⊙ POWER POLE ⊙ CUY WIRE ⊙ ROOF DRAIN ⊙ LIFT STATION ⊙ SANITARY MANHOLE ⊙ SANITARY CLEANOUT ⊙ STORM MANHOLE ⊙ CATCH BASIN ⊙ FLARED END SECTION ⊙ TREE CONIFEROUS ⊙ TREE DECIDUOUS ⊙ TREE CONIFEROUS REMOVED ⊙ TREE DECIDUOUS REMOVED ⊙ TELEPHONE MANHOLE ⊙ TELEPHONE OUTLET ⊙ UTILITY MANHOLE ⊙ UTILITY PEDESTAL ⊙ UTILITY VAULT ⊙ WATERMAIN MANHOLE ⊙ WATER METER ⊙ WATER SPIGOT ⊙ MONITORING WELL ⊙ GAS METER ⊙ GATE VALVE ⊙ HYDRANT ⊙ IRRIGATION VALVE ⊙ POST INDICATOR VALVE ⊙ SIGN ⊙ SOIL BORING | <ul style="list-style-type: none"> — WFE WALKOUT ELEVATION — FFE FIRST FLOOR ELEVATION — GFE GARAGE FLOOR ELEVATION — TOF TOP OF FOUNDATION ELEV. — LOE LOWEST OPENING ELEV. — CONCRETE — BITUMINOUS — BUILDING SETBACK LINE — CTV CABLE TV — CONCRETE CURB — CONTOUR EXISTING — CONTOUR PROPOSED — GUARD RAIL — DRAIN TILE — ELECTRIC UNDERGROUND — FENCE — FIBER OPTIC UNDERGROUND — GAS UNDERGROUND — OVERHEAD UTILITY — TREE LINE — SANITARY SEWER — STORM SEWER — TELEPHONE UNDERGROUND — RETAINING WALL — UTILITY UNDERGROUND — WATERMAIN — TRAFFIC SIGNAL — RAILROAD TRACKS — RAILROAD SIGNAL — RAILROAD SWITCH — SATELLITE DISH — WETLAND BUFFER SIGN |
|---|--|---|



FIELD CREW	NO.	BY	DATE	REVISION
CT/CLDM	1	DBP	4/23/2019	ADD OPPOSITE SHORE/DIM
DRAWN				
JPR/DBP				
CHECKED				
DBP				
DATE				
04/05/19				

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 5th day of April, 2019.
 David B. Pemberton, PLS
 Minnesota License No. 40344
 pemberton@sathre.com

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

TWP:117-RGE-24-SEC.13
 Hennepin County
MOUND, MINNESOTA

CERTIFICATE OF SURVEY
 PREPARED FOR:
DOCK & LIFT, INC.

FILE NO.
 21115-009
1
1



June 5, 2019

By Email

Ms. Vicki Schleuning, Executive Director
Lake Minnetonka Conservation District (LMCD)
5341 Maywood Road
Mound, MN 55364

**Re: LMCD Request for Review and Comments for Property at 4801
Shoreline Drive, Mound, MN**

The purpose of this letter is to provide review comments on the multiple dock license (commercial) application submitted to the LMCD from Steve Bedell (Tonka Yacht Club) for use of the existing dock structure at 4801 Shoreline Drive for berthing of one charter boat. The applicant has also applied for a non-intoxicating liquor license and watercraft for hire certification of registration. For your review and consideration, the following comments are provided by the City of Mound for the multiple-dock license (commercial) application:

1. The principal use of the B-2 zoned property is residential and therefore nonconforming. The residential use is allowed to continue subject to the regulations contained in City Code Sec. 129-35.
2. The property at 4801 Shoreline Drive shall not be used or operated as a port of call for the charter boat that is berthed on the existing dock at the property. There shall be no client parking on the property.
3. No commercial activities of any kind shall take place or occur on the property.
4. As the property is not a port of call, there shall be no customer pick-up or drop-off on the property nor shall any staging or set-up activities for the watercraft take place.
5. In the event the residential use would cease, new uses and improvements on the property would be subject to the applicable regulations in the zoning ordinance and must also be consistent with the approved Mound Comprehensive Plan.

Ms. Vicki Schleuning, Executive Director
June 5, 2019
Page 2

If you have any questions, please feel free to contact me directly at (952) 472-0604 or by email at sarahsmith@cityofmound.com. I will be happy to answer any questions you may have.

Sincerely,

Sarah Smith

Sarah Smith
Community Development Director

Cc: Eric Hoversten, City Manager – Director of Public Works
Catherine Pausche, Director of Finance and Administration

HENNEPIN COUNTY SHERIFF

June 3, 2019

Vickie Schleuning
Executive Director
Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364

Dear Ms. Schleuning,

Per your request, this office has completed a limited background investigation with reference to the following business and individual applicant(s):

Steven Matthew Bedell

DOB 05/14/1970

D/B/A: Fait Accompli

In accordance with standard practice, the background investigation conducted by this Office is strictly limited to the collection of information directly related to the eligibility criteria specified under Minnesota Statutes Section 340A.402 which provides:

- No retail license may be issued to:
 - (1) a person under 21 years of age;
 - (2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;
 - (3) a person not of good moral character and repute; or
 - (4) a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

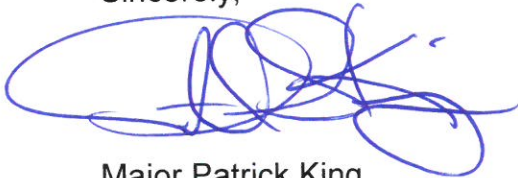


Executive Director – Lake Minnetonka Conservation District
Fait Accompli
June 3, 2019
Page 2

“In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.”

Please be advised that the limited background investigation conducted by this Office resulted in the disclosure of no evidence of disqualification based on the statutory eligibility criteria reflected above. Given the necessarily limited scope of these investigations, this Office is unable to make any definitive conclusions related to No. 2 above or any conclusory recommendations regarding the moral character or reputation of individual applicants.

Sincerely,

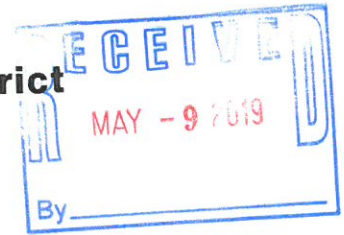


Major Patrick King
Investigations Bureau

PSK:nmm



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



ON-SALE BEER or NON-INTOXICATING MALT LIQUOR LICENSE

LMCD Fee License # Name of Boat Fait Accompli
Public Hearing Date

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

I Steve Bedell as individual for
(Name of person making application) (individual owner, officer, or partner)

and in behalf of Steve Bedell hereby submit in
(Myself, names of partners, name of corporation or association)

duplicate this application for on-sale non-intoxicating malt liquor license for the
Fait Accompli located at
4801 Shoreline Drive, Mound, MN 55364
(Name of Charter Boat) (Street address of home port of call)

For the sale of beer in accordance with the provisions of the Minnesota Statutes, Chapter 340A and Chapter 437, Section 6, Minnesota Laws 1986, and of Lake Minnetonka Conservation District (LMCD) Code Chapter V, and to LMCD Resolution No 81. LMCD Code Section 5.21 defines "beer" or "non-intoxicating malt liquor" as any malt beverage with an alcoholic content of more than half of one percent by volume and not more than 3.2 percent by weight. The license is issued commencing upon board approval, 20__ and ending December 31st of the licensed year. Beer sales are not allowed under LMCD license while charter boat is in the port-of-call; license for those sales falls under the jurisdiction of the municipality involved.

Annual fee for an on-sale non-intoxicating malt liquor license..... \$200.00

Fee for a preliminary investigation required to be paid on submission of an initial application fee or an application for transfer of an on-sale non-intoxicating malt liquor license with any balance to be refunded and any over-cost to be prepaid..... \$500.00

TOTAL FEE ATTACHED..... \$

(Application fees are non-refundable)

In support of said application and in accordance with the requirements as set forth in said ordinance, there is also attached hereto, in white duplicate: () Part I, General Information; () Part II., Personal Information; () Liquor Liability Insurance (Dram Shop Statement)

Date: 5/9/19

[Signature]

Signature of person making application

For Steve Bedell
(Myself, names of partners, names of corporation or association)

Date: 5/3/2019

Recommended for approval by: [Signature]
(Director of Hennepin Co. Sheriff's Water Patrol)



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: May 22, 2019
TO: Lakeshore Weekly News
FROM: Vickie Schleuning, Executive Director
SUBJECT: Public Hearing Notice (05/30/2019 Edition)

LAKE MINNETONKA CONSERVATION DISTRICT PUBLIC HEARING NOTICE

7:00 PM, June 12, 2019
Wayzata City Hall
600 Rice Street, Wayzata, MN

Non-Intoxicating Malt Liquor License Application and Commercial Dock License Application

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a new non-intoxicating malt liquor license application from Steve Bedell of Tonka Yacht Rental for the charter boat *Fait Accompli*. The proposed berth location for the *Fait Accompli* is 4801 Shoreline Drive in Mound. The applicant has also applied for a commercial dock license for the berth location. The ports of call proposed by the applicant are listed below:

Port of Call	City
Lord Fletcher's	Spring Park
Wayzata Public Docks (Broadway/COV)	Wayzata
Lafayette Club	Minnetonka Beach
Maynard's	Excelsior

All interested persons will be given an opportunity to comment.

