



LAKE MINNETONKA CONSERVATION DISTRICT

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AGENDA
LAKE MINNETONKA CONSERVATION DISTRICT
Wednesday, June 26, 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** – 06/12/2019 LMCD Regular Board Meeting
7. **APPROVAL OF CONSENT AGENDA**
 - A) Audit of Vouchers (06/15/2019 – 06/30/2019)
 - B) 5345 Cedar Point Road, Variance for Dock Use Area Length and Side Setbacks
 - C) Tonka Yacht Rental: New Commercial Dock License, New Non-Intoxicating Liquor License Application, and Ports of Call for 4801 Shoreline Drive

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

10. OTHER BUSINESS

11. OLD BUSINESS

A) Legislative Update

12. NEW BUSINESS

A) High Water Declaration Regulated Areas, and Slow and No Wake Zones

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
 - Slow and No Wake Regulations
 - High Water Declaration Review
 - Boat Density
 - Permanent Docks Discussion
 - Lake Sales and Services

ITEM 6

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

7:00 P.M., June 12, 2019
Wayzata City Hall

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Ann Hoelscher, Victoria; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Orono; Mike Molitor, Minnetrista; Andrew Punch, Excelsior; Chris Rich, Woodland; Nicole Stone, Minnetonka; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

Members absent: Bill Cook, Greenwood; and Jake Walesch, Deephaven. Excelsior Vacant.

4. APPROVAL OF AGENDA

MOTION: Hughes moved, Rich seconded to approve the amended agenda that was distributed adding Item 12A.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas commented that the LMCD hosted a booth at Art on the Lake in Excelsior and thanked those members from the Board and staff that participated. He noted that many positive comments were received in support of the LMCD efforts and actions. He encouraged other Board members to participate in local events in their communities on behalf of the LMCD.

6. APPROVAL OF MINUTES- 05/22/2019 LMCD Regular Board Meeting

MOTION: Baasen moved, Molitor, seconded to approve the 05/22/2019 LMCD Regular Board Meeting minutes as submitted.

VOTE: Ayes (7), Abstained (4), (Thomas, Rich, Kroll, and Zorn) Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Zorn moved, Hughes seconded to approve the consent agenda as presented. Items so approved included: **7A**) Audit of Vouchers (06/01/2019 – 06/15/2019); **7B**) May Financial Summary and Balance Sheet; and, **7C**) Resolution Accepting Save the Lake Contributions (04/01/2019 – 05/21/2019).

VOTE: Motion carried unanimously.

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

Richie Anderson, Orono, stated that he has 3,800 feet of lakeshore over multiple properties. He stated that it seems that the wakeboard boats always take the brunt of negative comments but noted that he supports that type of activity. He stated that there are other big boats on the lake that create larger wakes than a wakeboard boat. He commented that the 600 feet no wake zone was a good decision by the LMCD. He noted that the hardcover in this area has increased tremendously and therefore runoff increases and fills the lake. He referenced bays that he recently heard were no wake bays. He noted signs might be helpful. He stated that perhaps thought be given to those no wake bays to running those similar to Grays Bay, where it is shutdown during certain weekend hours. He stated that he appreciated the proactive activity that people have taken in managing the lake level by the Minnehaha Creek Watershed District. He noted that marina owners also met with the Sheriff and his Deputies and found that meeting helpful to feel more informed. He referenced the LMCD 2020 budget, specifically the \$100,000 line item marked as a budget amendment. He mentioned line item 17 for Save the Lake program and he didn't believe that cities would support a 2.4 percent levy increase when the line item 17 for Save the Lake programs. He stated that the Orono representative clarified that the lake management program falls into that category.

Chair Thomas agreed that the Minnehaha Creek Watershed District and Hennepin County Sheriff's Office are doing a great job to manage the lake. He noted that there is no line item 17 in the budget document. He noted that the Save the Lake falls under line item 16.

9. PUBLIC HEARING

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

Matt Cook stated that this is a continuation of the public hearing which took place at the May 22nd meeting for a variance request related to dock use area length and side setbacks. He provided background information on the request noting that this is a previously existing dock and the applicant is seeking a variance to ensure compliance. He provided additional details on the side setback reduction requested and the length variance requested. He displayed the proposed site plan, which includes staff notes, noting that the length extension is requested because of the shallow water in that area. He noted that no comments were received from public agencies. He provided a summary of the comments received at the May 22nd public hearing. He stated that based upon staff inspections in 2018 and review of aerial photographs, there is no significant obstruction in existence for navigation; the setback distance is increased with the inclusion of the fire lane, not decreased; and angling the docks would require adjustments of neighboring dock use areas, and could expose boats to more of a broad side wind and wake.

Thomas opened the public hearing at 7:26 p.m. No comments were offered, and the public hearing was closed at 7:26 p.m.

Matt Cook stated that staff recommends that the Board approve the length variance but does not recommend approving the proposed side setbacks. He stated that because the shoreline is shallow for that stretch, it would not be unreasonable to keep the 15-foot setback for 100 feet or more of dock for that stretch of the lake.

Chair Thomas asked if the boat house or canopy would be impacted by the setback.

Matt Cook stated that if the setbacks were adjusted to 15 feet, that would allow for the canopy but would still require a variance.

Klohs asked if something similar has been done for other docks.

Matt Cook confirmed that similar approvals have been given but for docks that only store one or two boats and not the maximum number of boats allowed.

Zorn stated that staff proposed considering a 15-foot side yard setback and asked if that was shared with the applicant.

Matt Cook stated that different options were discussed with the applicant. He stated that the effective dock use area begins further out from shore because of the lack of depth available and that is why staff would support a side yard setback of 15 feet, rather than 20 feet.

Zorn asked if there are other residents in this stretch that have a side yard setback.

Matt Cook stated that staff is not aware of variances for length or setbacks in this area.

Rich stated that it sounds like there are two issues, converging lot lines and the shallow water along the shoreline for all the neighbors in that area. He stated that would seem to be a hardship as a 50-foot dock would not serve a purpose.

Molitor stated that Minnetrista recognizes this area, Douglas Beach, with special zoning that has decreased side yard setbacks because of the narrow widths of the lots.

Eric Funderburk, 5345 Cedar Point Road, applicant, stated that this is the first time that he has heard the recommendation from staff regarding a 15-foot side yard setback. He stated that he has 32 feet of dock on a 57.5-foot lot. He noted that the math would not work out to have 15 feet on each side of the dock. He stated that there is a process for variances. He noted that in order to reach the depth of water to support his boat, he would need a variance to reach four feet of water. He stated that he is using the lake in a reasonable manner and therefore the strict application of the rules would impede on his enjoyment of the lake. He stated that there are small lot widths in that area and his boats and dock fall within his property area. He noted that there are many properties in this stretch of the lake with similar docks and setbacks, but the only reason he is here is because of a complaint from a neighbor that has a dispute with him. He noted that granting the variance would not alter the character of the area as most docks in the area do not meet the setback

requirements, noting that neighbors have simply come to agreements. He asked for the support of the Board.

Chair Thomas noted that it was his understanding that with the 15-foot setback variance, the applicant could provide a 15-foot setback to the west and then could be closer to the property to the east, if that neighbor did not object.

Mr. Funderburk replied that he could do that but noted that would shrink the navigable area between he and the neighbor to the east, which would make it more difficult for both parties. He stated that he would like to remain fair to the neighbor in support of the request as well.

Rich stated that he would be in favor of both variances, noting that this is a hardship that the applicant did not cause because of the depth and converging lot line. He noted that this would not change anything from what currently exists.

Stone agreed, noting that it seems the LMCD is being used as a weapon.

Hughes stated that he would also support the variances. He noted that there are many properties on this lake that do not meet the standards.

Zorn stated that cities have put property owners in this position to begin with and asked if the LMCD has contacts with the cities as they are working with developers to review the downstream impact to the lake. She stated that they are putting people in unfair positions. She stated that she supports the variances for length and setback.

Klohs stated that perhaps the reduction in setback from 20 feet to 15 feet for shallow water should be done as a code amendment, if that is desired. He noted that the properties were platted years ago and thought was not given to the impact on the lake. He stated that the property owner could meet the 20-foot setback on the west and encroach on the property to the east without having a variance. He noted that he would agree to the length variance. He noted that there is not a hardship for the setback, as boat size is not a hardship.

Hoelscher stated that she is not opposed to the length variance. She appreciated the comments from Molitor about the narrow lot widths in this area. She agreed that what happens on land does not always translate to water activity, but also agreed that they should recognize what happens on land. She stated that she would support reducing the side setback to better align with the reduced land setbacks.

Baasen asked if every riparian landowner is entitled to four boats regardless of lot size.

Matt Cook stated that up to four watercraft can occur as long as the property owner owns the boats. He asked if the setbacks would be adjusted simply to meet boat sizes on narrow lots.

Molitor stated that these homes were built well before Minnetrista was incorporated. He stated that in terms of future use there is consideration for lot size and relation to shoreline regulations. He stated that as you go around the lake, the applicant's boat is 33 feet in length, and it is not uncommon to see a boat of that length or

more on this lake. He referenced the reduced side yard setbacks and stated that this appears to be a standard dock setup for this lake. He stated that if the setback is reduced to only have 15 feet, a boathouse would not be available that would fit. He stated that if you do not approve the setback variance, the boathouse would not be allowed and stated that boathouses are very common on the lake. He noted that if there are a lot of variance requests for the same topic, then a code amendment should be considered. He advised that if only a few variances are received, the variance route should continue. He noted that he supports both variance requests.

Gilchrist stated that the draft order is incomplete in the packet because he was unsure the direction the Board would go and therefore recommended that the motion be to direct legal counsel to prepare an order allowing or disallowing, which will provide him the opportunity to draft the order that would come back before the Board at the next meeting.

MOTION: Molitor moved, Rich seconded to direct the LMCD legal counsel to prepare Findings of Fact and Order approving the variance from Eric Funderburk for the property located at 5345 Cedar Point Road in Minnetrista.

VOTE: Ayes (8), Nays (3), (Baasen, Klohs, and Zorn) Motion carried.

B) Tonka Yacht Rental: New Commercial Dock License, New Non-Intoxicating Liquor License Application, and Ports of Call for 4801 Shoreline Drive

Matt Cook presented a request from Tonka Yacht Rental for a commercial dock license and non-intoxicating liquor license. He stated that the existing dock is not currently licensed for commercial use, noting that the applicant would propose to store a charter boat and three personal boats, noting that this would not be a port of call. He explained that the non-intoxicating liquor license is sought to enable alcohol to be consumed on the charter boat. He identified the subject property on an aerial view along Seton Channel. He reviewed the proposed conditions for the commercial dock license noting that the large boat slips have been in existence for a couple of years and the applicant is wishing to legally operate and store a charter boat. He reviewed the site plan for the north and south docks. He reviewed the commercial dock criteria and how they apply to this request. He reviewed the comments received by public agencies (MN DNR and City of Mound) and noted that as of 1:30 p.m. today, no public comments had been received.

Molitor asked and received confirmation that it is his understanding that the dock, as built, meets the required codes.

Thomas opened the public hearing at 8:05 p.m.

Thomas invited the applicant to address the Board; applicant declined at this time.

No comments were offered, and the public hearing was closed at 8:06 p.m.

Matt Cook stated that staff recommends approval of the commercial dock license as proposed and approval

of the non-intoxicating liquor license, subject to the conditions noted. The PowerPoint presentation noted conditions included liability insurance, approval by cities for ports of call, passes inspections of watercraft and dock facility, completion of all other applicable code requirements.

Baasen asked if the applicant has operated this in the past or whether this would be a new operation.

Steve Biddell, 4823 Bartlet Boulevard in Mound, stated that he has always made his living on the water and provided background information on his family's history. He stated that he is often on the lake as a boater but noted that this would be a new operation. He stated that he would follow a model similar to PaddleTap, where most activity would occur from Lord Fletchers.

Baasen referenced the listed ports of call and noted that he was unaware that Maynards allows commercial pickup.

Mr. Biddell stated that he knows the owners of Maynards and has their blessing to use that business as a port of call.

MOTION: Thomas moved, Kroll seconded 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.

VOTE: Ayes (10), Abstained (1), (Baasen) Motion carried.

MOTION: Thomas moved, Rich seconded 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.

VOTE: Ayes (10), Abstained (1), (Baasen) Motion carried.

10. OTHER BUSINESS

There was none.

11. OLD BUSINESS

A) Preliminary 2020 Budget

Thomas noted that the Board has reviewed the proposed budget on multiple occasions.

Kroll expressed concern from the Orono City Council regarding a line item of \$25,000 for public relations.

Schleuning stated that an attachment contains the summary of concerns received, including the item expressed by

Kroll.

Hoelscher clarified that the \$25,000 is not in the 2020 budget and is instead coming out of the current 2019 budget, therefore that is not included in the vote tonight.

Rich stated that he also shares the concern of adding to the levy and would instead like to see that money taken from the reserves. He stated that if that change is not made, he would not be supporting the budget.

MOTION: Baasen moved, Molitor seconded 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.

VOTE: Ayes (9), Nays (2), (Kroll and Rich) Motion carried.

Thomas encouraged Board members to discuss the budget with their member city.

B) Draft Communications & Public Engagement RFP

Hoelscher stated that the Board has discussed this item on several occasions and before the Board is a draft RFP to solicit proposals from communications firms to gain support with public engagement. She stated that this would come from the 2019 budget. She stated that the LMCD has exciting things going on and is in the news, therefore this assistance would help bring the LMCD webpage up to speed and would help to get information out to the public.

Thomas noted that when the performance review of the Executive Director was done, the Board discussed things that could be done to lighten the load on that employee. He noted that this action would help staff maintain their current workload.

Klohs stated that the LMCD has been operating with one less employee for three years and the understanding was that certain actions would be contracted out to provide that additional support. He noted that a contracted position is easier to control and manage compared to adding a regular employee.

Zorn noted that this is a great step. She referenced the timeline and asked if that should be pushed out to recognize the holiday.

Stone stated that she is in support this and believes this is a great idea.

MOTION: Zorn moved, Hughes seconded to approve the publication of the request for proposal and authorize the Executive Director to solicit submittals from appropriate sources.

VOTE: Ayes (8), Abstained (3), (Molitor, Rich and Kroll) Motion carried.

12. NEW BUSINESS

A) High Water Declaration Regulated Areas

Schleuning referenced that some of the areas that had a small sliver of area that would be open for regular speeds and noted that perhaps a better review of the different bays occur at the next meeting to determine where it would make sense to have full slow zones compared to the 600 feet. She confirmed that they might end up with another high-water declaration. She encouraged people to pay attention to the wake and slow down if wakes are reaching the shores.

Kroll stated that he has received a lot of complaints on North Arm, noting that 17 percent of North Arm is not covered by the 600-foot limits and it is impossible to navigate that sliver. He stated that he had to replace 10 boards on his dock because of the high water. He suspected that there are a lot of people that use that sliver as an excuse to wakeboard around North Arm. He stated that they will either have to put reasonable limits on the narrow bays or purchase drones for the Water Patrol to enforce.

Thomas stated that one thought would be to add North Arm Bay as a no wake bay during high water. He stated that he would prefer to complete that action with a public hearing to be transparent. He noted that there may be other bays in similar situations.

Molitor stated that he lives on a no wake bay and stated that is not much of a solution as people either ignorantly or willfully ignore that direction. He noted that he simply wanted to provide reasonable expectations. He stated that signage is a big factor as it helps to eliminate the issue of ignorance. He explained that speed does not equal wake.

Hughes noted that a navigation license is required for drone operation.

Thomas commented that the Water Patrol has drone equipment but was not certain if there is a drone program. He noted that he lives on a small lagoon and has people coming in from the channel at full throttle. He stated that the LMCD attempts to manage Lake Minnetonka to the best extent possible, noting that there are a variety of different activities that occur on the lake and sometimes those activities compete with each other. He stated that the LMCD is not charged with regulating those activities but simply how those activities are done.

