



LAKE MINNETONKA CONSERVATION DISTRICT

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AGENDA WORK SESSION AND FORMAL MEETING LAKE MINNETONKA CONSERVATION DISTRICT Wednesday, August 11, 2021

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Meeting ID: 863 4410 2200

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

PUBLIC PARTICIPATION

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

WORK SESSION AGENDA

6:00 p.m.

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

1. Strategic Plan Update Discussion

FORMAL MEETING AGENDA
7:00 p.m.

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

- 1) CALL TO ORDER**
- 2) PLEDGE OF ALLEGIANCE**
- 3) ROLL CALL**
- 4) APPROVAL OF AGENDA**
- 5) CHAIR ANNOUNCEMENTS**, Chair Gregg Thomas
- 6) APPROVAL OF MINUTES** (07/28/2021 LMCD Regular Board Meeting)
- 7) APPROVAL OF CONSENT AGENDA**
 - A) Audit of Vouchers (08/01/2021 – 08/15/2021)
 - B) Approval of Application 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
- 8) CONTRIBUTION RECOGNITION**
 - A) Resolution Accepting Save the Lake Contributions (07/22/2021-08/04/2021)
- 9) 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.*
- 10) PRESENTATIONS**
- 11) PUBLIC HEARING**
- 12) OTHER BUSINESS**
- 13) OLD BUSINESS**

15) NEW BUSINESS

16) TREASURER REPORT

17) EXECUTIVE DIRECTOR UPDATE

18) STANDING LMCD COMMITTEE UPDATE

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

19) ADJOURNMENT

Future Items for Review – Tentative

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



Strategic Priority	Desired Outcome	Key Outcome Indicator (KOI)	Strategic Initiatives 2021/2022
I. FINANCE	<div>1. Capacity to deliver core functions</div> <div>2. Execution of strategic plan priorities</div> <div>3. Maintaining a strong financial foundation</div>	<div>A. Quarterly reports</div> <div>B. Major fund reserves year-end balances</div>	<div>a. Explore investment fund options</div> <div>b. Finalize and maintain a Capital Equipment Plan</div> <div>c. Create new funding sources analysis</div> <div>d. Review LMCD fee structure</div> <div>e. Assess legal fees and use of attorney</div> <div>f. Fund reserves of 30% to 50% (target 35% and distribute excess over 5 years)</div>
II. COMMUNICATIONS	<div>1. Board and staff follow communication protocols</div> <div>2. Partners & stakeholders find value in relationship</div> <div>3. Increased understanding of purpose, rules & regulations</div>	<div>A. Stakeholder & partner feedback</div> <div>B. Positive vs negative representation of LMCD in outside media coverage</div> <div>C. Amount of information communicated to stakeholders via websites, articles.</div>	<div>a. Identify and utilize most effective outlets to convey public information about safety, rules and best practices</div> <div>b. Continue to develop relationships with and regularly update cities, legislators, agencies and others regarding LMCD initiatives</div> <div>c. Continue to refine feedback mechanisms for stakeholder and partner initiatives</div> <div>d. Communications Committee to set priorities and initiatives and develop recommendation to Board for annual budget</div>
III. OPERATIONS, GOVERNANCE & REGULATION	<div>1. Effective Board and Committee meetings</div> <div>2. Well-trained Board and staff</div> <div>3. Effective and respectful Board and staff relations</div> <div>4. Board meeting civility</div> <div>5. Reduction of staff time processing applications</div>	<div>A. Number of meetings</div> <div>B. Meeting length</div> <div>C. Decision processing</div> <div>D. Training records</div>	<div>COMMITTEE Role</div> <div>a. Develop Succession Plan for LMCD Executive Leadership</div> <div>b. Develop training plan for Board regarding standards, process, etc.</div> <div>c. Continue annual Board self-evaluation process</div> <div>d. Review opportunities for continue officer and board member engagement in LMCD initiatives and committees</div> <div>STAFF Role</div> <div>e. Update prioritized annual calendar/work plan</div> <div>f. Maintain an effective reporting system</div> <div>g. Continue to assess staffing/capacity needs (complaints, data requests, etc.)</div> <div>h. Update Board Members Handbook</div> <div>i. Continue to create and update instructions sheets for new applications (website, handouts, etc.)</div> <div>j. Implement secure licensee portals for renewal applications depending on staff time and budget</div> <div>k. Update wake, high water and quiet water area policies</div> <div>l. Analyze competing lake uses, impacts and lake management options (ex. Watercraft types, density, etc.)</div> <div>m. Update Plan for reviewing dock applications</div>
IV. LAKE PROTECTION/ ECOLOGY & AIS	<div>1. Ensure a plan for addressing Aquatic Invasive Species</div>		<div>a. Close out master plan and roll into a board approved adopted AIS Strategy</div> <div>b. Initiate process to develop a lake-wide health strategy plan</div> <div>c. Explore grants/other funding opportunities</div> <div>d. Finance \$80,000 funded from reserves for 2022</div> <div>e. Identify and support new Lake Improvement Districts (LIDs) and Lake Vegetation Master Plans (LVMP)</div> <div>f. Plan to communicate goals of support of LID's and LVMP's</div>
V. SAVE THE LAKE	<div>1. Ensure public safety on Lake Minnetonka</div> <div>2. Execution of strategic plan priorities</div> <div>2. Maintaining a strong financial foundation</div>	<div>A. Semi-annual donor letter</div> <div>B. Quarterly reports & updates</div> <div>C. Special events</div> <div>D. Financial results</div>	<div>a. Fund Hennepin County Sheriff Office Water Patrol Officers as requested and validated</div> <div>b. Develop and improved fundraising strategy and protocol</div> <div>c. Provide for expanded boater education through online curriculum</div>

ITEM 6

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

6:30 P.M., July 28, 2021
Wayzata City Hall

WORK SESSION

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

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

Members Absent: Ben Brandt, Mound

Persons in Audience:

Julia Coleman, Leslie Dennis, Eric Evenson, Henry Graef, Ben Henry, Gabriel Jabbour, Sen. Susanne Johnson, Luke Kujawa, and Jay Soule.

The following usernames were present but the person(s) did not identify themselves: Barbara's iPad, iPhone 2.

1. Rental Watercraft Businesses Review - Continued

Schleuning stated that she attempted to broaden this discussion as there appears to be an increase, or desire, for commercial activities on the lake. She stated that they have received requests to relax regulations to allow more commercial activities but have also received reports of concern. She provided some examples such as unlawful charter operations, watercraft rental businesses, and rental slips at private properties. She clarified that the reported concerns have not been about licensed multiple dock facilities. She stated that she would like input from the Board for their opinion on what the vision is for Lake Minnetonka in the future regarding commercial activities as well as input from stakeholders. She noted that the broad discussion could include various options and consequences for review.

Thomas noted that one written comment was received from Jerry Rockvam regarding concerns about rented docks at private properties and read that statement aloud to the Board. He opened the discussion to the Board.

Walesch stated that he is not in favor of doing anything that encourages or enables additional commercial activity. He noted that he spoke with many existing lakeshore owners and out of at least 20 people, zero of them wanted more businesses or private charters on the lake. He believed that additional charters would bring about some businesses that do not follow the rules and cause safety issues. He stated that the lake is great and should be conserved for enjoyment rather than opening it up for full commercial activity. He stated that the lake is busier than ever in the last two years and is getting very crowded with every available slip on the lake rented. He stated that he would prefer not to encourage more activity on

the lake.

Thomas asked if it should be made clear in ordinance that the activities are not allowed and if that activity is desired a license would be needed.

Baasen asked if there is anything in Code which states that someone cannot just start a business on the lake.

Schleuning stated that there are some sections of Code that apply to different types of business such as charter activities and commercial sales on the lake. She explained that there is nothing that prohibits a business from offering watercraft rentals.

Hoelscher stated that Lake Minnetonka is unique as it is a public lake and a residential lake with many commercial enterprises occurring around the lake. She stated that perhaps commercial activity is restricted to commercial docks or marinas which would keep that activity to commercial areas.

Thomas noted that Wayzata submitted a letter to the LMCD expressing concern that unlicensed charters are using their City docks.

Baasen confirmed that the unlicensed business shows that dock location as their pickup and home location. He noted that he has seen photos of plastic gas tanks on the dock. He stated that to expect the Water Patrol to be the only enforcer would be hard. He suggested that the LMCD Code be distributed to the cities for their police departments to use for enforcement. He did not think this could be done in a nice, soft way and that there should be a hard line drawn with a team of enforcement to help get this issue back in line. He stated that currently there are those that follow the standards and those that are not following the standards are uncertified businesses.

Thomas commented that he believed the ordinance is clear in regard to licensing of charter boats.