Details available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364; Phone: (952) 745-0789.



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: May 29, 2019
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 a multiple dock license (commercial dock) and a non-intoxicating liquor license. The site is located at 4801 Shoreline Drive in Mound, MN.

The applicant has applied for these licenses to operate the *Fait Accompli*, a charter boat. The commercial dock site at 4801 Shoreline Drive would function as a berthing (overnight storage) facility. The ports of call proposed by the applicant for the *Fait Accompli* are listed below:

Port of Call	City
Lord Fletcher's	Spring Park
Wayzata Public Docks (Broadway/COV)	Wayzata
Lafayette Club	Minnetonka Beach
Maynard's	Excelsior

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the multiple dock license (commercial dock) and non-intoxicating liquor license applications. All interested persons will be given an opportunity to comment.

Public Hearing Information: A public hearing will be held at 7:00 PM, June 12, 2019, at Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. The applicant is Steve Bedell of Tonka Yacht Rental. The site is located at 4801 Shoreline Drive in Mound on Seton Lake / Seton Channel of Lake Minnetonka.

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

Steve Bedell, 4801 Shoreline Drive, Mound

Commercial Dock License

For illustrative purposes only. Aerial imagery (2018) may not depict current conditions.

Source: Hennepin County Interactive Property Map, 05/29/2019



Type: New Commercial Multiple Dock License and Non-Intoxicating Liquor License
Date: July __, 2019
Applicant: Tonka Yacht Rental
Site PID: 13-117-24-44-0052

**LAKE MINNETONKA CONSERVATION DISTRICT
HENNEPIN COUNTY, MINNESOTA**

IN RE:

Application of Tonka Yacht Rental
for a New Commercial Multiple Dock License
and Non-Intoxicating Liquor License
4801 Shoreline Drive in the City of Mound

**FINDINGS OF FACT
AND ORDER**

The Lake Minnetonka Conservation District (“LMCD”) received an application from Tonka Yacht Rental (“Applicant”) for a new commercial multiple dock license and non-intoxicating liquor license for the property (PID 13-117-24-44-0052) owned by James Bedell, which is located at 4801 Shoreline Drive in Mound (“Subject Property”). The Applicant requests a new commercial multiple dock license with four boat storage units (“BSU”). One BSU would be for the *Fait Accompli*, a 46-foot vessel the Applicant is seeking to have registered as a watercraft for hire, and the other three BSUs would be reserved for personal use. The Applicant also seeks a non-intoxicating liquor license to allow patrons to bring alcohol onto the *Fait Accompli* as part of its operations as a watercraft for hire. The Board provided the Applicant and the general public an opportunity to be heard at the public hearing on June 12, 2019, and now, based on its proceedings and the record of this matter, hereby makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Staff Memo dated June 12, 2019 regarding the requested approvals is incorporated into this Order by reference, except that the conditions contained herein shall be controlling.
2. The Subject Property is located in the City of Mound and is on the Seton Channel, which is part of Lake Minnetonka (“Lake”).
3. The Subject Property has approximately 185 feet of 929.4 shoreline.
4. The owner of the Subject Property is the owner and sole operator of Tonka Yacht Rental.

5. The proposed new commercial multiple dock license would have four BSUs, one of which would be used for *Fait Accompli*, which the Applicant is proposing to operate as a watercraft for hire.
6. The proposed ports of call for *Fait Accompli* are: (a) Lord Fletchers, Spring Park; (b) Wayzata City Docks, Wayzata; (c) Lafayette Club, Minnetonka Beach; and (d) Maynards, City of Excelsior. Pursuance to LMCD Code, Section 5.44, Subd. 2, the Board may not authorize a port of call unless the city in which it is located has issued a certificate indicating compliance with its zoning laws.
7. The preliminary investigation required of someone seeking a liquor license was conducted and no evidence that would disqualify the Applicant from being issued the requested liquor license was found.

ORDER

ON THE BASIS OF THE FOREGOING AND THE RECORD OF THIS MATTER, IT IS ORDERED by the Board as follows:

1. Commercial Multiple Dock License. A commercial multiple dock license, with four BSUs, is hereby approved for the Subject Property, subject to compliance with all of the following conditions:
 - a. The multiple dock shall be constructed in compliance with the dock plan attached hereto as Attachment One.
 - b. *[Need direction]*
2. Non-Intoxicating Liquor License. A non-intoxicating liquor license is hereby approved for the *Fait Accompli*, subject to compliance with all of the following conditions:
 - a. The *Fait Accompli* is registered by the LMCD as a watercraft for hire.
 - b. The Applicant provides the LMCD a certificate of insurance showing proof of adequate liability insurance for the watercraft for hire;
 - c. The Applicant provides the LMCD certificates from each of the Cities in which a port of call is located confirming compliance with its zoning regulations. If a port of call is not supported by a city issued certificate of compliance, the location may not be used as a port of call for the watercraft for hire.
 - d. The watercraft for hire and the dock facility must pass inspections.
 - e. The Applicant shall comply with all applicable provisions of the LMCD Code.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation
District this ___ day of July 2019.

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary

DRAFT

ATTACHMENT ONE
Dock Plan

[attached hereto]

DRAFT



To preserve and enhance the "Lake Minnetonka experience"

**TONKA YACHT RENTAL
COMMERCIAL DOCK LICENSE &
NON-INTOXICATING LIQUOR LICENSE
APPLICATIONS
SETON CHANNEL / SETON LAKE**

**Lake Minnetonka Conservation District
Board Meeting
June 12, 2019**

Presented by: Matthew Cook, Environmental Administrative Technician

1

OVERVIEW

- Action
- Background
- Application Review
- Public Hearing Comments
- Recommendation
- Hold Public Hearing
- Board Options

June 12, 2019 LMCD Board Meeting 2

2

ACTION

- Consideration of new Commercial Dock License and new Non-intoxicating Liquor License applications
 - Approval
 - Approve the Commercial Dock License with recommended conditions
 - Approve the Non-intoxicating Liquor License with recommended conditions
 - Denial
 - Direct legal counsel to draft Findings of Fact and Order for denial of _____ License based on... for consideration at the June 26, 2019 Board meeting.

June 12, 2019

LMCD Board Meeting

3

3

REQUEST SUMMARY

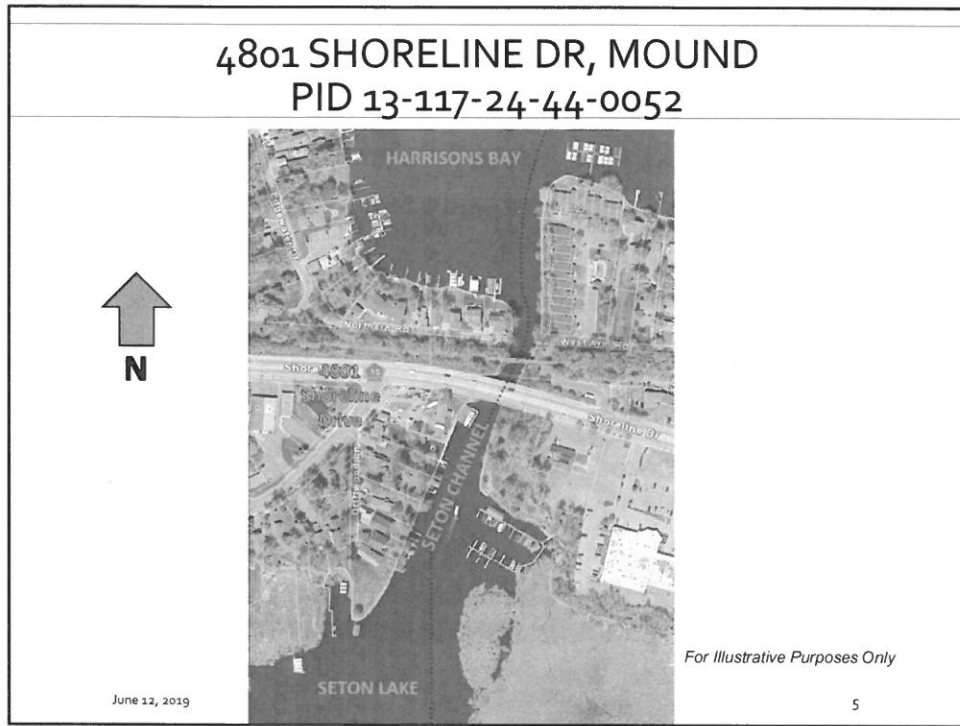
- Existing dock not currently licensed for Commercial use.
 - 4 BSUs, per LMCD Code Section 2.02, Subd. 1
 - 1 BSU for Commercial Use – berthing / storage location for charter boat *Fait Accompli*.
 - 3 for personal use
- Non-intoxicating Liquor License sought to enable alcohol to be consumed on the charter boat. Will also require:
 - Consumption & Display permit from state Alcohol & Gambling Division.
 - WFH Certificate of Registration from LMCD.

