LAKE MINNETONKA CONSERVATION DISTRICT
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# AGENDA
# LAKE MINNETONKA CONSERVATION DISTRICT
**Wednesday, August 24, 2022**
**Wayzata City Hall**
**600 Rice Street, Wayzata, MN 55391**

## PUBLIC PARTICIPATION

Those attending the meeting, please complete the attendance sheet. Those desiring to participate in the meeting should complete the *Public Comment Form* at the meeting if the online *Public Comment Form* was not submitted. The Chair may choose to reorder the agenda for a specific agenda item if it would benefit the needs of those in attendance. Please see *Public Comments* Section for more information.

## WORK SESSION AGENDA

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

- No Work Session- Meeting Starts at 7:00 p.m.

## FORMAL MEETING AGENDA
**7:00 p.m.**

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

1) **CALL TO ORDER**
2) **PLEDGE OF ALLEGIANCE**
3) **ROLL CALL**
4) **APPROVAL OF AGENDA**
5) **CHAIR ANNOUNCEMENTS,** Acting Chair Ann Hoelscher
   A) Oath of Office
6) **APPROVAL OF MINUTES** (08/10/2022 LMCD Regular Board Meeting)

**7) APPROVAL OF CONSENT AGENDA**
A) Audit of Vouchers (08/16/2022 – 08/31/2022)
B) Resolution Accepting Save the Lake Contributions (08/01/2022 – 08/16/2022)

**8) RECOGNITIONS**

**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) PUBLIC HEARING**
*A)* Public Hearing, Daniel Gustafson, New Multiple Dock License, Shoreline Drive, PID: 11-117-23-22-0013, Orono, Browns Bay *(To Be Provided)*
B) Public Hearing, North Shore Marina, New Multiple Dock License Classification Change, 1449 Shoreline Drive, Orono, Browns Bay *(To Be Provided)*

**11) OTHER BUSINESS**

**12) OLD BUSINESS**
A) Watercraft for Hire- Additional Review of Berthing Requirements *(To Be Provided)*

**13) NEW BUSINESS**
A) AIS Management Funding Request- Carp Management: Jennings, Harrison, West Arm Bays

**14) TREASURER REPORT**

**15) EXECUTIVE DIRECTOR UPDATE**

**16) STANDING LMCD COMMITTEE UPDATE**
- Aquatic Invasive Species
- Communications
- Finance
- Operations
- Save the Lake

**17) ADJOURNMENT**

**Future Items for Review – Tentative**
- Lake Use Vision and Policy Discussion Continuing Series
  - Deicing Eligibility Expansion Review

# ITEM 6

**LAKE MINNETONKA CONSERVATION DISTRICT**
**BOARD OF DIRECTORS**
6:30 P.M., August 10, 2022
Wayzata City Hall

**WORK SESSION**
6:30 p.m. to 7:00 p.m.

**Members Present:** Gregg Thomas, Tonka Bay; Ann Hoelscher, Victoria; Dan Baasen, Wayzata; Ben Brandt, Mound; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Denny Newell, Woodland; and Nicole Stone, Minnetonka (arrived at 6:45pm.) Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Thomas Tully, Administrative Environmental Technician.

**Members Absent:** Bill Cook, Greenwood; Mark Kroll Excelsior; Rich Anderson; Orono; Mark Chase, Spring Park Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood.

**Persons in Audience:** Jay Hereby. Travis Anderson, Greg Blasko, Aaron Bean, Scott Albrecht, Sandy Kennedy, Jill Sims, Jim Dustrude, Andrew Krenzer. There may have been others in attendance that did not sign in.

1. **Managing Risk: State Open Meeting Laws, Conflict of Interest, LMCD Business Policies**

   Gilchrist provided a presentation to the Board related to State open meeting laws. He provided information on the Data Practices Act and explained how that can apply to the Board. He also reviewed conflict of interest and other LMCD policies with the Board for informational purposes.

   Hoelscher asked if someone with a conflict of interest could state their conflict and abstention from the vote but still participate in discussion.

   Gilchrist commented that there are differing opinions on this matter. He stated that, someone from the Board that has a conflict of interest could still participate in discussion as a member of the podium, explaining that person should excuse themselves from the dais and speak at the podium as a resident.