Rich commented that there is no one solution that will solve the problem. He commented that awareness is a huge factor. He noted that if the bay is changed to no wake, there would be more opportunity for the Water Patrol to monitor and enforce. He agreed that signage would be important to help educate the public.

Schleuning stated that the high-water signs were successful and noted that while most people complied with the regulations there will always be some that do not. She stated that perhaps there is a better way to indicate where the 600-foot mark is. She noted that the proactive education that high water may be coming also helped to spark comments from the public prior to the declaration.

Baasen noted that boaters should be aware that their wake will cause issues not only to private property, shorelines and others and is a constant concern, not only in times of high water. He stated that in terms of education, more time should be spent talking about wake effect.

Thomas commented that the staff did a marvelous job trying to get the word out in multiple formats.

13. TREASURER REPORT

No report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- New owners for the Caribbean Marina in Tonka Bay are not planning any changes in the operations this season and are working to reopen the restaurant. However, they will be looking at options in the future.
- First Meeting for the Lake Minnetonka Vegetation and AIS Master Plan is June 18th from 6:00 to 7:00 p.m. at the LMCD office. The meeting date was chosen since it worked with the consultants, many of the board members, and the room was available.
- Clarification was provided on recent press coverage the LMCD received. She stated she did not say the harvesting program did more harm than good, nor did she say the harvesting program was very good at preventing the spread of AIS. She stated the harvesting program and alternatives would be reviewed as part of the Lake Minnetonka Vegetation & AIS Master Plan process.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Recodification Workgroup: Gilchrist had no updates.

Save the Lake Committee: Baasen reported that the group has not held a regular meeting but advised that the safe boater program was conducted earlier this week. He reported that there were approximately 30 attendees, a mix of youth and adults. He stated that it is a challenge to help all students and more assistance is requested from the Board in the future. He stated that they are a bit ahead in regard to contributions received thus far this year.

Strategic Plan Subcommittee: No report.

Thomas stated that he believed that there was recent consensus to form a work group that would meet with commercial marinas but noted that he has not received notification back on possible dates available for the meetings.

Thomas stated that he sent a follow-up email to the marina owner that brought forward that request but has not yet received a response.

Baasen stated that it is his understanding that the marinas have monthly meetings and the intent would be for some members of the Board to attend.

Thomas confirmed that four Board members volunteered to participate.

Baasen stated that there is a strong interest from the Board in closing that gap, if one does exist.

16. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:53 p.m.

Gregg Thomas, Chair

Ann Hoelscher, Secretary

DRAFT

11:29 AM
06/20/19

Lake Minnetonka Conservation District
Check Detail
June 16 - 30, 2019

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
06/28/2019	EFT19-74	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-10,653.12
			P. E.R.A.	2020 · Payroll Liabilities -	Admin.	1,488.85
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-797.60
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-813.57
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-10,733.31
06/28/2019	EFT19-75	P.E.R.A		Alerus Checking		
			Payroll 6/16/19 - 6/30/19	2020 · Payroll Liabilities -	Admin.	-1,488.85
TOTAL						-1,488.85
06/27/2019	EFT19-76	Health Partners		Alerus Checking		
			Dental Insurance, July 2019	4380M10 · Employee Benefits - Admin.	Admin.	-111.76
TOTAL						-111.76
06/27/2019	EFT19-77	SelectAccount Group Service Fee		Alerus Checking		
			HSA Administrative fee for June...	4380M10 · Employee Benefits - Admin.	Admin.	-1.90
TOTAL						-1.90
06/27/2019	EFT19-78	ADP Service Fee		Alerus Checking		
			Payroll 6/16/19 - 6/30/19	4180M10 · Professional Services - Admin.	Admin.	-76.70
TOTAL						-76.70
06/27/2019	EFT19-79	Frontier Communications		Alerus Checking		
			Phone and Internet 6/4/19 - 7/3/19	4060M10 · Telephone - Admin.	Admin.	-186.69
TOTAL						-186.69
06/27/2019	EFT19-80	SW/WC Service Cooperatives		Alerus Checking		
			Health Insurance, July 2019	4380M10 · Employee Benefits - Admin.	Admin.	-1,394.00
TOTAL						-1,394.00

Lake Minnetonka Conservation District
Check Detail
 June 16 - 30, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
06/27/2019	EFT19-81	U.S. Bank		Alerus Checking		
			Parking for Legislative Session	4400M10 · Mileage/Exp's - Admin.	Admin.	-18.00
			Boat Storage Blocks	4520M10 · Furniture & Equip - Admin.	Admin.	-107.51
			Bubble wrap for solar light storage	4160M20 · Public Safety - S/L	STL	-22.35
			Misc hardware for solar lights	4160M20 · Public Safety - S/L	STL	-64.19
			Mako repairs	4140M10 · Equipment R&M - Admin.	Admin.	-685.16
			Misc hardware for solar lights	4160M20 · Public Safety - S/L	STL	-63.07
TOTAL						-960.28
06/27/2019	21624	Bagy Jo, Inc.		Alerus Checking		
06/27/2019	Inv.#DRV-18295		T-Shirts for Boater Safety	4111M20 · Public Service/Education - S/L	STL	-408.75
TOTAL						-408.75
06/27/2019	21625	Brooke Proulx		Alerus Checking		
06/27/2019	Boater Safety		Watercraft Operator's Permit Fee...	4160M20 · Public Safety - S/L	STL	-24.95
TOTAL						-24.95
06/27/2019	21626	City of Mound		Alerus Checking		
06/27/2019	Rent, July		Rent, July 2019	4320M10 · Office Rent - Admin.	Admin.	-1,570.45
TOTAL						-1,570.45
06/27/2019	21627	Cub Foods Shorewood 31484		Alerus Checking		
06/27/2019	STMT 04/23/2...		Meeting Supplies	4230M10 · Meeting Exp. - Admin.	Admin.	-32.98
TOTAL						-32.98
06/27/2019	21628	Eklof Docks		Alerus Checking		
06/27/2019	Inv.#16120		Buoy Brackets	4160M20 · Public Safety - S/L	STL	-528.30
TOTAL						-528.30

Lake Minnetonka Conservation District
Check Detail
 June 16 - 30, 2019

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Paid Amount</u>
06/27/2019	21629	Jenny Range		Alerus Checking		
06/27/2019	Boater Safety		Watercraft Operator's Permit Fee...	4160M20 · Public Safety - S/L	STL	-24.95
TOTAL						-24.95
06/27/2019	21630	LMCC		Alerus Checking		
06/27/2019	Inv.#1291		VOD Services for Meeting 6/12/19	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
06/27/2019	21631	Lynn Anderson		Alerus Checking		
06/27/2019	Boater Safety		Watercraft Operator's Permit Fee...	4160M20 · Public Safety - S/L	STL	-24.95
TOTAL						-24.95
06/27/2019	21632	Mark Hodges Media Productions		Alerus Checking		
06/27/2019	Inv.#20190612		Meeting 6/12/19	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-80.00
TOTAL						-80.00
06/27/2019	21633	Mike McCall		Alerus Checking		
06/27/2019	Boater Safety		Watercraft Operator's Permit Fee...	4160M20 · Public Safety - S/L	STL	-24.95
TOTAL						-24.95
06/27/2019	21634	Natalie Carlson		Alerus Checking		
06/27/2019	Boater Safety		Watercraft Operator's Permit Fee...	4160M20 · Public Safety - S/L	STL	-24.95
TOTAL						-24.95
06/27/2019	21635	Petra Cripe		Alerus Checking		
06/27/2019	Boater Safety		Watercraft Operator's Permit Fee...	4160M20 · Public Safety - S/L	STL	-24.95
TOTAL						-24.95

Lake Minnetonka Conservation District
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 June 16 - 30, 2019

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Paid Amount</u>
06/27/2019	21636	Southwest News Media		Alerus Checking		
06/27/2019	Inv.#378052		Legal Notice - Funderburk, Bedell Boater Safety Ad	4110M10 · Public Info./Legal - Admin. 4160M20 · Public Safety - S/L	Admin. STL	-79.20 -359.00
TOTAL						-438.20
06/27/2019	21637	United States Treasury	41-0954466	Alerus Checking		
06/27/2019	PCORI form 720		Annual PCORI Form 720 Federa...	4380M10 · Employee Benefits - Admin.	Admin.	-5.93
TOTAL						-5.93



ITEM 7B

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: June 26, 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 approval of Findings of Fact and Order for the approval of adjusted dock use area, side setbacks, and dock length variances for 5345 Cedar Point Road in Minnetrista.

BACKGROUND

On June 12, 2019, the LMCD Board of Directors continued a public hearing from the May 22, 2019 LMCD Board meeting for an application for variances to adjust the dock use area (side setbacks and dock length) of 5345 Cedar Point Road in Minnetrista.

After receiving public comment and reviewing the application, the Board voted 8-3 to finalize Findings of Fact and Order approving the variance(s) for adjusted dock use area (reduction of side setbacks and extension of dock length) for consideration at the June 26, 2019 LMCD Board meeting. The Findings of Fact and Order and the June 12, 2019 Board memo and attachments regarding the application are attached for reference.

ATTACHMENTS

- Findings of Fact and Order for applications from Eric and Betsy Funderburk of 5345 Cedar Point Road in Minnetrista for variance(s) to Adjust the Dock Use Area
- June 12, 2019 Board Packet Item 9A – Public Hearing Memo and Attachments

Type: Length and Side Site Line Setback
Variances
Date: June 26, 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 use area, length
and side site line 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 site line 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 on 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, the Board continued the hearing to June 12, 2019 and allowed 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 Memos dated May 22, 2019 and June 12, 2019 regarding the requested variances are 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 a BSU containing a seasonal canopy structure that measures approximately 17 feet wide and 38 feet long (“Canopy”).

5. The Applicant has previously installed and maintained a dock with approximately the same dimensions for several years. The current variance requests resulted from the LMCD's investigation of a complaint it received regarding the dock. The Applicant is seeking the variances to address the noncompliant aspects of the dock identified during the investigation.
6. 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 of four (4) feet to operate a watercraft.
7. The Applicant also seeks variances from the side site line setbacks for a dock, and 20 foot side site line setback for a Canopy, to allow the installation of a dock that is setback nine (9) feet from the west side site line, 16'8" from the east side site line, and a Canopy that is setback 20'9" from the west side site line and 16'8" from the east side site line.
8. The depth of the water in front of the Subject Property does not reach five feet until more than 128 feet into the Lake.
9. 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."
10. The lots along this portion of Lake are narrow and, as a result, the City of Minnetrista has placed this area in a unique zoning district with reduced setbacks.
11. Under LMCD Code, Section 1.07, Subd. 1, the Board may grant a variance if it determines practical difficulties exists and that granting the variance with whatever conditions it deems are necessary does not adversely affect the purposes of the LMCD Code, the public health, safety, and welfare, and reasonable access to or use of the Lake by the public or riparian owners.
12. The term "practical difficulties" is defined in LMCD Code, Section 1.02, Subd. 38a as meaning "one or more unique conditions of a property that prevent the property owner from using the Lake in a reasonable manner permitted by the Code and that serve as a basis for the property owner to request a variance from the strict application of the provisions of the Code. Practical difficulties only exist with respect to a particular property if the conditions preventing the proposed reasonable use of the property are unique to the property, were not created by the property owner, and are not based solely on economic considerations."
13. The proposed use of the Lake to install a dock with sufficient length to reach navigable water and sufficient width to accommodate the watercraft owned by the Applicant, who occupies the residence on the Subject Property, is reasonable given the narrow width of the Subject Property. The narrow width of the Subject Property and the shallow water are unique conditions that were not created by the Applicant. The variance requests are not based solely on economic considerations in that the length variance is needed to reach water

of sufficient depth to safely operate a watercraft and the setback variance is to accommodate watercraft owned by the Applicant that is not unusually large when compared with the size of watercraft often utilized on the Lake. Additionally, the use of a Canopy is an increasingly common occurrence on the Lake and they are made to certain uniform widths. Attempting to increase the required side site line setback beyond what is being requested would effectively eliminate the Applicant's use of the Canopy. Under these unique set of circumstances, the Board determines practical difficulties exist and that it is appropriate to grant the requested variances to enable the reasonable use of the Lake by a riparian owner.

14. Granting the requested variances will not adversely affect the purposes of the LMCD Code as the installation and use of a dock and related structures such as the Canopy furthers the purposes of the LMCD Code by promoting reasonable access to the Lake. The requested variances are also not contrary to the public health, safety or welfare in the dock has not, and does not, pose a safety or navigation problem on the Lake. Docks in this area are necessarily long in order to reach navigable water. Also, this dock is located entirely within the extended side site lines and does not interfere with the navigation of watercraft to or from the neighboring docks.
15. At the hearing a neighboring owner objected to the requested variances, suggesting the variance are not appropriate under the LMCD Code and that the dock located as proposed would interfere with his access to the Lake. The Board finds the neighbor's objections are not supported by the facts in this case. The dock has previously been in place and the LMCD received no complaints or concerns from the neighbor until a dispute arose regarding the use of the neighbor's property for short-term rentals. Additionally, the LMCD Code expressly recognizes the potential for granting a length variance to allow an owner to reach water of a sufficient depth to safely operate a watercraft, which is exactly the situation in this case.
16. The Board has issued dock length variances to other properties around the Lake due to similar conditions.
17. The Applicant's proposed installation of a dock to access a navigable portion of the Lake is a reasonable use of the Subject Property. The location of the dock is entirely within the extended side site lines of the Subject Property, the dock structure does not cross in front of a neighboring property, and is consistent with how others in this area have placed their docks given the narrow widths of the lots in the this area.
18. Practical difficulties exist in this case that support the Board exercising its authority under Section 1.07 of the LMCD Code to grant a dock length variance and a side site line setback variance for the Subject Property.

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 feet NGVD, as shown on the dock plan attached hereto as Attachment Two, subject to compliance with all of the conditions set out in this Order.
2. Side Site Line Setback Variance. A variance is granted from the side site line setbacks to allow the installation of a dock with a nine (9) foot setback from the west side site line to the dock structure, a twenty (20) foot, nine (9) inch setback from the west side site line to the western edge of the Canopy, a sixteen (16) foot, eight (8) inch setback from the east side site line to the dock structure and the Canopy, subject to compliance with all of the conditions set out in this Order.
3. Conditions. The variances granted in this Order are subject to compliance with all of the following conditions:
 - a. The dock shall be installed and maintained in compliance with the dock plan shown on Attachment Two, which is attached hereto and made part of this Order. The dock shall not be longer, or located closer to the side site lines, than allowed by the variances granted herein. No alteration of the dock shall occur except in conformance with the requirements of the LMCD Code.
 - b. The number of watercraft allowed on the dock is subject to the density regulations contained in LMCD Code, Section 2.02.
 - c. Watercraft may not extend beyond the length of the boat slips and shall be stored in such a way as to comply with the modified setbacks.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. 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.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation District this 26th day of June 2019.

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary

ATTACHMENT ONE
Legal Description of Subject Property

ATTACHMENT TWO
Dock Plan

[attached hereto]



ATTACHMENT ITEM 7B

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)



ATTACHMENT 7B- (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 *Vickie Schleuning*

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.....”