June 12, 2019

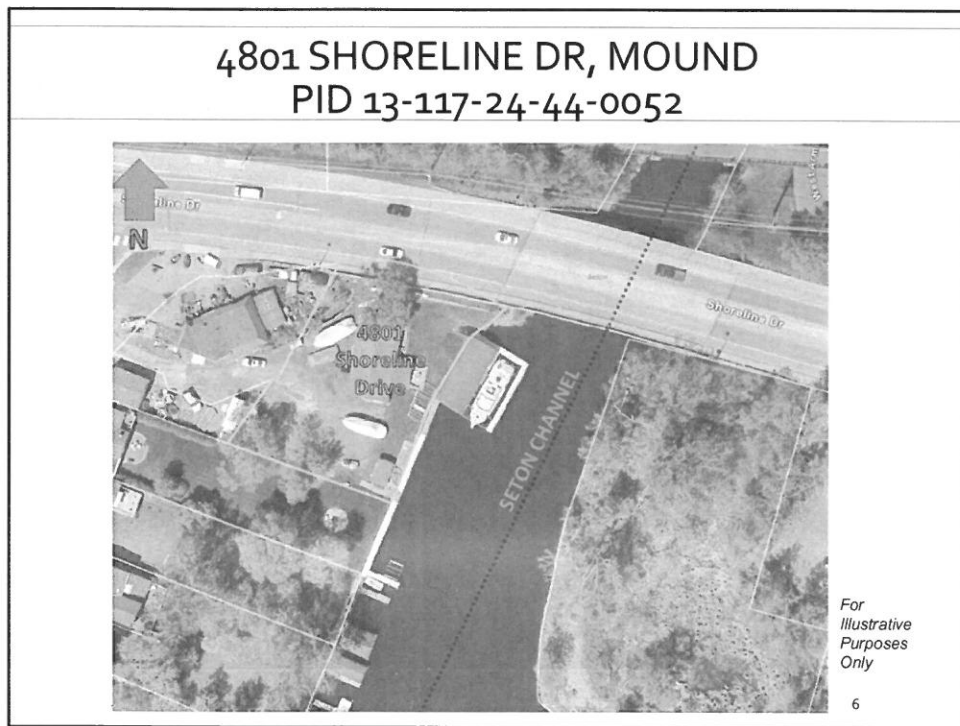
LMCD Board Meeting

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PROPOSED CONDITIONS

- Approximately 185 feet of shoreline (seawall)
- 4 BSUs with following dimensions:
 - 2 @ 13'W x 48'L
 - 2 @ 10'W x 20'L
- North dock side setbacks:
 - 20' to the North
 - 64' to the South
- South dock side setbacks:
 - Over 80' to the North
 - 20' to the South
- Note: The large boat slips have been in existence for a couple years. Applicant wishes to operate a charter boat legally.

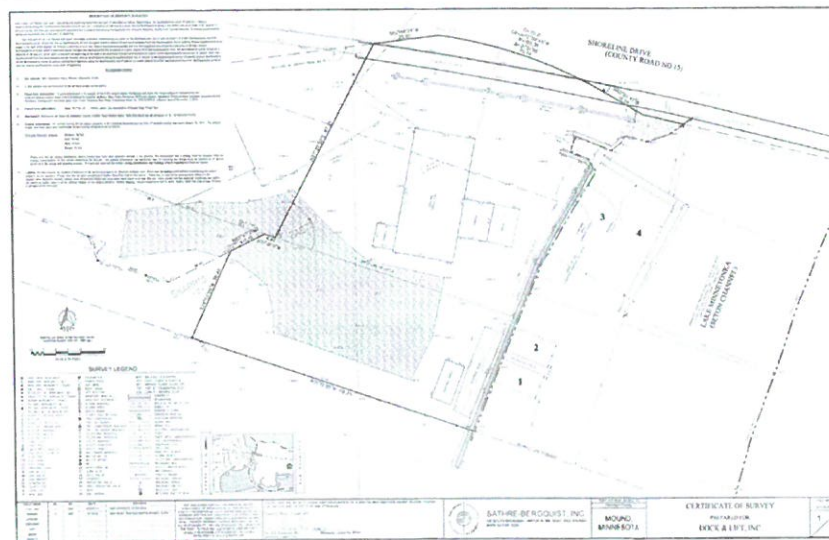
June 12, 2019

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SITE PLAN

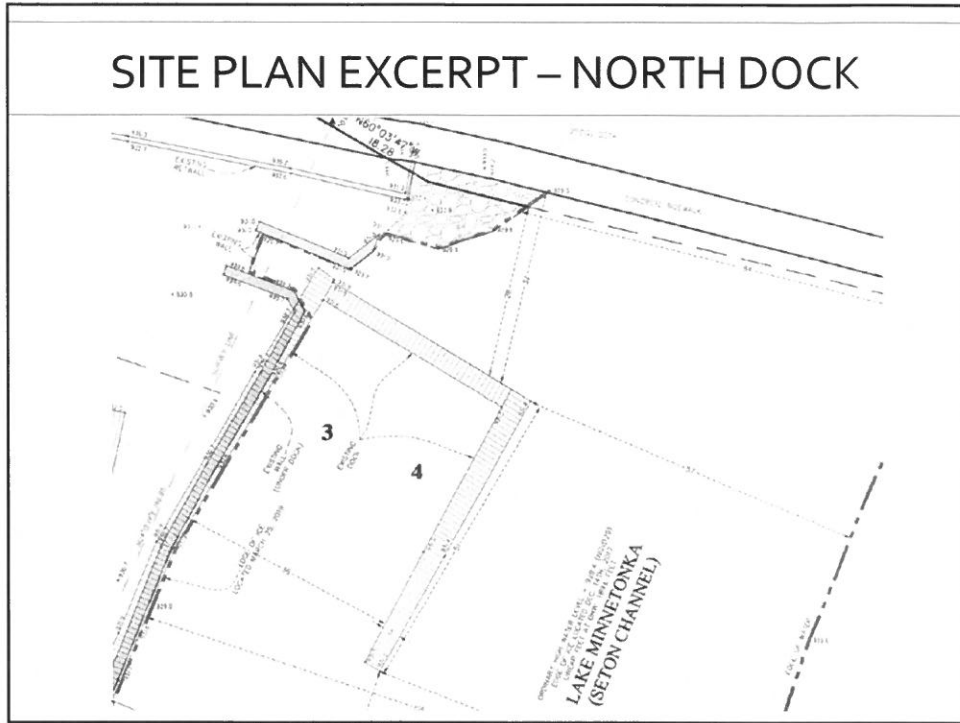


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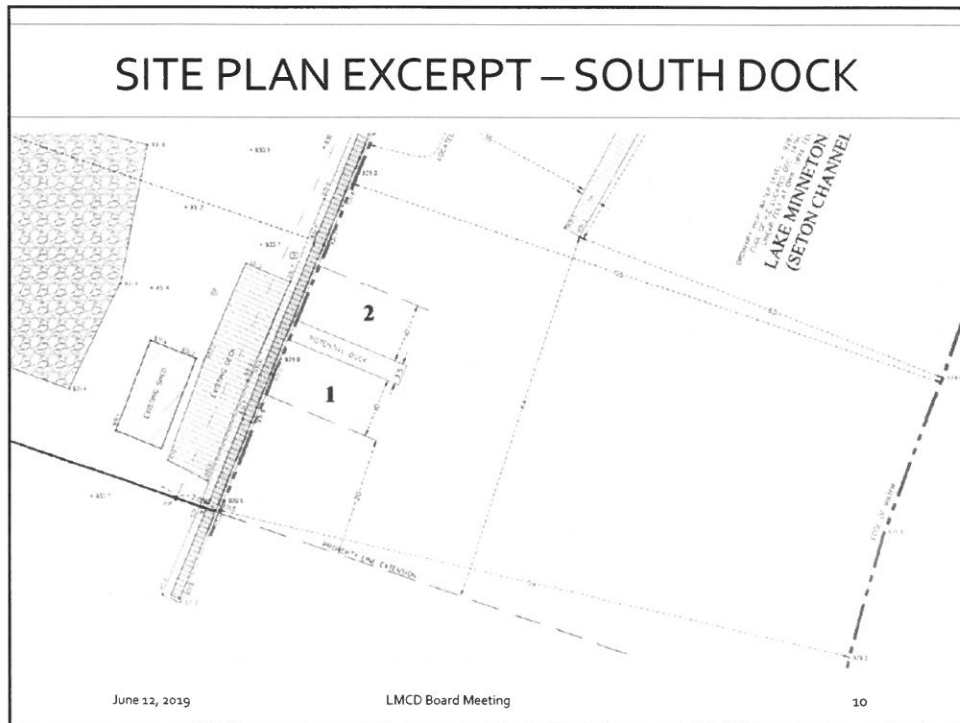
LMCD Board Meeting

