



# LAKE MINNETONKA CONSERVATION DISTRICT

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

## **AGENDA WORK SESSION AND FORMAL MEETING LAKE MINNETONKA CONSERVATION DISTRICT Wednesday, July 14, 2021**

### **Join Zoom Meeting**

<https://us02web.zoom.us/j/88124566721?pwd=U2VFK2ZGdGJlJOFNuNIJJTFRSaE54dz09>

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**Meeting ID:** 881 2456 6721

**Passcode:** 430159

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

### **PUBLIC PARTICIPATION**

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

### **WORK SESSION AGENDA**

**6:00 p.m.**

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

1. Update Regarding Sales on the Lake Code Amendment (*Carried over from June 23, 2021 meeting due to lack of time*)
2. Board Input Regarding Registration or Licensing of Emergency Towing Services and Watercraft Rental Businesses

## **FORMAL MEETING AGENDA**

**7:00 p.m.**

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*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 (06/23/2021 LMCD Regular Board Meeting)**

**7) APPROVAL OF CONSENT AGENDA**

A) Audit of Vouchers (07/01/2021 – 07/15/2021)

B) Resolution Ratifying Acceptance of Save the Lake Funds (06/15/2021 – 06/24/2021)

C) Application for New Multiple Dock License and Special Density License for Partial Change in Classification, Lord Fletcher's Old Lake Lodge, 3746 Sunset Drive (PID 17-117-23-31-0049) including 3800, 3804, and 3810 Budd Lane (PIDs 17-117-23-23-0024, 17-117-23-23-0025, and 17-117-23-23-0029), Spring Park, MN 55384

**8) PUBLIC COMMENTS** – *Provides an opportunity for the public to address the board on items that are not on the agenda. Public comments are limited to 5 minutes and should not be used to make personal attacks or to air personality grievances. Please direct all comments to the Board Chair. The Board generally will not engage in public discussion, respond to or correct statements from the public, or act on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.*

**9) PRESENTATIONS**

A) Hennepin County Sheriff's Office Water Patrol Update

**8) PUBLIC HEARING**

**9) OTHER BUSINESS**

**10) OLD BUSINESS**

**11) NEW BUSINESS**

**12) TREASURER REPORT**

**13) EXECUTIVE DIRECTOR UPDATE**

**14) STANDING LMCD COMMITTEE UPDATE**

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

**15) ADJOURNMENT**

**Future Items for Review – Tentative**

- Lake Use Vision and Policy Discussion Continuing Series
  - Deicing Eligibility Expansion Review



## LAKE MINNETONKA CONSERVATION DISTRICT

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**DATE:** June 23, 2021 (Prepared June 15, 2021) **Carried forward from June 23, 2021 meeting**

**TO:** LMCD Board of Directors

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

**SUBJECT:** Review and Discussion Regarding Sales on the Lake

### **ACTION**

Board review and discussion regarding draft temporary Code amendment for a pilot for sales of food, beverages, supplies or merchandise on Lake Minnetonka.

### **BACKGROUND**

At the May 26, 2021 LMCD Board work session, the LMCD Board discussed a potential pilot program to evaluate allowance of sales on the Lake. LMCD Legal counsel and staff developed a draft temporary ordinance for a pilot to allow sales on the Lake for the Board's review.

Historically sales and all parts of the process, including delivery by watercraft has not been allowed. Staff periodically receives inquiries regarding sales and delivery of merchandise and goods on the lake. The LMCD does have the ability to regulate commercial transactions on the Lake. Its current ordinances specifically prohibit transactions directly from a watercraft due to public health, safety, and environmental concerns including increased litter. Please refer to the May 26, 2021 Board Memo for more background information.

The Operations Committee, whose membership includes LMCD Board Directors Zorn, Hoelscher, Anderson, Hughes, and Thomas, reviewed the draft ordinance and the attached draft reflects the discussion. The Operations Committee recommends the timeline for implementation be extended to 2022 in order to allow adequate time to review the criteria and allow public input such as through a public hearing. Additional time would also preparation to effectively administer the program.

### **CONSIDERATIONS**

1. Does the proposed amendment sufficiently address any safety concerns regarding sales on the lake?
2. Does the proposed amendment sufficiently address nuisance and litter concerns?
3. Does the proposal align with the LMCD's mission and goals?
4. Does the proposed amendment enhance public benefit?
5. Does the proposed amendment balance stakeholder needs, e.g., marinas, licensed transient facilities, lakeshore owners, etc.?
6. Does the proposed ordinance provide sufficient performance criteria for the pilot in order to evaluate the benefits, disadvantages, and appropriate standards to establish a long-term sale on the lake ordinance?

Review and Discussion Regarding Sales on the Lake  
LMCD Board Meeting  
June 23, 2021

**BUDGET**

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There will be an increased cost associated with program administration. It is uncertain if the complaints, enforcement, and potential cleanup will be increased or decreased. However, costs could be offset by license fees.

**STRATEGIC PRIORITIES**

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

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- Highlighted Code Excerpts
- Draft Temporary Sales on the Lake Ordinance

## ATTACHMENT- CODE EXCERPTS

### 8-1.11. Public Safety Restrictions.

Subd. 4. Commercial Sales on the Lake. It is unlawful for any person to sell food, beverages, supplies or other merchandise from any watercraft on the Lake, except that food and beverages may be sold on a watercraft for hire that has a current certificate of registration from the LMCD.

**3-3.13. Commercial Accessory Structures and Uses.** Certain commercial accessory structures and uses may be allowed on commercial structures constructed and operated as part of a commercial use, but only if such structure or use is provided for in the license issued for the commercial structure. Any such allowed commercial accessory structure or use must be constructed and operated in accordance with any conditions or restrictions placed on the license, Effective February 25, 2021 3-11 515348v7LK110-52 the standards established for the particular accessory structure, the general standards established for commercial accessory structures and uses, and all other applicable provisions of this Code. The commercial accessory structures and uses that may be allowed are as follows:

- (a) Fuel sales facility;
- (b) Service console and shelter; and
- (c) Transient use.

**3-3.17. Service Consoles and Shelters.** If a fuel sales facility is authorized as part of the license for a commercial multiple dock or a commercial single dock, the Board may authorize as part of the same license the construction and maintenance of service consoles or shelters subject to the limitations in this Section and all other applicable provisions of this Code.

- (a) The construction and maintenance of service consoles or shelters may only be authorized for use in conjunction with the sale of fuel to the public  
.....
- (e) No service consoles or shelters shall be used for the display or sale of any goods or merchandise other than fuel and oil

### MUNICIPAL LICENSES 6-3.01. Municipal Multiple Dock License.

Subd. 4. Additional Criteria. The following additional criteria shall apply to municipal multiple dock license application proposing additional length or width:

- (a) The dock must be owned and operated by a city, county, or state agency;
- (b) The dock must be open to the general public, subject to reasonable regulations of the owner;

Review and Discussion Regarding Sales on the Lake  
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- (c) No permanent or overnight storage shall be allowed at the dock;
- (d) No license shall be granted for a dock extending more than 150 feet from the shoreline; and
- (e) No retail sales, other than fuel, shall be permitted on the dock.

**LAKE MINNETONKA CONSERVATION DISTRICT  
STATE OF MINNESOTA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING A PILOT PROJECT  
TO TEMPORARILY ALLOW SALES ON LAKE MINNETONKA**

THE BOARD OF DIRECTORS OF THE LAKE MINNETONKA CONSERVATION DISTRICT ORDAINS:

**Article I. Legislative Findings.** The Board of Directors finds and determines as follows:

- (a) The issue of sales on the Lake has been a policy issue the Board has discussed a number of times over several years.
- (b) Section 8-1.11 of the LMCD Code prohibits commercial sales on the Lake, except for sales occurring on a watercraft for hire registered with the LMCD.
- (c) The prohibition on commercial sales has focused on safety concerns associated with watercraft to watercraft transfers occurring in the Lake and the potential for multiple watercraft approaching what essentially could be a floating store or restaurant. The Board has also recognized concerns over sales on the Lake contributing to the on-going concerns regarding litter.
- (d) The Board has heard various proposals to allow sales on the Lake, but has elected not to change the prohibition contained in the LMCD Code. However, the Board is also aware that sales are already occurring on the Lake and some have questioned whether the concerns that led to the prohibition are truly significant enough to continue it.
- (e) The Board is aware of the desire to engage in sales on the Lake, but is also mindful of the potentially significant issues that could result if it simply removed the prohibition. If sales are to occur on the Lake, it must be a licensed activity and be subject to reasonable regulations to protect the Lake and public safety.
- (f) The Board determines it is in the best interest of the Lake, local businesses, and those who recreate on the Lake to establish a pilot project to allow sales on the Lake by those who obtain a license from the LMCD to allow the Board to collect real-world data on the actual effects of such sales.
- (g) Once this pilot project is completed, the Board will review the data collected, consider the policy implications, and determine whether to maintain the prohibition, modify it, or to amend the LMCD code to allow sales by licensed vendors on the Lake.



**Article II. Definitions.** The following terms shall have the meaning given them in this Article. Any term used in this Ordinance that is not defined in this Article shall have the meaning given it in the LMCD Code.

Subd. 1. Delivery Vehicle. “Delivery vehicle” means the watercraft, vehicle, or other device used by a vendor to conduct sales on the Lake.

Subd. 2. LMCD. “LMCD” means the Lake Minnetonka Conservation District.

Subd. 3. LMCD Code. “LMCD Code” means the Lake Minnetonka Conservation District Code of Ordinance, as it may be amended.

Subd. 4. Ordinance. “Ordinance” means this Ordinance Establishing a Pilot Project to Temporarily Allow Sales on Lake Minnetonka.

Subd. 5. Sales. “Sales” means any sale, exchange, or delivery of food, beverages, supplies, or merchandise as part of a commercial transaction occurring below the ordinary highwater mark on the Lake. The term includes electronic purchases that result in delivery on the Lake. The term does not include the performance of contracted services such as dock installation, weed removal, or the installation of rip rap.

Subd. 6. Temporary Sales License. “Temporary sales license” or “license” means a license issued by the Executive Director to temporarily allow sales on the Lake as provided in this Ordinance.

Subd. 7. Vendor. “Vendor” means a person issued a temporary sales license by the Executive Director under this Ordinance.

**Article III. Pilot Program Established.**

Subd. 1. Established. A sales on the lake pilot program is hereby established to temporarily allow sales on the Lake as provided in this Ordinance, notwithstanding the prohibition on such sales under the LMCD Code.

Subd. 2. Limited Exception to Prohibition. The pilot project created by this Ordinance constitutes only a limited exception to the prohibition of sales on the Lake under the LMCD Code. The exception is limited to those vendors obtaining a license from the LMCD to engage in such sales, which must be carried out in strict conformance with the requirements of this Ordinance and all conditions placed on the license. This Ordinance does not regulate sales regarding at fuel service facilities or service consoles authorized as part the license issued to a commercial dock, authorized sales on a watercraft for hire, or to customers picking up food, beverages, or other items at a business’s approved transient dock. For the purpose of clarification, sales of fuel from a watercraft on the Lake are, and remain, prohibited.

Subd. 3. Program Term. The pilot program established by this Ordinance shall commence as of the effective date of this Ordinance and shall end on April 1, 2022.

#### **Article IV. Temporary Sales License Required.**

Subd. 1. Prohibition. Except for sales authorized to occur on a watercraft for hire under the LMCD Code, no person shall engage in any sales on the Lake without a temporary sales license issued by the LMCD under this Ordinance.

Subd. 2. Separate Licenses Required. A separate license is required for each delivery vehicle to be used in the conducting of sales on the Lake.

Subd. 3. Eligibility For License. Persons or entities eligible for a license must be at least 18 years of age and must not have any previous violations or enforcement actions directly or incidentally for related activities.

Subd. 4. Application. A person seeking a temporary sales license to engage in sales on the Lake shall submit a complete application on the form provided by the LMCD. Applications shall be subject to, and must comply with, Section 6-1.03 of the LMCD Code. The application must identify the specific delivery vehicle to be used for the sales and include proof of insurance for the delivery vehicle. The application must be accompanied by an application fee of \$[REDACTED] to be considered complete and subject to processing.

Subd. 5. Issuing Authority. The Executive Director is the issuing authority for temporary sales licenses. The Executive Director shall consider the review criteria set out in this Article and is authorized to administratively issue licenses under this Ordinance without review or action by the Board. The Executive Director may add such conditions on a license as the Executive Directors determines are appropriate to carry out the intent of this Ordinance, to protect public safety, or to protect the Lake. Licenses issued pursuant to this Ordinance are subject to Section 6-1.13 of the LMCD Code. Any action to suspend or revoke a license shall be undertaken in accordance with Section 6-1.13, Subd. 10 of the LMCD Code.

Subd. 6. Review Criteria. When reviewing a license application, the Executive Director shall consider the following criteria and may deny a license if the Executive Director determines the proposed sales activity would:

- (a) Cause an undue burden on traffic on the Lake;
- (b) Unduly interfere with recreational uses of the Lake;
- (c) Create an unreasonable safety risk to the vendor, customers, or others on the Lake;  
or
- (d) Create an unreasonable risk of litter being deposited in the Lake or on the ice.

Subd. 7. Performance Criteria. Each licensee shall keep records of activities as required by the ordinance. These records shall be available upon request and must be submitted each month as part of the review of the pilot program.

- (a) Time of each sales transaction including pickup and delivery.

(b) Pickup and delivery locations of each sales transaction, and

(c) Source of food, beverages, supplies, or merchandise for each sales transaction.

Subd. 8. License Term. Licenses issued under this Ordinance shall be designated for either summer sales or winter sales. Summer sales are limited to sales occurring on open water during the 2022 boating season and winter sales are limited to sales occurring on the ice during the 2022-2023 winter season.

**Article V. License Conditions**. The following conditions apply to all licenses issued under this Ordinance and failure to comply may result in the suspension or revocation of the license.

Subd. 1. Hours of Operations. Sales operations may only occur between the hours of one-half hour after sunrise and ½ hour before sunset.

Subd. 2. Inclement Weather or Conditions. Sales operations must cease operations during inclement weather including high winds, lightning, thin ice, and similar potentially unsafe conditions.

Subd. 3. No Alcoholic Beverages. No alcoholic beverages may be sold, delivered, or otherwise provided as part of sales on the Lake. No alcoholic beverages may be stored or transported on the delivery vehicle.

Subd. 4. Approved Sources. Food, beverages, and other products must be obtained from establishments approved by the appropriate regulatory agencies and meet all applicable regulations.

Subd. 5. Insurance. A vendor shall obtain and maintain during the entire term of the license commercial general liability insurance in a minimum amount of \$500,000 per occurrence and liability insurance covering the delivery vehicle with a limit of no less than \$300,000. These insurance requirements may be met through any combination of primary and umbrella/excess insurance.

Subd. 6. License Identification and Inspection. Every vendor must maintain a copy of the LMCD license or other identification authorized by the LMCD on the delivery vehicle. A flag must be adhered to the vehicle and visible to indicate sales operations. By making application for a license, a vendor consents to the stopping and inspection of the delivery vehicle to ensure compliance with this Ordinance. A vendor shall produce its license for inspection if requested by the Hennepin County Sheriff's Office Water Patrol, any other law enforcement agency, or LMCD staff. Failure to produce authorized license identification, or presenting a license that was not issued for the particular delivery vehicle, shall constitute a violation of this Ordinance.