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 [x] 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:

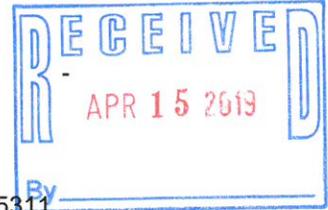
Located in the city of: Minnetrista

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

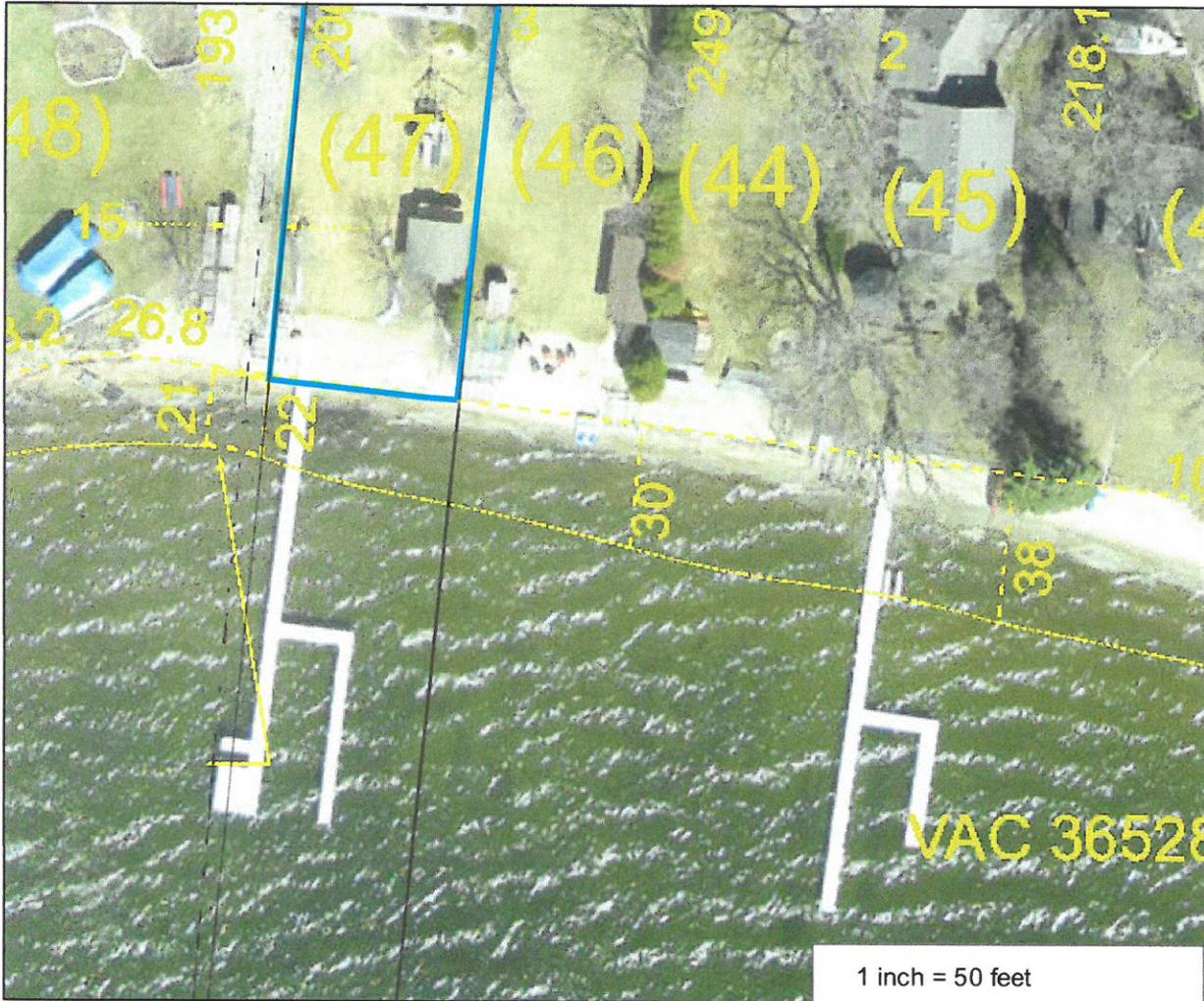
Return this application, attachments and fee to:

**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



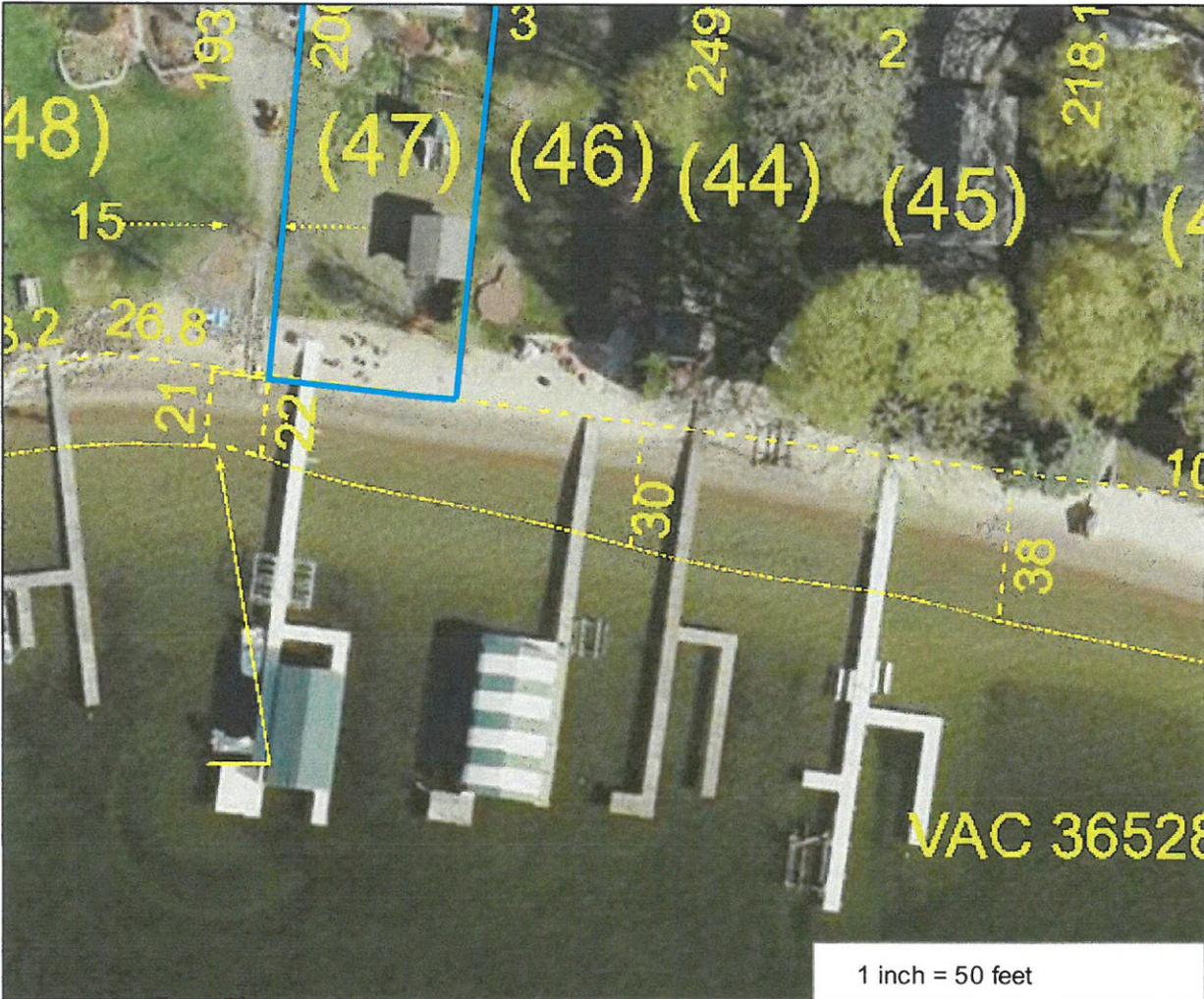
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Hennepin County Property Map

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

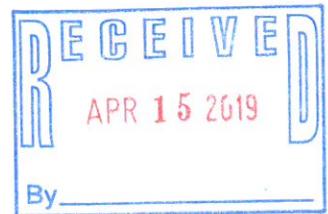
SALE CODE: Warranty Deed

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



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



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COUNTY 2019



Hennepin County Property Map

Date: 4/15/2019



No results

Comments:

2004



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Hennepin County Property Map

Date: 4/15/2019



No results

Comments:

2002



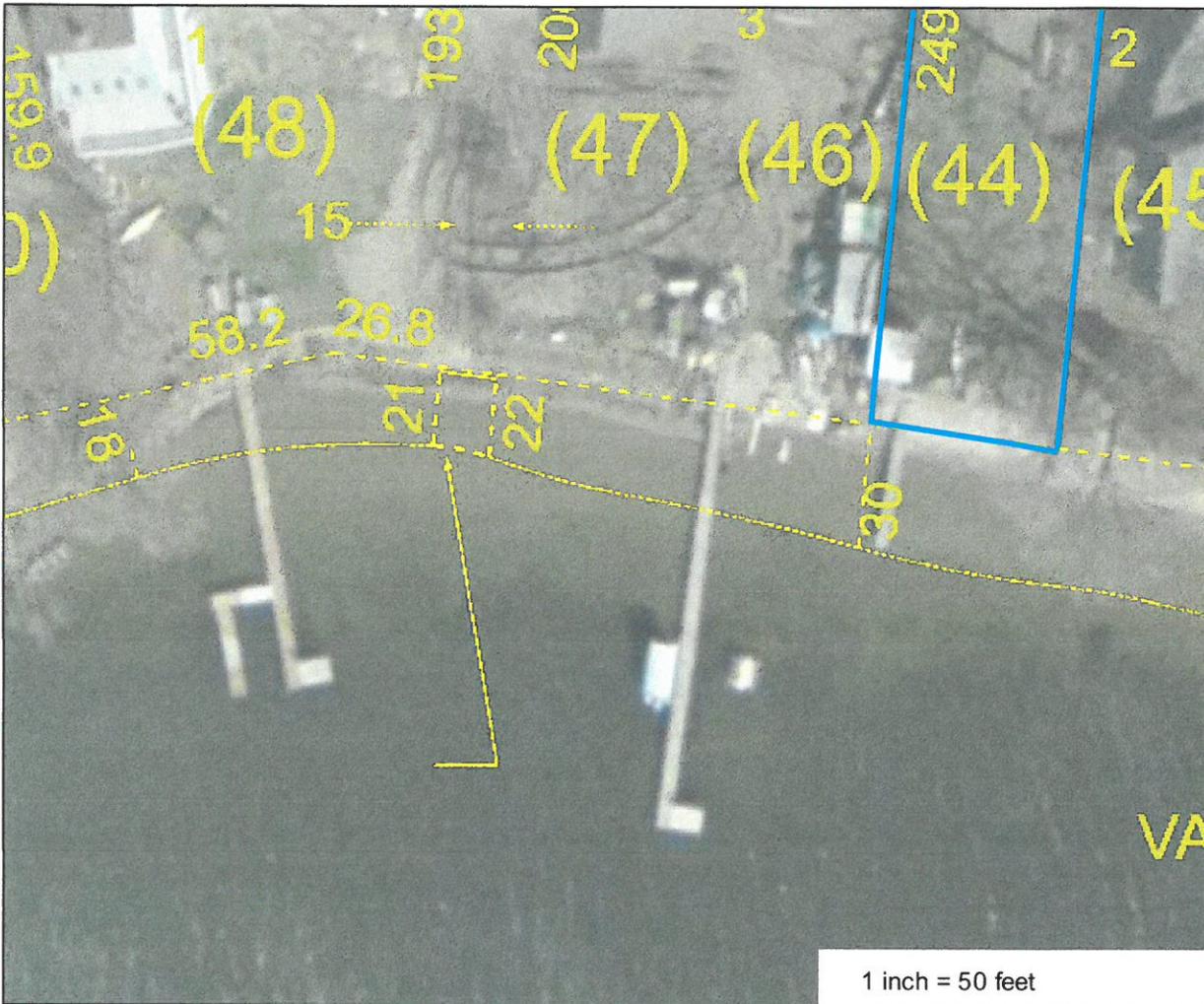
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Hennepin County Property Map

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

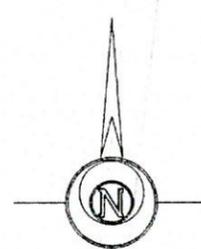
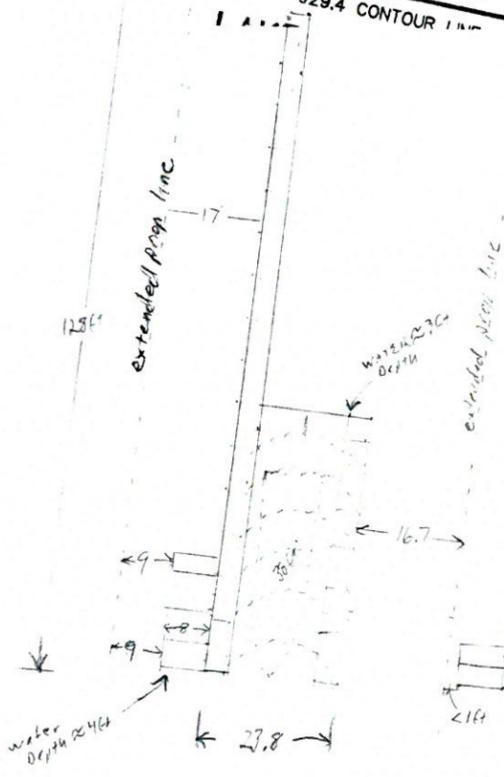
S 7°03'30" W

SURVEY LINE

N 81°10'34" W 50.02

929.4 CONTOUR LINE

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'
 DATE 5-16-01 MN LICENSE NUMBER 22785		DATE 5/16/01
		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.

