

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS
7:00 P.M., July 27, 2022
Wayzata City Hall**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Ben Brandt, Mound; 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: Dan Baasen, Wayzata; and Mark Chase, Spring Park.

Persons in Audience: Bill Olson, Jim Dustrude, Luke Anquist, Hailey Boz, Sandy Kennedy, Scott Albrecht, Greg Blasko, Tony Ferrara, Matt Mueller, Michelle Mueller, Travis Hansberger, Erik Forsbera, Travis Anderson, Jill Sims, Mike Sommer, Chris Lee, Frank Precopio, KC Bank, Katie Stewart, Gabriel Jabbour, Eric Evenson, and John Bendt. Other attendees may not have signed attendance sheet.

4. APPROVAL OF AGENDA

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

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

A) Gary Hughes Acknowledgement

Chair Thomas acknowledged former member Gary Hughes, who served on the LMCD Board for 10 years, recognizing his service and thanking him for his contributions during that time. He thanked Hughes and presented him with a certificate of recognition.

6. APPROVAL OF MINUTES- 07/13/2022 LMCD Regular Board Meeting

MOTION: Thomas moved; Brandt seconded to approve the 07/13/2022 LMCD Regular Board Meeting minutes as submitted.

VOTE: Ayes (11), Abstained (1), (Walesch). Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Cook moved; Walesch seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (07/16/2022 – 07/31/2022); and **7B)** Resolution Accepting Save the Lake Contributions (07/01/2022 – 07/19/2022).

VOTE: Motion carried unanimously.

8. RECOGNITIONS

Thomas recognized those that have made recent donations to Save the Lake.

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

There were no public comments.

10. PUBLIC HEARING

A) Variance Application for 4425 North Shore Drive, Orono, MN 55364, West Arm, Adjusted Dock Use Area Including Setbacks

Schleuning presented a variance request for the property at 4425 North Shore Drive in Orono. She displayed an aerial photograph showing the property, adjacent property, and channel. She also reviewed the recent history of the property. She provided details on the shoreline of the applicant, noting the unique configuration, and slightly converging extended side site lines with a peninsula on the southwest side and a public navigation channel under the authority of Hennepin County on the eastern side. She reviewed the details of the applicant's proposal and displayed the existing site plan, comparing that to the proposed site plan. She explained that the Applicant had desired a larger dock with two boat slips facing south, but staff would not recommend that to the Board. Subsequently, the Applicant reduced the dock configuration, as well as clarified property boundaries. She stated a significant amount of time has been spent to bring useful information to the board to consider as part of the application. She reviewed the variance standards and noted that no comments were received from the notified public entities or public at this point. She also highlighted some additional considerations. She reviewed the minimum recommendations the Board should consider if it were to approve the variance.

Cook stated that he was intrigued by the 60-foot minimum and asked if there are depth issues.

Schleuning replied that there really are not depth issues in this location.

Cook stated that a 60-foot minimum would push the dock out.

Schleuning clarified that it was a 60-foot maximum.

Newell asked if there are navigational buoys in the channel and whether they are lighted.

Schleuning confirmed that there are two navigational buoys but noted that they continue to move west.

Anderson referenced a previous request from another property where he believed the dock could only extend 20 feet as that is where the four-foot water depth was reached.

Schleuning stated that for a lot 40 to 60 feet in width, the dock can extend up to 60 feet. She noted that for lots under 40 feet in width, the dock length is allowed to the first reach of four feet of water but no greater than 60 feet.

Kroll asked if there has been any discussion with the neighbor.

Schleuning stated that materials were provided from the neighboring property owner tonight and provided to the Board in their folders.

Zorn referenced the historical information included in the packet and asked staff for a summary.

Schleuning stated that there was some question as to where the property lines were and therefore a more detailed survey was requested, and legal counsel was consulted. She commented on the unique and confusing situation with past records regarding the peninsula and property boundaries, and avoiding conflict with the neighboring dock use area.

Walesch asked the dispute on the new survey information.

Schleuning replied that the original shows 35 feet and the current shows 50 feet on the Hennepin County Property Integrative Map, but those are not official determinations. She noted the original plat, which showed all the distances for all the properties leading towards that area needed to be verified by a surveyor. She confirmed that there was a difference.

Walesch asked Gilchrist for his opinion on the assertion that boundary lines cannot be changed without going to court.