Schleuning confirmed that to be true.

Thomas commented that the unlicensed charter boats would be in clear violation of the ordinance and the Water Patrol is attempting to address that.

Schleuning confirmed that the Water Patrol is following their plan in terms of enforcement.

Thomas stated that so where the ordinance is not as prohibitive would be in regard to watercraft rental and perhaps private rental businesses.

Schleuning confirmed that there is no licensing requirement for those activities.

Gabriel Jabbour stated that he submitted a letter to the Board today. He felt that when an activity is illegal and those people are part of his marina, he would be an accessory and therefore feels that there should be recourse for those license holders. He stated that he took photographs today when he was in Excelsior. He stated that there are a lot of business around the lake and remembers the previous

discussions as a member of the Board. He stated that the lake is a residential community with sprinkling of commercial activities. He stated the importance of identifying the priorities for the lake. He stated that the Health Department did not want food preparation and sales on the lake and had concerns about time frame for delivery. He had concerns about the reputation of cruises if problems occur

Thomas stated that based on the few comments that he has received, he would think it would be appropriate to ask staff to draft a resolution or ordinance that would appropriately restrict unlicensed watercraft rental businesses or inappropriate rental slips at private properties.

Schleuning commented that the main point is to step back and look more holistically before drafting something. She suggested gathering more stakeholder input before this comes back to the Board.

Thomas agreed and noted that this could be carried over for additional discussion at a future workshop.

Schleuning commented that realistically she did not believe anything would be done for this season.

Baasen stated that he believes the Board should start somewhere and therefore does not want to see this pushed down the road. He suggested that the Board follow through and have staff look at what the ordinance says and what possible changes would be necessary in order to provide additional strength to the ordinance.

Anderson read a statement from the Hennepin County Water Patrol website, and it was confirmed to be true. He noted that there should be no grey area in terms of enforcement.

Schleuning stated that enforcement is being taken such as citations, but it has not stopped the behavior and it can be difficult to track down the person that runs the business.

Anderson stated that if someone is caught more than once there should be prosecution that prohibits activity on the lake for three years.

Schleuning confirmed that is possible under a licensing program. She stated that there are citations being issued.

Thomas confirmed that this could come back in two weeks with the staff proposal for the ordinance and then continued discussion can occur with stakeholder input in the future.

Walesch referenced the license that was mentioned. He asked if additional enforcement would be available if the person had a license.

Schleuning confirmed that if the business were licensed, the license could be pulled in terms of enforcement. She noted that the businesses would need to meet all the requirements for licensing.

Thomas noted that additional boats could be licensed as charters but they most likely would not be able to find docking space.

2. ADJOURNMENT

There being no further business, the worksession was adjourned at 7:03 p.m.

REGULAR MEETING

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Members absent: Deborah Zorn, Shorewood.

Persons in Audience:

Dennis Caslavka, Julia Coleman, Leslie Dennis, Eric Evenson, Henry Graef, Ben Henry, Gabriel Jabbour, Sen. Susanne Johnson, Luke Kujawa, and Jay Soule.

The following usernames were present but the person(s) did not identify themselves: Barbara's iPad, iPhone 2, and Me.

4. APPROVAL OF AGENDA

The agenda was approved as submitted.

5. CHAIR ANNOUNCEMENTS

Chair Thomas commented that the first meeting in August will return to an in-person meeting at the Wayzata City Hall.

6. APPROVAL OF MINUTES- 07/14/2021 LMCD Regular Board Meeting

Anderson noted on page 16, it should state, "...~~Klein~~ Cline..."

MOTION: Kirkwood moved, Thomas seconded to approve the 07/14/2021 LMCD Regular Board Meeting minutes as amended.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Baasen moved, Stone seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (07/16/2021 – 07/31/2021); and **7B)** A/V Producer Agreement.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

8. DONOR RECOGNITION

A) Resolution Accepting Save the Lake Contributions (06/25/2021 – 07/20/2021)

Baasen provided background information on Save the Lake. He noted that following COVID-19 there has been increased demand and traffic on the lake and therefore efforts must be increased to promote safety on the lake. He noted that they will be recognizing those that contribute to Save the Lake throughout the year, as those contributions help to promote safety on the lake. He recognized four contributions received. He stated that it is enjoyable to see the partnership with the general population to help protect the lake.

MOTION: Thomas moved, Kroll seconded to adopt the resolution accepting Save the Lake Contributions (06/25/2021 – 07/20/2021).

Further discussion: Newell stated that Anderson has done a great job of organizing the marina operators to participate in this and has the ability to use his network of contacts to solicit additional donations for safety. He stated that he is a retired man in a small community and needs the LMCD/Save the Lake to brand this campaign. He did not believe that the message is clear that the intent is focused on safety and support of the Water Patrol. He believed that with better branding it would assist in soliciting additional donors.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

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

Jay Soule, 5201 Piper Road, stated that he is a representative of AI and Alma's. He stated that in the work session he heard the comment that the LMCD is recognizing that there is an increased desire for commercial activity, that there are requests to relax regulations related to these types of regulations, and that it is chaotic right now. He expressed concerns that the ordinances be enforced for charters and people breaking the law. He stated there is state law for watercraft for hire, noting that a permit would be required to carry passengers for hire. He stated that if someone wanted to take more than six people for a boat ride for payment, they would need to have the permit and follow the regulations. He noted that the fishing operations tend to follow the rules and take less than six people, but is concerned with boats taking more than six guests at a time .

The Board could enlist the help of the State that has an enforcement division that is capable of enforcing this issue. He stated that he would really like to see some action and was frustrated with the statement that nothing could be done this summer. He stated that they have asked for assistance on this matter in the spring each year at the annual meeting they are required to attend. He stated that these people have websites and advertise capacity for 15 people. He stated that this activity is illegal and did not believe the Board should wait to take action. He asked that the Board support staff to provide support to the entities that can regulate these activities. He stated that he more than welcomes anyone that would like to get into this business of being a boat for hire, as it is a privilege to help people have access to the water. He asked the LMCD to protect the integrity of its licensing through enforcement. He thanked the recent efforts from the Water Patrol and Hennepin County Sheriff to make progress on this issue.

Anderson stated that he also noticed the fact that it is later in the season and not much could be done and was frustrated with that statement as he believes enforcement should be done now.

Schleuning clarified that LMCD is enforcing the existing regulations and the statement about not making progress this season was related to creating new regulations. She stated that there is a plan and Water Patrol has been active in enforcement and the State has been involved. She noted that cities have also been cooperating with enforcement efforts.

Anderson asked whether the rentals are being enforced as voraciously as charters.

Schleuning stated that in terms of rentals there are items that can monitor and enforce, such as inspections and safety equipment.

Thomas commented that there is no one on the Board that believes that the current ordinance related to charter boats should not be enforced.

Jabbour commented that the Board is doing a great job at meetings but what happens between meetings is more important. He did not believe the Board is aware of what happens between meetings. He stated that he is on the water 12 hours a day, and this is a five-year problem and some people perceive that they can do what they want on the lake, and it will take years for the LMCD to enforce. He stated that he engaged enforcement with an unlicensed charter that was docked at his marina, as he does not want to be an accessory to a bad situation. He stated that he has spoken with Police Chiefs about the issues as problems on water lead to problems on land. He stated that he feels it takes time for the Board/LMCD to get anything done. He commented that he is the hardest working person on the lake.

Luke Kujawa, Your Boat Club, stated that he appreciates the comments related to rental boats and the change in the industry. He stated that he is a small business owner and appreciates entrepreneurship and new businesses, but it must be a level playing field. He recognized the price for commercial marinas and commercial boat slips, the value of public docks and resources on a public lake, and the regulations that must be met. He stated that the fact that anyone can use a public dock and compete with these legal charters is unfair and unsafe. He stated that he appreciates competition and startup businesses, but it should be a level playing field with everyone meeting the same requirements.

10. PRESENTATIONS

A) Senator Julia Coleman

Hoelscher introduced Senator Julia Coleman provided background information on her experience, the cities she represents, and her committee assignments.

Senator Coleman stated that she does not serve on the Environmental Committee but provided an update on that group's recent activity.

Thomas appreciated the input of Senator Coleman and recognized her time restrictions for tonight. He noted that the LMCD has not yet established boating operator registration but noted that perhaps that could be added for a future topic.

Senator Coleman commented that policy positions and opinions on certain bills and issues from the LMCD would be helpful for her. She stated that she would love to meet again as they get closer to the next session.

Hoelscher stated that she would place that on a future Communications Committee agenda and will follow up with Senator Coleman. She thanked her for her time.