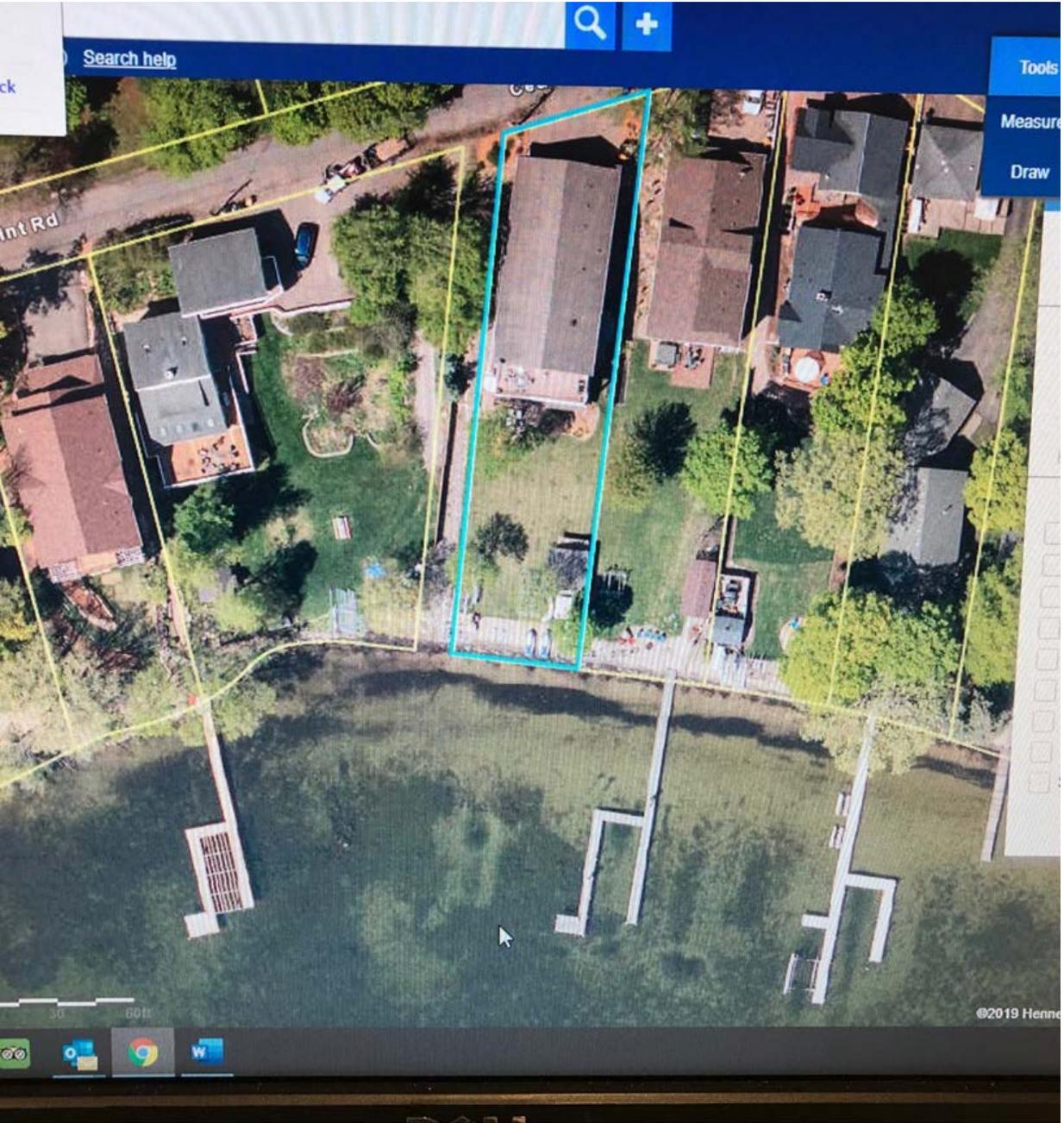
From: [Andrew J. Marnach](#)
To: [M. Cook](#)
Cc: [Eric HERMANSON](#)
Subject: 5-22-19 Public Hearing re: application for variance at 5345 Cedar Point Road, Minnetrista
Date: Wednesday, May 22, 2019 4:28:52 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image011.png](#)
Importance: High

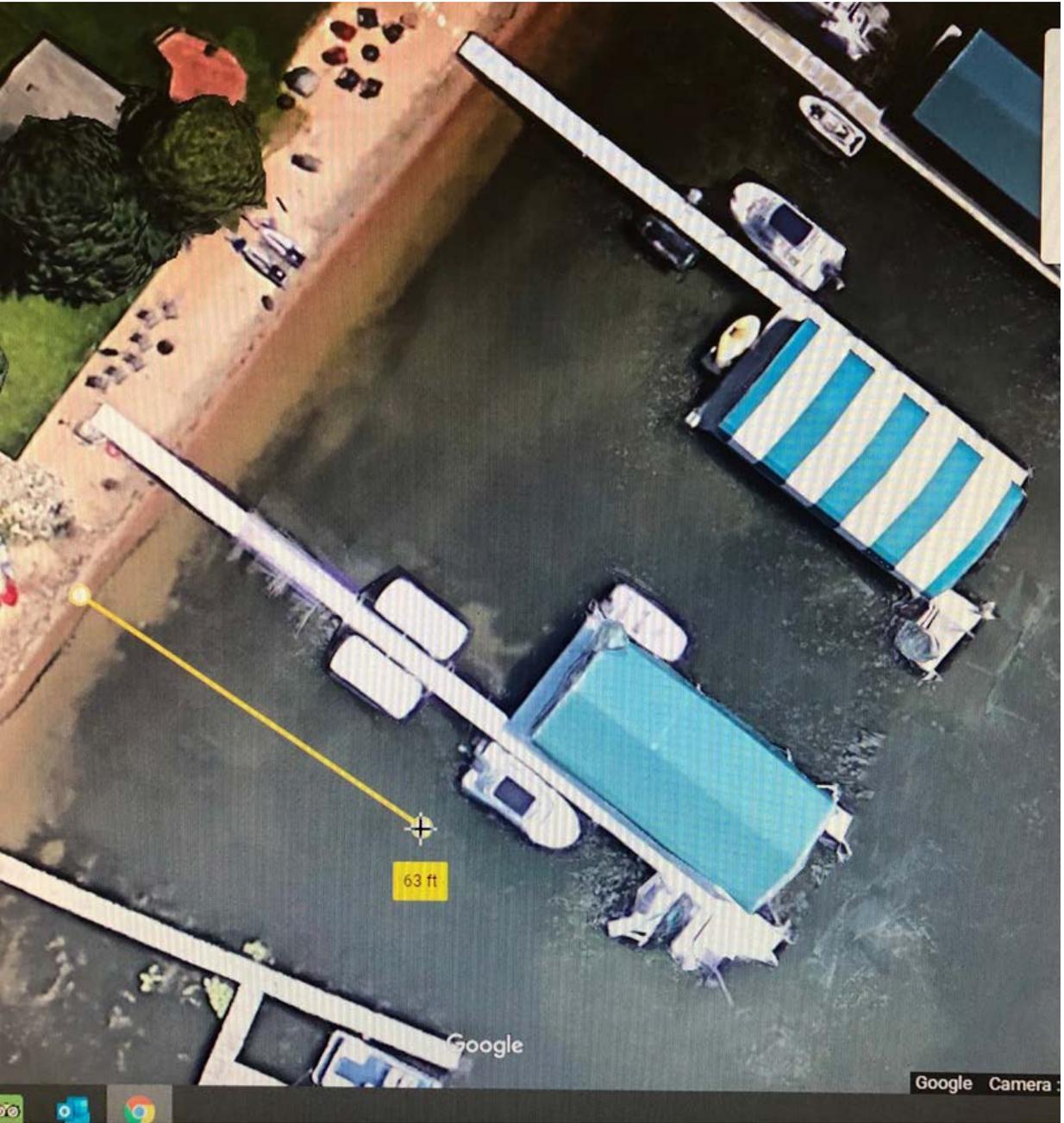
Matthew:

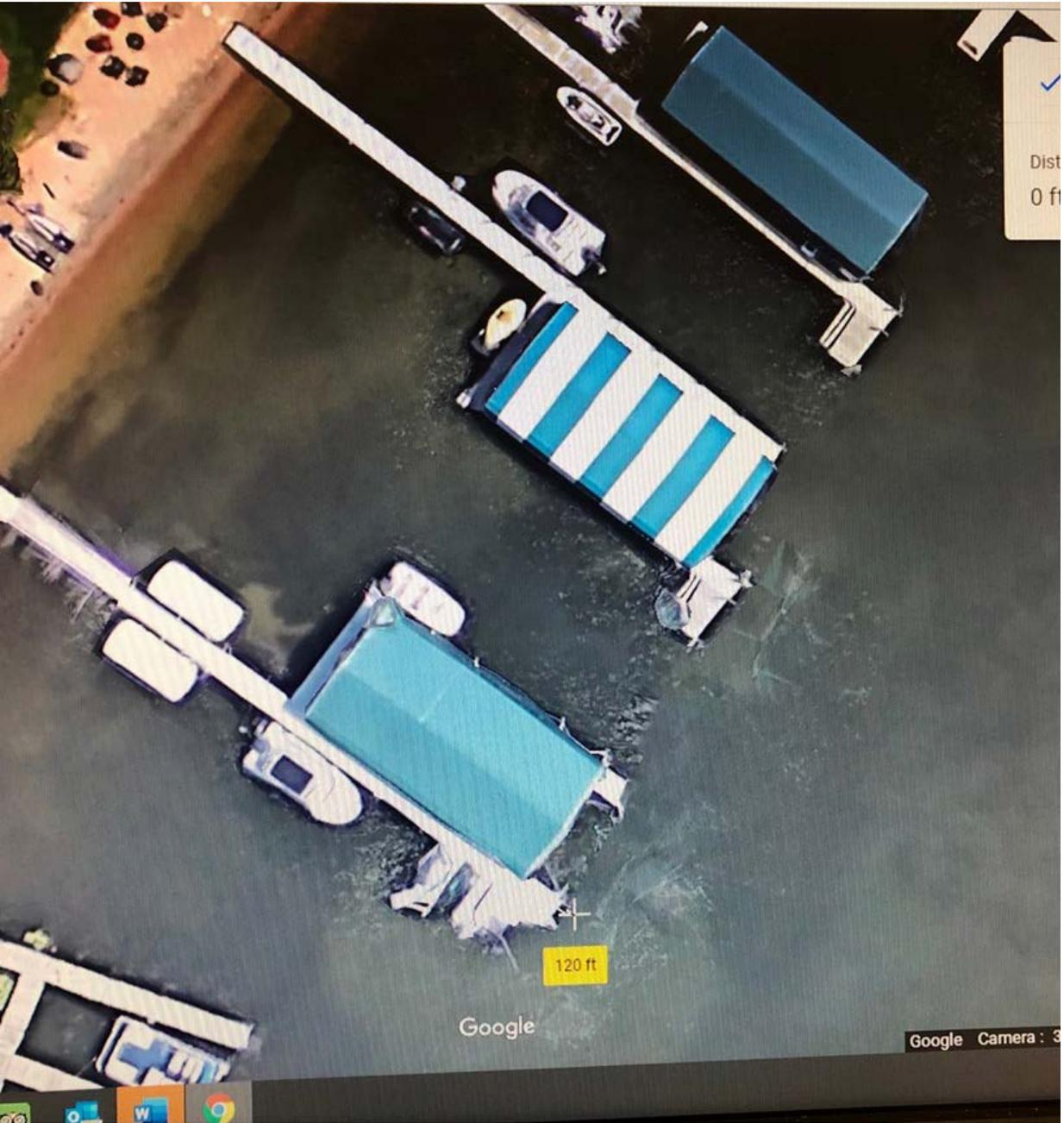
Attached for the consideration of the Lake Minnetonka Conservation District. Please contact me with questions.

Kind regards,

Andrew Marnach







Dist
0 ft

120 ft

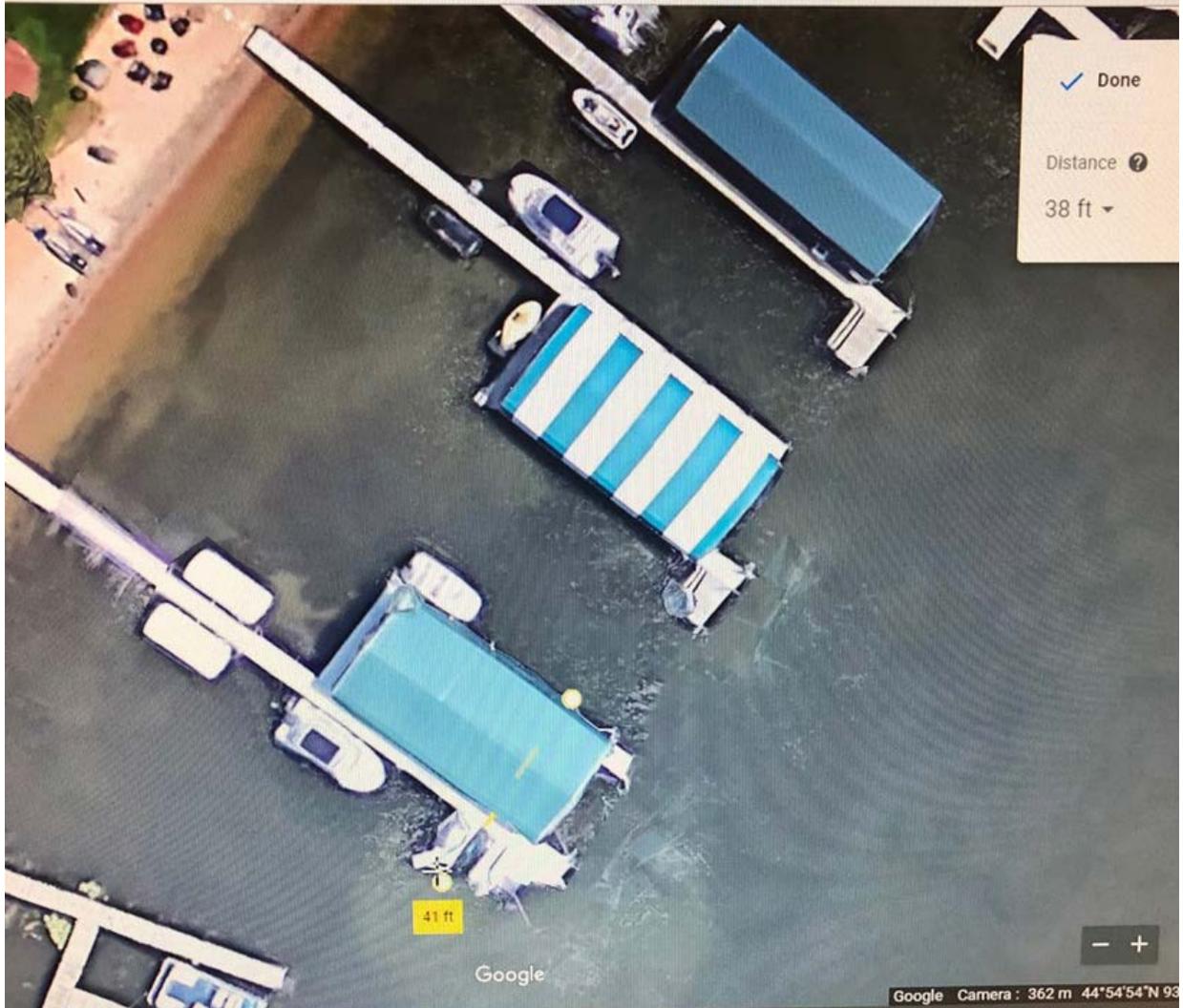
Google

Google Camera : 3



x +

.91521289,-93.65851788,282.82517305a,79.17294109d,35y,58.86225455h,0t,0r



✓ Done

Distance ?