Gilchrist stated that this Board has every right to use current information to make its decision and is not bound by information from 1981. He stated that in this case he collaborated extensively with staff on this and did some research on accretion. He supported the opinion of staff to rely on the latest information.

Schleuning stated that it is not so much that the site information has changed, but that some of the documentation appeared wrong, as well as the land on the peninsula needs to be factored in for accretion.

Scott Albrecht, 4425 North Shore Drive, applicant, stated that the survey has been a point of contention and provided details on how the survey was completed. He noted that the survey company was recommended by the neighboring property owner. He explained that the original plat was used to track each lot along the lake down to the end to determine the shoreline for each lot. He noted that multiple property attorneys were

consulted. He recognized the concern with the dock that was previously installed in a perpendicular angle, noting that was a mix up with the installer and it was remedied as soon as possible. He stated that they have been working to fit the dock into a reasonable space without impeding into the channel or use of neighboring properties. He stated that they originally requested a larger dock but realized that would not fit into the property or neighborhood and therefore scaled down their request. He noted that they have consulted professionals whenever they could to provide the most accurate information. He stated that within the past ten years there has not been any credible information that shows differently than what they have provided. He noted that they have completed their due diligence to ensure everyone is treated fairly.

Kirkwood referenced the platform and asked the intent.

Albrecht replied that the intent would be for swimming, fishing and to have a few chairs.

Anderson provided a photograph and asked which year the photo was taken.

Albrecht replied that would have been in 2018 or 2019.

Anderson compared that to the Hennepin County property information, showing the property lines, noting that the dock in question is over the property line at that point. He then compared that to the 2020 images and noted the platform that is over the property line, and everything then moves into the dock use area of the neighbor.

Albrecht clarified that the dock location in the 2020 picture is not where the requested dock location is.

Anderson commented that he understands why the applicant would want the dock in this location but also recognized that impacts the neighbors.

Zorn asked if the applicant would consider shortening the dock to make the variance not necessary.

Albrecht replied that the dock is currently 52.5 feet in length and with the platform would be 60.5 feet. He commented that he could bring the dock in four or five feet to provide a six-foot setback.

Thomas opened the public hearing at 7:46 p.m.

Todd Lundman, 4435 North Shore Drive, asked why this would angle to the west into his property, when all other extended side site lines go straight from the property lines.

Schleuning reviewed the definition of site lines within the Code and explained how those are shown as extended from the property.

Lundman asked his width.

Schleuning replied that his would remain the same and provided the extended side site line. She also

explained accretion and how that is factored in.

Lundman asked if the judicial landmark survey was considered with this survey.

Schleuning replied that the original surveys were reviewed by the surveyor. She stated that Lundman could also get a survey if he feels this is inaccurate.

Lundman stated that he just saw this over the weekend and the surveyors are three months out. He stated that he did not expect things to change as they have been this way for years.

Schleuning stated that when they were onsite, they did talk about this, and she did send information to Lundman.

Thomas commented that the survey is what it is, although historically it may have been different.

Lundman stated that his questions remain because this is a judicial landmark survey. He commented that a previous owner got their permission to extend riprap into their property to protect the shoreline and that worked against them in this case.

Thomas commented that the history was reviewed by the surveyors and the office.

Anderson stated that the boulders in one of the photographs are not shown and commented on the side site lines.

Lundman commented that shoreline has taken a beating, but the new angle is based on the riprap and not the actual land.

Walesch commented that the applicant owns the point and asked what is the biggest issue for Lundman.

Lundman replied that all the lines extend straight off the property lines throughout the neighborhood where this extends at an angle which seems based off the riprap.

Walesch asked if the dock proposed is permanent.

Lundman replied that it would not be a permanent dock.

Schleuning replied that there would have always been an angle on extended site line because of the property lines. She stated that the confusion was the Hennepin County property marker as that was not accurate. She stated that the Hennepin County property maps are not always accurate and that is why surveys are completed.

Lundman stated that he started with 75 feet of shoreline, and this would result in 60 feet.

Albrecht clarified that property was showing over 80 feet previously and has been adjusted to what it should be, which would still be over 70 feet.

No additional comments were offered, and the public hearing was closed at 7:57 p.m.

Anderson stated that, this dock could be built without a variance. He stated that on the other side of the bridge, in the channel, there are docks on both sides. He noted the measurement between the docks in the most constrictive space, which is about 20 feet when factoring in boats. He noted that if the dock were placed along the shoreline in the channel, the dock could be placed in that location without a variance.