   Kirkwood referenced fiduciary duty and was surprised that the Director's own fiduciary duty to the LMCD and not the appointing city rather than both. He asked for clarification.

   Gilchrist recognized that the city is the appointing authority, but the LMCD is an independent Board, and the Director should act in the interest of the Board. He provided an example where a city and the LMCD could be on opposite sides.

The work session adjourned at 6:48 p.m.

**Formal Meeting**
7:00 p.m.

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## 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; Dan Baasen, Wayzata; Ben Brandt, Mound; Mark Chase, 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 Thomas Tully, Administrative Environmental Technician.

**Members absent:** Bill Cook, Greenwood.

**Persons in Audience:** Jay Hereby. Travis Anderson, Greg Blasko, Aaron Bean, Scott Albrecht, Sandy Kennedy, Jill Sims, Jim Dustrude, Andrew Krenzer. There may have been others in attendance that did not sign in.

## 4. APPROVAL OF AGENDA

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

**VOTE:** Motion carried unanimously.

Anderson asked if an item could be added to the agenda.

Gilchrist commented that if there is a motion made to add something to the agenda, which could be added to the agenda.

**MOTION:** Anderson moved; Stone seconded to add an item to the agenda to reconsider the ability for a licensed charter boat to launch from a residential dock.

**VOTE:** Ayes (7), Opposed (5), (Baasen, Kirkwood, Klohs, Kroll, and Thomas), Motion carried.

Director Zorn arrived at 7:05 p.m.

## 5. CHAIR ANNOUNCEMENTS

Chair Thomas commented that Gilchrist provided a great presentation at the work session tonight and asked those members that were not in attendance to review the slideshow. He reported that the Board Officers met the previous week to discuss paperwork and staff reduction. He stated that the suggestion was made that staff not provide paper copies of the presentations/slideshows as that information is available online for review. He stated that members could still request a hardcopy if desired. He stated that within the agenda

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tonight there was duplicative information that was included in the agenda two weeks ago and it was determined that information would not be required in subsequent meeting agendas.

Walesch agreed and stated that he would also opt out of receiving a hardcopy of information as he views it all online.

Newell asked if staff could send him specific pages in hardcopy format.

Thomas confirmed that type of request could be made.

**6. APPROVAL OF MINUTES-** 07/27/2022 LMCD Regular Board Meeting

**MOTION:** Kirkwood moved; Stone seconded to approve the 07/27/2022 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** Ayes (9), Abstained (4), (Baasen, Zorn, Chase, and Klohs). Motion carried.

**7. APPROVAL OF CONSENT AGENDA**

**MOTION:** Baasen moved, Walesch seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (08/01/2022 – 08/15/2022); **7B)** Resolution Accepting Save the Lake Contributions (07/20/2022 – 07/31/2022); **7C)** Approval of Variance Application for 4425 North Shore Drive, Orono, MN 55364, West Arm, Adjusted Dock Use Area Including Setbacks; and **7D)** Denial of Watercraft for Hire Application, Stephen Crumley, MA778893, MN Boat Master.

**VOTE:** Motion carried unanimously.

**8. RECOGNITIONS**

Baasen recognized those that have recently contributed to Save the Lake.

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

Andrew Krenzer, 3173 Lakeshore Boulevard in Minnetonka, stated that he was interested in clarification on watercraft for hire and the requirements as stated on the LMCD website. He stated on the website it states that watercraft must be berthed (stored) at a licensed commercial site. He stated that from what he understands some watercraft for hire have been granted a certificate that are stored at a licensed commercial site and some that are not berthed (stored) at a commercial site. He also wanted clarification on the types of watercrafts for hire based on the activity completed. He reviewed the definition of watercraft for hire and stated that he has not seen distinction based on the type of activity (pleasure cruise, ski lessons, fishing, etc.). He noted that he was simply desiring clarification on those items.

Chad Anderson, 4100 Enchanted Lane, stated that he is present with some of his neighbors. He stated that they are interested in getting a no wake zone in their channel because of the quick erosion of the shoreline in

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that area. He asked for consideration to have minimum wake buoys in that channel.

Thomas stated that anyone can send a request into the LMCD but noted that the issue will not be addressed tonight. He urged the resident to send a written request into the LMCD office to begin that process.