11. PUBLIC HEARING

A) Continued Public Hearing for Application 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 for a new multiple dock license with classification as a qualified commercial marina. He noted that this application was reviewed by the Board in June and provided a brief overview of the request including background information, an updated survey that was completed, the existing site plan, and proposed site plan. He stated that generally the application meets the requirements of the LMCD Code. He noted that the multiple dock criteria and qualified commercial use criteria reviews were included in the memorandum to the Board. He reviewed the comments received from public agencies. He stated that staff recommends approval with the conditions noted within the memorandum.

Hughes commented that the attachment listed as attachment two is very good at detailing comments from the City. He commented that the City is against this request. He noted that the facility does not lend itself to use by handicap people. He stated that the City does not believe that this fits the commercial marina criteria.

Thomas noted the comments that the LMCD cannot reasonably deny the request. He noted that the City has its own zoning requirements that it can enforce.

Gilchrist commented that an applicant has several permits that are required to operate as proposed and the LMCD license is just one of those components. He stated that the LMCD can only look at the factors under its authority and the City would have to make its own determination.

Hughes commented that this would fit under the classification of a club facility but would not fit under the commercial facility.

Thomas recognized that the City attorney may interpret the Code in one manner while the LMCD attorney interprets that Code differently. He stated that based upon the presentation he does not see a reason the Board should deny the request, but again noted that the City could choose to deny the request on its own merit.

Newell stated that in the 18 months that he has been on the Board there have been a number of dock requests that have been reviewed. He stated that in the interest of streamlining meeting procedures, he believes that much of these reviews could be done administratively and would not require action by the Board. He stated that he is older and it is harder and harder to get into his boat. He noted that accessibility to the lake is time dependent and it would be ridiculous to try to make every activity accessible to all peoples.

Thomas noted that the LMCD follows this process because it is a public body, and the public has to have the opportunity to provide comments.

Thomas opened the public hearing. No comments were offered, and the public hearing was closed.

Anderson asked if the City has a problem with the classification and asked if it would be appropriate to use the qualified commercial yacht club status as that would allow the proposal to be approved and the City would most likely approve as well.

Thomas stated that there is no request to extend the dock to 200 feet.

Anderson commented that one of the main reasons to obtain a qualified classification is the ability to go out to 200 feet.

Leslie Dennis, 2967 Casco Point Road in Wayzata, stated that she has been operating the marina since 1997. She stated that her father and his partners constructed the building and ran the business previously. She commented that many items included in the original permit have become obsolete, such as providing a public telephone. She stated that she probably would have never submitted the request but when she was approached by a potential buyer, they wanted the permit cleaned up. She stated that approval was gained at that time with no issue from the LMCD or City. She stated that the buyer asked for a substantial decrease in the price and therefore the sale did not go forward. She stated that she now has no plans to sell but believed it would still be a good idea to clean up the permit language. She stated that she has no desire to increase the dock size or change anything and simply wanted to clean up the almost 30-year-old permit.

Thomas stated that the Board should act on the application before them, and the City will need to take its own separate action.

Kirkwood asked if the Board is voting on the current dock configuration and if the applicant were to propose changes to that configuration it would need to come back to the Board.

Thomas confirmed that changes would need to come back to the Board.

Anderson stated that the clarification between qualified commercial marina and qualified yacht club would

help to clean up the permit. He stated that the City has noted its opinion and has no issue with the qualified yacht club classification. He believed that the Board should vote for the classification of qualified yacht club, as that could be supported by the City.

Gilchrist commented that the applicant is not asking for that license and therefore the Board could not choose that option tonight. He stated that the Board has to act on the application before it, a classification of qualified commercial marina license. He stated that the only opinion he forwarded on this matter is that the LMCD cannot deny a license solely because a City states that the application may not pass its zoning criteria.

Walesch stated that he supported the request at the last meeting and still finds it to be reasonable.

MOTION: Walesch moved, Kroll seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving the multiple dock license applications from The Yacht Club LLP for the property located at 4165 Shoreline Drive in Spring Park for final action at the August 11, 2021 LMCD Board meeting.

VOTE: A roll call vote was performed:

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

Motion carried.

Klohs commented that everyone should remember that Spring Park was one of the major sponsors of the legislative changes that separated water and land uses that used to overlap with the LMCD. He stated that anything City related such as parking, handicap access, and etc. does not fall under the authority of the LMCD.

12. OTHER BUSINESS

There was no other business.

13. OLD BUSINESS

A) Options for Deliveries on the Lake

Thomas noted that four options were detailed in the memorandum from Gilchrist along with three potential resolutions the Board could take action on. He asked for input from the Board.

Gilchrist stated that there has been a lot of back and forth on the issues of sales and deliveries. He stated that the last discussion did not reach full consensus and in order to help facilitate closure on the issue he developed the options included in the memorandum which should cover the spectrum of options.

Hoelscher stated that perhaps doing nothing at this point is an option and the Board instead tackle this in a bigger picture manner as part of the vision for commercial activity on the lake. She stated that she does not like option two. She stated that in her opinion the Board should either wait and add this to the list of commercial activity discussion or choose option one.

Thomas asked why the Board would wait.

Hoelscher stated that during the workshop discussion it was mentioned that the Board should think in a big picture manner as to the commercial activity on the lake as a whole. She noted that allowing deliveries would expand commercial activity on the lake.

Walesch stated that he would choose to do nothing, and staff would continue to advise the public that deliveries are prohibited on the lake. He was unsure that anyone on the Board is interested in aggressive enforcement on this issue and would rather focus on illegal charter activity. He stated that things will happen no matter what the Board decides, and the existing ordinance seems to work well. He noted that there do not seem to be a large number of complaints related to deliveries and he does not want the LMCD to spend a lot of time and energy discussing details of what would be allowed, when the activity would be allowed, how payment could be provided, etc. He did not believe there was a dire need of deliveries on the lake from what he has heard from other property owners.

Thomas asked why exhibit C would not then be adopted under that scenario to clarify the existing ordinance.

Walesch stated that he would not have a problem with that.

Kirkwood agreed that the comments of Walesch seem to support exhibit C and he could support that.

Newell also agreed. He stated that sales are prohibited and believed that deliveries would self-regulate. He stated that if deliveries are cold upon delivery, people would not use the service. He believed that delivery on the lake is flawed but noted that he would not want to stand in the way of it.

Cook agreed that he likes the option of doing nothing. He believed that exhibit c is written in a manner where there would be unintended consequences from partial lists. He believed there is a danger in stating what cannot be done as it would imply that something not on the list could be done. He stated that he believes that this is a solution looking for a problem.

Anderson stated that initially he agreed that exhibit C would be the easiest route to follow. He referenced the minutes from the previous meeting which mentions that the ordinance does not prohibit deliveries. He stated that there are service folks that provide delivery service, such as boat part deliveries. He stated that the delivery part has to be interpreted. He stated that if LMCD staff has interpreted the ordinance language incorrectly, he believes that exhibit A would help to clarify that deliveries are not illegal while sales are.

Klohs commented that at some point someone will be running a business that may be successful and if the LMCD attempts to shut down that business it could bring potential litigation to the LMCD. He asked for opinion of legal counsel.

Gilchrist commented that it would be hard to imagine that there would be liability from such action. He stated that he would make sense to bring clarity to this issue. He stated that in 2016 the clear consensus was that sales on the lake should not be allowed. He noted that the Board did not act on the options to clarify the position on deliveries and since that time staff has continued to state that deliveries are not allowed as they are part of the sale. He stated that it is the job of the Board to clarify the position. He stated that if the Board believes that deliveries are fine, one of those options should be selected to make the job of staff easier when responding to requests.

Klohs stated that the Board should vote on a public statement or ordinance change as to whether deliveries are allowed or prohibited.

Thomas stated that the Board was previously concerned with a floating ice cream truck which would lead to a gathering of boats and the second was the delivery aspect. He noted that people can currently call ahead to order from a restaurant on the lake and pickup their order at the dock at a specified time.

Schleuning commented that this is not a new interpretation as deliveries have historically been considered as part of a sale.

Thomas agreed that the staff has interpreted the ordinance exactly as directed previously by the Board.

Eric Evenson, LMA, stated that the LMA agrees with the interpretation that deliveries should not be allowed on the lake as deliveries are part of a sale. He stated that LMA would agree with option three.

Thomas asked what the problem would be with someone deliveries a boat part or servicing a boat at its dock. He asked if that would be precluded under option three.

Gilchrist commented that he would not think that would be precluded as it talks about sales from a watercraft or vehicle on the lake. He noted that the example provided before was someone bringing a boat part and handing it to someone on shore or at the dock. He stated that activity would not be prohibited under option three and would be the same as someone pulling up to a restaurant dock to receive their food order.