Schleunig replied that this channel is different than other channels. She stated that typically they attempt to keep boat storage out of a channel, but this channel is a Hennepin County authority, and more research would be needed to see if that would even be allowed.

Anderson referenced the property at 4801 Shoreline Drive. He provided details on the most constrictive point in Seton Channel. He noted that this is wider, and the big boats cannot get under the bridge.

Thomas commented that this is a property owner that owns shoreline in a big bay, versus property owners that do not have property on a bay and therefore must locate their dock in the channel.

MOTION: Walesch moved, Zorn seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving the variance application from Scott Albrecht for the property located at 4425 North Shore Drive in Orono for final approval at the August 10, 2022, LMCD Board meeting, with the conditions 1-6 as recommended by staff.

VOTE: Ayes (10), Nays (2), (Anderson, Cook). Motion carried.

11. OTHER BUSINESS

There was no other business.

12. OLD BUSINESS

A) Boat Generated Wakes – Review of Draft Code Amendment and Public Comment

Thomas stated that at the last workshop, the Board had discussion and asked staff to draft an ordinance that would apply to all watercraft and would require a distance of 300 feet from shore, dock, etc. He stated that the Board also stated that a vote on the draft ordinance would not occur at this meeting, as the intent would be to simply review the draft ordinance. He recognized the vast number of verbal and written comments that have been received on this topic and noted that he has asked staff to provide a summary/response to comments. He stated that some public comment will be accepted tonight, but that will be limited to one hour in length. He stated that if anyone is unable to speak during that time but still wants to provide input, which can be done in writing. He first asked for the input of the Board. He noted that some written comments supported the distance of 300 feet, others suggested a distance of

200 feet, and others believed there would be difficulty in 300 feet being calculated from docks, boats, etc. He noted that the Board spoke about wakes in general and did not attempt to target one type of boat.

Cook stated that he likes the distance of 300 feet from shore. He believed that 150 feet from other structures such as docks, fishing boats, etc. would be a reasonable compromise. He stated that in reviewing maps of the lake, it does not appear that requiring a distance of 300 feet from shore will cause any issues for boaters to comply.

Hoelscher stated that she noticed a lot of comments related to enforcement and recognized that education and enforcement are two large issues. She stated that one positive aspect of these discussions is that more people are becoming educated on the topic and the regulations. She stated that the wakeboard group recommends 200 feet and asked if that would be from shore or from all other structures as well. She asked for input from Water Patrol in terms of enforcement.

Schleunig stated that she would prefer not to speak for Water Patrol. She noted that the Water Patrol has stated that they would enforce any regulation. She stated that 150 feet would be challenging, whereas 300 feet would be easier for enforcement as it would be less contested. She commented that there is consensus that having a minimum that is applied to all watercraft equally is supported in general by law enforcement.

Thomas stated that there were comments received suggesting that the LMCD do more to support Water Patrol. He noted that in 2022, the LMCD, through Save the Lake, is supporting the funding for two dedicated Water Patrol Officers on the lake.

Jill Sims, National Marine Manufacturers Association (NMMA), stated that their recommendation was based on the research of their trade and would be for a distance of 200 feet from shore and other structures, such as docks, etc. She noted that she did submit written comments and therefore will not be providing additional input tonight but is present to answer any additional questions.

Walesch stated that he agrees with Cook on the distance of 300 feet from shore. He stated that requiring 300 feet from other structures would be impractical. He believed that the current regulation of 150 feet from shore or other structures is inadequate. He stated that part of the issue is with enforcement. He noted that many of the other boaters are not following the current regulations and therefore there is an enforcement component. He stated that whatever is done needs to be clear, enforceable, and needs to be communicated to the public. He commented that Chris Banks has done an enormous amount of work on this front and there is improvement being made. He suggested that the Communications Committee focus on this topic over the winter season and noted that it could also be helpful to partner with the boating industry and Chris Banks. He noted that the difference would only be 50 to 100 feet from the current regulations in most instances. He commented that he believes that the big cruisers throw a bigger wake than the wake boats and therefore the regulation needs to apply equally.

Kirkwood echoed the comments of Walesch in that 300 feet is a suitable number to work with at this time. He stated that in Cooks Bay there is a demonstration of what 300 feet looks like with a buoy, along with a 150 foot buoy for comparison. He stated that from the shore side it does not look like a huge distance. He stated that the buoys are a useful tool to show people the distances.