Schleuning provided contact information for that resident to submit his request.

## 10. PUBLIC HEARING

There were no public hearings.

## 11. OTHER BUSINESS

There was no other business.

## 12. OLD BUSINESS

**A)** Boat Generated Wakes – Review Draft Code Amendment Options

Thomas stated that this item has been discussed at the last few meetings, including a public listening session. He stated that Gilchrist included the original draft ordinance as well as an updated version.

Gilchrist stated that he attempted to update the proposed draft ordinance based on the input from residents and the Board at the last meeting. He stated that currently watercraft must be 150 feet away from shoreline, docks, and other objects. He stated that the original ordinance replaced the 150 feet with 300 feet. He stated that based on the input at the last meeting, he believed it was the consensus that there was an appetite for 300 feet from shore and 150 feet from other objects which is provided in the updated draft ordinance. He stated that the updated draft ordinance would also make this change effective January 1, 2023, which would provide sufficient time to focus on education prior to the next boating season.

Thomas acknowledged that these are not the only options but an attempt to reflect the discussion from the past meeting. He stated that Anderson has requested to share a short video clip, but they do not have the capability to do so tonight.

Anderson provided background information on a location he visited that uses swim buoys to identify the 300 feet from shore distance. He noted that the area was packed with boaters, but he only noticed one boat with wake inside of that 300 feet area. He stated that he would not be suggesting buoys because that would be a huge endeavor. He agreed with the distance of 300 feet from shore and 150 feet from a structure or other element. He stated that some buoys would be helpful in the future.

Thomas agreed that the discussion tonight is not related to buoys but changing the 150 feet from shore rule.

Schleuning provided additional input on the additional information that staff prepared and included in the Board packet.

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Hoelscher asked if there is an official response from Water Patrol.

Schleuning replied that there is not an official response. She noted that there is a concern with additional buoy requests because of the increased costs. She stated that Water Patrol has stated that they will enforce what is passed by the LMCD.

Kirkwood stated that the map with the 300-foot distance shown demonstrates there is still a lot of lake out there to use and does not restrict the use of the lake.

Thomas agreed that this would not close down bays as it had previously been mentioned by residents.

Newell stated that he supports the change to 300 feet from shore and will provided a needed response. He looks forward to gathering additional information from the continued studies of the university.

Zorn asked if this item should be tabled to the next meeting to review the additional information staff has prepared as this would not take effect until January. She noted that she is supportive of the draft ordinance.

Thomas noted that there is not any additional information that was not included in the packet.

**MOTION:** Anderson moved, Newell seconded to accept the draft ordinance using a distance of 300 feet from shore and 150 feet from other structures and swimming areas as outlined in option two.

Further discussion: Hoelscher referenced the watercraft speeds section, C3, which would use the distance of 150 feet. She asked for the definition of an authorized bathing area and asked if that would technically be from shore.

Gilchrist confirmed that to be true and noted that is how the code language is currently written.

Schleuning noted that an authorized bathing area has defined requirements, such as buoys and the distance of 150 feet would apply to the buoy marked area.

Hoelscher asked how non-motorized things would be considered and whether those should fall into the distance from 150 feet, meaning that watercraft would need to stay 150 feet from those items.

Anderson replied that would muddy up the discussion and therefore he would not suggest adding that.

Gilchrist stated that he used existing language. He reviewed the definition of watercraft and noted that non-motorized watercraft would fall into that same category.

Klohs stated that the 150 feet from structures and other watercraft would not be changing, only the distance from shore would be changing from 150 feet to 300 feet. He stated that redefining items would be for another meeting. He stated that the only substantiative change would be the distance from shore.

Schleuning stated that in State Code there is a regulation regarding PWCs that deals with anchored and non-motorized watercraft that would still apply even if it were not included in the LMCD Code.

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A resident expressed outrage that public comment was not being solicited.

Thomas explained that the Board allowed public comment at the last meeting as well as the listening session prior to that but is not being accepted at this time.

Gilchrist commented that public comment is not required by law, but the Board chose to accept public comment at its last meeting.

Anderson stated that in the past, comments would have been allowed during the agenda item or during public comment. He noted that the Board has always allowed people to speak during the agenda item or during public comment prior to the agenda item.