Kirkwood stated that the attempt is to control pure delivery intent that would increase traffic on the lake and not someone delivering a boat part to a private or commercial property.

MOTION: Anderson moved, Kirkwood seconded to adopt exhibit C.

VOTE: A roll call vote was performed:

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

Motion carried.

Thomas asked if a public hearing would be suggested for this item.

Gilchrist noted that the ordinance was already adopted and was not changed, therefore a public hearing is not required.

14. NEW BUSINESS

There was no new business.

15. TREASURER REPORT

Anderson provided an overview on the recent financial information, comparing those figures to the budgeted amounts and year to date data.

16. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Stop the Spread of spiny waterflea dishcloths have been received. LMCD is working with MAISRC and others on a prevention campaign.
- A media release was distributed in relation to illegal charter boat operations.
- University of Minnesota model used to predict infestations originally placed Lake Minnetonka at a 33 percent risk of introduction and infestation of starry stonewort. Leech Lake had a lower risk rate, but Starry stonewort AIS have been confirmed in that waterbody. It will be interesting to see the impact to risk model once the model is updated.

- Staff continues to receive calls and complaints and is attempting to respond to everyone in a timely manner, and very much appreciates the patience.

17. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt reported that he was unable to organize a meeting in July but has a meeting scheduled for the following week and will provide an update at the next meeting. He thanked staff for the towels noting that it is exciting to see the campaign against spiny water flea. He asked if there is local coordination the LMCD would be involved in related to the Starry Trek.

Schleuning confirmed that the LMCD has participated in the past and will participate again this year. She stated that the LMCD is hosting the Starry Trek at Excelsior Commons and registration is currently open for those that want to participate.

Brandt commented that he is working to get his team of scuba divers involved. He noted that a member of his team identified the infestation in Leech Lake.

Thomas stated that he and Kirkwood participated together in the event last year and enjoyed themselves.

Brandt commented that he is excited for the future and hopefully strong partnerships to stop the spread of AIS.

Communications: Hoelscher thanked Senator Coleman for joining them earlier tonight. She stated that the LMCD has now spoken with almost all elected State officials and representatives in order to establish lines of communication. She stated that Senator Coleman made a good point about the LMCD creating policy statements and noted that she will add that to the committee agenda. She stated that the Committee met the previous week but did not have a quorum and therefore did not take action. The group will meet again on August 19th.

Thomas commented that one year ago Hoelscher suggested that it would be nice to get to know the legislators better and the committee has taken that concept and made it a reality. He expressed appreciation.

Anderson asked for clarification on the website line item on the budget and whether that aligns with communications.

Hoelscher stated that Anderson should check with staff related to the website. She believed it was fine to leave the item as is at this time.

Finance: Anderson provided an update on the equipment that has been purchased for the LMCD boat.

Operations: Schleuning reported that Zorn is going to receive the final information from Save the Lake, and she will look over the draft with plans to bring the draft Strategic Plan to an August workshop.

Save the Lake: Baasen reported that the group meets again in August. He stated that Schleuning released

the summer solicitation letter for Save the Lake, and he thanked Soule, Jabbour, Anderson, Schleuning and a few others that contributed to the language in order to more directly appeal towards lake safety. He stated that sponsorship levels are also included in the letter.

18. ADJOURNMENT

MOTION: Walesch moved, Baasen seconded to adjourn the meeting at 9:04 p.m.

VOTE: A roll call vote was performed:

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

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary

2:38 PM
08/03/21

Lake Minnetonka Conservation District
Check Detail
August 1 - 15, 2021

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
08/01/2021	EFT-21-96	SelectAccount Group Service Center		Alerus Checking		
			HSA Employer Contribution for August 2021 - Vickie Schleuning	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
			HSA Employer Contribution for August 2021 - Matt Cook	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
			HSA Employer Contribution for August 2021 - Tammy Duncan	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
TOTAL						-350.01
08/13/2021	EFT-21-97	ADP Service Fee		Alerus Checking		
			Payroll 8/1/21 - 8/15/21	4180M10 · Professional Services - Admin.	Admin.	-80.53
TOTAL						-80.53
08/13/2021	EFT-21-98	Unum Life Insurance		Alerus Checking		
			Long Term Disability - August	2020-LT · Payroll Liabilities - UNUM	Admin.	-170.07
TOTAL						-170.07
08/13/2021	EFT-21-99	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,134.08
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,132.82
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-606.87
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medicare	Admin.	-510.35
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	85.03
			Matt Cook Health Ins Reimb for Sarah Coverage	4380M10 · Employee Benefits - Admin.	Admin.	1,420.69
TOTAL						-6,612.76
08/13/2021	EFT-21-100	P.E.R.A		Alerus Checking		
			Payroll 8/1/21 - 8/15/21	2020 · Payroll Liabilities -	Admin.	-1,132.82
TOTAL						-1,132.82
08/13/2021	21997	AIS Advanced Imaging Solutions		Alerus Checking		
08/13/2021	Inv.#449194257		Copier Contract 7/20/21 - 8/20/21	4140M10 · Office Equipment R&M - Admin.	Admin.	-270.52
TOTAL						-270.52
08/13/2021	21998	City of Wayzata		Alerus Checking		
08/13/2021	Strmnt 8/1/21		2021 Agreement for Meeting Room - prorated for Aug - Dec	4230M10 · Meeting Exp. - Admin.	Admin.	-1,519.00
TOTAL						-1,519.00

2:38 PM

08/03/21

Lake Minnetonka Conservation District
Check Detail
August 1 - 15, 2021

Date	Num	Name	Memo	Account	Class	Paid Amount
08/13/2021	21999	Innovative Office Solutions LLC		Alerus Checking		
08/13/2021	Inv.#IN3428003		Copy Paper and Supplies	4220M10 · Office Supplies -Admin.	Admin.	-136.38
TOTAL						-136.38
08/13/2021	22000	LMCC		Alerus Checking		
08/13/2021	Inv.#1435		VOD Services for Meeting 7/28/21	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
08/13/2021	22001	Minnesota Trophies & Gifts		Alerus Checking		
08/13/2021	Inv.#43907		Name Plate for Rich Anderson, Treasurer	4230M10 · Meeting Exp. - Admin.	Admin.	-16.50
TOTAL						-16.50
08/13/2021	22002	NCPERS Group Life Insurance		Alerus Checking		
08/13/2021	August 2021		Life Insurance, August 2021	4380M10 · Employee Benefits - Admin.	Admin.	-48.00
TOTAL						-48.00
08/13/2021	22003	Tallen & Baertschi		Alerus Checking		
08/13/2021	July 2021		July Prosecution Cost	4640M10 · Prosecution Legal Fees - Admin.	Admin.	-3,817.86
TOTAL						-3,817.86



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: August 11, 2021 (Prepared August 11, 2021)

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: The Yacht Club LLP Multiple Dock License, 4165 Shoreline Drive in Spring Park

ACTION

Board approval of Findings of Fact and Order for a new multiple dock license for The Yacht Club, 4165 Shoreline Drive, in the City of Spring Park on Spring Park Bay.

BACKGROUND

The LMCD continued a public hearing from June 23, 2021 and held a public hearing on July 28, 2021 to consider the application of The Yacht Club LLP ("Applicant") for a new multiple dock license for the site at 4165 Shoreline Drive in Spring Park.

On July 28, 2021, the LMCD Board voted to have legal counsel and staff draft Findings of Fact and Order for approval of the license request with conditions. The draft Findings of Fact and Order document is attached, as well as the memos and presentations from the previous hearings, without attachments.

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. Proposed Site Plan
3. July 28, 2021 Presentation
4. July 28, 2021 Public Hearing Memo (without attachments)
5. June 23, 2021 Public Hearing Memo (without attachments)

ITEM 7B ATTACHMENT 1

Type: Commercial Multiple Dock
License/Qualified Commercial
Marina

Date: August 11, 2021

PID(s): 18-117-23-44-0022

Address: 4165 Shoreline Drive
Spring Park, MN 55384

LAKE MINNETONKA CONSERVATION DISTRICT HENNEPIN COUNTY, MINNESOTA

IN RE:

Application of The Yacht Club, LLC, for a
Commercial Multiple Dock License as a
Qualified Commercial Marina for the
Property located at 4165 Shoreline Drive in
the City of Spring Park.