38 ft ▾

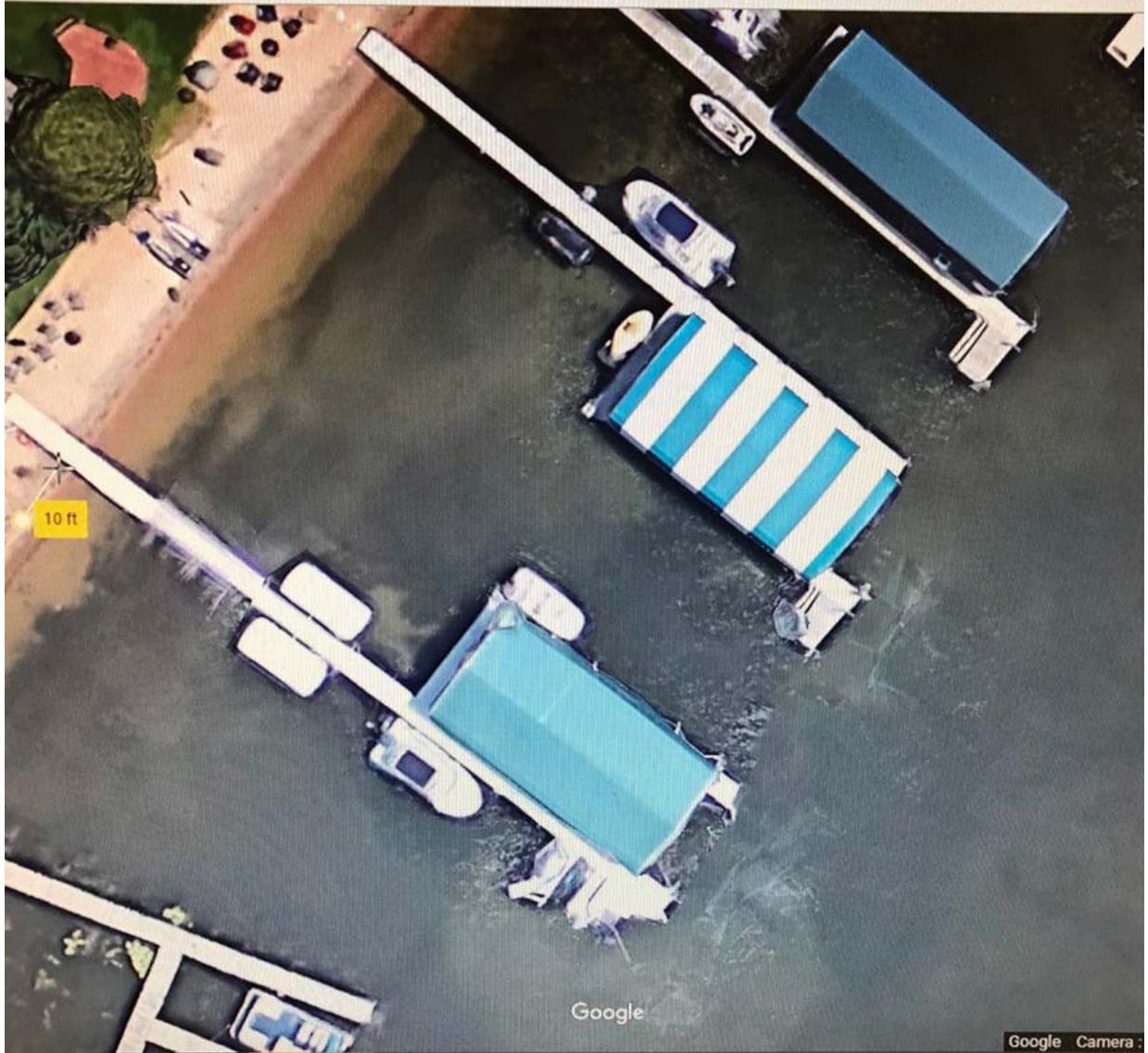
41 ft

Google

Google Camera : 362 m 44°54'54"N 93°54'54"W

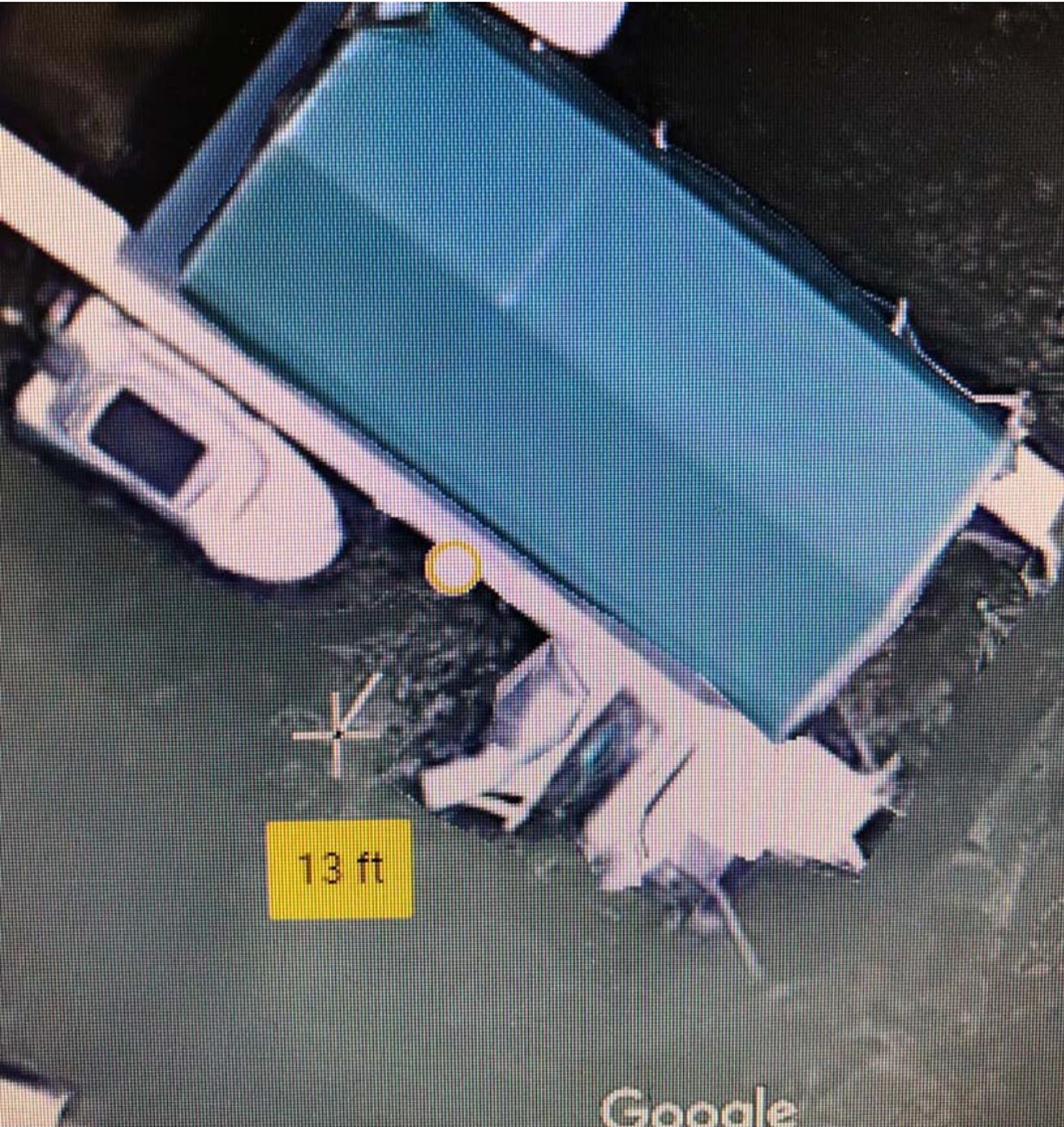


DELL











ANDREW J. MARNACH
ATTORNEY
amarnach@bassford.com

100 SOUTH 5TH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1254

T 612.333.3000 | D 612.376.1644 | F 612.746.1244 | BASSFORD.COM

CONFIDENTIALITY NOTICE: This information is intended only for the use of the addressee and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of the communication is strictly prohibited.

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.



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





LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: June 26, 2019

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

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

ACTION

Board approval of Findings of Fact and Order for the approval of a Commercial Dock License for 4801 Shoreline Drive and a Non-intoxicating Liquor License for Steve Bedell of Tonka Yacht Rental.

BACKGROUND

On June 12, 2019, the LMCD Board of Directors held a public hearing for applications for a new Commercial Dock License and a new Non-Intoxicating Liquor License for Steve Bedell of Tonka Yacht Rental (“applicant”).

After providing an opportunity for public comment and reviewing the applicant’s proposal, the Board voted 10-0, with one (1) abstention, to finalize Findings of Fact and Order approving the Commercial Dock License and Non-Intoxicating Liquor License for consideration at the June 26, 2019 LMCD Board meeting. The Findings of Fact and Order, and the June 12, 2019 Board memo and attachments regarding the applications are attached for reference.

ATTACHMENTS

- Findings of Fact and Order for Steve Bedell of Tonka Yacht Rental’s Applications for a Commercial Dock License and Non-Intoxicating Liquor License
- June 12, 2019 Board Packet Item 9B – Public Hearing Memo and Attachments

Type: New Commercial Dock License and
Non-Intoxicating Liquor License
Date: June 26, 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 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 Steve Bedell of Tonka Yacht Rental (“Applicant”) for a new commercial dock license and a non-intoxicating liquor license for the property (PID 13-117-24-44-0052) owned by James Bedell (“Owner”), which is located at 4801 Shoreline Drive in Mound (“Subject Property”). The Applicant requests a new commercial dock license with four (4) 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 onto and consume alcoholic beverages on 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 feet NGVD shoreline.
4. The Owner provided the LMCD a letter authorizing the Applicant to use the Subject Property for the purposes identified herein.

5. The Applicant is the owner and sole operator of Tonka Yacht Rental, and also owns the *Fait Accompli*, which is a 46-foot vessel made by Bluewater.
6. The proposed new commercial dock license would have four (4) BSUs, one of which would be used for *Fait Accompli*, which the Applicant is proposing to operate as a watercraft for hire, and the other three (3) BSUs are for personal use.
7. The Applicant proposes to allow patrons of the *Fait Accompli* to bring onto and consume alcoholic beverages on the watercraft as part of its operations as a watercraft for hire, which requires the issuance of a non-intoxicating liquor license from the LMCD and a consumption and display permit from the State of Minnesota.
8. 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.
9. Because the Applicant proposes to use the dock in conjunction with a commercial or other revenue producing business enterprise (the storage of a watercraft for hire), a commercial dock license is required under LMCD Code, Section 2.03. A multiple dock license is not required because less than five (5) restricted watercraft will be stored at the dock.
10. At the June 12, 2019 public hearing, which was conducted after having provided due notice, the Board heard from the Applicant regarding the requested license. No one from the public spoke regarding the Applicant's requests.
11. The *Fait Accompli* has been moored at this dock for some time and neither the dock nor the watercraft have interfered with the safe use of the channel, the quality of the water, ecology, or natural beauty of the Lake.
12. The commercial use of the dock is limited to use by the Applicant for the mooring of its watercraft for hire, such use is consistent with other commercial uses in the area, will not create an unsafe volume of traffic on the Lake, and will not create a public nuisance. The City of Mound submitted a letter to the LMCD indicating its code does not allow parking at the Subject Property by customers of the watercraft for hire or for other commercial activity. The storage of the watercraft for hire at the dock is permitted, provided the Subject Property is not used as a port of call.
13. The Board determines the review criteria in LMCD Code, Section 2.03, Subd. 3(a) are satisfied with respect to the requested commercial dock license.
14. LMCD Code, Section 5.30, Subd. 7 prohibits the consumption or display of alcoholic beverages on a watercraft for sale that is not licensed to sell alcoholic beverages unless a consumption and display permit is first obtained.

15. A non-intoxicating liquor license must be obtained from the LMCD, in accordance with LMCD Code, Chapter V, in order to allow patrons of a watercraft for hire to bring alcoholic beverages onto the watercraft for consumption.
16. The preliminary investigation of the Applicant, which is required by LMCD Code, Section 5.25, conducted by the Hennepin County Sheriff's Office revealed nothing that would disqualify the Applicant from obtaining a liquor license from the LMCD.
17. The Board determines the Applicant is eligible to receive the requested non-intoxicating liquor license.

ORDER

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

1. Commercial Dock License. A commercial dock license, with four (4) BSUs, is hereby approved for the Subject Property, subject to compliance with all of the following conditions:
 - (a) The dock shall be constructed in compliance with the dock plan attached hereto as Attachment One and maintained in good condition. The dock shall not be altered except upon a determination of the LMCD Executive Director such alteration is in conformance with the LMCD Code and does not constitute a navigation hazard in the channel. No other alterations of the dock may occur unless approved by the Board.
 - (b) The dock shall not be used as a port of call for any watercraft for hire and its BSUs shall not be used for lease or rental to others.
 - (c) This commercial dock license is unique to the Applicant. If the Owner transfers ownership of the Subject Property to another individual or entity, such individual or entity will be required to apply for a new license and any other approvals from the Board that may be required. If the Owner transfers the Subject Property to the Applicant, a new license shall not be required, provided the Applicant continues to use and maintain the dock in accordance with this Order.
 - (d) The dock shall be used and maintained in compliance with the LMCD Code and all other applicable regulations, ordinances, and state law.
 - (e) Failure of the Applicant to comply with any relevant regulation of the LMCD or other regulatory body may result in revocation of this license.
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) This license allows patrons to bring onto and consume alcoholic beverages on the *Fait Accompli*, but any sale of alcoholic beverages on the *Fait Accompli* is prohibited.
 - (b) The *Fait Accompli* is registered by the LMCD as a watercraft for hire.
 - (c) The Applicant provides the LMCD a certificate of insurance showing proof of adequate liability insurance for the watercraft for hire;
 - (d) The ports of call are limited to those identified above, and only if the LMCD receives 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. If a city notifies the LMCD in writing that it has revoked its certificate of compliance for a port of call, that location may no longer be used as a port of call by the watercraft for hire.
 - (e) The watercraft for hire and the dock facility must pass all required inspections.
 - (f) This non-intoxicating liquor license is unique to the Applicant and the watercraft for hire *Fait Accompli*. Upon transfer of ownership of the *Fait Accompli* to another individual or entity, such individual or entity will be required to apply for a new license and any other approvals from the Board that may be required. This license is not transferrable to another watercraft for hire.
 - (g) This non-intoxicating liquor license shall not go into effect if the Applicant fails to obtain a certificate of registration for *Fait Accompli* from the LMCD, and it shall terminate if the LMCD revokes such registration.
 - (h) The Applicant shall comply with all applicable provisions of the LMCD Code.
 - (i) Failure of the Applicant to comply with any relevant regulation of the LMCD or other regulatory body may result in revocation of this non-intoxicating liquor license.
3. Authorizations. The LMCD staff is hereby authorized and directed to issue the approved commercial dock license for the Subject Property, issue a non-intoxicating liquor license for the watercraft for hire *Fait Accompli*, return any unused portion of the investigation fee, and to take such other actions as may be needed to ensure compliance with this Order and the requirements of the Code.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation
District this 26th day of June 2019.

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary

ATTACHMENT ONE
Dock Plan

[attached hereto]

ATTACHMENT ONE

DESCRIPTION OF PROPERTY SURVEYED

Lots 1 and 2 of "Skarps East Lawn" excepting and reserving therefrom that part of said lots 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 Northwesterly 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 "Skarps 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 Northeastly 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 Northeastly line of said lot a distance of 30 feet; thence Northwesterly on a line which if extended would intersect the Northeastly line of said lot at a point distant 95.6 feet Southwesterly from the Northeastly 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 Northeastly corner of said lot; thence Northwesterly along the Northeastly 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

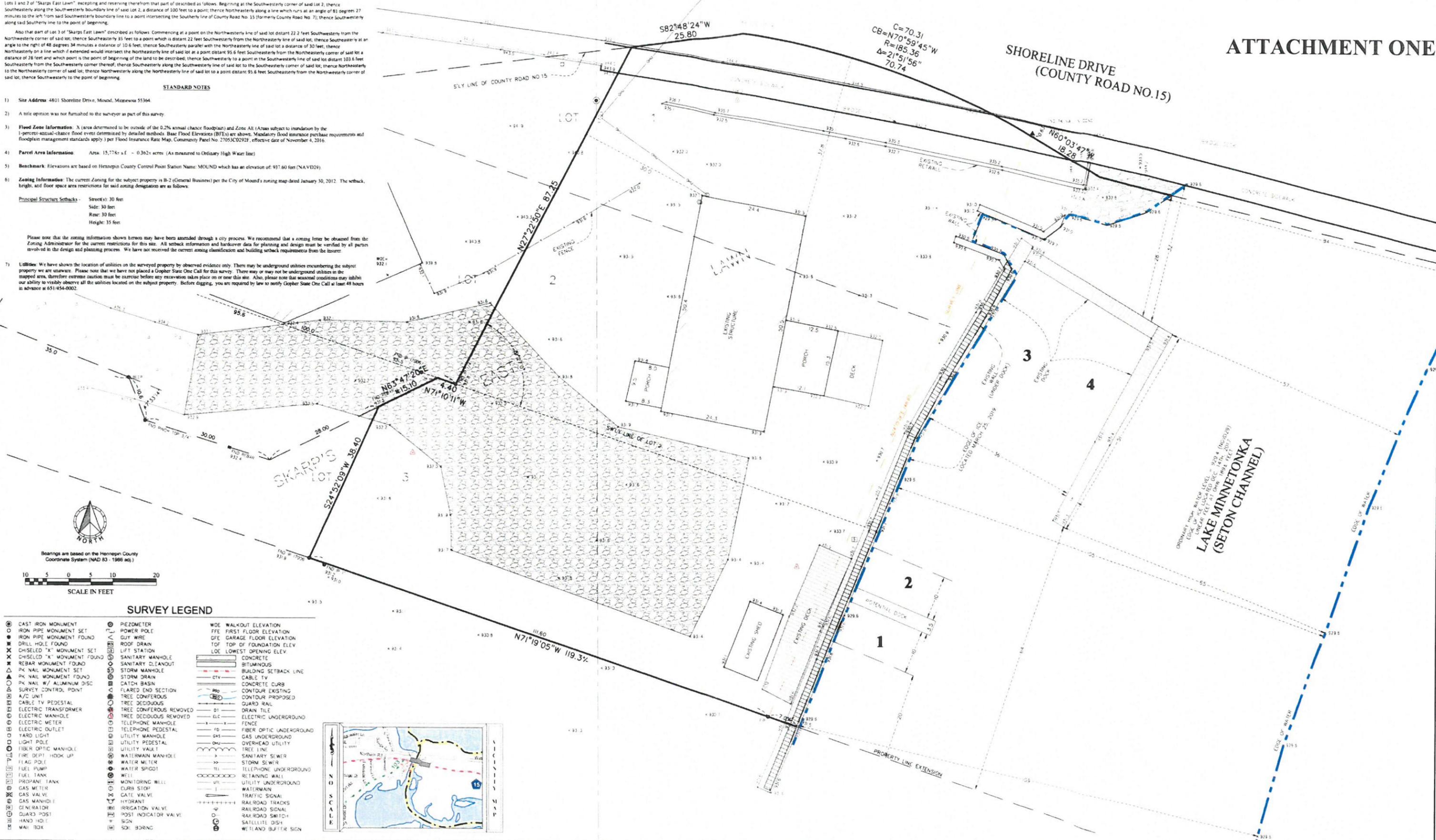
- 1) Site Address: 4801 Shoreline Drive, Mound, Minnesota 55364
- 2) A title opinion was not furnished to the surveyor as part of this survey.
- 3) Flood Zone Information: A (Area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Area subject to inundation by the 1-percent-annual-chance flood event) determined by detailed methods. Base Flood Elevations (BFE) 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: 15,774 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

- Street: 30 feet
- Side: 30 feet
- Rear: 30 feet
- Height: 35 feet

Please note that the zoning information shown herein 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 issuer.