Schleuning stated that the buoys in Cooks Bay are 300 feet and 150 feet from the public launch dock structure.

Thomas invited public comments.

Gabriel Jabbour stated that he agrees with the comments of Walesch. He stated that he has been collaborating with members of the boating industry and many other stakeholders on the boating operator permit. He wanted to provide input on why the legislation failed. He noted that all the bills are included on the omnibus bill and therefore if one item is contentious, it causes all the others to fail. He did not want the Board to give up on the concept of a boating operator permit. He stated that the distance from shore does not matter if the fine remains at \$100 and there are no other penalties. He appreciated the desire for the LMCD to update its ordinance and agrees with Cook and Walesch. He stated that the distance of 300 feet has been in place for years applying to jet skis and therefore the uproar from the boating industry is ridiculous. He stated that the distance of 300 feet from shore is overdue. He noted that he is a marina owner. He stated that boat size could be limited. He stated that the boating operator permit would help to ensure there are consequences for those that need them. He commented that he does not agree with WSIA as they are drawing the line at 200 feet from shore. He noted that this regulation would apply to all boats, not wake boats. He provided a scenario where it would be difficult to measure the distance from shore and/or structures.

Dave Spadafore, Maple Grove resident and lake user, encouraged the continued focus on education. He stated that the current recommendation of 200 feet is a minimum and many lake users stay a distance beyond that from shore and other boats. He stated that it would be good to hear rationale on the distance of 300 feet from shore based on data. He believed that 200 feet would be sufficient. He believed that the distance from docks makes the issue more complex. He believed that applying that distance from anchored boats is a stretch, noting that if he anchors, he does not expect other boats to stay a football field away from him.

Rick Atherton, Lake Minnetonka homeowner, commented that he supports the distance of 300 feet from shore as well as docks. He stated that he has spoken with the Sheriff on this issue noting that it is difficult to enforce. He noted that residents are supposed to call 911 to make a report, when it is not typically an emergency, and the response is 30 to 40 minutes at which time the boater has usually left. He commented that the wake is doing damage to his shoreline. He stated that the issue of noise has not been addressed but believed that the issue has gotten better as there are less boats on the water with the price of gas increasing. He recognized that the sound towers are behind the driver and therefore the driver turns the music up to hear it over the engine noise, but that sound also travels across the water. He stated that a time limit could be implemented for music. He stated that there is data available to show that even two passes in water 18 to 20 feet in depth disrupts the phosphorus by 20 percent. He commented on the increase in dredging that has occurred because of the disruption from the boats. He noted that the problems caused by the wakes are at the expense of the homeowners and not those causing the problem.

Sandy Kennedy, Cooks Bay resident, commented that she believes a setback from the shoreline is reasonable. She noted that would provide everyone with a general idea of where they should be. She stated that in Cooks Bay if there are strategically placed anchored boats, this would render the bay no wake. She did not believe a 30-day implementation period is reasonable and believed that education should be the focus and the change should be implemented for the next boating season. She did not believe the requirement should apply to anchored boats.

Luke Anquist, West Lafayette Road, commented that he does not think there are a lot of people in the wake surf community that believe 300 feet is preposterous. He stated that the concern is that the distance will continue to increase. He noted that ice causes more damage to the shoreline than wake in some instances.

Frank Precopio, Greenwood and St. Albans Bay resident, commented that he agrees with Walesch. He noted that if someone were to anchor in the middle of the bay it would make the bay no wake.

Jim Dustrude, Harrison Bay and Mound resident, commented that he has spoken with many lakeshore owners that applaud the focus on 300 feet from shore. He commented that this is a positive direction and would be easier for people to estimate the distance. He stated that the LMCD has good mapping capabilities, and it could do more mapping to show 300 feet from shore to be used in education. He stated that the best parts of the lake for wake surfing could be identified and shared with boaters.

John Bendt, 1120 Tonkawood Road, stated that the distance of 300 feet from shore makes sense. He agreed it would make sense to have a different standard from docks and anchored boats. He stated that formulation is complicated by the tremendous power and energy in large wakes, which raises safety issues for anchored boats. He did not see a distance of 150 feet from docks and other boats would settle the issue. He stated that boats that provide large wakes may need a different standard and could be considered in the next phase of the process.