FINDINGS OF FACT AND ORDER

The Lake Minnetonka Conservation District (“LMCD”) received an application from Leslie Oare of The Yacht Club, LLC (“Applicant”) for a Commercial Multiple Dock License for its property at 4165 Shoreline Drive, Spring Park, MN 55384 (“Subject Property”). The Subject Property is currently licensed as a Club facility and the Applicant is seeking to be licensed as a Qualified Commercial Marina to allow it to rent slips to the general public. The Applicant seeks a Commercial Multiple Dock license for the existing dock structure under its new classification. The Board provided the Applicant and the general public an opportunity to be heard at the public hearing held on July 28, 2021, and now, based on its proceedings and the record of this matter, 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 Spring Park Bay, which is part of Lake Minnetonka (“Lake”).
- b. The Subject Property has been licensed as a Club Facility and operated as a yacht club.
- c. The Applicant is seeking to operate it as a Qualified Commercial Marina to allow it to rent slips to the general public. The Applicant is seeking a Commercial Multiple Dock license for the existing dock structure. The dock structure is seasonal (not permanent) and the Applicant is not proposing to make any structural changes to it.
- d. A proposed buyer of the Subject Property previously applied for the same approvals, which the LMCD Board of Directors (“Board”) considered at its April 14, 2021 meeting and, after conducting a hearing on the same, voted to direct the preparation of an order approving the request. However, the buyer withdrew the request before the April 28, 2021 meeting at which the Board was to formally act to approve the application.

- e. The Subject Property has approximately 333 feet of 929.4 NGVD shoreline and, with the proposed continuance of 32 boat storage units (“BSUs”), the site has a density of 1:10.4. The Subject Property was previously issued a Special Density license, but the conversion to a Qualified Commercial Marina eliminates the need to continue the license.
- f. The dock structure complies with setback requirements.
- g. The Applicant is not proposing to change the existing dock length of approximately 119 feet. A Qualified Commercial Marina may extend a dock up to 200 feet, but this Order limits the length of the dock to 119 feet, which is consistent with how the dock has been installed in previous years. The dock may only be extended if the Applicant seeks, and the Board approves, a new Commercial Multiple Dock license. Furthermore, a proposed extension of the dock beyond 119 feet would require the Board to consider the additional criteria set out in Section 6-2.01, Subd. 4 of the LMCD Code of Ordinances (“Code”) and other pertinent standards.
- h. The Applicant also stated that the proposal does not include installation of a fuel sales facility.
- i. Under Section 3-1.09 of the Code, the conversion from a Club use to a Qualified Commercial Marina use requires the issuance of a new license.
- j. As a Qualified Commercial Marina, the Applicant is eligible under Section 3-2.07, Subd. 1(b) of the Code to seek a Commercial Multiple Dock License in accordance with the procedures set out in Section 6-2.01 of the Code.
- k. The Applicant submitted a site plan, which is attached hereto as Exhibit A and is incorporated herein (“Site Plan”).
- l. The Applicant is not proposing any transient slips for the dock.
- m. Because the dock structure installation has been the same for years, and because the difference in square footage between the previous approved layout and the existing layout appears to be approximately 66.5 square feet, there is no need to consider the need for an EAW.
- n. The only agency comment received by LMCD was from the City of Spring Park (“City”). The City recommended that the Applicant’s request be denied based on its belief that a change in dock license will introduce a different user group to the Subject Property and a change of site operations to a commercial operation will have a negative impact on the tenants and operations of an adjoining office building and residential apartment complex. The City was also concerned that the new license designation would allow for expansion in the future. The City also raised concerns regarding whether the business, with the change in designation, would comply with the City’s zoning regulations. The LMCD notes that a Club Facility and a Qualified Commercial Marina are both classified as commercial operations under the Code. Also, the 2019 amendment to Minnesota Statutes, section 103B.611,

subdivision 3a (8) expressly prohibits the Board from considering land-based marina activities and so the Board cannot consider the City's zoning regulations. Issuance of this Order does not speak to whether the marina is compliant with the City's zoning regulations. The Applicant is responsible for obtaining any other permits or permissions that may be required and for complying with all applicable regulations.

- o. The LMCD received no comments from neighboring property owners or the public.
- p. The Board appreciates the input from the City, but finds there is nothing about the proposed use of the dock that would cause it to generate any more noise than any other commercial dock on the Lake and Hennepin County Sheriff's Office occupies the adjoining property. The City did not raise any objections when the exact same application was submitted by potential buyer in April. The LMCD notes that a Club Facility and a Qualified Commercial Marina are both classified as commercial operations under the Code. Also, the 2019 amendment to Minnesota Statutes, section 103B.611, subdivision 3a (8) expressly prohibits the Board from considering land-based marina activities and so the Board cannot consider the City's zoning regulations. Issuance of this Order does not speak to whether the marina is compliant with the City's zoning regulations. The Applicant is responsible for obtaining any other permits or permissions that may be required and for complying with all applicable regulations.
- q. Additional information regarding this matter is provided in the LMCD staff report related to this application dated July 28, 2021 and the presentation made thereon at the meeting (collectively, the "Staff Reports"). The Staff Reports are incorporated herein by reference, except that the approvals and conditions contained in this document shall be controlling to the extent there are any inconsistencies.
- r. The Board has considered the review criteria in Section 6-2.01, Subd. 3 and finds the existing dock structure continues to satisfy those criteria.
- s. The Board held a hearing on the Applicant's request on July 28, 2021. After hearing from the applicant and the public, and discussing the application, the Board adopted a motion to direct staff to prepare findings and an order approving the request for review and action at its August 11, 2021 meeting.

ORDER

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

1. Approvals. The following approvals are hereby issued for the Subject Property for the 2021 boating season, subject to the conditions identified herein:
 - (a) Change in Use. Allow the change of use of the Subject Property from a Club use to a Qualified Commercial Marina use.

- (b) Commercial Multiple Dock License. Issue a Commercial Multiple Dock license for 32 BSUs for overnight storage, with no transient slips, as shown on the Site Plan (Exhibit A).
- 2. Conditions. The approvals granted in this Order are subject to, and conditioned upon, compliance with the following:
 - (a) The Applicant will provide access to the toilet and sanitation facilities disposal on the site for persons using the Commercial Multiple Dock facility.
 - (b) The Commercial Multiple Dock license issued herein is 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 from the Board that may be required.
 - (c) Failure of the Applicant to comply with any relevant regulation of the LMCD or other regulatory body may result in revocation of these approvals.
 - (d) Length overall of the watercraft stored at the subject facility shall be no longer than four feet beyond the boat storage unit. Length overall is defined as the horizontal measurement for the foremost to the outmost points of the watercraft including all equipment and attachments in their normal operating position.
 - (e) Dock lighting must be sufficient and meet applicable codes be approved by LMCD staff.
 - (f) Dock structures shall remain and be maintained in strict compliance with the Site Plan (Exhibit A) as approved.
 - (g) The Subject Property must be maintained and operated in compliance with all other provisions of this Code including, but not limited to, noise standards, zoning requirements, and other applicable regulations, ordinances and state law.
 - (h) The subject facility is not approved for a port of call, watercraft for hire may not berth at the subject facility, and rental watercraft businesses may not operate out of the subject facility.
 - (i) Canopies as defined by LMCD Code are not permitted at the subject facility. Fabric coverings that do not meet the definition of a canopy are permitted.
- 3. Authorizations. The LMCD staff is hereby authorized and directed to issue the approved Commercial Multiple Dock 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.
- 4. Single Order. This order replaces the previous Multiple Dock License issued for the Club use and the previous Special Density license, both of which are hereby repealed.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation
District this 11th day of August 2021.