Subd. 7. Additional Licenses. The vendor is responsible for obtaining and complying with all licenses, permits, or other permissions that may be required to engage in sales on the Lake including, but not limited to, those applicable to the sale of food and beverages. A safety

inspection must be obtained and passed prior to issuance of a license. An operator of a watercraft of a temporary sales license is required to hold a watercraft operators permit.

Subd. 8. Safety, Litter, and Nuisances. The vendor is responsible for complying with all of the following safety measures:

- (a) Every vendor is responsible for transporting the items being sold in a secure manner so no items are lost during transport and no littering occurs during the transfer of items to the customer. Those vendors engaged in summer sales must carry a net or other device approved by the LMCD staff on the delivery vehicle for the purpose of netting any items that are dropped, blown, or are otherwise lost or wasted during the delivery or sale. Every vendor is responsible for capturing any such lost items and for properly disposing of them off the Lake.
- (b) Delivery products must be durable and minimize the risk of pollution. The use of single service plastic bags, foam bead containers (including polystyrenes), disposable straws, and similar crushable or flyable products is prohibited. Reusable transport packaging is required.
- (c) Passing items from the delivery vehicle to a watercraft may only occur in calm water conditions or if the watercraft is anchored in a safe manner;
- (d) Delivery is prohibited in a manner that obstructs navigation including but not limited to channels; navigation lanes at Big Island; or access to or from private residences, or licensed facilities.
- (e) Commercial docks with transient BSUs or short term fuel sales at the site are allowed for sales only upon written permission of the licensee and submittal to the LMCD office.

Subd. 9. Payments. No cash payments or exchange at any time on the water. All payments must be conducted online or digitally.

Subd. 10. License Conditions. The vendor shall comply with all conditions imposed on the license by the Executive Director.

Subd.11. Legal Compliance. The vendor is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances in carryout out sales on the Lake.

Subd. 12. License Not Transferable. A license issued under this Ordinance is to the named vendor for a particular delivery vehicle. The license is not transferable to a different person or to a different delivery vehicle.

**Article VI. Violations**. A violation of this Ordinance is punishable as a misdemeanor. The LMCD may suspend, revoke, or not renew a license for a violation as provided in Section 6-1.13, Subd. 10.

**Article VII. Data Collection and Report.** Over the term of this pilot project the LMCD staff shall keep a record of the number of licenses issued, complaints, favorable comments, citations issued, and any other information LMCD staff believes will be helpful to inform the Board regarding the project. Proactive and reactive investigations may occur over the course of the pilot to ascertain compliance and impacts. LMCD staff shall present a report on the program and make recommendations regarding proposed amendments to the LMCD Code regarding sales on the Lake.

**Article VIII. Incorporation by Reference.** This Ordinance shall be interpreted and applied in a manner consistent with the LMCD Code. The sections of the LMCD Code referenced in this Ordinance are incorporated herein as if fully set out and includes any other sections that are needed to give full effect to the provisions expressly adopted by reference.

**Article IX. Transient Ordinance.** This Ordinance is transient in nature and shall not be incorporated into the LMCD Code. If the Board determines to allow sales on the Lake after the termination of the Program, it would act separately to adopt amendments to the LMCD Code

**Article X. Declaration; Expiration.** This enactment is adopted by a majority vote of all the members of the Board, has the effect of an ordinance, and is in effect on the first day of publication after adoption. This Ordinance shall expire as of April 1, 2022, but such expiration shall not affect the prosecution of any citations for violating this Ordinance issued prior to its expiration.

Adopted this \_\_\_\_<sup>d</sup> day of \_\_\_\_ 2.

**BY THE BOARD OF DIRECTORS**

\_\_\_\_\_  
Gregg Thomas, Chair

ATTEST:

\_\_\_\_\_  
Dan Baasen, Secretary

Date of Publication: \_\_\_\_\_, 2022.



# ATTACHMENT

June 23, 2021

Board of Directors  
Lake Minnetonka Conservation District  
5341 Maywood Road, Suite 200  
Mound, Minnesota 55364

Re.: Ordinance establishing a pilot project to temporarily allow sales on Lake Minnetonka

Dear Board Members:

Please enter this letter in to the official record of your June 23<sup>rd</sup>, 2021 Board meeting and workshop.

The Lake Minnetonka Association does not support the proposed changes to existing LMCD rules expanding sales and deliveries on Lake Minnetonka. We feel expanding sales and deliveries will create unnecessary safety concerns, add to the congestion and commotion on the lake, put additional pressure on an already over-burdened water patrol, lead to conflicts of lake use, add additional trash/garbage in the lake, compete with existing lake businesses, and take away from the general well-being and enjoyment of people living and recreating on Lake Minnetonka. Furthermore, we feel the proposed changes may be in conflict with city zoning code and state law, increase the potential for litigation against the LMCD, shows callous disregard for existing lake businesses, and would likely require the LMCD to hire additional staff.

Changing the LMCD rules to expand sales on Lake Minnetonka will adversely affect the general health, safety and welfare of lake users, and residents. The proposed changes are dangerous and should not move forward.

If the proposed rule changes are approved, most sales will take place on Lake Minnetonka during weekends, holidays, and other times when the lake is already congested and when the water patrol is at its busiest. Watercraft selling or delivering products will want to provide service to as many people as quickly as possible and will concentrate in areas where boat traffic is heaviest. There will be a natural competition among vendors to compete for the best locations and to deliver faster and faster service. Allowing sales on the lake increases the chance people will be hurt or killed, the likelihood of property damage, and the need for more water patrol.

The proposed rule changes do not define what products may be sold. Will vendors be allowed to sell trinkets and souvenirs, tobacco products, fireworks, condoms, etc.? Will people be allowed to sell services, such as massages? How will the sale of illegal products or sale to underage people be enforced? Again, this adds an additional and an unnecessary burden on the water patrol and may attract undesirable uses on Lake Minnetonka.

The proposed rule changes do not address where delivery boats are docked. Will delivery boats be allowed to dock on residential slips? Licensing sales or deliveries that originate from residential areas will increase commercial traffic in neighborhoods not zoned for commercial use and may be in conflict with city zoning. Will boats be allowed to keep products stocked or will only delivery services be allowed. Either way, there may be city zoning issues to be considered.

It is unclear how many vendors may be interested in this program. Lake Minnetonka has over 62,000 boat launches at public accesses each year and hundreds of thousands of lake users. Given the potential market, it is likely the demand for licenses to sell products on the lake will be strong. Not considering the long term impacts of the proposed rule change may lead to undesirable and dangerous consequences in the future.

The proposed rule changes include a requirement that a vendor wishing to make sales on the lake, be issued a license by the LMCD's Executive Director. However, it is unclear if the LMCD has this authority. A governmental entity's authority to license generally, comes from either a specific grant of authority from the legislature or from its authority to provide for its general health, safety and welfare. It is unclear if the LMCD has this authority. Based on the information provided, there is no indication the Board has discussed if they have the authority to license vendors and has not made any findings on how expanding sales on the lake will contribute to the general health, safety and welfare of the lake residents or users.

There is no indication in the materials provided how the LMCD will determine a license fee. License fees must approximate the direct and indirect costs associated with issuing the license and policing the licensed activities. License fees that significantly exceed these costs are considered unauthorized taxes.

The proposed ordinance change allows the Executive Director to determine who will and who will not be granted a license. It states the Executive Director "may deny a license if sales activity would: (a) Cause an undue burden on traffic on the Lake; (b) Unduly interfere with recreational uses of the Lake; (c) Create an unreasonable safety risk to the vendor, customers, or others on the Lake; or (d) Create an unreasonable risk of litter being deposited in the Lake or on the ice." These are very subjective criteria and could lead to claims of cronyism, favoritism, and kick-backs. At best, these subjective criteria will result in a drain of staff time and resources and can lead to claims of discrimination and put the LMCD at risk of expensive and time consuming litigation. Has this program been discussed with your insurance carrier?

The LMCD Board and staff have commented numerous times about how busy they are. The proposed rule changes will increase existing staff's work load and will likely require the Board to hire additional staff. What are the long term costs of the proposed changes? Given statements from staff about their current workload, what will they not do to give them time to research and implement the proposed rule changes? Also, how will the proposed "pilot program" be assessed, how much staff/board time will this take, who will be allowed to participate, what is the cost of the pilot? The Lake Minnetonka Association is concerned the program is being built to accommodate the request of a single vendor and the long term impacts of expanding sales on the lake have not been fully considered.

Several past LMCD boards have debated this issue. Each of these past boards determined expanding sales and deliveries on the lake will not benefit the general health, safety and welfare of the residents or users of Lake Minnetonka. The demand and diversity of lake use has only increased since past

discussions. Expanding sales and deliveries on Lake Minnetonka is harmful to the enjoyment of the lake and adversely affect lake residents and users. The existing rules should not be changed.

Sincerely,

Tom Frahm

Tom Frahm, President  
Lake Minnetonka Association



# ATTACHMENT

**From:** [White Bear Lake Conservation District](#)  
**To:** [Vickie Schleuning](#)  
**Subject:** Re: Lake Sales Delivery Questions  
**Date:** Friday, June 18, 2021 10:48:32 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Yes we have the board review their application and insurance they pay a \$125 fee for a permit. We have only had good comments no issues.

Thanks

Kim

WBLCD

Get [Outlook for iOS](#)

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**From:** Vickie Schleuning <vschleuning@lmcd.org>  
**Sent:** Friday, June 18, 2021 10:34:10 AM  
**To:** Julie Yoho <wblcd@msn.com>  
**Cc:** Vickie Schleuning <vschleuning@lmcd.org>  
**Subject:** Lake Sales Delivery Questions

Hello,

Our organization is receiving requests to change our ordinance to allow sales delivery operators on Lake Minnetonka. They stated they operate on WBL. We have received numerous inquiries of this type over the years and our board is reviewing this issue.

Do you license sales delivery operations? Have you received any complaints? Do you have any concerns? Would you do something differently with your ordinance or procedures if available?

You may also call me if you prefer. Thank you for your input.

***Vickie Schleuning***

Executive Director | Lake Minnetonka Conservation District

5341 Maywood Road, Suite 200 | Mound, MN 55364

Ph 952-745-0789 | [vschleuning@lmcd.org](mailto:vschleuning@lmcd.org)

[www.lmcd.org](http://www.lmcd.org)

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*To preserve and enhance the Lake Minnetonka experience*



## LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** July 14, 2021 (Prepared July 9, 2021)

**TO:** LMCD Board of Directors

**FROM:** Vickie Schleuning, Executive Director

**SUBJECT:** Board Input Regarding Registration or Licensing of Emergency Towing Services and Watercraft Rental Businesses

### **ACTION**

Board input and discussion regarding potential LMCD registration / licensure for emergency towing service businesses and watercraft rental businesses on Lake Minnetonka.

### **BACKGROUND**

#### Emergency Towing Service Registry

In discussion with staff from Hennepin County Sheriff's Office Water Patrol (HCSOWP), it may be useful to create an LMCD registry of businesses that offer emergency towing services to aid boaters stranded with stalled or damaged watercraft. These services are crucial for the Lake, and directing more lake users to them would help to free up HCSOWP from having to tow watercraft themselves.

#### Watercraft Rental Businesses

The HCSOWP and LMCD office has received an increasing number of comments and concerns regarding the operation of watercraft rental businesses on Lake Minnetonka. Some comments and observations are related to safety concerns and nuisances created by rental business operators and customers who rent watercraft and equipment without captain services. While rental watercraft are required to obtain inspections from HCSO, additional enforcement tools such as a license would be beneficial in obtaining long-term compliance as well as public education. Staff was contacted by a rental watercraft business that is supportive of a license type of program to provide some oversight of the various rental business operations.

Additional information may be added to the packet prior to the meeting as time allows.

### **BUDGET**

N/A

### **STRATEGIC PRIORITIES**

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

- Watercraft Rental LMCD Code Excerpts

# WS ITEM 2 ATTACHMENT 1

## **8-2.13. Rental of Watercraft.**

Subd. 1. Watercraft Requirements. No person shall offer to rent, or rent, a watercraft to another unless the watercraft complies with all of the following:

- (a) Is not in a broken, rotten, or otherwise hazardous condition;
- (b) All oars, oarlocks, and paddles are included, or made available for use, and they are free of cracks, splits, and breaks;
- (c) It has a rear transom that is strongly constructed and capable of standing the stresses imposed by fully reversing the motors attached or to be attached;
- (d) Is not made of metal or fiberglass, unless it is equipped with air chambers or other buoyancy devices and is capable of sustaining complete buoyancy for capacity load in the event the craft is capsized;
- (e) It is free of spilled gasoline and oil; and
- (f) Is equipped with a pair of oars and oarlocks, or with a paddle, in serviceable condition and unless, on departure, there are on board personal flotation devices for each person on board.

Subd. 2. Rental to Person Under Influence. No watercraft shall be rented or offered for rent to any person who is under the influence of alcoholic beverages or prohibited drugs.

Subd. 3. Overloading. No watercraft which has been rented shall be permitted to depart from the premises at which it was rented if it is loaded beyond its safe carrying capacity or powered beyond its safe power capacity.

Subd. 4. Overnight Occupancy. No person shall rent or lease any watercraft for use as living quarters while it is in or upon the Lake. No person shall regularly lease or rent any watercraft for overnight occupancy in or upon the Lake.

**8-3.17. Rental.** A person who rents a personal watercraft, regardless of the horsepower, to another shall comply with this Section.

Subd. 1. Age Restrictions. No person shall rent a personal watercraft to any person who:

- (a) Is less than 16 years of age; or
- (b) Is 16 years of age or over, but less than 18 years of age and is not in possession of an operator's permit required by law.

Subd. 2. Information and Instruction. A person who rents a personal watercraft to another is required to provide a summary of the laws and rules governing the operation of personal watercraft and to provide instruction regarding safe operation to any person renting personal watercraft. The instruction provided to a renter must cover the laws and rules governing personal watercraft as well as the actual operation of the personal watercraft itself.

Subd. 3. Personal Flotation Devices. A person who rents a personal watercraft to another shall provide a United States Coast Guard approved Type I, II, III or V wearable personal flotation device to all persons who rent a personal watercraft, as well as all other required safety equipment.

## **Presiding Officer Statement Regarding Holding Meetings via Telephone or Other Electronic Means**


As Board Chair and Presiding Officer for the Lake Minnetonka Conservation District ("LMCD"), I find as follows:

- a. As a result of the federal, state, and local declarations of emergency due to the COVID-19 pandemic I, as the presiding officer, issued a statement under Minnesota Statutes, section 13D.021 directing that the meetings of the LMCD and its committees shall be conducted by telephone or other electronic means in a manner satisfying the requirements of Minnesota Statutes, section 13D.021.
- b. The statement was based on findings that it was not practical or prudent, and that was not feasible to require any members or staff to be present in the meeting room during the meetings and the public was prohibited from being in the meeting room.
- c. The Governor has repealed the state's peacetime emergency declaration sooner than was anticipated and with little advanced notice to local governments.
- d. Despite the repeal of the emergency declaration, the state has not declared an end to the health pandemic.
- e. LMCD staff has been working to secure a site for meetings and the LMCD Board recently approved a lease agreement to allow it to return to its normal meeting room starting in August.
- f. Given the steady decline in the number of cases and deaths resulting from the health pandemic, the LMCD will soon be in a position where it will once again be practical and prudent to allow members and staff to return to in-person meetings.