Thomas commented that this was discussed at the last meeting and public comments were allowed. He did not believe any new information would be gathered tonight. He invited the resident to speak at the podium.

Chris Bank, 2600 West Lafayette Road, asked if the draft ordinance was drafted and presented for open to public conversation at the last meeting.

Thomas commented that the draft ordinance was discussed at the last meeting where public comment was available.

Gilchrist commented that the verbiage has changed as the original draft ordinance considered 300 feet from shore and 300 feet from structures, whereas this contemplates 300 feet from shore and 150 feet from structures which is less burdensome for boaters.

Thomas stated that the public was considered thoroughly throughout the process. He stated that if people feel they need to make additional comments, he will allow that but would want to hear new comments and not information repeated.

Bank commented that a resident of the lake he gets the impression that the Board is tired of this issue and ramrodding this through the system without waiting to see what the State may do through legislation. He felt that the LMCD is pushing to say it did something about it. He would prefer the LMCD hold back and see what happens. He noted that Lake Minnetonka tends to set precedent in other parts of the country because it is such a large lake. He appreciated that the Board is in a tough spot and thanked them for listening to him.

Eric Evenson, Director of the Lake Minnetonka Association, asked if there is a requirement that the ordinance in its final form be sent to all the cities.

Gilchrist replied that there is not prior notice requirement to the cities. He stated that the LMCD has adopted a lot of ordinances over the years. He stated that the notice was publicized as part of the last packet and this packet and therefore the Board can move forward with the motion as proposed.

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Travis Anderson, Maxwell Bay resident, commented that he understands the process, and everyone is tired of one individual making a lot of noise and causing annoyance. He did not believe that pushing something through is the answer. He stated that education takes time. He asked that the Board slow down a bit.

Greg Blasko, 3295 Crystal Bay Road, commented on the speed of this process. He stated that the Board requested comments from Water Patrol, and it still does not seem that statement has been provided. He stated that there are some good maps that were put together but noted that not all the buoys were identified on the map. He stated that Crystal Bay could have a potential safety hazard because of this change. He believed that additional study should be done to determine the impacts that would result from this change. He asked that the Board allow a 30-day comment period.

Thomas stated that he appreciates all the opinions expressed tonight. He commented that he and others on the Board will not be making a vote tonight because of duress from any individual or group. He stated that the people on the Board took an oath to do what is right for Lake Minnetonka.

Jim Sims, National Marine Manufacturers Association, stated that her organization submitted their comments two weeks ago. She stated that she covers 14 states for government affairs and believes that the LMCD has done a wonderful job in allowing public participation and engagement. She commented that she works on a lot of regulatory issues and felt that this process has allowed her organization to weigh in and felt that the LMCD had honored that whether they agree or disagree. She felt that ample notice and discussion was provided and allowed during this process.

Anderson commented that it was smart to allow public comment as the language was changed from the originally presented ordinance.

Brandt commented that options one and two were available in the Board packet and were available for the public to view as of last Friday. He stated that one option is chosen tonight, and the vote take place at the next meeting. He stated that he would be interested in more information from Water Patrol.

Thomas believed that the vote would need to take place.

Gilchrist stated that someone could make a motion to table if desired.

Anderson stated that he is in constant conversation with the Water Patrol and they like the concept of buoys but cannot comment on it because it would put them in a position.

**MOTION:** Brandt moved, Hoelscher seconded to table this item and move option two forward for a formal vote at the next meeting.

**VOTE:** Ayes (4), (Brandt, Hoelscher, Zorn, Walesch) Nays (9). Motion failed.

Thomas stated that the Board will now vote on the original motion.

Baasen asked that the draft ordinance be recapped for clarity prior to the vote.

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Gilchrist recapped the draft ordinance language.

Kroll stated that he is confused by the term anchored boat or watercraft. He asked if the adjective anchored is distributed against both boat and watercraft.

Gilchrist replied that boat is being deleted and it will read raft or watercraft. He noted that one the charges early on was to provide consistency and to keep it simple.

Kirkwood commented that he does not feel that this has been rushed as this has been a topic of discussion for months and included an extensive public listening session.