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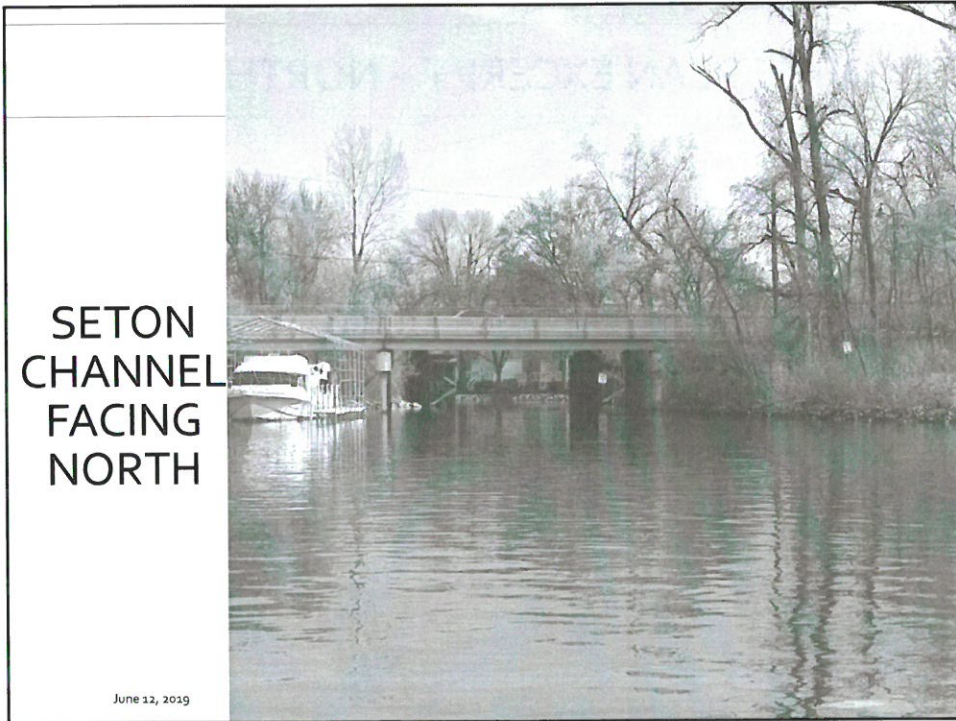


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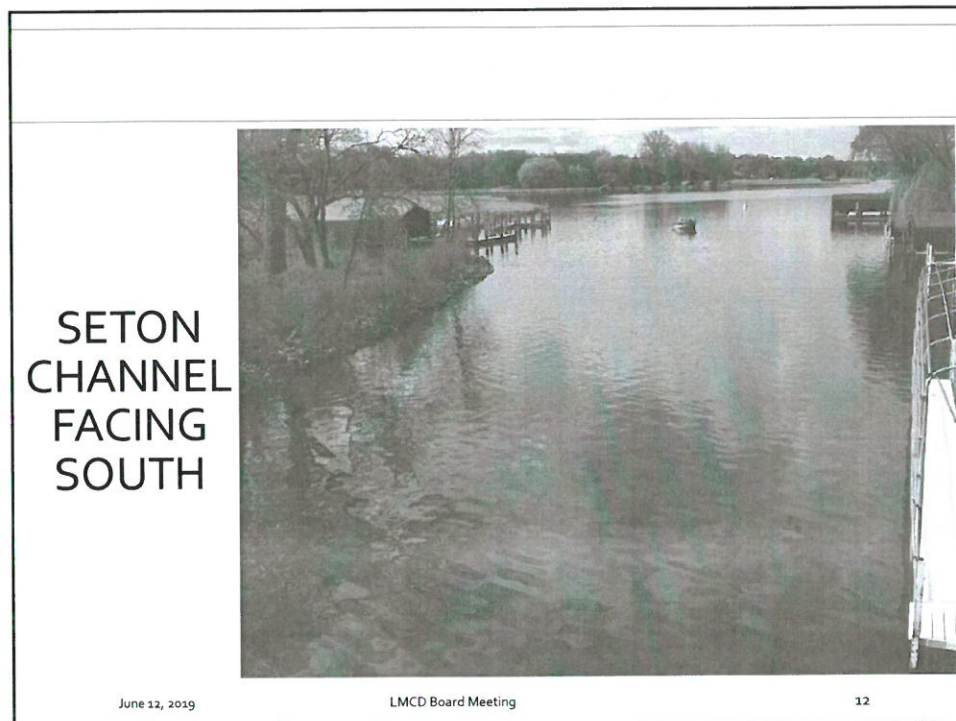
LMCD Board Meeting

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COMMERCIAL / MULTIPLE DOCK REVIEW CRITERIA

- License required - Board may impose conditions / consider criteria
 - Section 2.03, Subd. 3
- Criteria
 - Compatible with watercraft density classification
 - Structurally safe for intended users
 - Complies with regulations
 - Will create a volume of traffic (unsafe / undue burden) on Lake
 - Compatible with adjacent development
 - Compatible with maintenance of natural beauty of Lake
 - Will affect the quality of the water / ecology of the Lake
 - Will be a nuisance / annoyance to persons in vicinity (noise, fumes, other)
 - Adequate sanitary and parking facilities will be provided
 - Serve the general public as opposed to limited segment / geographical area
 - Will obstruct / occupy too great of Lake area – as to its utility to the public

June 12, 2019

LMCD Board Meeting

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RELEVANT CODE SECTIONS

- **Code Section 2.01, Subd. 1** prohibits a person from using any area of the Lake outside the authorized dock use area for docking and storage of watercraft... These three sides are further defined by dock length and side setback limitations.
- Extended side site lines of application and bordering properties are conflicting creating practical difficulties for all subject properties. **(Code Section 2.01 Subd.2(b))**
- Ownership and use of shoreline for properties creates conditions that would continue to benefit from clarification and documentation.

June 12, 2019

LMCD Board Meeting

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RELEVANT CODE SECTIONS

- **Code Section 5.22, Subd. 1** requires anyone disposing of or selling beer on the Lake without an on-sale non-intoxicating malt liquor license.

June 12, 2019LMCD Board Meeting15

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AGENCY AND PUBLIC COMMENTS

- **Public Agencies - Review and Comments**
 - MN General Permit #97-6098
 - Comments Due June 7, 2019
 - MN DNR Hydrologist and Fisheries; MCWD; City of Mound
 - The DNR said to ensure proposed structure did not constitute a "boat house" (as in house boat) or "boat storage structure" (as in permanent walled structure to store boats). The proposed canopy is not either.
 - The City of Mound provided comment saying that the property shall not be used as a port of call. The letter was included in the agenda packet for this meeting.
- As of 1:30 PM today (06/12/2019), no public comments have been received.

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PUBLIC HEARING		
<p>Public Hearing</p> <ul style="list-style-type: none">• A legal requirement and established process for this type of approval• Provides opportunity for interested individuals to present their views to the Board for consideration• Important part of reviewing impact of a project• Only items under the LMCD Code and Board authority may be considered as part of any approval or denial decision		
<p>Legal Notification</p> <ul style="list-style-type: none">• Published in the May 30, 2019 edition of official newspaper• Mailed to property owners - 350 feet of site May 29, 2019• Posted online		
June 12, 2019	LMCD Board Meeting	17

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STAFF RECOMMENDATIONS		
<ol style="list-style-type: none">1. Approval of Commercial Dock License2. Approval of Non-intoxicating Liquor License on condition that the applicant:<ul style="list-style-type: none">• Provides adequate liability insurance certificates;• Receives approved certificates for the requested ports of call from each respective City;• Passes inspections of the watercraft and dock facility; and,• Satisfactorily completes of all other applicable requirements in LMCD Code.		
June 12, 2019	LMCD Board Meeting	18

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To preserve and enhance the "Lake Minnetonka experience"

QUESTIONS & DIRECTION

THANK YOU

Lake Minnetonka Conservation District

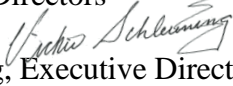
Board Meeting

June 12, 2019



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: June 12, 2019
TO: LMCD Board of Directors
FROM: Vickie Schleuning,  Executive Director
SUBJECT: 2020 Budget

ACTION

Board consideration and approval of the 2020 Budget in accordance with Minnesota Statutes 103B.635, Subd. 1 with direction to staff to certify the budget to the governing body of each municipality in the District, with a statement of the proportion of the budget to be provided by each municipality by July 1, 2019.