Based on the above findings, I hereby determine and state as follows:

1. Effective as of 11:59 p.m. on July 31, 2021, meetings of the LMCD and its committees shall return to in-person meetings.
2. The previous statement directing meetings to be conducted by electronic means is rescinded effect as of 11:59 p.m. on July 31, 2021.

Dated this 9th day of July 2021.

  
Gregg Thomas, Chair

# ITEM 6

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
6:00 P.M., June 23, 2021  
Virtual**

Due to COVID-19 Guidelines, pursuant to a statement issued by the presiding officer (Board Chair) under Minnesota Statutes, section 13D.021, the meeting was conducted remotely through electronic means using Zoom. The LMCD's usual meeting room was not open or available to the public or the Directors.

## **WORK SESSION**

6:00 p.m.

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

**Members Absent:** Dennis Klohs, Minnetonka Beach; and Deborah Zorn, Shorewood.

### **Persons in Audience:**

Steve Crumley; Leslie Dennis; Eric Evenson; Gigi Jabbour; and, Andrew Krenzer.

The following usernames were present but the person(s) did not identify themselves: Joe.

### **1. Review of Unlawful Charter and Rental Operations, Berthing Locations, etc.**

Schleuning stated that staff noticed unlawful charter and rental operations the previous year and again this year. She stated that this issue was first addressed a few years ago and provided a summary of the efforts that occurred at that time. She noted that concerns arose last year from Water Patrol and therefore the information created years ago was posted on the LMCD website to make it easy for people to find. She stated that staff and Water Patrol created a list of the offenders and Water Patrol has been making calls to those offenders. She stated that she has a draft press release that she will send to the Communications Committee and agency partners for review. She noted that part of the release includes educational information and reviewed some of the information related to charter and rental operations. She provided details on the berthing locations for commercial operations and noted that there is interest for more residential operations to berth from their residential dock. She noted that commercial dock space is hard to find, and some people would still like to use their boat for their own residential use as well.

Hoelscher asked how many charters are licensed yearly.

Schleuning replied about 17 boats but noted that some owners have more than one boat licensed.

Hoelscher asked where the LMCD receives its authority to license the boats.

Schleuning replied that authority is provided through statute.

Kroll commented that he would like to make it easy for a drunken boater to call for a backup. He asked if there have been accidents or what the real issue is that is causing problems.

Schleuning stated that this would be watercraft for hire charter boats, which is different than an Uber. She stated that if the Board would like to look at Uber rides, staff could look into that.

Hoelscher asked if a water taxi or sober rider is currently permitted.

Schleuning stated that there are not currently provisions for that as the LMCD has not received those types of requests, but staff could look into that.

Walesch commented that if there have not been requests, he did not see a business where someone would be giving Uber rides to a location on the lake. He stated that there are people hiring private drivers for their boats. He stated that in terms of launching a charter service from private neighborhoods, he does not believe that would be a good idea as it would cause issues with parking, noise, and bringing people into a neighborhood in a disruptive manner.

Cook echoed the comments of Walesch. He stated that he is not interested in turning every third residential dock into a commercial enterprise. He noted that most cities have regulations about commercial enterprises in residential areas. He asked how boat clubs enter into this conversation, whether they are regulated and/or licensed.

Schleuning stated that any rental watercraft receives inspections from the Water Patrol and if a captain is provided, all other charter for hire requirements must be followed.

Stone stated that she spoke with a Minnetonka resident that obtained their captain license, had their boat inspected, and have proper insurance. She stated that their only roadblock is this ordinance that says that the boat has to be kept at a commercial marina. She explained that the resident does not want people to come to their house, they would pick up passengers at a bay location. She noted that the only limitation is that he keeps his boat at his home dock. She stated that the resident is attempting to follow the rules and have a business on the weekends taking groups on the water.

Hughes stated that when this arose previously there were large parties at Big Island, where people were swimming out to party and then trying to find someone to take them back in the early morning hours because they swam out.

Hoelscher agreed that she also heard about that in the past but had not heard about that recently. She asked if these licensing provisions only apply to boats carrying six or more people.

Schleuning confirmed that the watercraft for hire generally applies to groups of six or more. She stated that fishing is looked at differently. She commented that if someone has less than six people but is allowing alcohol, a liquor license is required by the State.

Hoelscher asked for details on the staff time required to issue those licenses.

Schleuning stated that most of the charters have existed for quite a while with multiple boats, therefore that process is pretty smooth.

Hoelscher commented that she would hope that the old licenses are given higher priority before staff would look to issue new licenses.

Schleuning commented that it is a balancing act. She stated that the licensed establishments tend to follow a typical timeline to get out on the water, but staff has to ensure that application timelines are met for all applicants. She stated that renewals have dedicated timelines and new application reviews are based on when the complete application is received. She stated that some applications staff currently have are considered incomplete, such as the instance where an operator wants to berth from a residential dock.

Stone commented that she agrees that the resident should not have to dock his 32-foot boat at a commercial facility when he can dock the boat at his residence. She stated that the resident would not be picking up passengers from his residential dock and has met all the other criteria.

Walesch asked where the people are loaded on and off.

Stone replied that the passengers get on in Wayzata or Gray's Bay.

Hoelscher noted that city approvals would be needed for the ports of call.

Walesch asked if it is correct that someone could not keep their boat at their own dock, even if they load passengers at an approved commercial location.

Schleuning confirmed that the boat would need to be docked at a commercial dock in order to meet the current requirements.

Baasen asked if the same licensing and restrictions apply to boats that take people out for fishing and whether those boats could be kept at private docks.

Schleuning stated that those operations are not licensed. She stated that in the past the Board has viewed that not as a charter service but hiring someone that is going to guide people for fishing.

Baasen commented that is a fine line.

Hoelscher asked the thoughts of Water Patrol and how this is being enforced.

Schleuning stated that during the meetings with different agencies it has been discussed that the LMCD

should provide stickers to licensed charter boats. She noted that sometimes Water Patrol is recognizing boats that have been advertised without the charter license and sometimes those boats are being stopped for other issues.

Hughes referenced a boat that would deliver pizza and asked where that type of boat would be stored.

Hoelscher noted that is the next agenda item and will be discussed after this item.

Cook stated that it is unfortunate that people are breaking a rule by parking their boat at their own house, as that is not the intention. He stated that he is concerned with the exemption for one use and not another. He asked what the group is trying to protect the lake from in this regard.

Schleuning reviewed some of the concerns related to safety.

Hoelscher commented that there is an unfair competition aspect as some boats are required to follow this process, but others seem to be allowed to provide service without this type of regulation.

Thomas arrived.

Walesch asked if those safety concerns are already illegal and prohibited.

Schleuning confirmed that to be true. She stated that the intention tonight was to provide an update and obtain an opinion from the Board as to whether residential docking should be allowed.

Walesch stated that he would have no interest in allowing these types of operations in residential settings. He commented that the situation Stone described seems to be a technicality and is not practical. He stated that if someone is licensed and meets the other criteria, he does not see why a boat should be stored in a public marina as loading does not occur at a private home.

Hoelscher noted that would require a Code clarification.

Walesch stated that he would support that as it does not seem to be a criteria as long as loading does not occur at the residential dock.

Hoelscher asked if the Board would support a change in the Code to store a boat in a residential setting as long as passengers are not picked up at the residential dock.

Anderson commented that it is good and well to say loading will not occur at the residence but the captain and perhaps caterer would load from the residence before picking up passengers at the port of call. He stated that he would support a larger setback for that type of use.

Hoelscher agreed that if someone is using their boat for commercial purposes, it could be more activity than a typical residential use.



Thomas stated that he is not opposed to changing the Code to allowing berthing at a residential property but does think the Board should pause and think about this a little more. He stated that perhaps a proposed ordinance change could be drafted and reviewed at the next meeting. He commented that if someone wants to get into the charter business, all regulations should be met. He stated that he has visited some websites for charters, and it clearly states there is a higher price because they know they are acting illegally. He stated that the ordinance either needs to be enforced or amended in a rational manner.

Hoelscher stated that there is a variance procedure that is followed when a dock does not meet the criteria within the Code. She asked if a similar process could be followed for those that want to dock their boat at a residential property.

Gilchrist stated that he would not recommend that as it would be considered a use variance which is prohibited. He stated that if the intention is to allow the activity, the ordinance should be amended with provisions.

Stone stated that additional language could be added to make it more specific, that if a boat is berthed from a residential property, the property owner must be a licensed captain, not have a caterer board at the residence, and all other regulations must be met.

Thomas stated that if the passengers are going to bring alcohol on board, a consumption license would be required similar to Paddle Tap. He stated that if alcohol is going to be supplied, an alcohol license would be required.

Stone agreed that those regulations would need to be followed as well.

Hoelscher stated that she is concerned with the complexities that would be required to amend the Code. She asked if someone could pick up five people at a public boat dock.

Schleuning stated that technically no. She stated that if any alcohol is going to be allowed, a license would be required. She stated that the watercraft for hire language does not include a number of people, but State law regulates six or more.

Hoelscher stated that the LMCD needs to be consistent, whether it be fishing or charters. She asked if the Board would support a certain number without license.

Thomas stated that perhaps the LMCD ordinance should match the State language of six or more passengers.

Gilchrist commented that consistency works. He noted that the LMCD could be stricter or could mimic the State regulations.

Baasen stated that he believes that the Board is looking at this from the wrong direction. He stated that the number one emphasis on licensing is on safety. He stated that he would caution against making different classes of charter boats and would want people to follow the same regulation. He stated that he would be in favor of allowing someone to keep their boat at their residence with certain regulation but would still want the proper license to be obtained.

Walesch asked what the Board is trying to fix as the safety elements are already prohibited by ordinance. He stated that Stone brought up a change that seems minor and Anderson brought up additional items to consider.

Schleuning agreed that berthing location is the main discussion. She stated that if residential berthing locations is going to be allowed, staff would have other items to consider.

Stone stated that this seems to be a loophole when someone has met all the other requirements to charter and take people out on their own boat from another location but parks their boat at their own residence.

Walesch agreed that seems like something the Board could take a look at. He confirmed that there is no interest in allowing passengers to board from residential properties.

Schleuning commented that she would strongly recommend against considering residential boarding as well.

Hoelscher asked if anyone else is concerned with the definition of watercraft for hire, as the LMCD does not specify a number of passengers. She stated that she would prefer to follow the State guideline of six or more.

Anderson asked if something was allowed in Seaton Channel.

Schleuning noted that property is multi-zoned commercial/residential.

Anderson stated that he met with Water Patrol staff with Schleuning, and Water Patrol commented that it is almost impossible to identify unless someone admits that they hired the boat. He stated that Water Patrol would like a statement that they are cracking down on illegal charters with increased enforcement to follow, which will help to detract people from this activity.

Schleuning confirmed that she has a draft press release that will go to the Communications Committee for review.

Hoelscher stated that there seems to be support for residents to berth a boat from their private residence if the other elements discussed could be met. There is also support in perhaps providing consistency in the number of passengers to match the State language of six or more.

Schleuning noted that staff will bring back additional information for the Board to review.

Walesch commented that he has not seen or heard a problem related to the fishing boats and would be in favor of continuing to allow that as is. He noted that typically those boats have less than six passengers.

## **2. Update Regarding Sales on the Lake Code Amendment**

This item will be postponed for lack of time.

The work session was adjourned at 6:59 p.m.

## **FORMAL MEETING**

7:00 p.m.

### **1. CALL TO ORDER**

Chair Thomas called the meeting to order at 7:03 p.m.

### **2. PLEDGE OF ALLEGIANCE**

### **3. ROLL CALL**

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

**Members absent:** Dennis Klohs, Minnetonka Beach

#### **Persons in Audience:**

Aaron Bean; Steve Crumley; Leslie Dennis; Meg Duhr; Eric Evenson; Sheriff David Hutchinson; Gabriel Jabbour; Gigi Jabbour; Matt Johnson; Susanne Johnson; Andrew Krenzer; Bill Naegle; and, Shawn Wischmeier.

The following usernames were present but the person(s) did not identify themselves: Bill, Dan's iPad, and Joe.

### **4. APPROVAL OF AGENDA**

**MOTION:** Hoelscher moved, Thomas seconded to approve the agenda as submitted.

**VOTE: A roll call vote was performed:**

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

Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

Chair Thomas thanked Hoelscher for Chairing the workshop tonight as he was late to arrive.

**6. APPROVAL OF MINUTES- 05/26/2021 LMCD Regular Board Meeting**

**MOTION:** Cook moved, Kirkwood seconded to approve the 05/26/2021 LMCD Regular Board Meeting minutes as submitted.

**VOTE: A roll call vote was performed:**

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

Zorn                      abstain

Motion carried unanimously.

## 7. APPROVAL OF CONSENT AGENDA

**MOTION:** Kroll moved, Cook seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (06/01/2021 – 06/15/2021) and (06/16/2021 – 06/30/2021); **7B)** Resolution Accepting Save the Lake Funds (04/06/2021 – 06/14/2021); and **7C)** Approval of 2022 LMCD Budget.

**VOTE:**      **A roll call vote was performed:**

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

Motion carried unanimously.

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

Meg Duhr, Minnesota Aquatic Invasive Species Research Center, provided an update on the campaign to stop the spread of the spiny waterflea. She provided details on their current campaign and noted that they have an interest in Lake Minnetonka because they believe it is vulnerable and reviewed some of the supported reasoning. She stated that they have been working with partners to help educate the public and are interested in partnering with the LMCD to increase prevention efforts. She stated that their main target is recreational anglers, and the Swedish dish cloth is the best element to help stop the spread noting that they are currently out of the cloths, but they would like to purchase more to pass out to anglers to help with prevention.

Schleunig noted that there is an item on the agenda for the Board to consider tonight related to the potential purchase of the Swedish dish cloths. She stated that the LMCD could place its logo on it and pass out the

cloth at local events and fishing tournaments.

Thomas stated that he watched some of the videos today on how the fishing line could be wiped off and asked how much of the line would need to be wiped off.

Duhr replied that it would depend. She stated that the spiny waterflea mostly accumulate on trolling line.

Steve Cromley, 19117 Collington Road in Minnetonka, commented that he is present to discuss the workshop item related to small charters. He stated that he believes that this is an important service that could be made workable for everyone. He stated that no one is proposing to pickup guests from their home or having catering trucks or captains load from their home. He stated that small charters would be where you invite friends or friends or friends on the boat and they chip in for gas or buy you dinner in return. He noted that under the definition that would qualify as a charter. He stated that he has been certified and obtained official licenses for everything with the exception of the LMCD. He stated that he has a capacity of 15, including he and his wife, therefore, they would not have more than 12 other guests and are more comfortable with a group of eight guests. He stated that they would like to provide a safe and fun way for people that do not own boats to learn about and enjoy the lake. He stated that he believes that he and his wife can offer good things to the community and would not compete with the large charter operations. He stated that they would provide a custom itinerary that only a smaller boat could navigate, along with swimming. He agrees that there should not be commercial activity in a residential neighborhood and did not believe they would cause impact to their neighbors. He stated that the only problem he is encountering is that they do not store their boat in a commercial dock location. He stated that they cannot obtain their liquor license until the LMCD approval is obtained. He noted that they have met all other safety criteria and licenses. He stated that Wayzata and Excelsior would allow their docks for use as ports of call if they pay them a fee to use the commercial docks, which they would do if they can obtain approval from the LMCD. He asked that the Board treat this with a certain amount of urgency as the current process is confusing and long. He noted that he began working on this in January and is still not at the point of approval. He stated that many boats are operating illegally and unsafely. He realized that while fishing boats typically do not carry more than six passengers, they do carry passengers in their boats and did not see the difference. He stated that there should be consistency to ensure everyone is treated in the same manner.