Greg Blasko, 3295 Crystal Bay Road, stated that he supports a distance of 200 feet from shore in order to provide more consistency for boaters. He stated that if there is going to be inconsistency between lakes, which should be very publicly noticed with everyone receiving notification in the mail. He stated that if there is a change to the distance from shore, which should be implemented next year for the new boating season. He stated that he would prefer to see effective communication on the change, if there is a change made.

Eric Evenson, Lake Minnetonka Association, recognized that this step is an information gathering step. He asked the question of how this would apply to marina docks that extend out 200 feet from shore already. He stated that those marinas could get quiet water buoys to remedy that issue. He stated that there are some areas in the lake which have long docks that extend through marshes and asked how those would be handled. He stated that he likes the idea of 300 feet as it is easy to visualize. He stated that he is uncomfortable with a distance of 300 feet from structures as that would create a challenge as already mentioned by other speakers. He stated that he is pleased to see the Board considering this distance and would encourage the Board to focus on the distance from shore rather than at wakes specifically. He noted that quiet recreation such as canoe and paddleboards often operate within those 300 feet from shore. He stated that while boat size and motor sizes have increased, boater behavior has also changed in recent years. He noted that these were simply some informal comments and LMA will provide formal comments later.

Walesch commented that the current ordinance is 150 feet from shore but also from any structures. He stated that he would propose that distance from structures would remain unchanged at 150 feet, while only the distance from shore would increase to 300 feet.

Travis Anderson, Maxwell Bay resident, commented that Chris Banks and his group have done a fantastic job on

education. He stated that they work with marinas and Water Patrol to help in any situation they can. He stated that he received a call on Monday related to music complaints and their collective group made some postings on social media and reached the gentleman causing the issue with music. He stated that the person recognized that they were in the wrong and stated that he understood the issue and would act differently moving forward. He stated that it is amazing how a social media network can reach others. He stated that education is the key component, although it requires a lot of time and energy. He stated that this will take time to continue to reach more people and spread the message of education. He stated that the entire process needs more time. He recognized that people continuously reaching out with complaints can be annoying and therefore may cause the LMCD to believe immediate action is necessary, but it takes time to spread education and make that desired difference in boater behavior. He asked for clarification on the statement of Kirkwood that 300 feet would be a good starting point.

Kirkwood commented that there is still research being completed and if there is data that suggests that the water quality is being destroyed by wake penetration, the offshore settings may need to be adjusted further to protect the lake bottom.

Mr. Anderson asked if the decision of 300 feet is being made before there is enough information. He agreed that the operator permit would be a huge step and asked the LMCD to support that legislation. He stated that if the issue is with anchored boats, there are designated areas for anchored boats.

Thomas thanked everyone for sharing their comments and invited additional comments in writing.

Walesch noted that any comments Kirkwood made are his individual comments and do not represent a consensus of the Board.

MOTION: Cook moved; Kroll seconded to table this discussion to the next meeting.

Further discussion: Anderson stated that he suggested a distance from shore of 300 feet last year after his experience sailing in another area. He stated that area used 300-foot buoys on the high points of shore which made enforcement easy. He stated that he is glad to see this moving forward with support. He believed that people would be willing to make donations to cover the cost of buoys.

Zorn asked that formal comments be received from Water Patrol for consideration at the next meeting.

Newell stated that he approves of moving this forward and not deciding tonight. He stated that some of the items that came forward tonight were related to structures and anchored boats. He suggested that staff provide some alternative language to those elements.

Schleuning stated that the stakeholders were notified that there would not be action taken tonight and that the intent tonight would be to simply have discussion.

VOTE: Motion carried unanimously.

Walesch stated that he believes that if this proceeds, there is a way this could be done correctly and agreed with the

residents that setting this up to roll out in the spring would make the most sense in terms of proper education. He also asked if an ordinance could be drafted that better matches the discussion tonight.

Thomas noted that this item has been tabled and discussion should cease.

Gilchrist commented that he could revise the draft to reflect the discussion tonight. He echoed the comments of the Chair that when an item is tabled that would end discussion.

13. NEW BUSINESS

A) Watercraft for Hire Application, Stephen Crumley, MA778893 MN Boat Master

Schleuning reported that an application has been received from the applicant for a Watercraft for Hire Certificate of Registration with a berthing location at a residential dock. She stated that staff anticipates denial as the request does not meet the LMCD Code. She provided a summary of the request. She noted that the Board has reviewed similar requests with residential dock berthing locations that have been denied. She reviewed other key considerations for the Board to consider as well.