- 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 excavations 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.

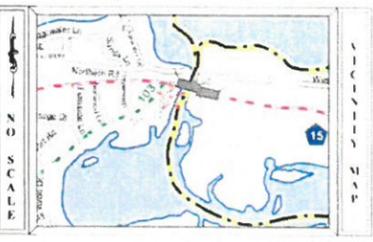


Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)



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 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 GUY 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 PEDESTAL UTILITY MANHOLE UTILITY PEDESTAL UTILITY VAULT WATERMAIN MANHOLE WATER METER WATER SPIGOT WELL MONITORING WELL CURB STOP GATE VALVE HYDRANT IRRIGATION VALVE POST INDICATOR VALVE SIGN SOIL BORING 	<ul style="list-style-type: none"> WDE WALKOUT ELEVATION FFE FIRST FLOOR ELEVATION GFE GARAGE FLOOR ELEVATION TOF TOP OF FOUNDATION ELEV LOE LOWEST OPENING ELEV. CONCRETE BITUMINOUS BUILDING SETBACK LINE 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
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FIELD CREW	NO.	BY	DATE	REVISION
CTC/LDM	1	DBP	4/23/2019	ADD OPPOSITE SHORE/DM
DRAWN	2	DBP	5/1/2019	ADD MORE DIMENSIONS/PROPOSED SLIPS
JPR/DBP				
CHECKED				
DBP				
DATE				
04/05/19				

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I, the undersigned, 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.
 D. D. Penick, P.L.S.
 penick@sathre.com
 Minnesota License No. 40344

ENGINEERS & SURVEYORS
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



ATTACHMENT ITEM 7C

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

Page 6

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:

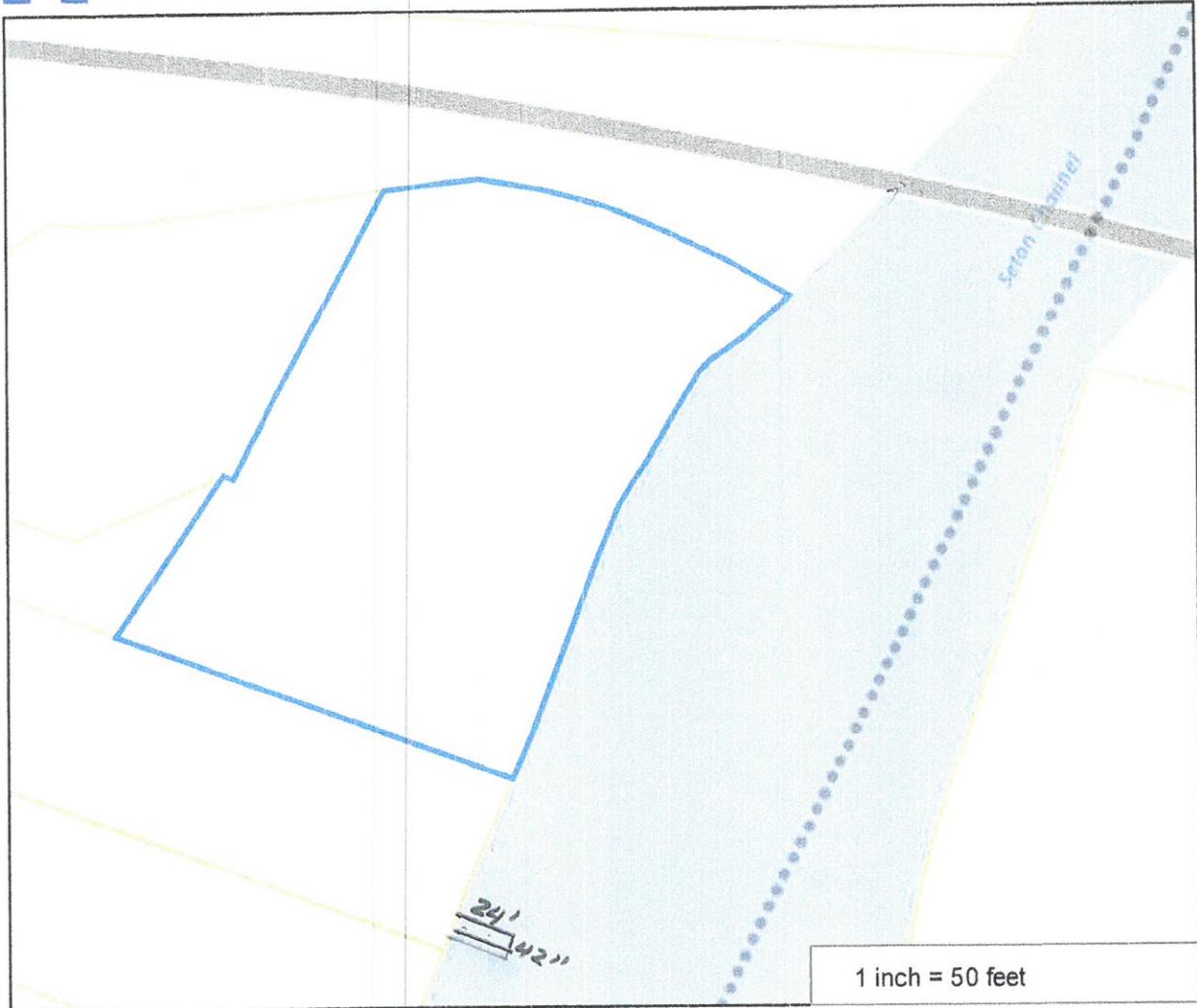
LOCATION	
Slips	
Slides	
Lifts	
Tie-ons	
Moorings	
Off Lake Rack Storage	
Other	
TOTAL BSU's	0

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

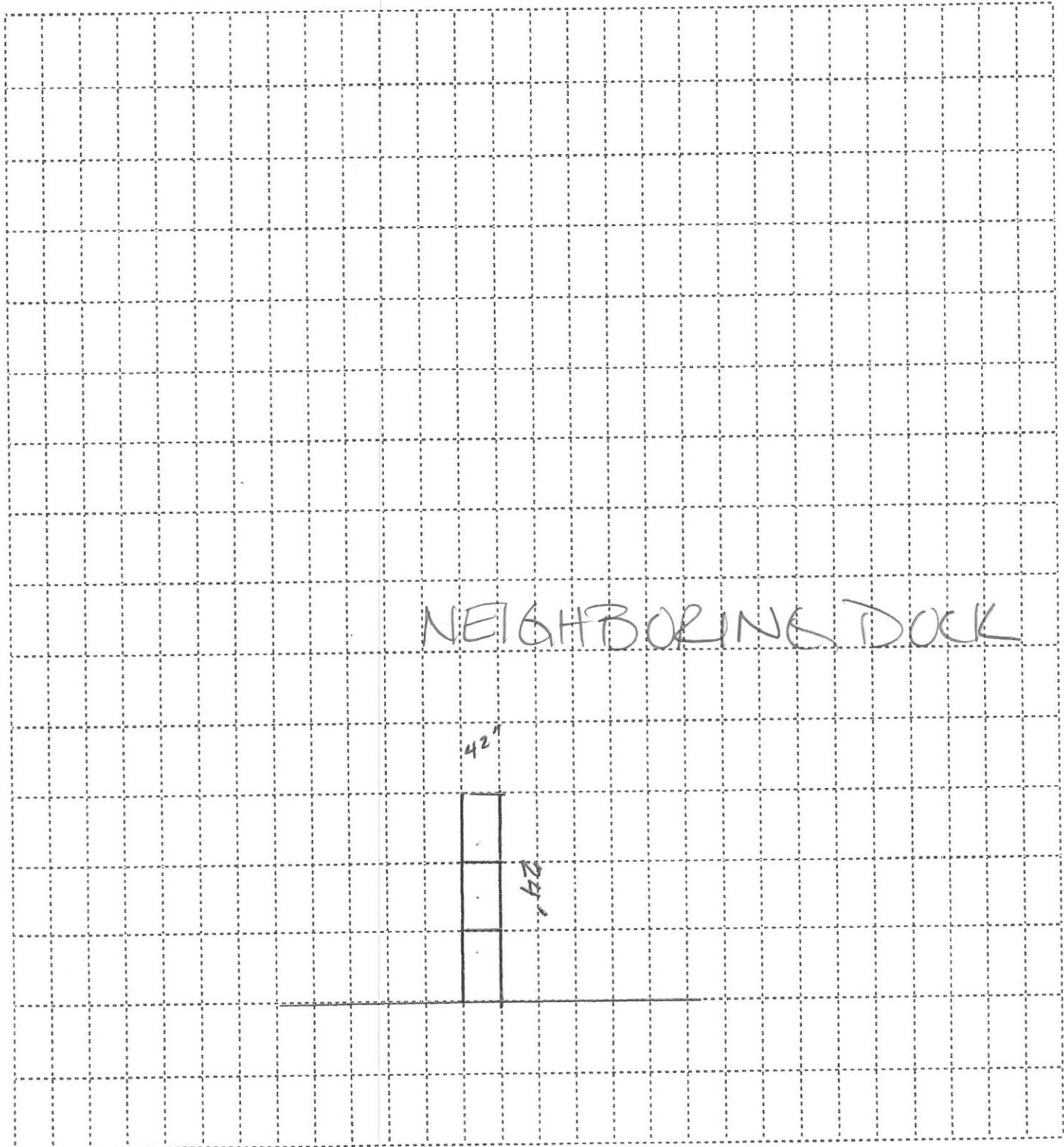
DOCK SKETCH

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

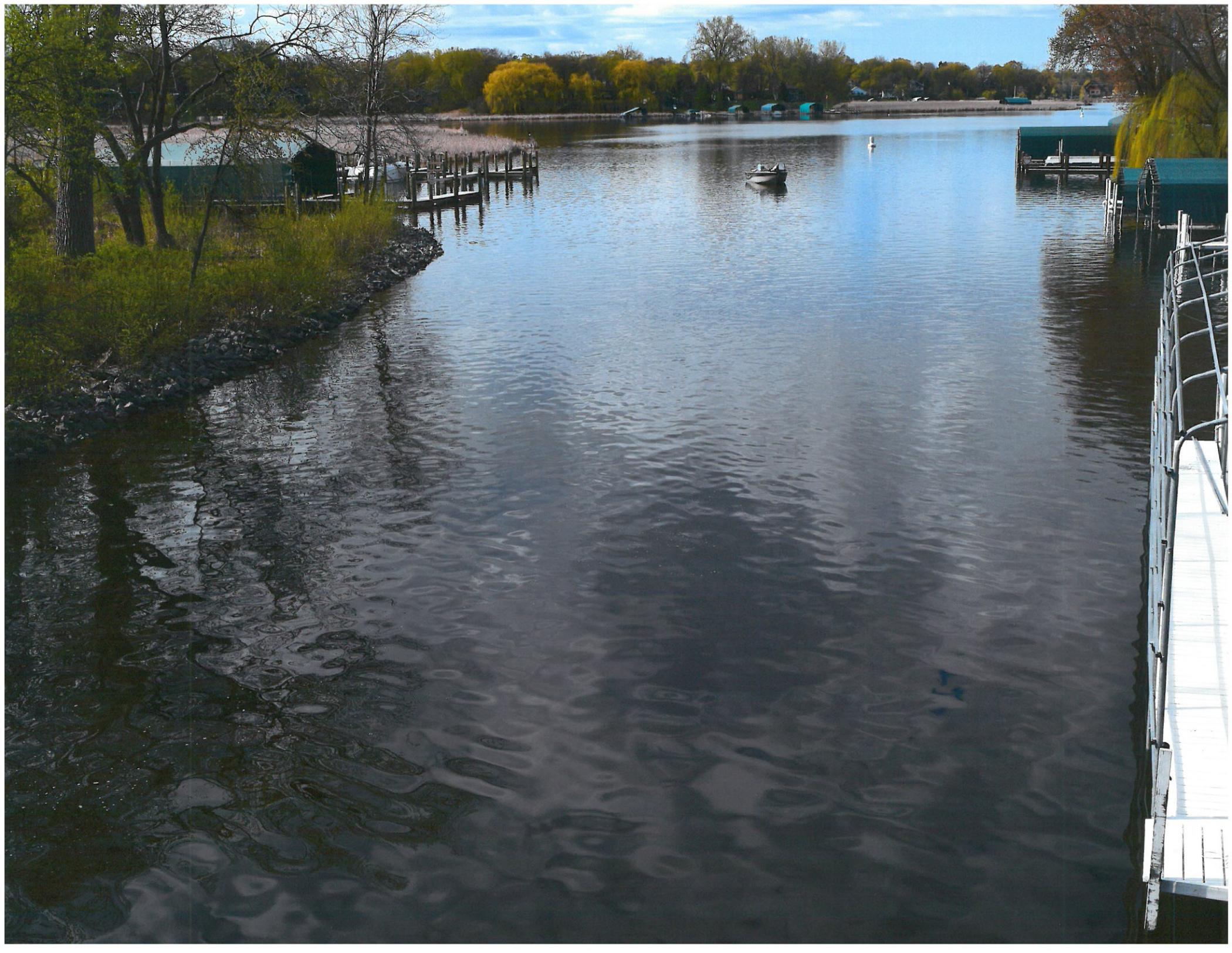
Fax: 952/471-2608

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.