Erik Evenson, Director of Lake Minnetonka Association, commented that the LMA sent a letter to the Board in anticipation of a pilot project to allow an expansion of sales and deliveries on the lake. He realized that the Board is not discussing that but would want the opportunity to discuss their concerns. He stated that he would be willing to sit down with the Chair and staff to discuss their concerns. He noted that it seems like the cart is before the horse in this situation. He stated that the materials have not defined whether the LMCD has the authority to issue licensing for this activity. He noted that the second question would be whether this should be done and did not think the pilot program would be the appropriate format to determine whether it should be done. He stated that the whole issue of expanding sales has profound long-term impacts on the general welfare, safety and use of Lake Minnetonka.

Anderson noted that Sheriff Hutchinson is in attendance from Arizona and there are some items that he would like to discuss related to the Treasurer's Report. He asked if that could be done now prior to the public

hearings.

Thomas confirmed that could occur.

### 13. TREASURER REPORT

Anderson stated that some of the members of Save the Lake have discussed raising funds through Save the Lake but have not come to an agreement on how that could be done. He stated that he is concerned with the funds identified for the next year which has not been earmarked for extra Water Patrol deputies. He stated that there has also been discussion of recognizing donors. He acknowledged people that contributed to the 2022 Save the Lake Water Patrol fund including Dock and Lift, Inc., Tonka Bay Marina, Al & Alma's Charter Company, Martin and Anne Davis, Bean's Greenwood Marina, Howard's Point Marina, Lord Fletchers, Maynard's Restaurant, Excelsior Bay Harbor, Lindbo Landing, Excelsior Marina/500NNL, Matt Johnson, Your Boat Club, North Shore Marina, Crosspoint Marine Company, Rockvam Boat Yards, Wayzata Marine, Niccum Dock Service, Boatworks Marina, The Caribbean Tonka Bay, Diamond Reef Watersports aka/Bay to Bay Boat Club, T & T Boatworks, and 5<sup>th</sup> Street Ventures. He stated that in total \$60,500 has been collected towards 2022 Water Patrol activity. He asked that the Board accept the donations towards the 2022 Water Patrol services.

**MOTION:** Cook moved, Kroll seconded to accept \$60,500 in donations received through Save the Lake to be earmarked for use for 2022 Water Patrol services.

Further discussion: Gilchrist commented that this will need to come back before the Board on the Consent Agenda as donations need to be accepted by resolution but noted that the motion could still proceed.

**VOTE: A roll call vote was performed:**

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

Motion carried unanimously.

Sheriff David Hutchinson stated that he wanted to say thank you. He stated that this partnership shows how important Lake Minnetonka is to the community and the County. He stated that with the challenges that Hennepin County continues to face, this helps to support the mission in making Lake Minnetonka safe and fun.

Thomas thanked the efforts of the members of Save the Lake that solicited these funds and to those that provided donations to help make Lake Minnetonka a safer place.

Baasen congratulated the members of Save the Lake that took the initiative to solicit the donations. He stated that there is more money to be raised and hoped that the other members of Save the Lake and the Board could assist in that mission.

Anderson read a letter drafted to Sheriff Hutchinson related to increased lake use and the prioritization of safety which causes the desire for increased deputies which will be funded through donations of lake stakeholders.

Walesch commented that these members went above and beyond to seek out these donations which supports the mission to keep the lake safe. He expressed thanks and appreciation.

Gabriel Jabbour commented that he appreciates the thanks and appreciation from the Board but noted that he learned through this that the stakeholders appreciate and support the work of the Water Patrol. He stated that having a good cause brings people together in support and looks forward to additional causes that the community can unite to support.

Zorn thanked the stakeholders and community members, noting that this donation makes a huge difference and does not go unnoticed.

Thomas again thanked the Save the Lake members, those that donated, along with Sheriff Hutchinson and the Water Patrol team.

Sheriff Hutchinson thanked everyone and stated that he is excited to see the support of this continued partnership.

## **9. PUBLIC HEARING**

- A)** Public Hearing for New Multiple Dock Application for Qualified Commercial Marina, The Yacht Club, 4165 Shoreline Drive (PID 18-117-23-44-0022) Spring Park, MN 55384

M. Cook presented a request from the Yacht Club in Spring Park Bay. He noted that this is an existing site with an existing license and advised that a few updates would be desired to support the use. He stated that staff recommends that this action be continued, noting that the applicant supports that action. He provided background information on the site and use and displayed the 2018 configuration of the dock along with the currently approved Site Plan. He stated that staff inspected the site the previous week and although the



layout does not exactly match the approved site plan, it seems to have existed for the past 20 years. He stated that once that issue was identified the applicant chose to apply for the proper elements that would support the current configuration. He stated that staff recommends continuance in order to obtain drawings that match the current dock configuration and setback measurements. He stated that the multiple dock criteria are included in the packet. He stated that this would be a change to the record to match what is in the ground and has existed for the past 20 years. He reviewed the agency comments received.

Schleuning commented that staff would strongly encourage a continued hearing in order to allow the city to review the zoning. She stated that the applicant has also requested that action. She welcomed any feedback the Board may have for staff to consider in the meantime.

Gilchrist stated that if the Board is inclined to continue this, it should be specified as to when this would be continued to. He recommended that public comment be received when the hearing is continued.

Schleuning asked if a survey could be completed prior to the next meeting.

Leslie Dennis, general partner of Yacht Club LLP, stated that she has contacted Dan Sather from Sather Berquist to complete the survey of the dock as described in option one of the staff memorandum. She stated that she does have the proposal from Mr. Sather which she has signed.

Thomas commented that the next meeting would be July 14<sup>th</sup> and asked if the survey could be completed prior to that time.

Ms. Dennis replied that would be her goal.

Schleuning stated that LMCD would need the survey by July 7<sup>th</sup> to ensure it could be included in the packet. She stated that the other option would be the July 28<sup>th</sup> meeting and staff would need the survey by July 21<sup>st</sup>.

**MOTION:** Anderson moved, Walesch seconded to continue the hearing to a future meeting for potential approval of the existing dock to the July 28, 2021.

**VOTE:** A roll call vote was performed:

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

Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

- B)** Public Hearing for a New Multiple Dock Application for Partial Change in Classification, Lord Fletcher's Old Lake Lodge, 3746 Sunset Drive (PID 17-117-23-31-0049) Including 3800, 3804, and 3810 Budd Lane (PIDs 17-117-23-23-0024, 17-117-23-23-0025, and 17-117-23-23-0029), Spring Park, MN 55384

M. Cook presented a request from Lord Fletchers at 3746 Sunset Drive for an update to the multiple dock license and partial change in classification. He provided background on the site and request. He stated that the applicant requests to change the classification of two BSUs from transient to other to allow overnight storage for business use. He stated that the applicant currently holds and proposes to continue the special density permit. He displayed the 1991 site plan along with minor changes approved by the Board in 1997 and 2018. He stated that no proposed changes are proposed for the dock structure. He identified the two slips that would be proposed to allow overnight storage. He stated that there would be no changes to density, setbacks, or the structure. He stated that no comments were received from public agencies or residents. He stated that the site owner received a comment from a neighboring property owner and at that request the owner slip was moved to another location on the site as shown on the request. He stated that staff recommends approval with the conditions noted in the staff report.

Anderson asked and received confirmation that staff recommends approval.

Thomas opened the public hearing at 8:04 p.m. No comments were offered, and the public hearing was closed at 8:04 p.m.

**MOTION:** Anderson moved, Walesch seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving the multiple dock license applications from Lord Fletcher's for the property located at 3746 Sunset Drive in Spring Park for final action at the July 14, 2021 LMCD Board meeting.

Further discussion: Hughes stated that the city would like to postpone this for another month after additional review by the City Administrator. He stated that he has a four-page document he sent to Schleuning related to the additional information they feel is necessary.

Walesch stated that he would be interested in hearing more from staff.

Anderson stated that there are two things in Spring Park, one is the Yacht Club, and one is Lord Fletchers. He believed perhaps the city was opposed to the Yacht Club.

Schleuning commented that she agrees that the zoning discussion was meant to apply to the Yacht Club

request which has been continued.

Thomas asked if Hughes could have mixed up the requests and perhaps the requests from the city were related to the Yacht Club.

Hughes commented that he believes the comments are related to Lord Fletchers.

Schleuning stated that she does not believe she has seen comments related to Lord Fletchers but did receive comments from Spring Park related to the Yacht Club.

Thomas commented that there is a motion and second and therefore a vote would need to be taken. He stated that the representative from Spring Park has stated that the Mayor and City Administrator have concerns and would like this postponed for one month. He stated that there are comments that perhaps the two requests were mixed up because they are both located in Spring Park. He asked for input from legal counsel.

Walesch asked if this could be approved tonight, as that directs staff to bring the item back at the next meeting for approval.

Gilchrist confirmed that the action simply provides direction to draft the information to come back to the Board to review and approve on the next Consent Agenda. He stated that if it is confirmed that there is an issue with this request, the item could be removed from the Consent Agenda at the next meeting for further discussion.

Thomas noted that would provide three weeks for Hughes and Spring Park to provide their concerns as to why this should not be approved.

Schleuning noted that she just spoke with the Mayor of Spring Park and confirmed that the concern was related to the Yacht Club and not Lord Fletchers.

**VOTE: A roll call vote was performed:**

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

Walesch      aye  
Zorn          aye

Motion carried.

## 10. OTHER BUSINESS

Kroll commented that Excelsior will be holding an Apples and Art by the Lake Festival in September noting that there will be a shared booth and hoped the Board could attend and show support.

Thomas noted that this was included in the budget and is a supported activity by the Communications Committee. He stated that Kroll has volunteered to lead the booth and welcomed any other members that would like to participate.

## 11. OLD BUSINESS

There was no old business.

## 12. NEW BUSINESS

### A) Consideration of Distance Buoys at Public Launches

Schleuning reported that there was a review of the high-water declaration best practices and one item that arose from that discussion was helping people identify distances, noting the suggestion for distance buoys. She stated that in discussion with Water Patrol they suggested using a distance marker at public launches as that can be educational and also assist with enforcement. She stated that this request would be for three light/buoy systems to be used in three locations as a pilot with a cost of up to \$3,000. She noted that another option would be to authorize up to \$10,000 which would provide additional markers. She reviewed potential locations for the markers.

Kirkwood suggested that perhaps signage be provided at the shore to provide additional education.

Newell asked who would be responsible for the installation, removal, and maintenance of the buoys.

Schleuning commented that the responsibility would fall to the LMCD, but the Water Patrol would assist. She stated that following the pilot program perhaps the County would be willing to partner moving forward.

Anderson stated that the Save the Lake budget includes funds for additional buoys in 2022. He stated that \$84,000 has been committed to Water Patrol for this year. He asked if the buoys would come from Save the Lake or how the buoys would be funded. He asked who has requested the markers.

Schleuning stated that Mound has requested a buoy and other requests have been received. She stated that the concept came about as an element that could help to identify distances and increase education.

Anderson commented that if Mound wants buoys, the city should fund that cost and install the buoys.

Schleuning stated that her hope was to be more standardized and have something consistent across the lake.

Anderson stated that the discussion was related to high wake and in that instance, Hennepin County provides the buoys.

Brandt commented that the proposed launch is popular for jet skis and part of the benefit would be that it would allow an enforceable measurement for Water Patrol. He stated that he likes this in terms of education and the benefit it would provide for enforcement. He stated that he shares the concern with where the funding would come from but believed that this would add value.

Thomas stated that there is an equipment reserve fund with a healthy balance that was rolled into one reserve fund.

Anderson commented that Save the Lake has always fundraised for buoys, Water Patrol, and safety.

Thomas stated that he believed that the discussion was that those items would be funded through the general fund in the future based on the recommendations from the Finance Committee.

Anderson commented that those items were funded through the general fund in 2020. He stated that there are funds in the general fund but if that is a city area, the buoy should be supplied by the city.

Cook commented that if the suggestion is for the LMCD to fund the buoys with 2021 funds, it would come from the reserve fund, and he believes that would be appropriate. He stated that he does get nervous about putting buoys everywhere because there are plenty of buoys on the lake that do not have a known purpose. He stated that it is often difficult to tell which side of the buoy you are supposed to be on. He commented that it is important for the Water Patrol to be able to identify where 150 feet is on the lake but noted that Water Patrol did not have any issue stopping the Mayor of Greenwood in the past for going too fast within the 150-foot area.

Thomas stated that he does not appear to hear much support for the pilot program, but that there would be no objection to Mound placing its own buoy.

Brandt asked if the concept of the three buoys is that they would be movable or stay in the same spot for the entire season. He asked if the buoys would be movable based on the number of complaints received.

Thomas stated that he has not heard support for the LMCD getting into this type of program, but if Mound wants to do so, the Board would not object to that.

Schleuning stated that the concept was that the buoy could be movable, but these locations were to be used to monitor and determine if this would be effective. She stated that if there are hot spots with a large number of complaints, the buoys could be moved in attempt to increase education related to distance. She stated that part of this concept was to provide consistency rather than each city doing their own efforts.

Brandt asked if the education would support Water Patrol or the cities.

Schleuning stated that the benefit would be to the entire lake as it would help to teach people what that distance looks like.

Newell commented that if this is done there needs to be consistency rather than allowing each municipality doing something on its own.

Thomas asked what the buoy would look like or say.

Schleuning commented that similar to Big Island where there is a 600 feet buoy would be used. She stated that staff would work with Hennepin County to find a style that would have more surface area to ensure the number is readable.

Thomas commented that there would be some rationale to having the LMCD do this to provide consistency. He noted that many people are not aware that you cannot go full throttle prior to 150 feet, let alone know where that distance is. He stated that there would be a large demand for this type of buoy which could lead to overload.

Schleuning stated that this would only be proposed for public launches to help educate the members of the public entering the lake.

Walesch asked for clarification on who is requesting this and what the request is.

Schleuning stated that LMCD staff handles many complaints and spoke with the Sheriff's Department to find ideas that could help to educate the public and provide better enforcement opportunities on the lake. She stated that the busier launches were recommended to be used as a pilot. She stated that the intention is to better educate the public.

Anderson commented that if an indicator of distance is desired, the additional buoys could be provided near Big Island. He believed that those would be seen by more people. He referenced other bays which tend to have more visitors.

**MOTION:** Anderson moved, Cook seconded to deny the request to purchase buoy/light systems or other product to be used as distance markers at public launches as a pilot program.

Further discussion: Kirkwood stated that he would support the staff suggestion, using the three launch locations as a pilot program to determine if this type of education can provide benefit.

**VOTE:** A roll call vote was performed:

Anderson	aye
Baasen	nay
Brandt	nay

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

Motion failed.