Gilchrist noted that typically this type of request is managed administratively, but when a denial is recommended, that application goes before the Board.

Thomas commented that the Board has reviewed similar applications where an applicant has met all the requirements except for a commercial berthing location and those have been denied.

Stone stated that this seems like the request the Board denied last year and therefore would want to be consistent.

Cook stated that personally he does not have interest in revisiting this issue and would stand behind the current regulations.

Thomas invited the applicant to speak.

Steve Crumley, applicant, stated that if he looks at the ordinance specifically, berthing is not noted in that section. He was confused as to why this is coming up. He stated that the part quoted comes from the Code related to building a dock. He stated that there are a lot of operators doing casual charters illegally without the proper safety equipment and licensing. He stated that he is attempting to do this in a legal and safe way. He believed that this topic came before the Board in the last two years because he approached staff in 2020 to determine how he could do this in a legal manner. He stated that prohibition does not work, and people need to be provided a legal way to conduct this activity safely. He stated that he would not be having any commercial activity at his personal dock. He stated that he would pick up patrons at the commercial dock at which he would pay a fee to do so. He stated that he does not offer catering or serve alcohol, therefore those would also not occur at his dock. He stated that he is not attempting to compete with big charter operations but to provide a service to others on the lake in a safe manner.

Thomas stated that the Board is aware of the illegal charter operations on the lake, which is why this has been a

focus for the Board and Water Patrol over the past two years. He stated that this year the Board implemented stickers for legal charters which will make enforcement easier.

Anderson commended the applicant for trying to do the right thing. He recognized the considerable number of illegal charters that often do not have the proper safety equipment. He stated that the stickers are helping with enforcement. He stated that he does have compassion for the applicant.

Kirkwood asked why this would create a hassle in this instance.

Schleuning stated that traditionally if you run a revenue operating establishment, it must be at a commercial site. She noted that the Watercraft for Hire would be a commercial use. She stated that if this were allowed at residential docks, they would need more regulation as to what could or could not be done at those locations. She stated that this discussion of the Board began prior to the applicant bringing this forward in 2020.

Brandt referenced the language in the staff report which states that the applicant has attempted to minimize the commercial activity at his dock and asked for more details.

Schleuning stated that her concern would be with enforcement if those elements spelled out in the applicant's narrative are not followed.

Brandt asked if there is an opportunity to commercialize the dock.

Schleuning stated that has not been part of the discussion. She noted that if the property qualified for double setbacks and other city regulations, which could be a consideration.

Gilchrist commented that this is a policy issue for the Board and whether it wants to change the Code to allow this activity. He stated that until the Code is changed, it has been consistently applied and would encourage the Board to continue to do so. He noted that if the Board wanted to allow this activity, it would need to change the Code to allow the activity.

Anderson asked if there is sufficient space for the applicant to have a commercial dock.

Crumley replied that he does not want to pursue that. He stated that this is a residential dock, and he does not wish to disrupt his residential neighborhood. He noted that fishing charters are treated differently and asked why. He asked the definition of a fishing charter that would fall outside of the regulation.

Thomas commented that is how the Board has traditionally interpreted the ordinance.

Crumley asked if all parties on his boat had a fishing license, would that then make his charter a fishing charter, or whether everyone is required to have a fishing pole.

Gilchrist commented that this is not a debate, but a time for the Board to decide.

Crumley stated that he is not attempting to debate but obtain clarity.

MOTION: Walesch moved, Cook seconded to direct LMCD legal counsel to draft Findings of Fact and Order to deny Andiamo's application based on the proposed berthing location not being a commercial site and bring back to the Board on August 10, 2022.

VOTE: Ayes (10), Abstained (2), (Kroll, Anderson). Motion carried.

14. TREASURER REPORT

Anderson commented that he made a mistake in how the funding should occur for the St. Anthony Falls Laboratory research study. He noted that if the funding is short, he would be willing to donate to cover the difference.

15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Starry Trek is scheduled for August 20th and encouraged residents and members of the Board to participate.

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: No report.

Communications: Hoelscher reported that the next meeting is scheduled for Tuesday, August 9th at 8:30 a.m.

Finance: No report.

Operations: No report.

Save the Lake: No report.

17. ADJOURNMENT

Being there no further business, the meeting was adjourned at 9:34 p.m.

Gregg Thomas, Chair

Dan Baasen, Secretary