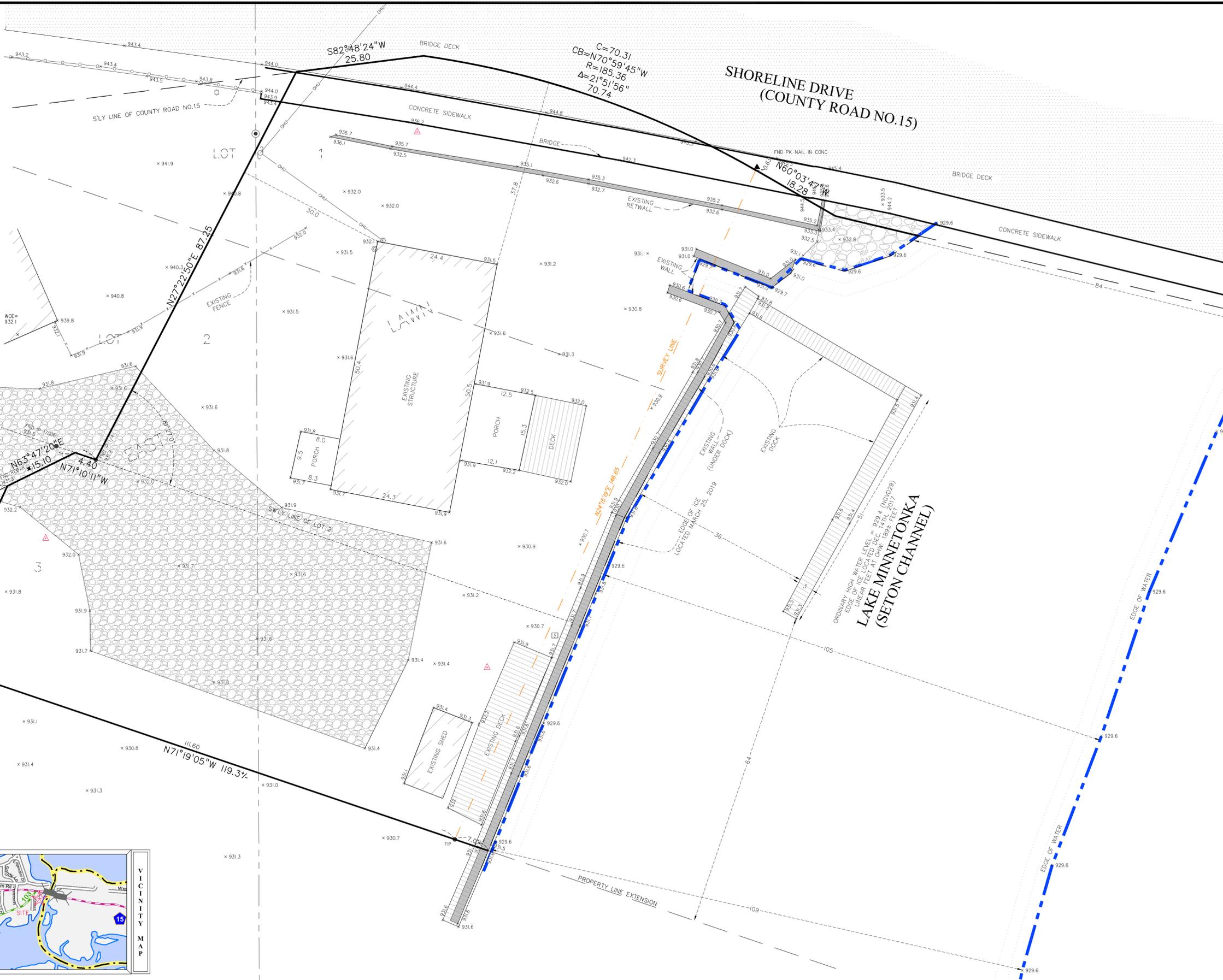
STANDARD NOTES

- 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.



Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)



SURVEY LEGEND

○ CAST IRON MONUMENT	⊙ PIEZOMETER	— WFE WALKOUT ELEVATION
● IRON PIPE MONUMENT SET	⊙ POWER POLE	— FFE FIRST FLOOR ELEVATION
⊙ IRON PIPE MONUMENT FOUND	⊙ CUI WIRE	— GFE GARAGE FLOOR ELEVATION
⊙ DRILL HOLE FOUND	⊙ ROOF DRAIN	— TFF TOP OF FOUNDATION ELEV.
⊙ CHISELED "X" MONUMENT SET	⊙ LIFT STATION	— LOE LOWEST OPENING ELEV.
⊙ CHISELED "X" MONUMENT FOUND	⊙ SANITARY MANHOLE	— CONCRETE
⊙ REBAR MONUMENT FOUND	⊙ SANITARY CLEANOUT	— BITUMINOUS
⊙ PK NAIL MONUMENT SET	⊙ STORM MANHOLE	— BUILDING SETBACK LINE
⊙ PK NAIL MONUMENT FOUND	⊙ CATCH BASIN	— CTV CABLE TV
⊙ PK NAIL W/ ALUMINUM DISC	⊙ STORM DRAIN	— CONCRETE CURB
⊙ SURVEY CONTROL POINT	⊙ FLARED END SECTION	— CONTOUR EXISTING
⊙ A/C UNIT	⊙ TREE CONIFEROUS	— CONTOUR PROPOSED
⊙ CABLE TV PEDESTAL	⊙ TREE DECIDUOUS	— GUARD RAIL
⊙ ELECTRIC TRANSFORMER	⊙ TREE CONIFEROUS REMOVED	— DRAIN TILE
⊙ ELECTRIC MANHOLE	⊙ TREE DECIDUOUS REMOVED	— ELECTRIC UNDERGROUND
⊙ ELECTRIC METER	⊙ TELEPHONE MANHOLE	— FENCE
⊙ ELECTRIC OUTLET	⊙ TELEPHONE PEDESTAL	— FIBER OPTIC UNDERGROUND
⊙ LIGHT POLE	⊙ UTILITY MANHOLE	— GAS UNDERGROUND
⊙ FIBER OPTIC MANHOLE	⊙ UTILITY PEDESTAL	— OVERHEAD UTILITY
⊙ FIRE DEPT. HOOK UP	⊙ UTILITY VAULT	— TREE LINE
⊙ FLAG POLE	⊙ WATERMAIN MANHOLE	— SANITARY SEWER
⊙ FUEL PUMP	⊙ WATER METER	— STORM SEWER
⊙ FUEL TANK	⊙ WATER SPIGOT	— TELEPHONE UNDERGROUND
⊙ PROPANE TANK	⊙ WELL	— RETAINING WALL
⊙ GAS METER	⊙ MONITORING WELL	— UTILITY UNDERGROUND
⊙ GAS VALVE	⊙ CURB STOP	— WATERMAIN
⊙ GAS MANHOLE	⊙ GATE VALVE	— TRAFFIC SIGNAL
⊙ GENERATOR	⊙ HYDRANT	— RAILROAD TRACKS
⊙ GUARD POST	⊙ IRRIGATION VALVE	— RAILROAD SIGNAL
⊙ HAND HOLE	⊙ POST INDICATOR VALVE	— RAILROAD SWITCH
⊙ MAIL BOX	⊙ SIGN	— SATELLITE DISH
	⊙ SOIL BORING	— 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.

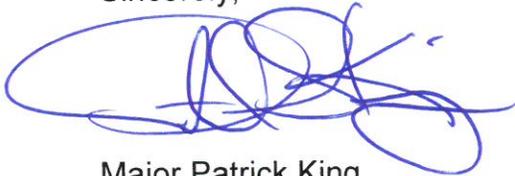


Executive Director – Lake Minnetonka Conservation District
Fait Accompli
June 3, 2019
Page 2

“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 of person making application

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

Recommended for approval by: Date: 5/3/2019
(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

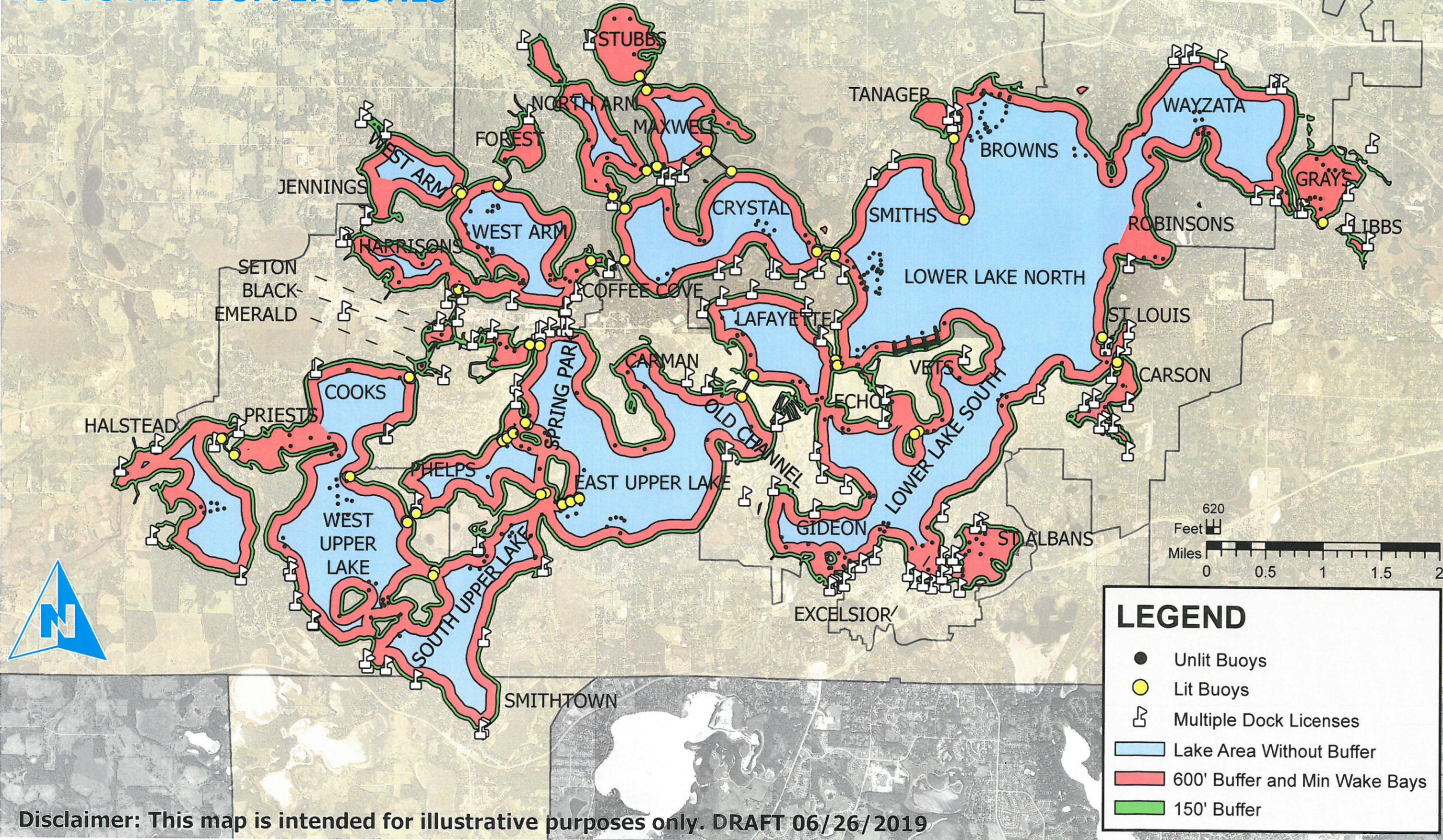
Commercial Dock License

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

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



LAKE MINNETONKA CONSERVATION DISTRICT BUOYS AND BUFFER ZONES



Disclaimer: This map is intended for illustrative purposes only. DRAFT 06/26/2019



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?

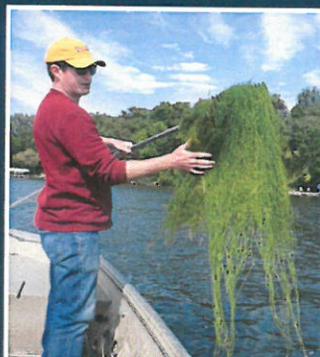
- AIS threats are real and imminent
- Unmanaged lake vegetation can affect lake health and ecology, recreation, public safety, and the economy
- Many partners are needed to manage lake vegetation and AIS for a unified vision, leaving no gaps

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



The Lake Minnetonka Vegetation and Aquatic Invasive Species 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 currently underway and completion is expected by the end of 2019.

PROJECT INFORMATION

Starry Stonewort Protection Plan & Emergency Action Plan

Starry stonewort is an imminent AIS threat to Lake Minnetonka. It currently is found in 13 Minnesota lakes with the closest being Medicine Lake. This project will develop a plan that will assess protection strategies by utilizing information gained through practice, review of best available science and an established network of AIS experts. An emergency action plan that addresses response to infestation will also be included.

Assessment of Existing Harvesting Program

LMCD has been conducting lake vegetation management since 1989. The organization owns and operates three paddlewheel harvesters and one transport barge. The typical harvesting season is mid June through mid August. Seasonal employees hired by LMCD perform harvesting work. The program was suspended in 2019 for review and development of alternatives as part of the Lake Minnetonka Vegetation & AIS Master Plan.

Consultants were hired to provide scientific review of benefits and liabilities of the current LMCD program. This review includes a financial summary of the program and a cost comparison of the existing program vs the cost of hiring private contractors. The consultants will evaluate if the program should be continued in its current fashion, modified or discontinued. If the program is to be continued, recommended changes will be provided. If the program is to be discontinued, recommended alternatives will be provided.

Online Mapping and Spatial Data Consolidation

Ecological data for Lake Minnetonka is collected and stored by several agencies and organizations. The consultant team will contact parties with this information and compile the data in a centralized location for data management. ArcGIS Online maps have been constructed to host the information and will allow interested parties to view geographic data. Watch the ArcGIS Online map develop over the year here: <https://arcg.is/11G4rb>.

Lake Vegetation and AIS Master Plan

The consultant team will develop a Lake Vegetation and AIS Master Plan for Lake Minnetonka. Several modules for known AIS within Lake Minnetonka will be included such as Eurasian watermilfoil, curly-leaf pondweed, flowering rush, purple loosestrife, and zebra mussels. Further, a module template will be developed for potential AIS threats that can be modified according to future needs. The development of the plan will consider the impact of other vegetation. The final plan will also establish a framework for funding opportunities and implementation methods.

Your Voice in the Planning Process

Your input is valuable to us. Please share your observations about AIS and aquatic vegetation in Lake Minnetonka by:

- **Attending upcoming meetings** – LMCD will host a series of meetings from June through November. Please check the project website to see upcoming meeting dates and locations
- **Visiting our webmapping feedback tool** – available June through October, 2019
<https://lmcd.mysocialpinpoint.com/Lake-Mtka-Vegetation-and-AIS>
- **Visiting our project website and social media**
<https://lmcd.org/aquatic-invasive-species/new-ais-initiatives/>
Twitter: @LakeMtkacd Facebook: @LakeMinnetonkaConservationDistrict

LAKE MINNETONKA
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High water on Minnehaha Creek as local climate gets wetter

Wetter spring now the norm, climate experts say

MICHELLE BRUCH / MBRUCH@SOUTHWESTJOURNAL.COM

JUNE 12, 2019

UPDATED: JUNE 12, 2019 - 1:51 PM



After six years of record-setting precipitation — a local sign of climate change, experts say — Minnehaha Creek is again overflowing its banks.

“You can sure hear sump pumps running,” said Lynnhurst resident Scott Eller, sitting on his front steps overlooking a spot where rising water has covered the trails.

“There are a lot more fish. Look at that tree stump. You’ll see a log move. That’s a bass, I believe,” said Mark, a Richfield resident fishing above a Minnehaha Creek outfall that sends water from Lake Harriet to the creek. It’s a secret fishing hole that would normally hold only small fish, he said, and now he’s seeing large bass and northern. While fishing, Mark said he was surprised to see kids jump off a nearby bridge into the creek.



Carrie O’Brien said she recently swam in the creek near Minnehaha & 14th, where even strong swimmers struggled to swim against the current.

“It’s a little bit more dangerous,” she said. “All of us were against the edge, holding on to branches.”