Gregg Thomas, Chair

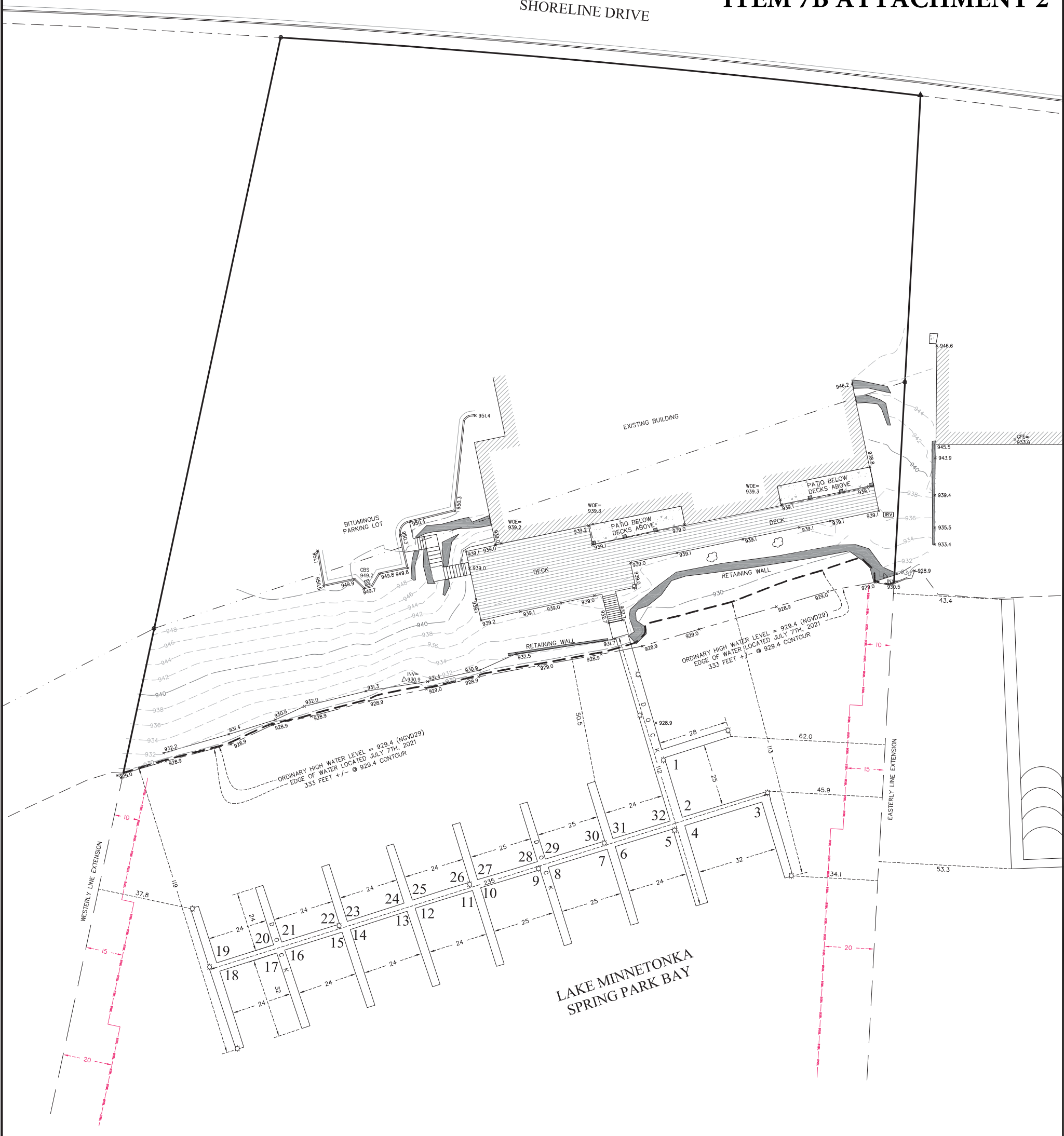
ATTEST: _____
Dan Baasen, Secretary

EXHIBIT A

Site Plan

[attached hereto]

SHORELINE DRIVE



DESCRIPTION OF PROPERTY SURVEYED

Tract D, REGISTERED LAND SURVEY NO. 1106, Hennepin County, Minnesota

STANDARD NOTES

- 1) **Site Address:** 4165 Shoreline Drive, Spring Park, Minnesota 55384
- 2) A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted herein.
- 3) **Benchmark:** Elevations are based on MN/DOT Geodetic Station Name: JOHNSON MN053 which has an elevation of: 938.909 feet (NGVD29).

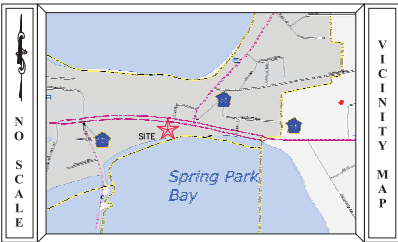
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 8th day of July, 2021.

Daniel L. Schmidt
Daniel L. Schmidt, PLS
schmidt@sathre.com
Minnesota License No. 26147



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



SURVEY LEGEND

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

FIELD CREW	NO.	BY	DATE	REVISION
DM AK				
DRAWN				
EMW				
CHECKED				
DLS				
DATE				
7-1-21				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.



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INC.**
150 SOUTH BROADWAY
WAYZATA, MN. 55391
(952) 476-6000

TWP:117-RGE.23-SEC.18
Hennepin County
**SPRING
PARK,
MINNESOTA**

DOCK EXHIBIT
PREPARED FOR:
DENNIS INVESTMENTS

FILE NO.
19333-001

1
1



ITEM 7B ATTACHMENT 3

To preserve and enhance the "Lake Minnetonka experience"

THE YACHT CLUB, 4165 SHORELINE DRIVE SPRING PARK BAY, SPRING PARK MULTIPLE DOCK APPLICATION PUBLIC HEARING

Lake Minnetonka Conservation District

Board Meeting

July 28, 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 333 feet of shoreline
- 32 BSUs (existing and proposed)
- One parcel (PID 18-117-23-44-0022)
- Seasonally-installed structure
- Applicant requesting change of site classification from “Club” to “Qualified Commercial Marina”
- Currently holds Special Density License to reach 1:10 density; would not be necessary if approved as QCM

4165 SHORELINE DRIVE, SPRING PARK



4165 SHORELINE DRIVE, SPRING PARK



4165 SHORELINE DRIVE, SPRING PARK

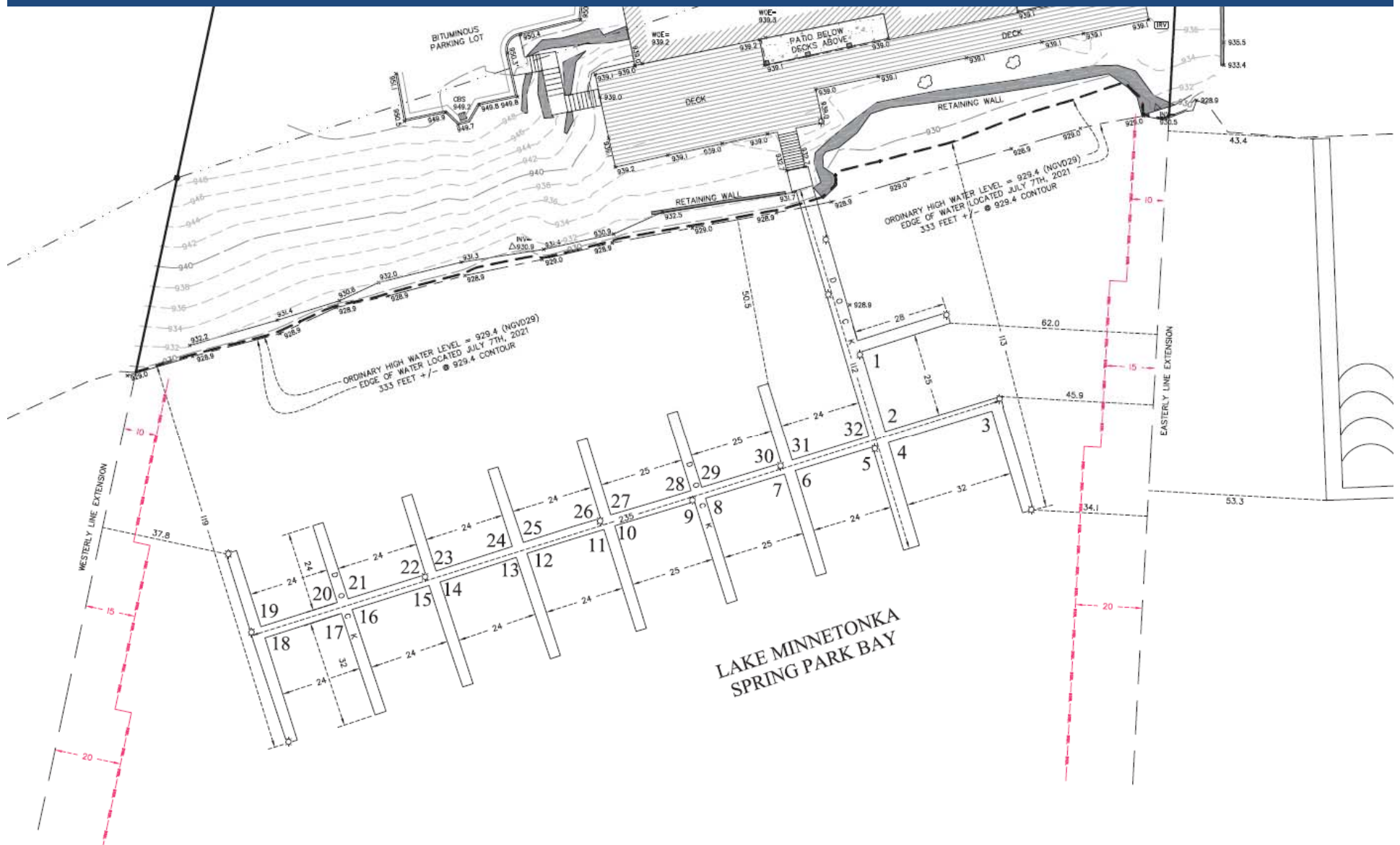
TAKEN FROM GOOGLE MAPS TO SHOW ADJACENT DOCKS