The following motions are offered depending on whether the board wishes to approve or modify the request:

Approval

I make a motion to approve the 2020 Budget as presented and direct staff to certify the budget to the governing body of each municipality in the District, with a statement of the proportion of the budget to be provided by each municipality by July 1, 2019; or,

Amended Approval

I make a motion to approve the 2020 Budget as amended [list amendments] and direct staff to certify the budget to the governing body of each municipality in the District, with a statement of the proportion of the budget to be provided by each municipality by July 1, 2019.

Denial

I make a motion to deny the 2020 Budget for the following reasons...

BACKGROUND

Based on board discussion at the May 8, 2019 meeting, the Finance Workgroup (Treasurer Cook, Chair Thomas, Director Hughes, Executive Director Schleuning) developed two potential budget options. At the May 22, 2019 meeting, the LMCD Board approved the preliminary budget option which included an overall budget increase of 1.1% reflecting an average of 2.4% city levy increase. The Finance Workgroup recommends approval of this 2020 budget.

The preliminary budget was provided to the member cities and an informational session was held for the member city representatives and public on June 5, 2019. Director Hughes, Director Kroll, and Executive Director Schleuning were in attendance. Two cities, Orono and

Greenwood, had representatives and comments for the meeting. A summary of the comments will be provided to the board for consideration.

Feedback is generally supportive of the LMCD and the budget. Several concerns have been expressed regarding the challenges and future needs for the lake.

CONSIDERATIONS

- Does the activity align with the mission and goals of the LMCD?
- What impact will the action have on Lake Minnetonka and its stakeholders, short-term and long-term? E.g. Ecology, health, safety, nuisances, economics, etc.
- What are the financial impacts of the actions?
- Is there any Final information available from the master planning process?

ATTACHMENTS

- Preliminary 2020 Budget
- May 22, 2019 LMCD Preliminary Budget Board Memo
- May 8, 2019 LMCD Preliminary Budget Board Memo
- Summary of City Comments- to be provided

Lake Minnetonka Conservation District (LMCD)
Budget Summary
Preliminary

LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)									
STATEMENT OF REVENUE, EXPENDITURES, AND CHANGES IN FUND BALANCES- SUMMARY									
ACTUALS FOR 2015-2018, BUDGET FOR 2019, AND BUDGET 2020									
		2015	2016	2017	2018	2019	2019	2020	2020
		Actual	Actual	Actual	Actual	Budget	Forecast	Budget	% Inc.
REVENUES									
1	Admin Municipal Dues	\$ 247,992	\$ 235,866	\$ 253,456	\$ 271,269	\$ 280,000	\$ 280,000	\$ 286,500	2.3%
2	AIS Municipal Dues	\$ 94,500	\$ 70,999	\$ 66,795	\$ 75,534	\$ 80,000	\$ 80,000	\$ 82,000	2.5%
3	Grants and rebates	\$ 54,000	\$ 14,015	\$ 20,995	\$ 28,830	\$ 1,000	\$ 1,000	\$ 2,000	100.0%
4	Interest and other	\$ 4,455	\$ 3,793	\$ 1,158	\$ 3,706	\$ 1,200	\$ 2,000	\$ 3,000	150.0%
5	Licenses and Permits	\$ 107,510	\$ 112,979	\$ 118,149	\$ 115,590	\$ 115,000	\$ 110,000	\$ 110,000	-4.3%
6	Court Fines	\$ 33,974	\$ 35,598	\$ 80,908	\$ 42,967	\$ 50,000	\$ 45,000	\$ 45,000	-10.0%
7	Donations	\$ 50,757	\$ 21,425	\$ 29,978	\$ 35,877	\$ 40,000	\$ 40,000	\$ 45,000	12.5%
8	Transfers In	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36,000	\$ -	
	TOTAL REVENUES	\$ 593,188	\$ 494,675	\$ 571,439	\$ 573,773	\$ 567,200	\$ 594,000	\$ 573,500	1.1%
EXPENSES									
9	Personnel Services	\$ 281,849	\$ 296,900	\$ 235,542	\$ 259,300	\$ 281,000	\$ 272,500	\$ 325,000	15.7%
10	Office and Supplies	\$ 53,533	\$ 51,804	\$ 57,613	\$ 48,720	\$ 67,700	\$ 58,000	\$ 63,500	-6.2%
11	Legal	\$ 90,651	\$ 98,449	\$ 97,268	\$ 75,500	\$ 85,000	\$ 70,000	\$ 75,000	-11.8%
12	Admin Professional Services	\$ 28,768	\$ 16,509	\$ 20,582	\$ 20,700	\$ 20,000	\$ 17,500	\$ 20,000	0.0%
13	AIS Prevention Program (Inspections)	\$ 37,571	\$ 25,148	\$ 31,663	\$ 10,000	\$ -	--	--	0.0%
14	AIS Management (harvesting, equipment and repair)	\$ 48,251	\$ 56,103	\$ 50,969	\$ 50,000	\$ 44,700	\$ 10,000	\$ 50,000	11.9%
15	Equipment Replacement	\$ 786	\$ 744	\$ 1,220	\$ -	\$ 5,000	\$ 5,000		
16	STL Grants and Programs	\$ 67,233	\$ 42,800	\$ 35,307	\$ 34,625	\$ 40,000	\$ 36,000	\$ 40,000	0.0%
17	Budget Amendment						\$ 100,000		
18	Pending Communication/Engagement Amendment						\$ 25,000		
19	Transfers Out	\$ 38,192	\$ -	\$ 15,000	\$ -	\$ -	\$ -		
20	Other					\$ 23,800			
	TOTAL EXPENDITURES	\$ 646,834	\$ 588,457	\$ 545,164	\$ 498,845	\$ 567,200	\$ 594,000	\$ 573,500	1.1%
EXCESS REVENUES (EXPENDITURES)		\$ (53,646)	\$ (93,782)	\$ 26,275	\$ 74,928	0	0	0	

See Budget Notes for more details.

Budget Notes

1	Administration dues were increased to reflect the higher annual costs and when coupled with the AIS dues generate a 2.4% increase in total dues.
2	See #1 above.
3	Grants are often pass through items that show up in equal amounts in the income and expense line, and so are not included in the budget. Rebates are included in typical amounts.
4	Interest and other income are increased to reflect changes in the market and to better identify those income amounts within the budget framework.
5	License and Permit fees are expected to decline from the 2019 budget and are presented at a slightly lower level.
6	Court fines are also expected to slightly decline.
7	Donations are anticipated to increase slightly.
8	Transfers in are from the reserve funds if shown.
9	Personnel services have been increased to reflect workload needs including new part time hire, additional staff hours including compensation to provide services. This item also reflects the labor costs for AIS and the harvesting program.
10	Office and supplies was increased beyond the 2019 forecast to provide resources to produce routine communication mailings and education pieces.
11	Legal includes both the administrative and prosecution fees. Legal fees are anticipated to decline subject to fewer applications and conclusion of the recodification process in 2019.
12	Professional Services primarily includes the cost of producing and broadcasting the Board Meeting, Audit fees, and IT consulting fees.
13	AIS Prevention Program is primarily the watercraft inspection program that LMCD has funded in recent years through grants received and passed thru to other contractors such as the Three Rivers Park District for inspection services.
14	Harvesting Program is the removal and disposal of aquatic invasive vegetation such as CLP and EWM from navigation areas. This budget includes the operation of two harvesters and/or a combination of three on-lake machines during the season. Labor for this activity is included in item 8 above.
16	STL are the Save the Lake Grants that are funded from contributions and donations received from the STL program.
	STL programs fund the ongoing Solar Light Program, Boater Safety Training Classes, and other lake protection and safety programs.
	Note: Contingency items have been removed as a budget line item.