**VOTE:** Ayes (10), Nays (2), (Brandt, Zorn), Abstained (1) (Kroll). Motion carried.

Baasen commented that this will go into effect January 1, 2023. He commented that people are not boating in the winter months which provides additional time for education.

## 13. NEW BUSINESS

**A)** Discussion Related to Docking Locations for Licensed Watercraft for Hire

Anderson commented that the Board has previously considered the topic of watercraft for hire and the requirement for commercial berthing locations. He stated that there is rumor that someone was licensed using Grays Bay as their port of call. He noted that two other applications have been denied because they were not docked at a commercial location. He stated that he wanted more discussion to determine if the rumor is true.

Thomas stated that many people voted to add this to the agenda and therefore this could be turned back to staff to bring back for discussion at a future meeting.

Stone stated that this also came to her attention as a Minnetonka resident was denied last year because he did not have a commercial berthing location. She stated that at the last meeting the Board considered a similar application from another resident and formal action was taken tonight to deny that application because of the lack of a commercial berthing location. She commented that it was also brought to her attention that in the time since the last meeting, a person was granted a license when they do not even have a dock on the lake. She asked for clarification as the Board decided that they did not want to change the Code to allow watercraft for hire to berth from their own residential dock. She stated that if the Code is not going to applied uniformly to everyone, she has a problem with that.

Newell stated that he has seen a number of very qualified people make applications that he would be happy to approve, but then learned that this could cause issues with neighboring property owners. He believed that it would be worth it for the Board to review the item. He noted that reasonable requests have been denied because of the existing standards.

Thomas commented that legal counsel has stated that the applications could not be approved based on the language in the ordinance, but the Board would have the authority to change that ordinance if it wanted to allow residential berthing of watercraft for hire.

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Gilchrist confirmed that this would be a policy decision for the Board. He stated that it has been applied in the manner written but the Board can change the policy.

Walesch asked if the differentiator between the two denied applications and the administratively approved license was that the person does not live on the lake and does not keep the boat at a residential dock.

Schleuning replied that the LMCD regulations apply to Lake Minnetonka. She stated that LMCD does its best to education the public on its website. She stated that this is the first request where a person has requested to trailer the boat and staff consulted with legal counsel prior to approval of the license.

Walesch commented that it would then seem that the residents that live on the lake are punished for living on the lake.

Thomas stated that he would not use the word punished.

Walesch commented that he would use the word punished as would anyone with common sense.

Hoelscher stated that this is the first time that this issue has come up and believes that the Board should talk about this with a memorandum and information from staff to review and make educated decisions.

Stone agreed but noted that there was not a forum for them to do this as she only recently became aware the license was approved. She agreed with Hoelscher that this should have continued discussion.

Thomas suggested that staff be allowed time to compile information so that the Board can have an informed discussion on the ordinance.

Walesch asked when the license was issued.

Schleuning commented that the license was issued a few months ago. She noted that the option to trailer would be available to residents on the lake as well. She stated that there has been a lot of staff time put into this issue and complaints fielded. She stated that if the Board would like to make a change to the ordinance, they could propose that. She stated that they attempt to enforce equally and place helpful information on the website. She stated that staff will bring information back for review and the Board can decide whether to amend the ordinance.

Anderson stated that he does not believe that the stance necessarily needs to be changed about residential berthing but does have an issue with allowing someone to trailer in a boat to be used for watercraft for hire. He stated that he does not support changing the ordinance but would like to be informed and have a vote.

Hoelscher commented that consistency is the desire.

Anderson stated that he would like to deny the license as it was not brought before the Board.

Gilchrist commented that under the Code the Board does not have the decision-making authority at the first

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level. He stated that if the proposal is to deny the license, then it comes forward to the Board. He stated that administratively approved licenses that are consistent with the Code do not come forward to the Board.

## 14. TREASURER REPORT

Anderson commented that he is working on the second quarter report.

## 15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Staff has been busy and responding to inquiries
- Low water declaration may be needed, and staff continues to monitor water levels

## 16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt reported that an application for funding has been requested for a carp population and spawning assessment. The committee reviewed the request and recommended approval; therefore, it will come to the Board at the next meeting.

Communications: Hoelscher reported the committee met the previous day and are scheduling a tour of the lake for the Board in place of the September 28th Board meeting from 4:30 to 6:30 p.m.