July 28, 2021



SITE PLAN EXCERPT



SITE REVIEW

- Applicant's proposal generally meets code requirements
 - Density of 1:10.4
 - 32 watercraft, 333 feet of shoreline
 - LMCD Code allows QCMs a density of 10 feet per BSU
 - Setbacks
 - Code minimum:
 - 20 feet from west side
 - 20 feet from east side
 - Equal to slip length (~35 feet) from east side-opening slip
 - Proposed:
 - 37.8 feet from west side
 - 34.1 feet from east side
 - 45.9 feet from east side-opening slip
 - Length
 - LMCD Code allows QCMs to go up to 200 feet from shore
 - Applicant proposes existing dock length of up to 119 feet

MULTIPLE DOCK CRITERIA (SEE MEMO)

- Multiple Dock Criteria:
 - LMCD Code Section 6-2.01, Subd. 3 (see Item 9A, attachment 4)
- a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
 - *Per 2-4.07, Subd. 1: “Up to one restricted watercraft may be moored or docked at a qualified commercial use on any site for each 10 feet of continuous shoreline in existence on May 3, 1978. (Fractions over 1/2 rounded up).” Proposed dock system includes 32 BSUs on 333 feet of shoreline (1:10.4 density).*
- b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
 - *Meets setback requirements.*
 - *Meets maximum length requirements.*

MULTIPLE DOCK CRITERIA (CONT)

- 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 existing structure; virtually the 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 existing structure; virtually the 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 existing structure; virtually the same as previously approved structure.*

MULTIPLE DOCK CRITERIA (CONT)

- 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;
 - *Sanitary and parking facilities same as previously approved structure.*
- k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;
 - *Slips will be available for rent to the general public.*
- 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 existing structure; virtually the 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).
 - *N/A*

QUALIFIED COMMERCIAL USE CRITERIA

Subd. 4. Qualified Commercial Uses. If a qualified commercial use proposes to increase the number of boat storage units beyond what it is otherwise allowed, or to extend any portion of the structure further into the Lake than 100 feet, the Board shall consider the following additional limitations when reviewing the request:

- a) No license will be granted for a facility with an existing variance unless a new variance for the proposed facility is granted by the Board;
 - *No variance existing; no variance proposed or necessary.*
- b) No license will be granted for a proposed facility that overlaps the dock use area of another site;
 - *Does not overlap DUA of another site.*
- c) No license will be granted for a proposed facility that will require removal of emergent native vegetation; and
 - *No (aquatic) vegetation removal proposed.*
- d) No license will be granted for a proposed facility that interferes with general public navigation, or impairs access to use of the dock use area of another site or a commercial mooring area.
 - *Virtually the same as previously approved structure, and matches how the structure has been installed for years; no evident detrimental impacts.*

PUBLIC / REVIEW AGENCY COMMENTS

- **Agency Review of Application / Comments**

- No comments received from the MN DNR.
- MCWD have no comments other than noting that shoreline stabilization, floodplain alteration, or other earthmoving work – if proposed – would require further review by the MCWD. The MCWD noted such work does not appear to be proposed.
- On July 20, 2021, staff from City of Spring Park sent comments approved by Council at the July 19, 2021 Spring Park City Council meeting. City comments attached to Item 9A (attachment 2)

Public Comments

- No comments received by LMCD staff as of noon on July 28, 2021

STAFF RECOMMENDATIONS

- Staff Recommendation based on information available prior to public hearing.
- Staff recommend **approval** with the following conditions:
 - Standard license conditions are applied, including maintenance standards, lighting, bathroom facilities, etc.
 - Emphasize the order to meet all applicable regulations such as zoning.
 - Highlight the details of what is being approved.

STAFF RECOMMENDATIONS

- LMCD cannot reasonably deny a request solely because the applicant may need to secure further approvals from other entities. The applicant may need to secure a zoning approval from the City.
- The basis of the applicant's QCM classification request is to remove the requirement of making slip holders be members of the associated yacht club.
- LMCD staff do not view the proposed classification change as a meaningful departure from the site's operation in previous years.

PUBLIC HEARING

- **Public Hearing**
 - Continued from the June 23, 2021 LMCD Board Meeting
 - 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 7B ATTACHMENT 4

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: July 28, 2021 (Prepared July 23, 2021)

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: Multiple Dock License Request for 4165 Shoreline Drive in Spring Park

ACTION

Board consideration of a request for a new multiple dock license request from The Yacht Club, LLP for a site located at 4165 Shoreline Drive in Spring Park, MN 55384, with shoreline on Spring Park Bay, 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 The Yacht Club LLP for the property located at 4165 Shoreline Drive in Spring Park for final action at the August 11, 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 The Yacht Club LLP for the property located at 4165 Shoreline Drive in Spring Park at the August 11, 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 The Yacht Club LLP for the property located at 4165 Shoreline Drive in Spring Park for final action at the August 11, 2021 LMCD Board meeting based on...

APPLICATION SUMMARY

At the June 23, 2021 LMCD Board meeting, the Board continued the hearing for the application to the July 28, 2021 LMCD Board meeting to allow the applicant the time to have a site survey completed to represent the docks as installed in 2021. LMCD staff received the updated site plan on July 8, 2021. These specifications are listed on the reverse of this page. The facility appears to meet Code requirements for a Qualified Commercial Marina (QCM).

The Yacht Club Multiple Dock License Request
4165 Shoreline Drive in Spring Park
LMCD Board Meeting | July 28, 2021

1. 32 BSUs proposed. No change proposed from current license with a boat density of 1:10.4 and 333 feet of shoreline.
2. Rental of slips to the general public. Currently, slip renters need to be members of a yacht club, though the applicant proposes to remove this requirement since many customers do not want a membership requirement.
3. Maximum dock length of 119 feet from OHW. Previous approval was for maximum length of 100 feet. The current and proposed layout appears to have been installed similarly past years based on publicly available aerial imagery.
4. Western setback of 37.8 feet. Minimum of 20 feet required.
5. Eastern setback of 34.1 feet. Minimum of 20 feet required.
6. Eastern setback from side-opening slip(s) of 45.9 feet. Minimum of slip length (34-35 feet) required.

For a more in-depth Code analysis, please refer to the attached memo from the June 23, 2021 LMCD Board meeting packet regarding the application.

As part of the routine application review process, on June 9, 2021, LMCD staff sent a 10-day request for review document to the agencies and City of Spring Park to solicit comments regarding the application.

On June 22, 2021, the Mayor of Spring Park contacted LMCD staff stating that a Qualified Commercial Marina may not be compatible with City Zoning for the site. As a result of city's review, on July 19, 2021 the Spring Park City Council voted to approve formal comments for the application. The comments were forwarded to LMCD staff July 20, 2021 and are attached for your review.

RECOMMENDATION

In consultation with LMCD legal counsel, LMCD staff are recommending approval of the classification change to a Qualified Commercial Marina. After legislative changes to the statute governing the LMCD's scope in 2019, "land-based marina activities" are not subject to the LMCD authority. Therefore, the LMCD cannot reasonably deny a request solely because the applicant may need to secure further approvals from other entities. In this case, the applicant may need to secure a zoning approval from the City and can pursue such an approval after receiving approval from the LMCD.

Furthermore, the current "Club" classification for the site and the potential future "Qualified Commercial Marina" classification for the site are both considered commercial classifications. The applicant is not requesting a gas dock, nor are they requesting extension of the dock facility to 200 feet from shore or other features typical of marinas with services. The basis of the QCM classification request is to remove the requirement of making slip holders be members of the associated yacht club and remove some provisions that are outdated amenities in the existing Order for the site – for example, provision of a public phone in a time when cell phones are ubiquitous or the gin pole. LMCD staff do not view the proposed classification change as a meaningful departure from the site's operation in previous years. Over the years, there appears to be a decrease in the facilities that cater to sailboats.

The Yacht Club Multiple Dock License Request
4165 Shoreline Drive in Spring Park
LMCD Board Meeting | July 28, 2021

Based on information available at the time of this report, LMCD staff recommends the Board approve the request with the conditions listed below. The recommendation may change based on information reviewed or presented as part of the public hearing process.

1. Standard license conditions are applied, including maintenance standards, lighting, bathroom facilities, etc.
2. Emphasize the order to meet all applicable regulations such as zoning.
3. Highlight the details of what is being approved.