LAKE MINNETONKA CONSERVATION DISTRICT 2020 BUDGET AND LEVY (Preliminary)

City	2010 U.S. Census Population Data	2018 Estimated Market Value	2018 Net Tax Capacity	% of Total Net Tax Capacity (Note 1)	Share of Admin. Levy in 2020	Share of AIS Levy in 2020	Share of Total Levy in 2020	Share of Total Levy in 2019	Increase in Total Levy from 2019	% of Increase from 2019
DEEPHAVEN	3,642	\$ 1,333,004,600	\$ 15,200,500	5.2%	\$20,058	\$5,741	\$25,798	\$25,011	\$787	3.1%
EXCELSIOR	2,188	\$ 516,736,300	\$ 6,478,840	2.2%	\$8,549	\$2,447	\$10,996	\$10,705	\$291	2.7%
GREENWOOD	688	\$ 357,528,800	\$ 4,169,912	1.4%	\$5,502	\$1,575	\$7,077	\$7,090	-\$13	-0.2%
MINNETONKA	49,734	\$ 9,753,137,900	\$ 119,368,272	40.7%	\$57,300	\$16,400	\$73,700	\$72,000	\$1,700	2.4%
MTKA BEACH	539	\$ 349,429,200	\$ 4,129,486	1.4%	\$5,449	\$1,560	\$7,009	\$7,072	-\$63	-0.9%
MINNETRISTA	6,384	\$ 1,721,304,900	\$ 18,429,850	6.3%	\$24,319	\$6,960	\$31,279	\$30,006	\$1,273	4.2%
MOUND	9,052	\$ 1,343,543,500	\$ 13,917,172	4.7%	\$18,364	\$5,256	\$23,620	\$22,231	\$1,389	6.2%
ORONO	7,437	\$ 3,028,344,800	\$ 34,672,468	11.8%	\$45,752	\$13,095	\$58,846	\$58,275	\$571	1.0%
SHOREWOOD	7,307	\$ 1,766,719,600	\$ 19,513,805	6.7%	\$25,749	\$7,370	\$33,119	\$32,858	\$261	0.8%
SPRING PARK	1,669	\$ 296,511,500	\$ 3,539,464	1.2%	\$4,670	\$1,337	\$6,007	\$5,804	\$203	3.5%
TONKA BAY	1,475	\$ 589,670,500	\$ 6,730,124	2.3%	\$8,881	\$2,542	\$11,422	\$11,641	-\$219	-1.9%
VICTORIA	7,345	\$ 1,538,972,100	\$ 15,947,289	5.4%	\$21,043	\$6,023	\$27,066	\$25,554	\$1,512	5.9%
WAYZATA	3,688	\$ 2,082,362,500	\$ 27,221,786	9.3%	\$35,920	\$10,281	\$46,201	\$45,392	\$809	1.8%
WOODLAND	437	\$ 318,203,900	\$ 3,746,561	1.3%	\$4,944	\$1,415	\$6,359	\$6,362	-\$3	-0.1%
	101,585	\$ 24,995,470,100	\$ 293,065,529	100.0%	\$286,500	\$82,000	\$368,500	\$360,001	\$8,499	2.4%
Maximum Levy Per MN statute 103B.635 (Total Taxable Market Value * 0.00242%):								\$604,890		
(Note 1) Per MN statute 103B.631, no city may pay more than 20% of the total levy. The City of Minnetonka would pay a constant 20% of any amounts to be levied.										
Remaining cities factor for determining levy amounts is computed as: (City Net Tax Capacity / (Total Net Tax Capacity - Minnetonka Net Tax Capacity)) * 80%										
Total Net Tax Capacity			293,065,529							
less Minnetonka Net Tax Capacity			(119,368,272)							
Net Tax Capacity for remaining 13 cities			173,697,257							

ITEM 11A- ATTACHMENT

LMCD Board Meeting

June 12, 2019

The following comments were received as part of the budget related feedback from cities.

Tom Fletcher, a Greenwood Councilmember, attended the June 5, 2019 meeting to discuss the LMCD levy. Comments were also received from Mayor Walsh of Orono.

A summary of the questions raised is provided below:

1. The use of funds for communication and public engagement for the organization.
2. The use of one-time funds for the Vegetation & AIS Master Plan and that it should be expensed to reserve funds.
3. If Save the Lake fund adequately addresses associated costs to administer the program. Is there separate accounting?
4. The role and need for part-time staff increase.
5. If license fees adequately reflect the costs and benefits associated with the services.
6. If harvesting could be outsourced to be more economical. Is there separate accounting?

LMCD staff offered brief responses for clarity and further consideration by the board as summarized below:

Items 1 and 2 are related to the 2019 Budget Forecast, not the 2020 budget. No additional funding is requested from cities for 2019.

For item 3 and 6, three fund accounts exist for administrative services, AIS, and Save the Lake that reflect revenue and costs. These are provided throughout the year for board review and provided in the board packet.

For item 4, this reflects the increase in workload and service demands. Staffing levels had been reduced in previous years.

For item 5, information is being compiled to be evaluated as part of the review of fee schedule. In general, fees have not been increased since 1998 and 2000.

For item 6, outsourcing has been reviewed in the past. Current review is planned in the Lake Minnetonka Vegetation & AIS Master Plan.

Other recent comments received include the City of Greenwood has submitted a resolution in support of the budget, and the City of Woodland has passed a motion in support of the budget.



ITEM 11B

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: June 12, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, *Vickie Schleuning* Executive Director

SUBJECT: Communications and Public Engagement Request for Proposal

ACTION

Board review of Request for Proposal (RFP) and approval to move forward with publication and solicitation of a consultant for communications and public engagement.

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

Approval:

I make a motion to approve the publication of the Request for Proposal and to authorize the Executive Director to solicit submittals from appropriate sources <with the following changes...>.

Denial:

I make a motion to deny the publication of the Request for Proposal <for the following reasons...>.

BACKGROUND

The LMCD Board has discussed the importance of generating awareness and support of its management efforts and activities on Lake Minnetonka. While progress has been made to improve communications through educational materials, the website, social media, attendance at special events and other activities, additional resources are needed to provide communications and public engagement planning services to broaden the reach. Therefore, the Board approved the preparation of the draft RFP to contract with a consultant to provide communications and public engagement planning services.

Based on board discussion, Directors Hoelscher and Walesch and Executive Director Vickie Schleuning developed a draft RFP for consideration. The draft RFP is attached. If the Board approves moving forward with the RFP, staff will work with legal counsel to prepare a professional services agreement.

ATTACHMENTS

- Communications and Public Engagement RFP



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-908

Request for Proposals Communications & Public Engagement Services

PROPOSALS DUE: July 1, 2019 at 4:30PM CDT

QUESTIONS AND SUBMISSIONS

Vickie Schleuning, LMCD Executive Director
5341 Maywood Rd, Suite 200
Mound, MN 55364
E: vschleuning@lmcd.org
P: 952.745.0789

Date Issued: June 14, 2019

www.lmcd.org • lmcd@lmcd.org

To preserve and enhance the "Lake Minnetonka experience"

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I. PROJECT BACKGROUND AND DESCRIPTION

BACKGROUND

The Lake Minnetonka Conservation District (LMCD), a regional governmental agency, seeks to generate awareness and support of its management efforts and activities on Lake Minnetonka.

Lake Minnetonka is a large lake with over 14,000 acres and is bordered by 14 cities in two counties. It is surrounded by mostly residential properties but has a significant amount of commercial entities along the Lake. While many residents enjoy the Lake, the Lake is also a source of recreational enjoyment of the general public. It draws thousands of lake enthusiasts each year from around the country for fishing, regattas, and many other activities. The Lake also provides economic benefits to local businesses, the communities, and the region. It is the busiest lake in the State.