**MOTION:** Kirkwood moved, Baasen seconded to authorize the request to purchase buoy/light systems or other produce to be used as distance markers at one or two public launches as a pilot program up to \$3,000 with additional signage on the shore of the launch site that clearly indicates the purpose of the buoys.

Further discussion: Hoelscher stated that she does not think it is a bad idea and agrees that it could be educational. She questioned whether this is a priority and whether staff has the time to take this on or whether Water Patrol or Hennepin County should take the lead with LMCD participating.

Anderson commented that he agrees with Hoelscher. He stated that the Strategic Plan is not yet complete and did not recall this action within the plan. He commented that using staff to complete this pilot project would take staff time away from other actions. He believed that a request should come from the Sheriff's Department for this program.

Newell stated that if this moves forward, how would it be measured whether this is effective.

Schleunig stated that if this works the number of complaints would be reduced at the location. She stated that she has been to the site to monitor and there are violations occurring. She stated that a lot of times when people are stopped, they state that they were not sure where 150 feet was, therefore this would make it clear and assist in enforcement if that is needed. She stated that the Water Patrol also supports this concept. She stated that these markers could be used to help show distance to prevent issues with wakes. She believed that it would be reasonable to start with a couple of locations to determine if it would be helpful at other locations.

**VOTE:** A roll call vote was performed:

Anderson	nay
Baasen	aye
Brandt	aye

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

Motion carried.

**B) Consideration of AIS Prevention and Lake Safety Promotion Activities**

Schleunig reported that LMCD met with other partners to discuss preventing the spread of spiny waterflea as mentioned in the earlier presentation. She stated that the Swedish dish cloths could be printed with the LMCD logo and given out at events and fishing tournaments to encourage use.

Anderson echoed the comments from the buoys that staff does not have time for this.

Brandt commented that his company employs watercraft inspectors that have provided similar cloths to wipe down boats and water equipment that have been printed with the clean, drain, dry moniker. He stated that this increases awareness and are a huge hit with boaters. He noted that boaters will seek out inspectors to request the cloths.

**MOTION:** Brandt moved, Kirkwood seconded to authorize the purchase up to \$3,000 of Swedish dishcloths for the prevention of aquatic invasive species spiny waterflea printed with the LMCD logo and research information.

**VOTE: A roll call vote was performed:**

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



Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

**C) Lease Agreement with City of Wayzata**

Schleunig reported that staff has been in contact with the City of Wayzata to determine when the room would be available for use by the Board. She stated that the room would be available in August and noted that the agreement would be prorated to fit with the actual use of August through the end of the year.

Thomas asked if the LMCD would be required to meet in person once the executive powers of the Governor are lifted.

Gilchrist stated that the Chair could make the determination that it is not prudent or feasible to meet in person because of a declared pandemic. He stated that the health pandemic has not gone away just because the emergency powers have gone away and therefore the group could probably meet once or twice more after that time but agreed that the time of virtual meetings is running out.

Thomas asked if the group could choose to continue in a hybrid format.

Gilchrist commented that only works if electronic meetings are still allowed. He stated that once in person meetings resume there is limited abilities for someone to attend remotely which would require the remote attendee's location to be disclosed and open to the public.

Thomas noted that attendance has never been better than Zoom.

Kroll stated that he would caution against stating that a pandemic is still underway. He asked what test would be used to state this is still a pandemic.

Gilchrist commented that the state of civil emergency is still in effect, which is one of the tests met to allow electronic meetings.

**MOTION:** Thomas moved, Kroll seconded to direct LMCD Board Chair and staff to finalize and execute the agreement with the City of Wayzata for use of the Community Room and video production studio.

**VOTE:** A roll call vote was performed:

Anderson	nay
Baasen	nay
Brandt	aye
Cook	aye

Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	absent
Kroll	aye
Newell	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	nay

Motion carried.

Walesch commented that he has attended many meetings where there is hybrid participation allowed. He asked if there would be a way to support a hybrid meeting. He believed that staff should look into the option.

Gilchrist commented that this experience has been during the pandemic when the hybrid method is allowed. He stated that once the electronic meeting element goes away, a separate statute is used that requires remote attendees to disclose their location and make it open to the public.

Hughes stated that he likes the ability for people to attend via Zoom when others attend in person but believed there should be discussion with the cable company that covers the meeting to determine if that have that technology available.

Thomas stated that there are questions of may we and can we.

Schleuning stated that she spoke with the representative at LMCC and there are options for hybrid models with members of the public allowed to participate remotely. She stated that she is not aware if Wayzata has that capability. She stated that the equipment costs would be about \$3,000 if the Board feels that would be appropriate to invest in.

Kroll stated that he likes to attend in person but believes it should be made convenient for everyone, therefore he would support the additional equipment purchase.

Thomas asked Gilchrist to provide additional details in a memorandum as to what would be needed in order to hold a public meeting in hybrid format following termination of the executive order.

Gilchrist noted that his comments only applied to Board members participating electronically and having to disclose their location and would not apply to members of the public that attend remotely.

Schleuning stated that the State law was tweaked for State meetings and asked if there would be interest in requesting a change to the statute to continue to allow electronic meetings.

Thomas commented that seems to be a difficult task.

Schleuning stated that perhaps there is a different view following COVID.

### **13. TREASURER REPORT**

Moved to earlier portion of the agenda.

### **14. EXECUTIVE DIRECTOR UPDATE**

Schleuning provided the following information:

- Wayzata Panoway is moving forward
- USGS is looking at potential projects in Maxwell and North Arm Bays similar to the Saint Albans project
- University of Minnesota is completing boat generated wake research and it will be six to nine months before the report is published
- With lower water levels and warmer temperatures, carp have been migrating in spurts
- Wildlife Forever will attempt to prevent the spread of invasive species through proper bait management
- Weed pulling event at Excelsior Commons on Saturday, August 21<sup>st</sup>
- Save the Lake media release went out today detailing efforts and donations for Water Patrol Services

#### **A) New Website Overview**

Schleuning provided a highlight of the website improvements that have been made. She expressed appreciation for all the feedback she received throughout this process.

Cook commented that Schleuning, M. Cook, Stone, Newell, Anderson and Cook test drove a 2007 Lund fisherman boat that they are contemplating purchasing. He noted that authorization was received from the Board to purchase a new boat. He commented that this is a used boat that would have room for six and would allow buoy maintenance. He stated that the purchase price is about half of the price authorized by the Board. He stated that they will move forward with the purchase agreement and taking possession of the boat.

Schleuning stated that staff learned this week that Andrea Rehm will be leaving the LMCD in about three weeks as she will be going to England to earn her master's degree. She stated that staff has been discussing how the transition can occur.

### **15. STANDING LMCD COMMITTEE/WORKGROUP**

Aquatic Invasive Species: Brandt stated that the website redesign will be a boost to water quality and AIS with the additional information and will be a great resource for the cities and residents. He thanked the Board for the support on the spiny waterflea cloths. He stated that he and Cook participated in a call earlier this week with Sara Noah to recap the conversations she had with the Board and to work on the strategic plan moving forward to wrap up her work on the AIS master plan. He stated that the next steps would be to present to the Officers meeting on July 7<sup>th</sup> and then work to schedule a TAG meeting later in the summer with the details to be determined at a later date.

Communications: Hoelscher echoed the comments related to the website, noting that it will be a great method for communication. She hoped that the Board continues to provide feedback as they use the website. She stated that the Committee meets the following morning at 9 a.m.

Kirkwood noted that the April minutes were provided in the packet, but the May minutes were not included.

Hoelscher noted that the May minutes have not yet been approved and only approved minutes are included.

Thomas noted that if the Committee desires, the draft minutes could be included and marked as draft for the Board to review.

Finance: Anderson stated that he has photographs of the boat mentioned by Cook. He stated that he would like to make a motion to purchase the boat.

Cook noted that the Board already provided the authorization to purchase the boat.

Anderson displayed photographs of the boat.

Thomas confirmed that the Board already authorized the purchase of a boat up to \$50,000.

Operations: Zorn stated that a draft version of the Strategic Plan was included in the packet and will be reviewed with the Board in July.

Save the Lake: No report.

## 16. ADJOURNMENT

**MOTION:** Kroll moved, Kirkwood seconded to adjourn the meeting at 9:24 p.m.

**VOTE:** A roll call vote was performed:

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

Thomas	aye
Walesch	absent
Zorn	aye

Motion carried unanimously.

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Gregg Thomas, Chair

---

Dan Baasen, Secretary

1:48 PM  
06/29/21

Lake Minnetonka Conservation District  
**Check Detail**  
July 1 - 15, 2021

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
07/15/2021	EFT-21-83	ADP Service Fee		Alerus Checking		
			Payroll 7/1/21 - 7/15/21	4180M10 · Professional Services - Admin.	Admin.	-80.53
TOTAL						-80.53
07/01/2021	EFT-21-84	SelectAccount Group Service C...		Alerus Checking		
			HSA Employer Contribution for July 2021 - Vickie Schleuning	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
			HSA Employer Contribution for July 2021 - Matt Cook	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
			HSA Employer Contribution for July 2021 - Tammy Duncan	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
TOTAL						-350.01
07/01/2021	EFT-21-85	Unum Life Insurance		Alerus Checking		
			Long Term Disability (New Prem July)	2020-LT · Payroll Liabilities - UNUM	Admin.	-170.07
			Long Term Disability (2020 Adjustments)	2020-LT · Payroll Liabilities - UNUM	Admin.	-56.28
TOTAL						-226.35
07/15/2021	EFT-21-86	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-11,307.90
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,579.70
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-846.27
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Me...	Admin.	-863.22
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	149.08
TOTAL						-11,288.61
07/15/2021	21982	AIS Advanced Imaging Solutions		Alerus Checking		
07/15/2021	Inv.		Copier Contract 6/20/21 - 7/20/21	4140M10 · Equipment R&M - Admin.	Admin.	-270.52
			Staples for Copier	4140M10 · Equipment R&M - Admin.	Admin.	-73.12
TOTAL						-343.64
07/15/2021	21983	American Mailing Machines		Alerus Checking		
07/15/2021	Inv.#IN106538		Ribbon for Postage Meter	4080M10 · Postage - Admin.	Admin.	-284.16
TOTAL						-284.16

1:48 PM  
06/29/21

Lake Minnetonka Conservation District  
**Check Detail**  
July 1 - 15, 2021

Date	Num	Name	Memo	Account	Class	Paid Amount
07/15/2021	21984	ECM Publishers, Inc.		Alerus Checking		
07/15/2021	Inv.#839658		June 23 Public Hearing Lord Fletchers	4110M10 · Public Info./Legal - Admin.	Admin.	-50.12
			June 23 Public Hearing Yacht Club	4110M10 · Public Info./Legal - Admin.	Admin.	-46.26
TOTAL						-96.38
07/15/2021	21985	LMCC		Alerus Checking		
07/15/2021	Inv.#1422		VOD Services for Meeting 6/23/21	4182M10 · Media (Cable/Internet) - Adm...	Admin.	-100.00
TOTAL						-100.00
07/15/2021	21986	NCPERS Group Life Insurance		Alerus Checking		
07/15/2021	July 2021		Life Insurance, July 2021	4380M10 · Employee Benefits - Admin.	Admin.	-48.00
TOTAL						-48.00
07/15/2021	21987	United States Treasury		Alerus Checking		
07/15/2021	Form 720		Annual PCORI Form 720 Federal Excise Tax	4380M10 · Employee Benefits - Admin.	Admin.	-8.65
TOTAL						-8.65



## LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** July 14, 2021 (Prepared July 9, 2021)  
**TO:** Board of Directors  
**FROM:** Vickie Schleuning, Executive Director  
**SUBJECT:** Ratification of Acceptance of Save the Lake Contributions

### **ACTION**

Board approval of a resolution ratifying previous acceptance of certain Save the Lake contributions from the June 23, 2021 LMCD Board meeting.

### **BACKGROUND**

At the June 23, 2021 LMCD Board meeting, the Board unanimously accepted Save the Lake contributions intended to fund additional Hennepin County Sheriff's Office Water Patrol deputies on Lake Minnetonka for the 2022 boating season. A resolution was not available at the time.

Board approval of the action above and the attached resolution ratifies the previous acceptance of certain contributions.

### **BUDGET**

N/A

### **STRATEGIC PRIORITIES**

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

- Resolution 221 Accepting Contributions



# ATTACHMENT



## RESOLUTION 221

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

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

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

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

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

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

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

**WHEREAS**, the LMCD Board of Directors finds that it is appropriate to accept the contribution(s) offered and to ratify a previous Board action accepting the contributions; and

**WHEREAS**, the contributors indicated that their contributions were to be used to fund Hennepin County Sheriff's Office Water Patrol deputies for greater coverage on Lake Minnetonka for the 2022 boating season; and

**WHEREAS**, the LMCD thanks the contributors for their generosity and for helping to keep the Lake Minnetonka community safe.

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

1. The contribution(s) described with Attachment I is/are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.
2. The executive director is hereby directed to issue receipt(s) acknowledging the LMCD's receipt of the contributor's contribution(s).

Adopted by the Board this 14<sup>th</sup> day of July, 2021.

ATTEST:

\_\_\_\_\_  
Gregg Thomas, Chair

\_\_\_\_\_  
Dan Baasen, Secretary

**Lake Minnetonka Conservation District**  
**Transaction Detail By Account**  
June 15 - 24, 2021

**Resolution #221 Attachment 1 - Save the Lake Contributions**

Date	Num	Name	Memo	Amount
<b>3008M20 - Donations (2022 W Patrol Fund)</b>				
06/24/2021	6264	Crosspoint Marine	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	7421	Dock & Lift, Inc	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	60495	Al & Almas Charter Company	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	39539	Lord Fletchers	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	54906	Maynard's Restaurant	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	9501	Martin E, and Anne K. Davis	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	6016	Minnetonka Matt, Inc.	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	11802	T&T Boatworks Storage LLC	STL Donations (2022 Water Patrol Fund)	500.00
06/24/2021	8377	5th Street Ventures Marina	STL Donations (2022 Water Patrol Fund)	1,000.00
06/24/2021	9175	Bean's Greenwood Marina Inc.	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	3334	The Caribbean Tonka Bay LLC	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	9430	Excelsior Bay Harbor	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	5383	500NNL LLC	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	5888	Howard's Point Marina LLC	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	2363	Lindbo Landing Marine, LLC	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	5182	Boatworks Marina, LLC	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	103850	Rockvam Boat Yards Inc.	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	13306	Your Boat Club LLC	STL Donations (2022 Water Patrol Fund)	2,500.00
06/24/2021	21006	North Shore Marine, Inc.	STL Donations (2022 Water Patrol Fund)	5,000.00
06/24/2021	001931	Tonka Bay Marina	STL Donations (2022 Water Patrol Fund)	5,000.00
06/24/2021	12726	Wayzata Marine, Inc.	STL Donations (2022 Water Patrol Fund)	5,000.00
06/24/2021	9542	Bay to Bay Boat Club	STL Donations (2022 Water Patrol Fund)	1,000.00
				<b>57,500.00</b>

Note: \$3,000 2022 Water Patrol Fund Contribution from Niccum Dock Service, LLC was accepted via Resolution #220



## LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** July 14, 2021 (Prepared July 8, 2021)

**TO:** LMCD Board of Directors

**FROM:** Matthew Cook, Environmental Administrative Technician

**THROUGH:** Vickie Schleuning, Executive Director

**SUBJECT:** Multiple Dock License and Special Density License for Lord Fletcher's

### **ACTION**

Board approval of Findings of Fact and Order for a multiple dock license and special density license for Lord Fletcher's Old Lake Lodge at 3746 Sunset Drive on Coffee Cove in the City of Spring Park.