Eller said he worried about the health of trees standing in water, as well as the risks for canoeists paddling outside the natural creek bed. (The Minnehaha Creek Watershed District currently advises against paddling — any flows above 150 cubic feet per second are considered dangerous, and the creek is running double that.)

During the snowmelt last March, Settergren Ace Hardware at 54th & Penn saw a surge in people purchasing sump pumps, sandbags and Quick Dam flood barriers, manager Carl McGrane said. Pentair reports an uptick in sales of sump pumps and flood management products, particularly in the Upper Midwest.

“I’ve never seen it like this in 15 years,” said Jinna Zschunke, who walked on a sidewalk near a flooded trail. “It’s definitely alarming. What’s going to happen?”

Minneapolis is in the midst of a record-setting wet trend that started in 2013, according to the Minnehaha Creek Watershed District. While the creek’s median flow is typically 80-90 cubic feet per second at this time of year, the current flow is about 325. Lake Harriet is 6 inches above the ordinary high-water mark, and Lake Nokomis is 10 inches above the ordinary high-water level, according to the Park Board.

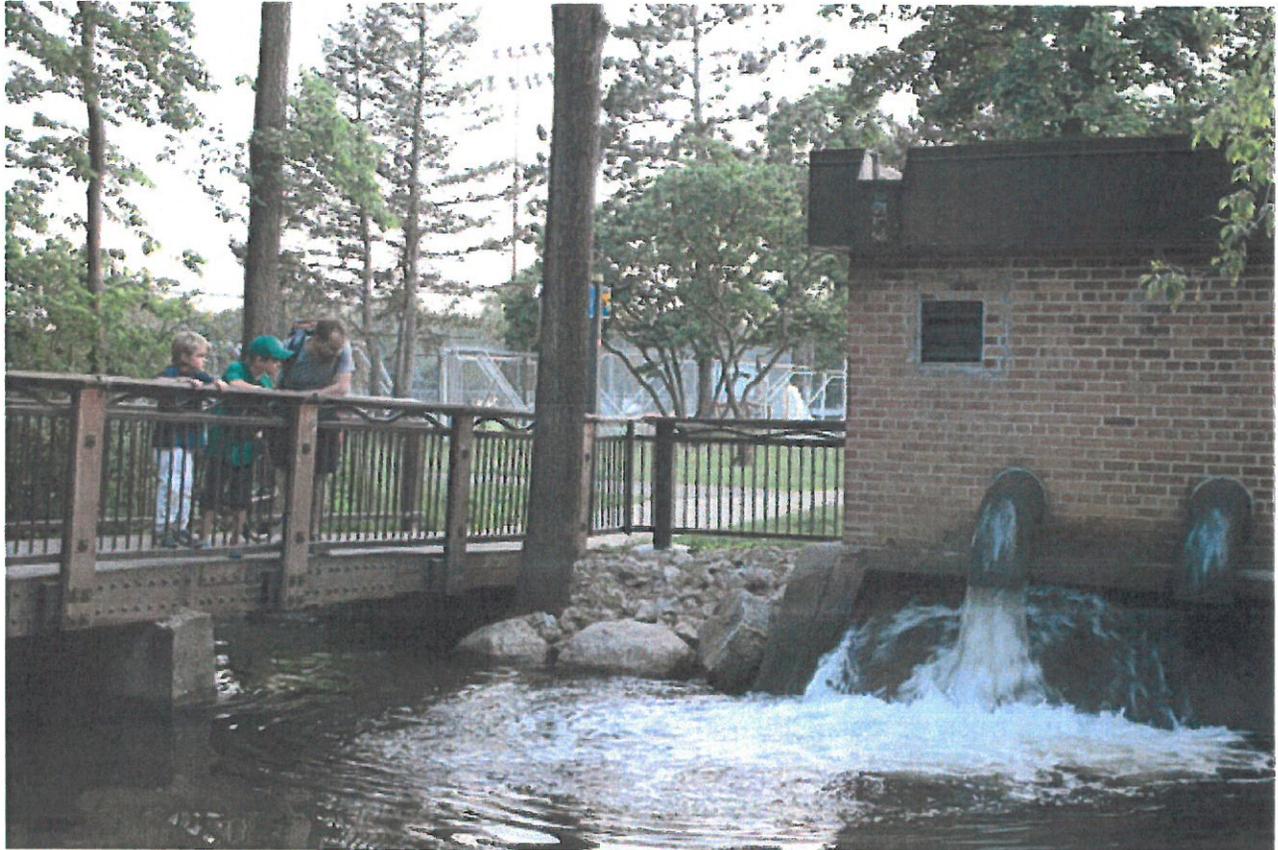
“I think it’s been pretty clear that we’re seeing heavier precipitation with climate change,” said Craig Schmidt, service hydrologist at the National Weather Service. “We’re not quite as cold during the wintertime and we have a pattern that allows more air to come up from the south, which can contain more moisture than air coming down from Canada. When it contains more moisture, it’s able to snow a lot more.”

The Minnesota Department of Natural Resources’ climatology office said 2013–2018 was the wettest six-year period since record-keeping began in the 1870s.

Climate projections indicate that Minnesota cities will see fewer very cold days, more hot days above 90 degrees and more frequent heavy precipitation events, according to the University of Minnesota. Heavy rainfall has increased across the Upper Midwest, researchers said, and Minnesota is wetter in all seasons. Last year

two Minnesota cities exceeded the state's all-time record for precipitation, now at 60 inches.

"That's an average rainfall in Miami, Florida. We're getting much, much wetter," said Tracy Twine, associate professor in the U of M's soil, water and climate department, speaking at a January presentation to the Minnesota House of Representatives' Energy and Climate Finance and Policy Division.



Otto, Nat and Jeff Johnson (l to r) overlook a waterway connecting Lake Harriet to Minnehaha Creek near Lynnhurst Park.

"There is no place literally for the water to go," said Tiffany Schaufler, project and land manager at the Minnehaha Creek Watershed District. After years of heavy precipitation the ecosystem has less storage capacity, she said.

Park Board Forestry Director Ralph Sievert said tree roots need oxygen in the soil to do well. The longer a root zone is flooded, the more likely it is that a tree could become stressed and leaves will brown. It would take a few years of annual flooding to see a tree actually die, he said.

“The trees still look okay. It’s just how long that water stands there and then also how long the soil is saturated,” he said.



Willow, tamarack, river birch, alder and cottonwood trees can handle more water, according to Park Board staff, while sugar maple doesn’t fare as well. Mature trees tend to hold up better. Upland plants and Kentucky bluegrass can be killed when inundated with water, although the grass grows back quickly.

If banks are undercut next to paths, trails might see damage as well, and a project underway is repairing similar damage from flooding in 2014.

Damage to trails is rare, however, and the Park Board cleans and reopens trails as soon as possible when water recedes, Brent Kath, assistant director of asset management, wrote in an email.

Minneapolis Public Works staff said in a statement that they are monitoring stormwater pump stations along the creek and checking for debris on catch basins in low spots across the city.

“We’re doing our best to keep water flowing and hoping for dry weather,” said Rachael Crabb, the Park Board’s water resources supervisor.

“It’s kind of scary,” said one resident who declined to share her name in print, who said her basement at 51st & Knox flooded. All of her neighbors have sump pumps, and she will probably install one now, she said.

“Is this the new trend, that every four or five years it’s going to flood again? What measures can the city take to prevent it from flooding again?” she asked.

A proposed [master plan](#) for Minnehaha Creek includes strategies to manage flooding. Ideas include underground water storage, pollinator lawns and “re-meandering” sections of the creek to slow down the flow and reduce flooding.



Minnehaha Creek floods a field south of Burroughs School. Under a proposed master plan for the area, the field could be used for flood storage as needed.

“From what little I know, it will certainly help,” said Lynnhurst resident Tammi Cheever. “It looks like it would be extremely expensive.”

Cheever said she hopes proposals for more active recreation and water management strike the right balance so the creek remains a peaceful, natural place.

The Minnehaha Creek Watershed District repaired streambanks last winter; Schaufler said so far repairs are holding up well.

Following the 2014 flooding, the National Weather Service started providing the MCWD with precipitation forecasts every six hours to help manage the Gray's Bay Dam that controls flow from Lake Minnetonka. (High water temporarily covered the spillway in recent weeks.)

Schaufler said creek communities petitioned to install the dam following severe flooding in Minneapolis in the 1960s.

"Lake Minnetonka is huge. That's your biggest storage basin anywhere," she said. "There is more storage on one inch on Lake Minnetonka than there is along the whole Minnehaha Creek. You can see why we care so much about what that water level is, because if it gets out of our control, and goes above the spillway ... we can't control that wall of water."

Looking forward, Schmidt at the National Weather Service said he expects to see more weather extremes, often wetter than normal.



Lindsey Morris and Joseph Anderson picnic at Lake Harriet.

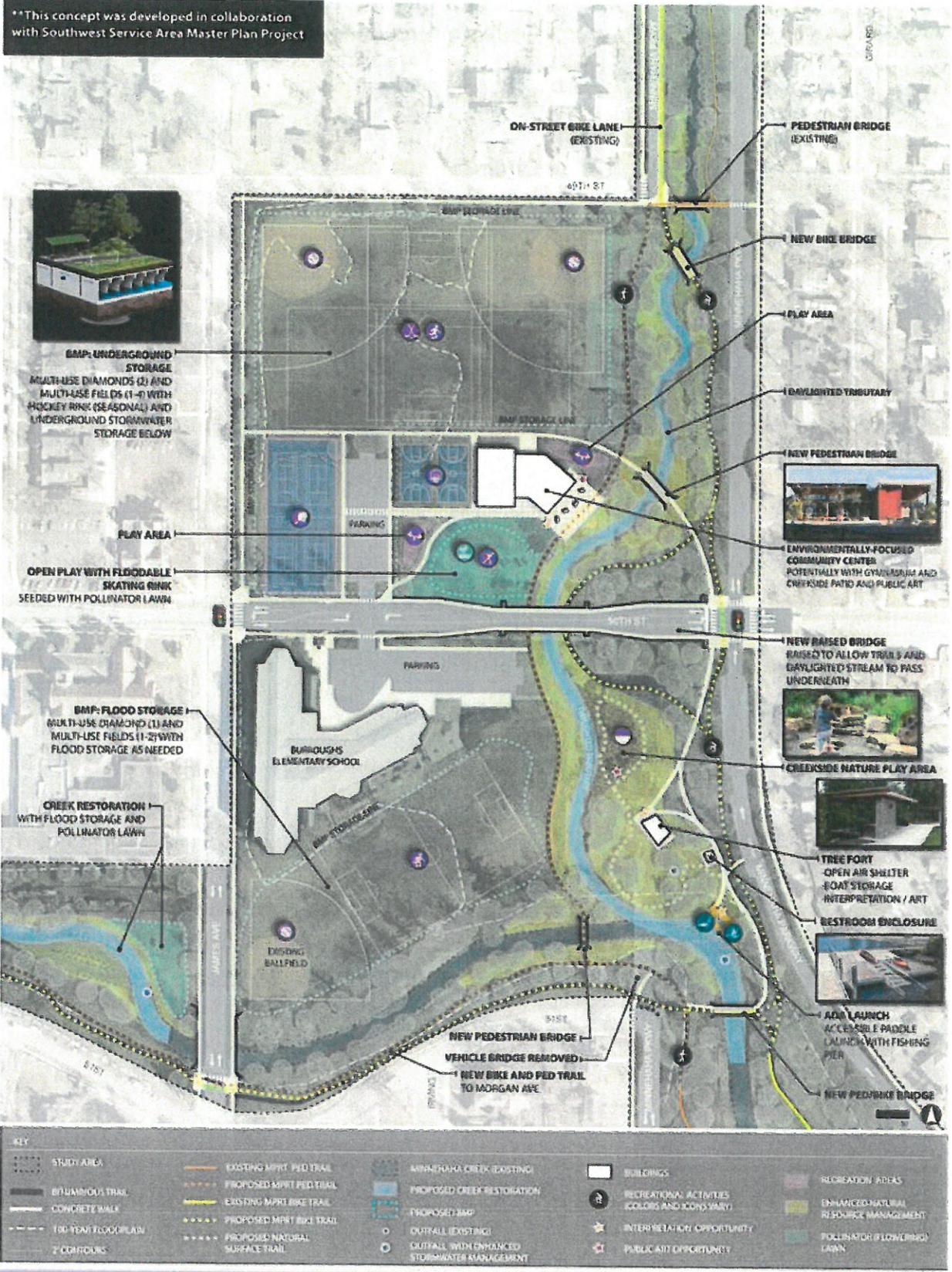
“We were very lucky. We flooded a lot but it could have been much worse,” he said. “We’re still pretty vulnerable because our soils are still really wet and our river levels are way higher than normal for this time of year. We’re still really susceptible. If we were to get a couple of more big rainstorms here in the next month, we could go right back up into higher flooding again.”

Council Member Jeremy Schroeder said that while the city partners with other agencies to address flooding, he asks individuals to think about how they can manage stormwater on their own properties.

“I think a lot of us have not thought about it, and now we’re being forced to,” he said.

The future of Minnehaha Creek: design proposals

****This concept was developed in collaboration with Southwest Service Area Master Plan Project**



BMP: UNDERGROUND STORAGE
MULTI-USE DIAMONDS (2) AND MULTI-USE FIELDS (1-4) WITH HOCKEY RINK (SEASONAL) AND UNDERGROUND STORMWATER STORAGE BELOW

PLAY AREA
OPEN PLAY WITH FLOODABLE SKATING RINK
SEEDED WITH POLLINATOR LAWN

BMP: FLOOD STORAGE
MULTI-USE DIAMOND (1) AND MULTI-USE FIELDS (1-2) WITH FLOOD STORAGE AS NEEDED

CREEK RESTORATION
WITH FLOOD STORAGE AND POLLINATOR LAWN



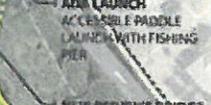
ENVIRONMENTALLY-FOCUSED COMMUNITY CENTER
POTENTIALLY WITH GYMNASIUM AND CREEKSIDE PATIO AND PUBLIC ART



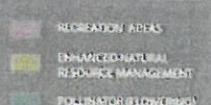
CREEKSIDE NATURE PLAY AREA



TREE FORT
OPEN AIR SHELTER
BOAT STORAGE
INTERPRETATION / ART



RESTROOM ENCLOSURE



ADA LAUNCH
ACCESSIBLE PADDLE LAUNCH WITH FISHING PIER

KEY									
	STUDY AREA		EXISTING MPRT PED TRAIL		MINNEHAHA CREEK (EXISTING)		BUILDINGS		RECREATION AREAS
	BURROUGHS TRAIL		PROPOSED MPRT PED TRAIL		PROPOSED CREEK RESTORATION		RECREATIONAL ACTIVITIES (COLORS AND ICONS VARY)		ENHANCED NATURAL RESOURCE MANAGEMENT
	CONCRETE WALK		EXISTING MPRT BIKE TRAIL		PROPOSED BMP		INTERPRETATION OPPORTUNITY		POLLINATOR (FLOWERING) LAWN
	100-YEAR FLOODPLAIN		PROPOSED MPRT BIKE TRAIL		OUTFALL (EXISTING)		PUBLIC ART OPPORTUNITY		
	7' CORROUS		PROPOSED NATURAL SURFACE TRAIL		OUTFALL WITH ENHANCED STORMWATER MANAGEMENT				

A proposal for the Lynnhurst area under the Minnehaha Parkway Regional Trail Master Plan. The Park Board is collecting feedback on the concept. Find more information at minneapolisparks.org.



A proposal under the Minnehaha Parkway Regional Trail Master Plan for an area near Penn, Newton and Morgan avenues. The Park Board is collecting feedback on the concept. Find more information at minneapolisparks.org.