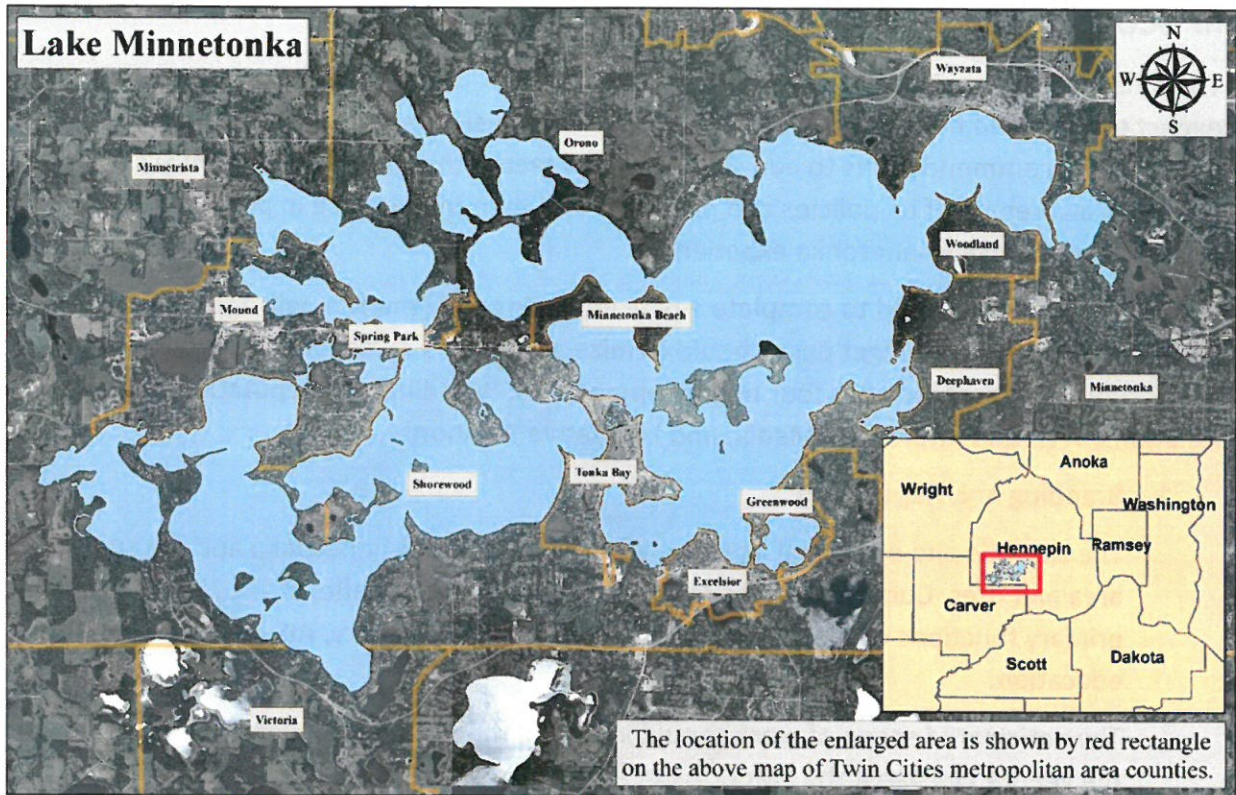
The Minnesota State Legislature established the LMCD in 1967 to standardize and coordinate management of Lake Minnetonka. The LMCD is governed by a board composed of members appointed by the governing bodies of each of the 14 member cities; Deephaven, Excelsior, Greenwood, Minnetonka, Minnetonka Beach, Minnetrista, Mound, Orono, Shorewood, Spring Park, Tonka Bay, Victoria, Wayzata and Woodland. The LMCD staff includes an Executive Director, Administrative Assistant, Environmental Administrative Technician, Administrative Clerk, and seasonal staff for harvesting and other activities. Further, the agency maintains contracts for lake safety and preservation.

LMCD Mission Statement

The mission of the Lake Minnetonka Conservation District is to preserve and enhance the “Lake Minnetonka experience”. This is accomplished by providing leadership in protecting, improving, and managing lake use.

LMCD Vision Statement

Lake Minnetonka is a highly valued year-round asset with vibrant aesthetic, recreational, commercial, and natural qualities. These qualities and values will be protected and preserved for present and future generations.



PURPOSE

LMCD is requesting proposals from interested communications and public relations firms to provide communications and public engagement services that will:

- Grow awareness of LMCD’s brand and reputation.
- Promote LMCD’s mission and importance in providing essential services to Lake Minnetonka to local and state policy makers
- Position LMCD as a leading and trusted source of lake management policy for the media and the public.
- Drive traffic to the LMCD website and associated social media.
- Inspire well-qualified potential donors to consider providing financial support to LMCD through Save the Lake.
- Produce clear measures of success.

The firm submitting the successful proposal is expected to negotiate and enter into a professional services agreement with LMCD. LMCD intends to enter into a services agreement with a consultant for an initial 1-year term. At its sole option, LMCD may choose to extend all or parts or the agreement for an additional term.

II. SCOPE OF SERVICES

The following information is a general overview of the specific work assignments LMCD will expect the selected firm to complete. The list is not exclusive list and LMCD welcomes proposer's recommendations to add strategies and tactics that can enhance LMCD's ability to create an awareness of its policies and programs and their importance in preserving and enhancing the "Lake Minnetonka experience".

The selected firm will need to complete a plan indicating how the firm will approach each of the categories below. The budget page should itemize anticipated costs for fulfilling expectations. The Scope of Services includes four major components: Branding and Reputation; Media Relations; Web and Interactive Media; and Legislative Relations.

1. Branding and Reputation

The LMCD is one of several agencies that regulate Lake Minnetonka and the surrounding area and uses. Confusion exists regarding the role and benefits of the LMCD. The four primary functions of the LMCD include regulation, lake safety, AIS management and education.

The anticipated scope of work should include a thorough discussion of the ways in which the vendor can assist the LMCD in developing consistent messaging to augment the LMCD's reputation and brand. Anticipated outcomes might include establishing LMCD as a "Lake Management Policy Leader" throughout Minnesota and the United States; encouraging regional and state support of AIS and other programs/projects on Lake Minnetonka; and developing strategic alliances with major players in areas most closely associated with LMCD's identified areas of strengths and needs.

2. Media Relations

The anticipated scope of work will include:

- a. Propose and implement a media-relations strategy that elevates the exposure of LMCD to identified audiences via regional news and media organizations.
- b. Proactively identify opportunities for media coverage and work to facilitate that coverage.
- c. Schedule media interviews for identified LMCD staff, Board Members and supporters to promote LMCD programs
- d. Develop relevant messaging that can take advantage of current opportunities and events, and that can be used by the agency for communications and fundraising.
- e. Propose and facilitate approved media events to promote LMCD and its programs.
- f. Draft news releases, advisories and background information to promote LMCD programs and partners.

- g. Track and respond to stories in the media that might benefit from a response from LMCD.
- h. Monitor and report on the effectiveness of LMCD's media activities.

3. Website & Social Media Strategy

The anticipated scope of work will include:

- a. Evaluate, recommend, and assist in enhancements to LMCD web pages and promote those pages appropriately to relevant audiences and provide avenues to monitor traffic to identified pages as a metric for success.
- b. Develop and implement, in cooperation with LMCD, a robust social media outreach targeting appropriate audiences on multiple social media platforms in a strategized communications flow that emphasizes engagement appropriate for long-term agency resources.

4. Legislative Relations

The anticipated scope of work will include:

- a. Develop a policy to promote LMCD to local and state legislators and to monitor legislation relevant to the LMCD.
- b. Assist LMCD in developing strategy and messaging in response to proposed legislative changes.

III. HIGH-LEVEL TIMELINE

The following is an anticipated schedule for the implementation of the Communications Services Agreement.

Tentative High-Level Timeline	
RFP issued and distributed to potential vendors	June 14, 2019
Submission Deadline by 4:30 pm CDT	July 1, 2019
Notification of chosen vendor / Begin contract discussion	July 8, 2019
Agreement finalized / Work begins	July 15, 2019

Note: This Schedule of Events is subject to change.

IV. PROPOSALS AND SELECTION PROCESS

PROPOSALS

Proposals must be submitted digitally and identify the following:

1. The experience and qualifications of the company or personnel with a brief explanation of their relevance to this project including areas such as brand messaging; crisis management; content creation for websites, social media and written press releases; and political aspects of the environment.
2. Any scope suggestions, alternatives, or options made by the proposer to increase the value of this work including an understanding of the size of this agency and its resources.
3. An hourly budget for each task item in the scope of work and anticipated total costs.
4. Proof of insurance and W-9 and corporate/individual licenses necessary to conduct this type of work in Minnesota.
5. References of at least three individuals or organizations that can provide feedback about past projects.

By submitting a proposal, the proposer agrees that LMCD may copy the proposal for purposes of facilitating the evaluation of the proposal. The proposer consents to such copying by submitting a proposal and warrants that such copying will not violate the rights of any third party. LMCD shall have the right to use ideas or adaptations of ideas that are presented in the proposals.

INITIAL SCREENING AND INTERVIEWS

Upon receipt of the proposals, an LMCD Selection Group will rank and interview at least the top two applicants. The Selection Group will consider the following:

1. The experience and qualifications of the proposer relevant to this project.
2. Clarity and completeness of the proposal.
3. The soundness of the consultant's proposed methods and approach to the work, e.g., consultant's plan for stakeholder engagement, coordinating existing data with new data.
4. Positive scope suggestions that add value and will benefit the LMCD mission of "preserving and enhancing the Lake Minnetonka experience."
5. The hourly budgets for each task item and estimated total costs.
6. The ability to complete the work in the schedule provided or agreed upon.

RECOMMENDATION TO THE BOARD

Based on the proposals, the interviews and any additional information requested and received by the LMCD, the Selection Group will make its recommendation to the LMCD Board.