### **BACKGROUND**

The LMCD held a public hearings on June 23, 2021 to consider the application of Lord Fletcher's ("Applicant") for a multiple dock license and special density license at 3746 Sunset Drive in Spring Park. The site extends across another four parcels: 3800, 3804, and 3810 Budd Lane.

On June 23, 2021, the LMCD Board voted to have legal counsel and staff draft Findings of Fact and Order for approval of the request. The draft Findings of Fact and Order is attached, as well as the memo and presentation from the previous hearing.

### **BUDGET**

N/A

### **STRATEGIC PRIORITIES**

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

### **ATTACHMENTS**

1. Draft Findings of Fact and Order
2. Site Plans
3. May 28, 1997 Order
4. June 23, 2021 Presentation
5. June 23, 2021 Public Hearing Memo (without attachments)

# ITEM 7C ATTACHMENT 1

**Type:** Multiple Dock License  
Special Density License  
**Date:** July 14, 2021  
**PID(s):** 17-117-23-31-0049  
17-117-23-23-0024  
17-117-23-23-0025  
17-117-23-23-0029  
**Address:** 3746 Sunset Drive  
3800 Budd Lane  
3804 Budd Lane  
3810 Budd Lane  
Spring Park, MN 55384

## LAKE MINNETONKA CONSERVATION DISTRICT HENNEPIN COUNTY, MINNESOTA

IN RE:

Application of Lord Fletcher's Old Lake  
Lodge (Restaurants No Limit Inc.) for  
Multiple Dock License and Special Density  
License Request for 3746 Sunset  
Drive in the City of Spring Park

### FINDINGS OF FACT AND ORDER

The Lake Minnetonka Conservation District ("LMCD") received an application from Thomas Emer on behalf of Lord Fletcher's Old Lake Lodge (Restaurants No Limit Inc.) (collectively, the "Applicant") for a Multiple Dock License and Special Density License for the property owned by the Applicant located at 3746 Sunset Drive, 3800 Budd Lane, 3804 Budd Lane, 3810 Budd Lane, Spring Park, MN 55384 (collectively, the "Subject Property"). The Subject Property includes, and this Order applies to, the parcels identified with PIDs 17-117-23-31-0049, 17-117-23-23-0024, 17-117-23-23-0025, and 17-117-23-23-0029. In 1997 the LMCD Board of Directors ("Board") issued a commercial multiple dock license and special density license for 71 Boat Storage Units ("BSUs") classified for Transient use to the Applicant for the Subject Property. The Applicant is now seeking approval for a new commercial multiple dock license and special density license which allows two of the current 71 BSUs to be classified for "other" use/overnight storage. The Board provided the Applicant and the general public an opportunity to be heard at the public hearing held on June 23, 2021. Now, based on the proceedings and the record of this matter, the Board hereby makes the following Findings of Fact and Order:

### FINDINGS OF FACT

- a. The Subject Property is located in the City of Spring Park, on Coffee Cove, which is part of Lake Minnetonka ("Lake").
- b. The Applicant currently has a special density license and a commercial multiple dock license for 71 BSUs classified for transient use. The special density license allows a density for the site of 1:26.

- c. The Applicant proposes to classify two of the existing BSUs for Other Use/Overnight Storage. BSU #15 is currently used for a shuttle boat which accesses the island portion of the site and Applicant intends to continue using that BSU for that purpose. The Applicant intends to use BSU #5, along with a lift and canopy, for the overnight storage of a boat owned by the business owner of Applicant. The Applicant does not propose to change the density or dimensions of the dock structure.
- d. The Subject Property contains approximately 1,857 feet of 929.4 NGVD shoreline.
- e. The LMCD received no comments to the application from the Minnesota Department of Natural Resources, the City of Spring Park, or the Minnehaha Creek Watershed District.
- f. The LMCD received no public comment to the application.
- g. The Applicant received comment from a nearby property owner. The neighbor requested that the slip for overnight storage for the business owner not be placed at the westernmost extent of the dock facility, therefore the Applicant accommodated the request and selected BSU #5.
- h. The application satisfies the criteria of LMCD Code Section 6-2.01, subd. 3 in that there is no change in the dock dimensions nor demonstrable increased impacts from what has been previously approved and is currently licensed.
- i. The application satisfies the criteria in LMCD Code Section 6-2.13, subd. 3 in that there is no change in the density and no evident detrimental impacts from what has been previously approved and is currently licensed.
- j. The application satisfies the limitations of LMCD Code Section 6-2.13, subd. 4 in that there is no appreciable change from what has been previously approved and is currently licensed. The limitation that a special density license not be issued to a private facility exists to prevent residential developments with high BSU density from foreclosing lakeshore and watercraft storage to the general public. That is not at issue here because the proposal will not significantly impact the general public and the Subject Property is not a residential site.
- k. The proposed change in use of the dock is minor and is consistent with the LMCD Code.

### **ORDER**

ON THE BASIS OF THE FOREGOING AND THE RECORD OF THIS MATTER, IT IS  
HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. Licenses. The commercial multiple dock license and special density license requested by Applicant, as outlined above, are hereby approved and issued for the Subject Property, subject to the conditions identified herein. The site plan previously approved for the Subject Property remains in effect and shall continue to be complied with.
2. Conditions. The approvals granted in this Order are subject to, and condition upon, compliance with the following:

- (a) The conditions imposed by the May 1997 Order issued by the LMCD remain in force with the exception that BSUs #5 and #15, as identified in the 1997 Order, are classified as Other Use/Overnight Storage;
  - (b) BSU #15 may be used for the overnight storage of a shuttle boat used by Applicant to access the island portion of the Subject Property;
  - (c) BSU #5 may have a lift and canopy and shall only be used for the overnight storage of watercraft belonging to the business or the owner of the Subject Property;
  - (d) The Applicant shall place and maintain a sign at BSU #5 indicating that it is for overnight use by the business or business owner only as approved by the LMCD Executive Director;
  - (e) The commercial multiple dock license and special density license issued herein are unique to the Applicant. Upon transfer of 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 that may be required;
  - (f) Failure of the Applicant to comply with any relevant regulation of the LMCD or other regulatory body may result in revocation of this approval;
  - (g) The Subject Property must be maintained and operated in compliance with all other provisions of this Code, and other applicable regulations, ordinances, and state law;
  - (h) The Applicant shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinance and shall obtain all other permits or permissions that may be required associated with its dock facility and the Subject Property.
  - (i) The Applicant may change which BSUs the business owner's boat and the shuttle boat will be stored at via Minor Change application.
3. Authorizations. The LMCD staff is hereby authorized and directed to issue the approved commercial multiple dock license and special density license for the Subject Property 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 14<sup>th</sup> day of July 2021.

---

Gregg Thomas, Chair

ATTEST:

---

Dan Baasen, Secretary

94.5 WSA

LORD FLETCHERS of the LAKE  
Coffee Cove

ITEM 7C ATTACHMENT 2

All slips are transient, no overnight parking

LAKE MINNETONKA

ISLAND

No Parking

LORD FLETCHERS

VOLLEYBALL

PARKING 20 CARS

SUNSET DRIVE

COUNTY STATE HWY. NO. 51

STATION  
19

Station 19 Architects, Inc.  
2001 University Avenue Southeast  
Minneapolis, Minnesota 55414  
(612) 623-1001



I hereby certify that this  
document is a true and correct  
copy of the original as  
submitted to the City of  
Minneapolis for review.

Project No.

Date

Project Name

Client

Address

City

State

Zip

8836.01

Project / Drawing Title

Scale

Notes

Project / Drawing Title

Scale

Notes

Project / Drawing Title

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Project / Drawing Title

Scale

Notes

1992-58T  
1993-58T  
1994-58T  
1995-58T  
1996-58T  
1997-79T  
1998-71T  
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2006-71T  
2007-71T  
2008-71T  
2009-71T  
2010-71T  
2011-71T  
2012-71T  
2013-71T  
2014-71T  
2015-71T

Rec'd 12/13/91  
LMCD  
new site  
plan approved  
2/26/92



**conditions apply**

11/21/2018 Minor Change Permit



# ITEM 7C ATTACHMENT 3

## LAKE MINNETONKA CONSERVATION DISTRICT

### IN RE: APPLICATION OF LORD FLETCHER'S OF THE LAKE

Pursuant to due notice a public hearing was held on the application for a new dock license and special density license for Lord Fletcher's of the Lake on February 12, 1997, at 7:00 p.m. at Tonka Bay City Hall in the City of Tonka Bay.

The applicant seeks approval of special density and new dock license applications for construction and maintenance of seven "finger" slips at its facilities on Coffee Cove Channel. The subject property has 1,857 feet of continuous shoreline and is currently a non-conforming structure with 58 transient boat storage units.

Because seven docks were proposed, the applicant originally sought approval for an increase of boat storage units from 58 to 65. Because transient boat parking was requested on each side of the seven docks, the proposal for the number of boat storage units was increased at the hearing from 65 to 72. However, because the western edge of the westernmost dock structure is at the side setback line, parking of watercraft will not be permitted on that side of the dock. Therefore, the total number of additional boat storage units will be 13, for an increase from the existing 58 boat storage units to a total of 71.

Pursuant to LMCD Code Section 2.05, the applicant has proposed a series of amenities which are specified in the following order. The Board finds that the amenities proposed are sufficient to justify the increased density as provided in the order.

The District has prepared and published an environmental assessment worksheet, and no negative comments were received from the public or review agencies.

### ORDER


On the basis of the foregoing, it is ordered that a new dock license and special density license for Lord Fletcher's of the Lake be granted subject to the following conditions:

1. Dock structures shall be erected and maintained in accordance with the dock plan attached hereto as Attachment One, which is hereby made a part of this Order.
2. The applicant shall erect signs on the western side of the westernmost dock structure to indicate that no boat parking is allowed at that location. In the event such signage is not adequate to prevent boat parking at that location, the applicant will erect suitable fencing to prevent access from the western side of such dock.
3. This license is granted for transient boat parking only, and no overnight storage will be allowed.
4. The applicant shall provide and maintain, as long as the special density license is in effect, the following public amenities:

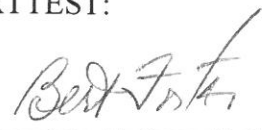
- a. Indoor and outdoor bathrooms which are available when the business is open.
- b. Public telephones which are available 24 hours a day.
- c. Emergency first aid equipment which is available during operating hours of the business.
- d. Free charter boat excursion or fishing trips for handicapped or underprivileged persons with a minimum of 100 people served per season.
- e. Storm water holding pond.
- f. Rocks and riprap shoreline protection.
- g. Safety program with Hennepin County Sheriff's water patrol.
- h. Boat safety literature provided to the public.
- i. Meeting rooms.
- j. Winter access signed for public use.
- k. Food service in a seated facility.
- l. Observation deck.

The granting of such licenses shall grant no vested rights to the use of Lake Minnetonka. All such rights shall remain subject to regulation to assure the public reasonable and equitable access to the lake.

By Order of the Board of Directors of the Lake Minnetonka Conservation District the  
28 day of May, 1997.

  
Douglas Babcock, Chair

ATTEST:

  
Bert Foster, Secretary



## ITEM 7C ATTACHMENT 4

*To preserve and enhance the "Lake Minnetonka experience"*

# **3746 SUNSET DRIVE COFFEE COVE, SPRING PARK MDL AND SDL APPLICATION PUBLIC HEARING**

**Lake Minnetonka Conservation District**

**Board Meeting**

**June 23, 2021**

Presented by: Matthew Cook, Environmental Administrative Technician

# OVERVIEW

- Board Action
- Background
- Agency and Public Comments
- Staff Recommendation
- Public Hearing
- Q & A

# BOARD ACTION

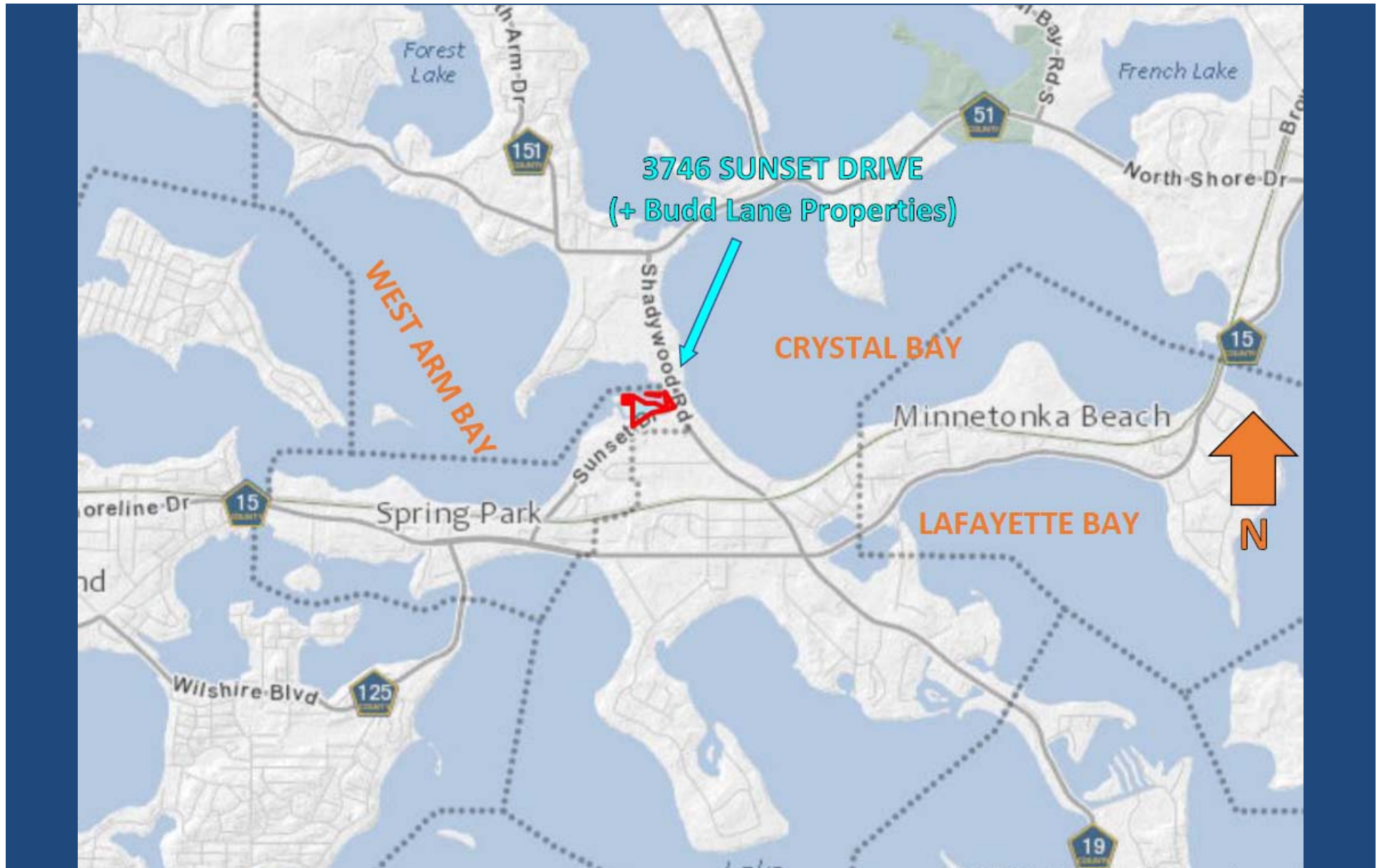
- **Approval of Request**
- **Continue Public Hearing**
- **Denial of Request**