Finance: No report.

Operations: No report.

Save the Lake: Baasen reported that Save the Lake met the previous night and had an open discussion about sustainability, safety on the lake, and the contracts with Water Patrol. He stated that things are moving along nicely with the contracts that have been extended and they are in a good position to cover their obligations for the next 1.5 years.

## 17. ADJOURNMENT

Being there no further business, the meeting was adjourned at 8:18 p.m.

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Gregg Thomas, Chair Dan Baasen, Secretary

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# Lake Minnetonka Conservation District
## Check Detail
### August 16 - 31, 2022

**ITEM 7A**

| Date | Num | Name | Memo | Account | Class | Paid Amount |
|---|---|---|---|---|---|---|
| **08/25/2022** | **EFT-22-88** | **ADP Service Fee** | | **Alerus Checking** | | |
| | | | Payroll 8/16/22 - 8/31/22 | 4180M10 · Professional Services ... | Admin. | -89.62 |
| TOTAL | | | | | | -89.62 |
| **08/27/2022** | **EFT-22-89** | **Health Partners** | | **Alerus Checking** | | |
| | | | September Dental Insurance (Schleuning) | 4380M10 · Employee Benefits - A... | Admin. | -58.83 |
| | | | September Dental Insurance (Duncan) | 4380M10 · Employee Benefits - A... | Admin. | -58.83 |
| | | | September Dental Insurance (Tully) | 4380M10 · Employee Benefits - A... | Admin. | -58.83 |
| TOTAL | | | | | | -176.49 |
| **08/27/2022** | **EFT-22-90** | **Medica** | | **Alerus Checking** | | |
| | | | Health Insurance, August 2022 (Vickie Schleuning) | 4380M10 · Employee Benefits - A... | Admin. | -721.50 |
| | | | Health Insurance, August 2022 (Tammy Duncan) | 4380M10 · Employee Benefits - A... | Admin. | -721.50 |
| | | | Health Insurance, August 2022 (Thomas Tully) | 4380M10 · Employee Benefits - A... | Admin. | -721.50 |
| TOTAL | | | | | | -2,164.50 |
| **08/31/2022** | **EFT-22-91** | **ADP** | | **Alerus Checking** | | |
| | | | Salaries - Admin | 4020M10 · Salaries-002 - Admin | Admin. | -10,495.94 |
| | | | P.E.R.A. | 2020 · Payroll Liabilities - | Admin. | 1,463.49 |
| | | | ER PERA | 4022M10 · ER PERA - Admin | Admin. | -784.01 |
| | | | ER/FICA Medicare - Admin | 4021M10 · ER Share of Admin FI... | Admin. | -799.72 |
| | | | Long Term Disability | 2020-LT · Payroll Liabilities - UNUM | Admin. | 84.96 |
| TOTAL | | | | | | -10,531.22 |
| **08/25/2022** | **EFT-22-92** | **P.E.R.A** | | **Alerus Checking** | | |
| | | | Payroll 8/16/22 - 8/31/22 | 2020 · Payroll Liabilities - | Admin. | -1,463.49 |
| TOTAL | | | | | | -1,463.49 |
| **08/25/2022** | **22196** | **Chuck Struck** | | **Alerus Checking** | | |
| 08/11/2022 | Inv.#INV0018 | | Board Meeting 8/10/22 | 4182M10 · Media (Cable/Internet)... | Admin. | -90.00 |
| TOTAL | | | | | | -90.00 |