V. PROFESSIONAL SERVICES AGREEMENT & COST ESTIMATES

The LMCD intends, but is not obligated, to award a professional services agreement for communications and engagement services. Initial funding and reimbursement will be based on hourly rates and expenses according to activities. The services may occur over multiple budget cycles.

Options, alternatives, and proposed timelines are acceptable for each section of the proposed plan. The proposal shall outline costs for each section and alternatives of the proposal. The timeline may change based on applicant recommendations.

The party that is chosen will be required to sign a Professional Services Agreement similar to the agreement attached to this RFP, and it may be modified depending on the specifics of the proposal.



ITEM 12A

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: June 12, 2019
TO: LMCD Board of Directors
FROM: Vickie Schleuning, *Vickie Schleuning* Executive Director
SUBJECT: High Water Declaration Regulated Areas

ACTION

Board review and approval to add North Arm bay to the High Water Regulated Areas list under Sec. 3.021.2.c.(i)

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

Approval:

I make a motion to amend Sec. 3.021.2.c.(i) to now read: all of the surface area of the following bays and portions of the Lake; Emerald Lake, Libbs Bay, Seton Lake, Bay St. Louis, Black Lake, Coffee Cove, Big Island Passage, Robinson's Bay, Tanager Lake, Forest Lake, Carson's Bay, Excelsior Bay, Priest's Bay, St. Alban's Bay, Gray's Bay, Stubb's Bay, Jennings's Bay, and North Arm Bay, and

Denial:

I make a motion to deny the addition of North Arm Bay to the High Water Regulated Area List

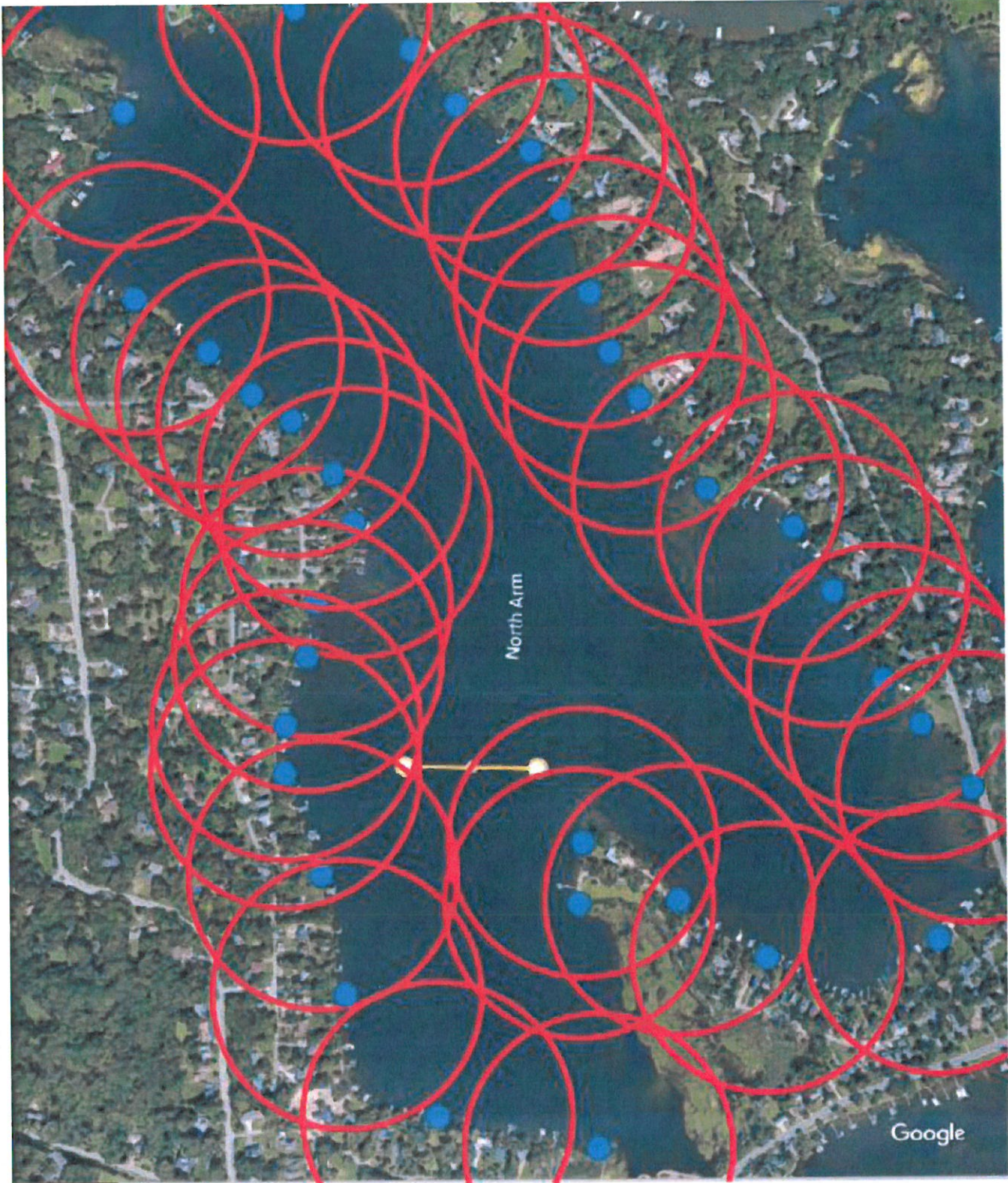
BACKGROUND

North Arm Bay was originally covered only by the 600-foot rule. As shown in the attachment, this covers 83.3% of the bay leaving only a narrow, unmarked virtual channel for water sports. Even well-meaning boaters cannot stay within this zone. Other boaters have used this sliver zone as a blank check to allow high-wake activities anywhere in the bay using the (somewhat reasonable) excuse that they did not know where the virtual channel was. Numerous Water Patrol calls have led to frustration as the existence of this channel makes enforcement almost impossible without drone coverage.

Since compliance and enforcement is nearly impossible for North Arm Bay, we need to add it to the Regulated Area list or simply make it an unlimited-wake sanctuary.

ATTACHMENTS

Maps of North Arm Bay showing the 600-foot sliver area.

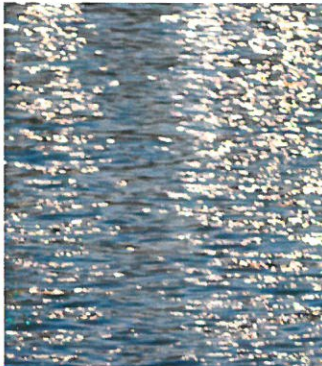






The Lake Minnetonka Vegetation and Aquatic Invasive Species (AIS) Master Plan

will address the dynamic lake management activities needed to preserve and enhance the lake's ecology, recreational, and economic experience. The project is just starting and completion is expected by the end of 2019.



1ST MEETING

**JUNE 18th
6-7 pm**

LMCD OFFICE



**LAKE MINNETONKA
CONSERVATION DISTRICT**

5341 Maywood Rd - 200
Mound, Minnesota 55364

Phone: 952-745-0789

Website: www.lmcd.org

Twitter: @LakeMtkCD

Facebook: @LakeMinnetonkaConservationDistrict

What's the Challenge?

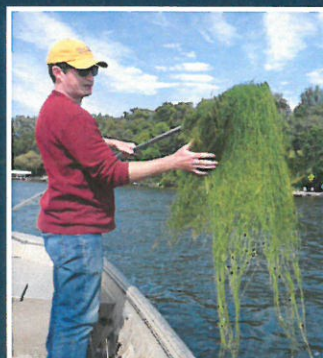
- AIS threats are real and imminent
- Unmanaged lake vegetation can affect lake health and ecology, recreation, public safety, and the economy
- Many partners are needed to manage lake vegetation and AIS for a unified vision, leaving no gaps

Why LMCD is Taking the Lead?

- LMCD represents the lake, has established partners and history
- LMCD is organizationally and legally structured to manage and administer funds/programs
- LMCD considers the interests of all stakeholders: cities, agencies, residents, visitors, organizations, businesses, and others in its decision-making process

Our Approach?

- Develop master plan to guide lake vegetation and AIS management activities using the most current scientific data and innovative approaches
- Develop action plan to address most imminent threat first- Starry Stonewort
- Compile and inventory existing lake vegetation and AIS data- develop public webmapping feedback tool
- Lake weed harvesting- determine if it is beneficial and key requirements for a successful program in relation to alternative control methods for existing and future threats
- Outreach, communication, stakeholder participation, public data collection



Be Involved!

Public:

- Be Informed - attend meetings, Website, Twitter, Facebook
- Be Engaged - provide input, webmapping feedback tool

Advisory Groups:

Assist in decision making

Implementation Partners:

Develop solutions, put plan in action