# BACKGROUND

- Approximately 1,857 feet of shoreline
- 71 BSUs (existing and proposed)
- Four parcels
  - 3746 Sunset Drive, PID 17-117-23-31-0049
  - 3800 Budd Lane, PID 17-117-23-23-0024
  - 3804 Budd Lane, PID 17-117-23-23-0025
  - 3810 Budd Lane, PID 17-117-23-23-0029
- Permanent structure
- Applicant requesting change of classification of 2 BSUs from “Transient” to “Other” for overnight storage / business use
- Currently hold and propose to continue Special Density License for 1:26 density



# 3746 SUNSET DRIVE, SPRING PARK





## 6 SUNSET DRIVE SPRING PARK

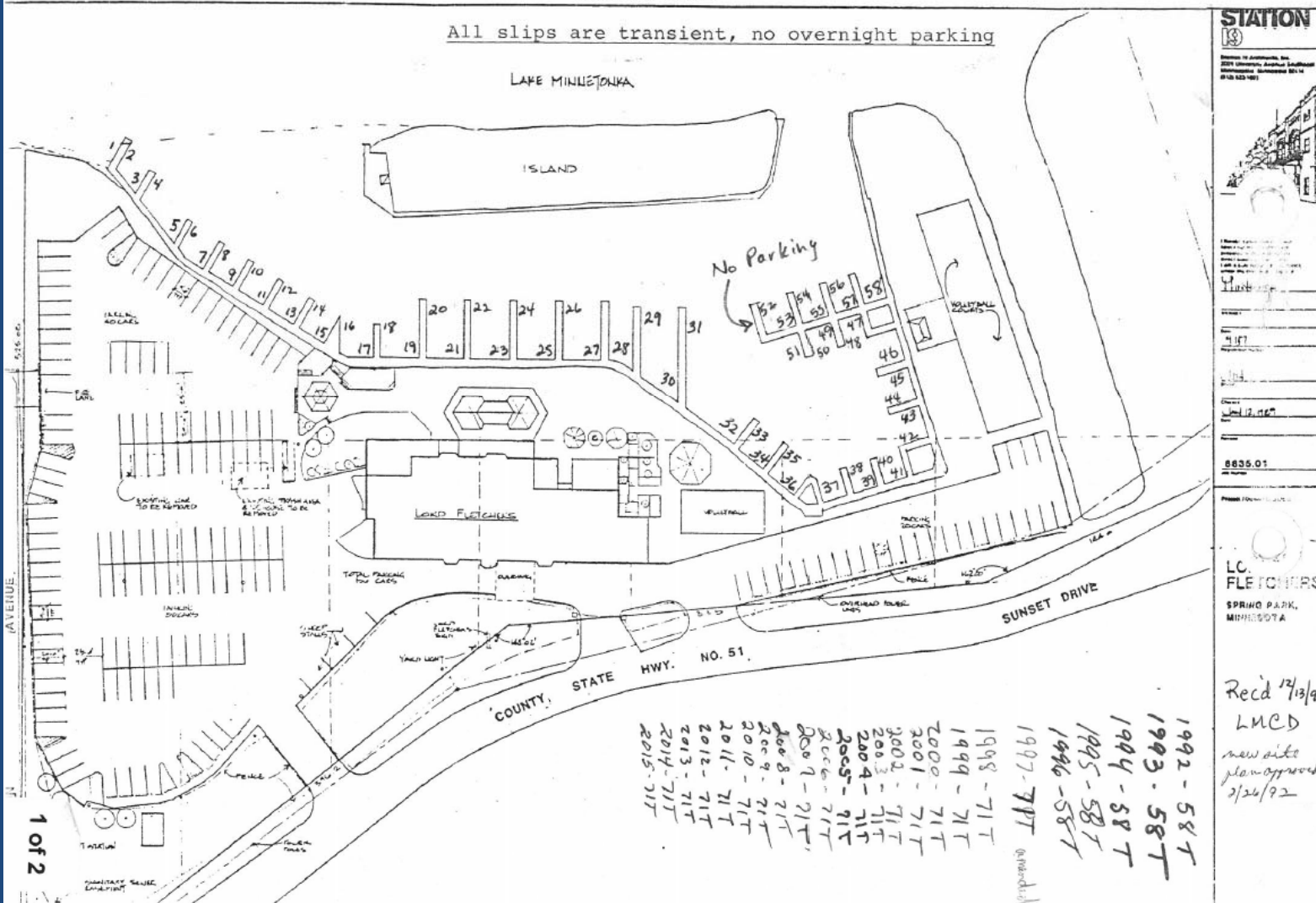


# 1991 SITE PLAN

94.5 WSA

LORD FLETCHERS of the LAKE  
Coffee Cove

ITEM 9B ATTACHMENT 3





\_\_\_\_\_

- 12-FOOT EXTENSIONS
- 16 BSUs
- Enclosed slips for safety
- Bow-in docking
- Existing license conditions apply

-PROPOSED DOCKS

Lord Fletchers- west side docks  
11/21/2018 Minor Change Permit



# 2018 SITE PLAN WITH 2021 BSU CHANGES HIGHLIGHTED

## PROPOSED

- 12-FOOT EXTENSIONS
- 16 BSUs
- Enclosed slips for safety
- Bow-in docking
- Existing license conditions apply

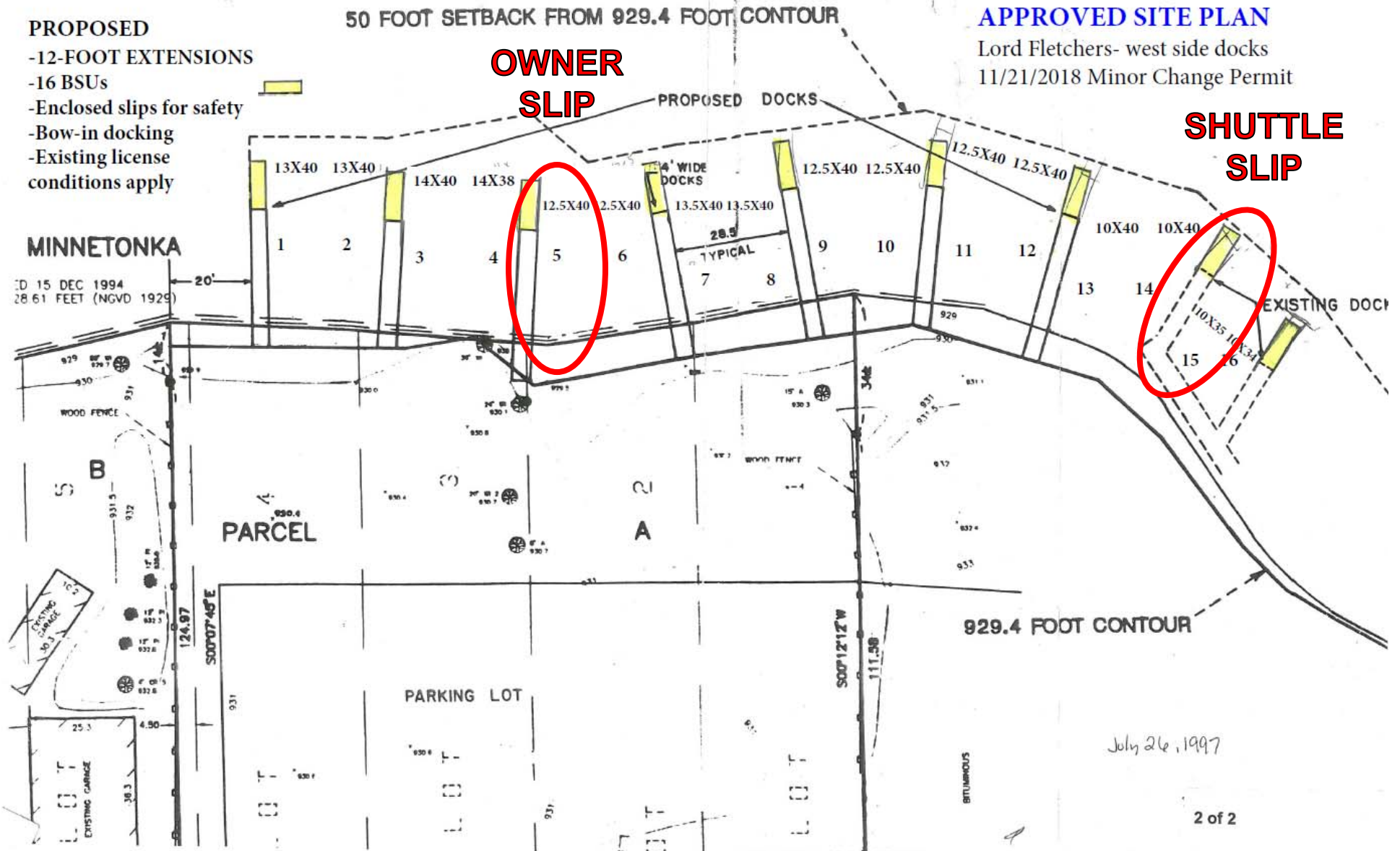
50 FOOT SETBACK FROM 929.4 FOOT CONTOUR

**OWNER  
SLIP**

## APPROVED SITE PLAN

Lord Fletchers- west side docks  
11/21/2018 Minor Change Permit

**SHUTTLE  
SLIP**



# SITE REVIEW

- BSU Use Types
  - Approved: 71 Transient
  - Proposed: 69 Transient, 2 “Other” use / business use
- Density of 1:26 (no change)
  - 1,857 feet of lakeshore, 71 BSUs
- Setbacks (no change)
  - 20 feet from west side
  - More than 20 feet on east side (docks terminate at eastern peninsula)
  - 100 feet from channel
- Length (no change)
  - Max 100 feet

## MULTIPLE DOCK CRITERIA (SEE MEMO)

- Multiple Dock Criteria:

- LMCD Code Section 6-2.01, Subd. 3 (see Item 9B pages 2-3)

- a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
  - *The site has an existing special density license. No change in density is proposed.*
- b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
  - *See above. No changes proposed.*
- c) Whether the proposed structure will be structurally safe for use by the intended users;
  - *Same as previously approved structure.*
- d) Whether the structure will comply with the regulations contained in this Code;
  - *Same as previously approved structure.*

## MULTIPLE DOCK CRITERIA (CONT)

- e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;
  - *Same as previously approved structure.*
- f) Whether the proposed structure will be compatible with the adjacent development;
  - *Same as previously approved structure.*
- g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
  - *Same as previously approved structure.*
- h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;
  - *Same as previously approved structure.*
- i) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;
  - *Same as previously approved structure.*

## MULTIPLE DOCK CRITERIA (CONT)

- j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
  - *Same as previously approved.*
- k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;
  - *Applicant proposes to keep remainder of slips (aside from slip for island shuttle boat and proposed overnight storage slip for business owner) open for transient use.*
- l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and
  - *Same as previously approved structure.*
- m) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).
  - *A previous approval established the shoreline amount as 1,857 feet. This number appears to only include the continuous shoreline along the mainland portion of the site. It does not appear to include the non-continuous shoreline from the island (~610 feet).*



# SPECIAL DENSITY CRITERIA

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

(a) Whether the facility will obstruct or occupy too great an area of the public water in relationship to its utility to the general public;

- *Same as previous approval.*

(b) Whether the proposed facility will serve the general public as opposed to a limited segment of the public or a limited geographical area;

- *Virtually the same as previous approval; 2 BSUs of 71 total changing classification. No evident detrimental impacts.*

(c) Whether the proposed facility will be compatible with the adjacent water use area;

- *Virtually the same as previous approval; no evident detrimental impacts.*

(d) Whether the proposed facility will be compatible with the adjacent riparian zoning;

- *Virtually the same as previous approval; no evident detrimental impacts.*

# SPECIAL DENSITY CRITERIA

- e) Whether adequate water depth is available for the proposed facility without churning of the bottom sediments;
  - *Same as previous approval.*
- f) 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;
  - *Same as previous approval.*
- g) Whether the proposed facility is compatible with the LMCD watercraft density classification criteria;
  - *Meets standards in Article 2, Chapter 4 through special density license.*
- h) Whether the facility will comply with the regulations contained in this Code;
  - *Generally complies; see Section 6-2.13, Subd. 4(b) below.*
- i) Whether the proposed facility will be compatible with the maintenance of the natural beauty of the Lake;
  - *Virtually the same as previous approval – a lift is proposed for one of the BSUs. No evident detrimental impacts.*

# SPECIAL DENSITY CRITERIA

- j) Whether the proposed facility will affect the quality of the water of the Lake and the ecology of the Lake;
  - *Same as previous approval.*
- k) 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;
  - *Virtually the same as previous approval; no evident detrimental impacts.*
- l) Whether adequate sanitary and parking facilities will be provided in connection with the proposed facility;
  - *Same as previous approval.*
- m) Whether the multiple dock or mooring area will be structurally safe for use by the intended users;
  - *Same as previous approval.*
- n) Whether the proposed facility will provide for additional permanent non-transient boat or watercraft storage on the Lake;
  - *Proposal is to store a shuttle boat and business owner's boat overnight. The remaining BSUs are transient.*
- o) Whether the detrimental impact of the proposed facility will be reduced by limiting storage to boats which are not restricted watercraft; and
  - *Same as previous approval.*

# SPECIAL DENSITY CRITERIA

- p) Whether the applicant proposes to construct or to maintain certain amenities deemed beneficial to the Lake and the general public use of the Lake which offset the impact of all or part of the increased density. In determining whether amenities which the applicant proposes to maintain or construct are sufficient to offset the effect of the increased density, the Board will take into consideration existing as well as proposed density and amenities.
  - *Same as previous approval. The applicant needs at least 20 points worth of amenities as indicated in the currently approved special density order.*

# SPECIAL DENSITY LIMITATIONS

Subd. 4. Limitations. The following limitations apply to requests for a special density license.

- (a) Modifications and Conditions. The Board may modify the requested boat storage density and place conditions on the license.
- (b) Private Facilities Excluded. A special density license shall not be issued to any facility which includes watercraft storage facilities which are available only to persons having an interest in specified riparian or non-riparian real property.

- *Does not clearly indicate the requirements or intent. Board should give interpretation.*
- *Staff believe site will be generally accessible to public and that storage of the business owner's watercraft on site is contingent upon the owner's stake in the business, not solely in the ownership of property.*
- *Site is not residential and will not function as residential use.*

- (c) Density. An applicant may request a density greater than one watercraft per 50 feet of shoreline, but not greater than one watercraft per 10 feet of shoreline. When measurements determining the number of watercraft allowed result in the provision of a fractional watercraft, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall allow one additional watercraft.
- (d) Desire to Increase Value. The use of special density licenses on the Lake for the purpose of increasing riparian or non-riparian property values is not a valid consideration in permitting such facilities.