BUDGET _____
N/A

STRATEGIC PRIORITIES _____

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

1. Updated Site Plan
2. Comments from City of Spring Park
3. June 23, 2021 Public Hearing Memo
4. LMCD Code Excerpts
5. Location Map
6. Site Plans
7. Aerial Overlay
8. Multiple Dock License Application
9. Public Hearing Notice (Sun Sailor & Laker Pioneer)
10. Public Hearing Notice Mailing



ITEM 7B 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 Request for 4165 Shoreline Drive in Spring Park

ACTION

Board consideration of request for a new multiple dock license request from The Yacht Club, LLP for a site located at 4165 Shoreline Drive in Spring Park, MN 55384, with shoreline on Spring Park Bay, 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 The Yacht Club LLP for the property located at 4165 Shoreline 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 The Yacht Club LLP for the property located at 4165 Shoreline Drive in Spring Park at the July 14 <or other date>, 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 The Yacht Club LLP for the property located at 4165 Shoreline Drive in Spring Park for final action at the July 14, 2021 LMCD Board meeting based on...

APPLICATION SUMMARY

Below are the general specifications for the site based on file review and staff inspection June 15, 2021. These specifications would meet the Code requirements for a QCM, but represent some discrepancies from the proposal.

1. Density of 1:10. Shoreline is 320 feet and 32 BSUs proposed. No change.
2. Dock length of 112-125 feet from OHW.
 - a. Proposal is for re-approval of approved layout (maximum 100 feet in length).
3. Side Setbacks: A minimum of 28 feet from the west side. A minimum of 32 feet on the

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east side from the side opening slip and a minimum of 20 (Code minimum) to 50 (current approval) feet on the east side from the longest extent (southeast corner) of the dock.

- a. Proposal is for re-approval of approved layout (west setback of 28 feet; east setback of 50 feet)

BACKGROUND

The applicant, The Yacht Club LLP (“Applicant”) submitted applications for a new multiple dock license at 4165 Shoreline Drive in Spring Park, MN 55384, with shoreline on Spring Park Bay. The Applicant’s property has approximately 320 feet of OHW (929.4-foot elevation contour) shoreline.

The applicant currently holds a commercial multiple dock license and special density license for the site. The site has a density of 1:10. The applicant’s site is currently licensed as a Commercial Club facility. The applicant proposes to operate the site as a Qualified Commercial Marina (QCM), with slips open to the general public for rent. If approved as a QCM, the applicant would not need a special density license.

A similar application for this property was previously submitted, but was withdrawn because the purchase agreement was rescinded. The current owner wishes to continue the proposed license change in order to better reflect the operation and current boating needs.

The current approval is for a dock structure of a maximum length of 100 feet. After inspection on June 15, 2021, LMCD staff determined the dock was installed for the 2021 boating season at a maximum length of 112 feet from the OHW as measured along the main walkway. Additionally, the OHW on the east end of the site appears to curve northward, away from the lake, when compared to the representation of the OHW on the previously-approved site plan dated 1988. Measurement may vary over time due to possible changes in survey methods, changes to shoreline, installation deviation, or other reasons.

It would appear that the dock, including the extra 12 feet observed this year, extends roughly between 112 and 125 feet from the OHW on the east side of the site. QCMs may have a dock use area of up to 200 feet in length if approved by the Board. The lengths described above represent the consistent installation for years prior (based on aerial imagery).

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;
 - *Per 2-4.07, Subd. 1: “Up to one restricted watercraft may be moored or docked at a qualified commercial use on any site for each 10 feet of continuous shoreline in existence on May 3, 1978. (Fractions over ½ rounded up).” Proposed dock system includes 32 BSUs on 320 feet of shoreline (1:10 density).*

- b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
 - *See above.*
- 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;
 - *Sanitary and parking facilities same as previously approved structure.*
- k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;
 - *Slips will be available for rent to the general public.*
- 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).
 - *N/A*

Subd. 4. Qualified Commercial Uses. If a qualified commercial use proposes to increase the number of boat storage units beyond what it is otherwise allowed, or to extend any portion of the structure further into the Lake than 100 feet, the Board shall consider the following additional limitations when reviewing the request:

- a) No license will be granted for a facility with an existing variance unless a new variance for the proposed facility is granted by the Board;
 - *No variance existing; no variance proposed or necessary.*
- b) No license will be granted for a proposed facility that overlaps the dock use area of another site;
 - *Does not overlap DUA of another site.*

- c) No license will be granted for a proposed facility that will require removal of emergent native vegetation; and
 - *No (aquatic) vegetation removal proposed.*
- d) No license will be granted for a proposed facility that interferes with general public navigation, or impairs access to use of the dock use area of another site or a commercial mooring area.
 - *Virtually the same as previously approved structure, and matches how the structure has been installed for years; no evident detrimental impacts.*

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.

- MCWD have no comments other than noting that shoreline stabilization, floodplain alteration, or other earthmoving work – if proposed – would require further review by the MCWD. The MCWD noted such work does not appear to be proposed.
- No other 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.

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

Based on information available at the time of this report, LMCD staff recommends the Board select one of two options described below. The recommendation may change based on information reviewed or presented as part of the public hearing process.

OPTION 1 – Continue hearing for consideration of potential approval of existing structure

1. The applicant must provide a to-scale drawing of the dock layout as installed in 2021 indicating the actual dimensions including 929.4-ft elevation contour / OHW, setbacks, dock length, dock structure, and slip dimensions.

The Yacht Club Multiple Dock License Request
4165 Shoreline Drive in Spring Park
LMCD Board Meeting | June 23, 2021

2. Continue public hearing to a future meeting to review adjusted site plan.

OPTION 2 – Approval of QCM classification and current approved layout

1. Maximum length of 100 feet
2. Minimum western setback of 28 feet
3. Minimum eastern setback of 50 feet
4. Standard license conditions are applied.

BUDGET _____

N/A

STRATEGIC PRIORITIES _____

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

1. LMCD Code Excerpts
2. Location Map
3. Site Plans
4. Aerial Overlay
5. Multiple Dock License Application
6. Public Hearing Notice (Sun Sailor & Laker Pioneer)
7. Public Hearing Notice Mailing

ITEM 8A



RESOLUTION 223

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.

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 11th day of August, 2021.

ATTEST:

Gregg Thomas, Chair

Dan Baasen, Secretary

DRAFT

Lake Minnetonka Conservation District
Transaction Detail By Account
 July 22 through August 4, 2021

Resolution #223 Attachment 1 - Save the Lake Contributions

Date	Num	Name	Memo	Amount
Contributions				
3001M20 - Donations (General) - S/L				
08/03/2021	6104	Bob & Kathy Gillum	STL Donation (General)	50.00
08/03/2021	5379	Richard Ragatz	STL Donation (General)	150.00
08/03/2021	13202	Peter Mitchelson	STL Donation (General)	150.00
08/03/2021	4124	Michael Johander	STL Donation (General)	1,000.00
08/03/2021	8533	James Kaufman	STL Donation (General)	200.00
08/03/2021	PayPal	Richard and Beverly Mast	Transfer from PayPal (\$100.00)	96.80
08/03/2021	PayPal	Darryl C. Landstrom	Transfer from PayPal (\$100.00)	96.80
08/03/2021	PayPal	Carol Suggs	Transfer from PayPal (\$50.00)	48.25
08/04/2021	520	Dean Akins	STL Donation (General)	500.00
08/04/2021	4348	George W. Sayer	STL Donation (General)	25.00
08/04/2021	12025	Ralph Hatch	STL Donation (General)	50.00
08/04/2021	126	David Goode	STL Donation (General)	25.00
08/04/2021	13475	Donald Leavenworth	STL Donation (General)	100.00
08/04/2021	VV249	Opt out of Recognition	STL Donation (General)	250.00
08/04/2021	31949	John & Nancy Berg	STL Donation (General)	100.00
08/04/2021	9572	Gerhard Lano	STL Donation (General)	100.00
08/04/2021	16312	Opt out of Recognition	STL Donation (General)	50.00
Total 3001M20 - Donations (General) - S/L				2,991.85
3008M20 - Donations (2022 W Patrol Fund)				
07/28/2021	20940	River Valley Power and Sport, Inc.	STL Donation (2022 Water Patrol Fund)	2,500.00
07/28/2021	002005	Marine Max (via Tonka Bay Marina)	STL Donation (2022 Water Patrol Fund)	2,500.00
07/28/2021	001416	RLA Family Limited Partnership (Rich Anderson)	STL Donation (2022 Water Patrol Fund)	2,500.00
Total 3008M20 - Donations (2022 W Patrol Fund)				7,500.00
Total				10,491.85