# Lake Minnetonka Conservation District
## Check Detail
### August 16 - 31, 2022

| Date | Num | Name | Memo | Account | Class | Paid Amount |
|---|---|---|---|---|---|---|
| **08/25/2022** | **22197** | **City of Mound** | | **Alerus Checking** | | |
| 08/20/2022 | September 2... | | Rent, September 2022 | 4320M10 · Office Rent - Admin. | Admin. | -1,691.20 |
| TOTAL | | | | | | -1,691.20 |
| **08/25/2022** | **22198** | **ECM Publishers, Inc.** | | **Alerus Checking** | | |
| 08/04/2022 | Inv.#905290,... | | Sun Sailor - PH Gustafson | 4110M10 · Public Info Legal Fees... | Admin. | -61.50 |
| | | | Laker - PH Gustafson | 4110M10 · Public Info Legal Fees... | Admin. | -39.75 |
| TOTAL | | | | | | -101.25 |
| **08/25/2022** | **22199** | **FRANCOTYP-POSTALIA, INC.** | | **Alerus Checking** | | |
| 08/14/2022 | Inv.#RI1054... | | 3rd Qtr - Quarterly Rental Fee for Postage Meter | 4080 · Postage | Admin. | -86.85 |
| TOTAL | | | | | | -86.85 |
| **08/25/2022** | **22200** | **Goff Public** | | **Alerus Checking** | | |
| 07/31/2022 | Inv.#17982 | | Public Relations | 4180M10 · Professional Services ... | Admin. | -1,691.25 |
| TOTAL | | | | | | -1,691.25 |
| **08/25/2022** | **22201** | **LMCC** | | **Alerus Checking** | | |
| 08/11/2022 | Inv.#1502 | | VOD Services for Meeting 8/10/22 | 4182M10 · Media (Cable/Internet)... | Admin. | -100.00 |
| TOTAL | | | | | | -100.00 |
| **08/25/2022** | **22202** | **PLM Lake and Land Management Co...** | | **Alerus Checking** | | |
| 05/23/2022 | Inv.#2001088 | | Diquat Treatment - Harrison Bay | 4181M30 · Prof. Services | AIS | -2,112.55 |
| TOTAL | | | | | | -2,112.55 |
| **08/25/2022** | **22203** | **Steven M. Tallen Attorney At Law** | | **Alerus Checking** | | |
| 08/01/2022 | July 2022 | | Prosecution Cost July 2022 | 4640M10 · Prosecution Legal Fee... | Admin. | -4,980.11 |
| TOTAL | | | | | | -4,980.11 |

# Lake Minnetonka Conservation District
## Check Detail
### August 16 - 31, 2022

| Date | Num | Name | Memo | Account | Class | Paid Amount |
|---|---|---|---|---|---|---|
| **08/25/2022** | **22204** | **TimeSaver Off Site Secretarial, Inc.** | | **Alerus Checking** | | |
| 08/12/2022 | Inv.#M27533 | | Board Minutes 7/27/22 | 4230M10 · Meeting Exp. - Admin. | Admin. | -281.38 |
| TOTAL | | | | | | -281.38 |

# ITEM 7B

**RESOLUTION 245**

**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.

DRAFT

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 24th day of August 2022.

ATTEST:

_____
Gregg Thomas, Chair

_____
Dan Baasen, Secretary

DRAFT

# Lake Minnetonka Conservation District
## Transaction Detail By Account
**August 1 - 16, 2022**

**Resolution #245 Attachment 1 - Save the Lake Contributions**

| Date | Num | Name | Memo | Amount |
|---|---|---|---|---|
| **Contributions** | | | | |
| | **3001M20 · Donations (General) - S/L** | | | |
| 08/16/2022 | 3371 | The Caribbean Tonka Bay LLC | STL Donation (General) | 2,500.00 |
| 08/16/2022 | 5634 | Diamond Reef Watersports Inc./DBA Bay to Bay Boat Club | STL Donation (General) | 2,500.00 |
| 08/16/2022 | 3146 | Jude Buckley | STL Donation (General) | 500.00 |
| 08/16/2022 | 3642 | Christine A. Schultz | STL Donation (General) | 50.00 |
| 08/16/2022 | 7938 | Nicole Stone | STL Donation (General) | 500.00 |
| 08/16/2022 | 7696 | Catherine L. Van Der Schans | STL Donation (General) | 250.00 |
| **Total 3001M20 · Donations (General) - S/L** | | | | **6,300.00** |

# ITEM 10B

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

**DATE:** August 24, 2022 (Prepared August 21, 2022)

**TO:** LMCD Board of Directors

**FROM:** Vickie Schleuning, Executive Director

**CC:** Thomas Tully, Environmental Administrative Technician

**SUBJECT:** Multiple Dock License Application at 1449 Shoreline Dr, Orono

**ACTION**

Board consideration of a multiple dock license application for 1449 Shoreline Drive on Browns Bay and Tanager Lake in the City of Orono (PID 11-117-23-21-0001) and receive public input during the public hearing.