# PUBLIC / REVIEW AGENCY COMMENTS

- **Agency Review of Application / Comments (General Permit)**
  - No comments received from the MN DNR, MCWD, or City of Spring Park.
- **Public Comments**
  - No comments received by LMCD staff as of noon on June 23, 2021

## STAFF RECOMMENDATIONS

- Staff Recommendation based on information available prior to public hearing.
- Approval with following conditions:
  1. Signage indicating overnight storage at appropriate slip for business / business owner use only.
  2. Existing license conditions (while clarifying proposed BSU classifications) carried forward.
  3. Site limited to two (2) “Other use” BSUs for business / company use and overnight storage: one for business owner, one for shuttle boat.
  4. Standard license conditions are applied.

# PUBLIC HEARING

- **Public Hearing Requirements**
  - Posted in newspaper on June 10, 2021 (Sun Sailor) and June 12, 2021 (Laker Pioneer)
  - Owners of properties within 350 feet notified, 10-day notice sent June 9, 2021
  - Posted online
- **Opportunity for interested individuals to present their views to Board for consideration**
- **Only items under the LMCD Code and Board authority may be considered as part of any Approve or Deny decision**





*To preserve and enhance the "Lake Minnetonka experience"*

QUESTIONS?



## ITEM 7C ATTACHMENT 5

### LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** June 23, 2021 (Prepared June 18, 2021)

**TO:** LMCD Board of Directors

**FROM:** Matthew Cook, Environmental Administrative Technician

**THROUGH:** Vickie Schleuning, Executive Director

**SUBJECT:** Multiple Dock License and Special Density License Request for 3746 Sunset Drive in Spring Park

#### **ACTION**

Board consideration of request for a new multiple dock license request from Lord Fletcher's Old Lake Lodge for a site located at 3746 Sunset Drive in Spring Park, MN 55384, with shoreline on Coffee Cove, and board consideration of public input as part of the public hearing process.

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

#### Approval

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order approving the multiple dock license applications from Lord Fletcher's for the property located at 3746 Sunset Drive in Spring Park for final action at the July 14, 2021, LMCD Board meeting <subject to the following conditions>...

#### Continuation

I make a motion to continue the public hearing for the multiple dock license applications from Lord Fletcher's for the property located at 3746 Sunset Drive in Spring Park at the July 14, 2021, LMCD Board meeting in order to...

#### Denial

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order denying the multiple dock license applications from Lord Fletcher's for the property located at 3746 Sunset Drive in Spring Park for final action at the July 14, 2021, LMCD Board meeting based on...

#### **APPLICATION SUMMARY**

Below are the proposed specifications for the site.

1. Density of 1:26. Shoreline is 1,857 feet and 71 BSUs proposed. No change.
2. Dock length not to exceed 100 feet from shore. No change.
3. Side setbacks of 20 feet to the west and dock not to pass eastward of peninsula. No change.
4. 2 BSUs classified for "Other" use / overnight storage. Other 69 BSUs remain for Transient use.

## **BACKGROUND**

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The applicant, Lord Fletcher's ("Applicant") submitted applications for a new multiple dock license at 3746 Sunset Drive in Spring Park, MN 55384, with shoreline on Coffee Cove. The site and dock facility extends to 3800, 3804, and 3810 Budd Lane (PIDs 17-117-23-23-0024, 17-117-23-23-0025, and 17-117-23-23-0029). The Applicant's property has approximately 1,857 feet of OHW (929.4-foot elevation contour) shoreline.

The applicant's site currently holds a special density license and a commercial multiple dock license. The 71 boat storage units (BSUs) at the site are all classified for Transient use, as stipulated by the special density license order for the site. The special density license allows a density for the site of 1:26.

The applicant proposes to change the classification of one (1) BSU from Transient use to "Other" use for overnight storage of the business owner's watercraft on a lift with a canopy at BSU #5, the fifth BSU in from the west edge of the site. The applicant does not propose any structural changes to the docks at this time.

The applicant currently operates a shuttle boat on the site (BSU #15) to take customers to/from the island portion of the site. While this may have been previously approved, staff recommend reclassifying the slip for the shuttle boat from Transient use to "Other" use to better represent company use and to provide a clear approval from the Board for the record.

LMCD Code Section 6-2.13, Subd. 4 does not clearly indicate the requirements or intent of this requirement. Therefore, the Board needs to make an interpretation of the language. Staff perspective is that the intent of the language was to prevent high (watercraft) density residential developments from closing off lakeshore and watercraft storage to the general public. Staff do not believe the proposal significantly impacts public access, as the site will continue to have 69 Transient BSUs and a shuttle to ferry customers to and from the island and will be generally accessible to the public. Staff also believe the storage of the business owner's watercraft is contingent of the owner's stake in the business, rather than solely based on the owner's ownership of property. Furthermore, the site is not a residential site and will not function as a residential use.

Historically, there have been occasional complaints of overnight storage of watercraft, typically left overnight by intoxicated patrons of Lord Fletcher's in order to avoid piloting a watercraft while intoxicated. Staff recommend a sign be posted on BSU #5 that the slip is for overnight storage and use by the business / business owner only.

## **CODE REVIEW**

*Staff commentary is in italics underneath each relevant Code criterion.*

LMCD Code Section 6-2.01. Commercial Multiple Dock License.

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

- a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
  - *The site has an existing special density license. No change in density is proposed.*

- b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
  - *See above. No changes proposed.*
- c) Whether the proposed structure will be structurally safe for use by the intended users;
  - *Same as previously approved structure.*
- d) Whether the structure will comply with the regulations contained in this Code;
  - *Same as previously approved structure.*
- e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;
  - *Same as previously approved structure.*
- f) Whether the proposed structure will be compatible with the adjacent development;
  - *Same as previously approved structure.*
- g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
  - *Same as previously approved structure.*
- h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;
  - *Same as previously approved structure.*
- i) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;
  - *Same as previously approved structure.*
- j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
  - *Same as previously approved.*
- k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;
  - *Applicant proposes to keep remainder of slips (aside from slip for island shuttle boat and proposed overnight storage slip for business owner) open for transient use.*
- l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and
  - *Same as previously approved structure.*
- m) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).
  - *A previous approval established the shoreline amount as 1,857 feet. This number appears to only include the continuous shoreline along the mainland portion of the site. It does not appear to include the non-continuous shoreline from the island (~610 feet).*

LMCD Code Section 6-2.13. Special Density License.

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

- (a) Whether the facility will obstruct or occupy too great an area of the public water in relationship to its utility to the general public;

- *Same as previous approval.*
- (b) Whether the proposed facility will serve the general public as opposed to a limited segment of the public or a limited geographical area;
  - *Virtually the same as previous approval; 2 BSUs of 71 total changing classification. No evident detrimental impacts.*
- (c) Whether the proposed facility will be compatible with the adjacent water use area;
  - *Virtually the same as previous approval; no evident detrimental impacts.*
- (d) Whether the proposed facility will be compatible with the adjacent riparian zoning;
  - *Virtually the same as previous approval; no evident detrimental impacts.*
- (e) Whether adequate water depth is available for the proposed facility without churning of the bottom sediments;
  - *Same as previous approval.*
- (f) 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;
  - *Same as previous approval.*
- (g) Whether the proposed facility is compatible with the LMCD watercraft density classification criteria;
  - *Meets standards in Article 2, Chapter 4 through special density license.*
- (h) Whether the facility will comply with the regulations contained in this Code;
  - *Generally complies; see Section 6-2.13, Subd. 4(b) below.*
- (i) Whether the proposed facility will be compatible with the maintenance of the natural beauty of the Lake;
  - *Virtually the same as previous approval – a lift is proposed for one of the BSUs. No evident detrimental impacts.*
- (j) Whether the proposed facility will affect the quality of the water of the Lake and the ecology of the Lake;
  - *Same as previous approval.*
- (k) 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;
  - *Virtually the same as previous approval; no evident detrimental impacts.*
- (l) Whether adequate sanitary and parking facilities will be provided in connection with the proposed facility;
  - *Same as previous approval.*
- (m) Whether the multiple dock or mooring area will be structurally safe for use by the intended users;
  - *Same as previous approval.*
- (n) Whether the proposed facility will provide for additional permanent non-transient boat or watercraft storage on the Lake;
  - *Proposal is to store a shuttle boat and business owner's boat overnight. The remaining BSUs are transient.*
- (o) Whether the detrimental impact of the proposed facility will be reduced by limiting storage to boats which are not restricted watercraft; and
  - *Same as previous approval.*
- (p) Whether the applicant proposes to construct or to maintain certain amenities deemed beneficial to the Lake and the general public use of the Lake which offset the impact of all

or part of the increased density. In determining whether amenities which the applicant proposes to maintain or construct are sufficient to offset the effect of the increased density, the Board will take into consideration existing as well as proposed density and amenities.

- *Same as previous approval. The applicant needs at least 20 points worth of amenities as indicated in the currently approved special density order.*

Subd. 4. Limitations. The following limitations apply to requests for a special density license.

- (a) Modifications and Conditions. The Board may modify the requested boat storage density and place conditions on the license.
- (b) Private Facilities Excluded. A special density license shall not be issued to any facility which includes watercraft storage facilities which are available only to persons having an interest in specified riparian or non-riparian real property.
  - *Refer to background section.*
- (c) Density. An applicant may request a density greater than one watercraft per 50 feet of shoreline, but not greater than one watercraft per 10 feet of shoreline. When measurements determining the number of watercraft allowed result in the provision of a fractional watercraft, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall allow one additional watercraft.
- (d) Desire to Increase Value. The use of special density licenses on the Lake for the purpose of increasing riparian or non-riparian property values is not a valid consideration in permitting such facilities.

## **PUBLIC COMMENTS**

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Spring Park were provided information regarding the applications on June 9, 2021. City and agency comments were due by June 18, 2021. Comments received as of noon on June 18, 2021 are summarized below. Any comments received after noon on June 18, 2021 will be provided at the Board meeting for review.

- No agency comments were received.

No comments from the general public were received before noon on June 18, 2021. Written public comments received after noon on June 18, 2021 will be shared at the June 23, 2021 Board meeting, if any are submitted.

## **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 applicant received a comment from the adjacent property owner requesting that the business owner's watercraft not be located at the westernmost slip for the site. The applicant has moved the proposed location of the overnight storage BSU to BSU #5.

Multiple Dock License and Special Density License Request  
3746 Sunset Drive in Spring Park  
LMCD Board Meeting | June 23, 2021

A hearing notice was published in the June 10, 2021 edition of the Sun Sailor (official LMCD newspaper) and the June 12, 2021 edition of the Laker Pioneer. On June 9, 2021, a public hearing notice was mailed to persons who reside upon or are owners of property within 350 feet of the Site. In addition, the Board packet was posted online and the agenda was posted on the LMCD bulletin board.

**RECOMMENDATION**

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Based on information available at the time of this report, LMCD staff recommends approval with the minimum conditions listed below. The site has been in existence for many years, and no significant ecological or use detriments are recorded. The recommendation may change based on information reviewed or presented as part of the public hearing process.

1. Signage indicating overnight storage at appropriate slip for business / business owner use only.
2. Existing license conditions (while clarifying proposed BSU classifications) carried forward.
3. Site limited to two "Other use" BSUs for business / company use and overnight storage: one for business owner, one for shuttle boat.
4. Standard license conditions are applied.

**BUDGET**

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N/A

**STRATEGIC PRIORITIES**

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☐

Operational  
Effectiveness

☐

Clear & Timely  
Communications

☐

Effective  
Governance

☒

Lake  
Protection

☐

Other

**ATTACHMENTS**

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1. LMCD Code Excerpts
2. Location Map
3. Site Plans
4. Approved License Order
5. Multiple Dock License and Special Density License Applications
6. Public Hearing Notice (Sun Sailor & Laker Pioneer)
7. Public Hearing Notice Mailing

## COMMUNICATIONS COMMITTEE MINUTES

LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

9:00 a.m., May 27, 2021

Virtual

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### 1. CALL TO ORDER

The meeting called to order at 9:02 a.m.

### 2. ROLL CALL

Members Present: Chair Ann Hoelscher, Mike Kirkwood, Dan Baasen, and Gary Hughes. Also present: Vickie Schleuning

Members Absent: Dennis Klohs and Jake Walesch

### 3. CHAIR ANNOUNCEMENTS

None.

### 4. APPROVAL OF MINUTES

Moved and seconded; unanimous approval of 04/29/2021 LMCD Communications Committee minutes.

### 5. TOPICS

#### A. Engaging Laci Gagliano as contract writer and PR assistance

- i. Schleuning proposes use of some internship budget [\$6,000], about \$8000 remains from general budget for communications. Schleuning to keep this committee updated on expenditures.
- ii. Schleuning to set up agreement/contract w Laci for help with newsletter, other communication short-notice tasks. Communications Committee to help define bigger communication projects for Laci.
- iii. Schleuning and Baasen working with Laci to get “Save the Lake” article updated incorporating updates from STL committee by week of June 2.
- iv. Consider incorporating the Save the Lake article as a standalone insert to our 4,000 member newsletter.
- v. Kirkwood to coordinate with Laci and Schleuning to begin work on “What is LMCD” article as way to deepen her knowledge of us; written in such a way that short articles could be pulled out for posting on websites. We seek to leverage her “on the outside looking in” perspective in this writing.

#### B. Response to social media, e.g. recent posting questioning absence of solar lights on lower lake

- i. We need someone to respond for us on social media posts; correcting information periodically as it appears.
- ii. Bring ideas for who/how to next meeting.



C. LMCD “FACT SHEET” review

- i. Elevator speech elements: if all on committee would review and send thoughts to Hoelscher for compiling. Then to be reviewed/edited by Baasen, then to present to LMCD board at next meeting.
- ii. Focus on getting word out about what we *do*, not just what we *don't* do
- iii. Considered having core phrase memorized by all board members
- iv. Considered changing some of the photos in the fact sheet to communicate that it's an updated version

D. “Save the Lake” article earlier produced [not yet published] may need revision to incorporate the new board funding of two Water Patrol Officers for 2021 season. Baasen to contact Schleuning and [Laci Gagliano as needed] on specific language.

E. 2022 Legislative Budget for Communications Committee

- i. Discussed using Goff PR firm only as needed on an hourly basis
- ii. Relying on our membership in *MN Lakes and Rivers* organization to spotlight lake related legislative pending actions

F. Baasen contacted Minnetonka High School “Vantage” program that has students creating video for external organizations as learning opportunity.

- i. Program looks good, option for us to generate video communication material
- ii. Roger Andre is head/contact point. Baasen to seek out options to meet and move forward with students for possible project late summer, fall 2021.

G. Hoelscher asked all Committee members to review 2021 Strategic Plan Communications Priorities/Initiatives on website; seek any errors/omissions.

H. Electric Shock Presentation to LMCD Board

- i. Hughes to contact the presenter for availability for upcoming board meeting

I. Next meeting: June 24, 2021: 9:00 AM

- i. Secretary: Dennis Klohs

**6. ADJOURNMENT**

The meeting was adjourned at 10:13 a.m.

Respectfully Submitted,

Mike Kirkwood

LMCD Communications Committee Member