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

> Approval
> I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order approving the Multiple Dock License application for North Shore Marina for the property located at 1449 Shoreline Dr in Orono for final approval at the September 14, 2022, LMCD Board meeting <subject to the following conditions>…
>
> Denial
> I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order denying the approving the Multiple Dock License application for North Shore Marina for the property located at 1449 Shoreline Dr in Orono for final approval at the September 14, 2022 LMCD Board meeting based on…

**APPLICATION SUMMARY**

The Applicant has submitted an application to reclassify the site from a Commercial Marina to a Qualified Commercial Marina. The site is located at 1449 Shoreline Drive in Orono. Based on the application, the site has 3,310 feet of shoreline 929.4 ft OHW on Browns Bay and Tanager Lake. The site has a non-permanent structure and has a density of 1:29. The number of Boat Storage Units (BSUs) would remain at 114.

**Site Background**

The site is currently licensed as a Commercial Marina, with BSUs for rent to the general public. The Applicant proposes the change to a Qualified Commercial Marina to eliminate the need for a special density license and associated conditions. The Applicant states there are no structural or

storage changes to the site since the original site plan that was submitted as part of this application request. An as built was not submitted

**APPLICATION REVIEW**

Below is a review of the relevant attributes of the proposal:

**Boat Density**. Shoreline measurements (929.4' NGVD elevation contour) and boat density for the sites are as follows:

- Current BSUs: 114; Proposed BSUs: 114
- Shoreline: 3.310 feet
- Current boat density: 1:29 (per current Special Density License)
- Proposed boat density: 1:29 (no change)

Per LMCD Code Section 2-4.07, Subdivision 1, the Applicant (for a Qualified Commercial Use) may apply for up to one watercraft per 10 feet of shoreline in existence on May 3, 1978.

**BSU Classification**. The proposed BSUs would be classified for rental to the general public

**Dock Structure**. The Applicant states there are no structural or storage changes to the site since the original site plan that was submitted as part of this application request. An as built was not acquired or submitted

**Site Classification**. The Applicant's proposal for the site appears to meet the criteria of a Qualified Commercial Marina (QCM) as identified in LMCD Code Section 1-3.01, Subd. 79. If the site is classified as a QCM, the Applicant would not need a special density license.

**ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) DETERMINATION**

There are no changes proposed to structure, storage (BSUs) or navigation with this application. As the proposed site does not reach or surpass an increment of expansion of 20,000 square feet of dock structures, boat storage, and navigational area, a Mandatory EAW is not required at this time. The LMCD Board may opt to require a Discretionary EAW, however the site has been in existence for many years. In previous discussions, the board had determined that absent of other specific environmental concerns, an EAW would not be required for cumulative expansions less than 20,000 square feet.

**SUMMARY OF CODE CONSIDERATIONS**

Key LMCD Code items are listed below, with a description of the code section as it relates to this Application. Code excerpts are attached for additional reference. *Staff comments regarding the Application are written in italics below the relevant code language.*

**Section 1-3.01. Definitions.**

Subd. 79. Qualified Commercial Marina. "Qualified commercial marina" means a privately owned, revenue-producing business that rents storage space at one facility for 13 or more watercraft on the Lake. A facility does not qualify as a qualified commercial marina unless all rented boat storage units on the Lake are freely available to members of the public without requiring membership in any organization and without providing any priority or preference to members of any organization. Except as allowed in paragraphs (a) and (b) below, a facility does not qualify as a qualified commercial marina if any part of the facility meets the definition of any of the following classifications of use: club facilities; municipal facilities; outlot association facilities; residential association facilities; or residential multiple dock. Additional boat storage units may be used for purposes other than rental to the general public, subject to the following limitations:

(a) No more than 20 percent of all boat storage units at the facility may be used for any combination of the following uses: watercraft held for sale by the marina owner; watercraft being repaired by the marina owner; rental watercraft; emergency storage of a disabled watercraft for up to three business days; or boat storage units made available under a priority or preference to owners of specified real property under real estate interests created prior to 1995; and

(b) No more than the number of boat storage units rented to the general public may be used for any combination of the following uses: transient use; storage of commercial or governmental lake maintenance watercraft; or storage of governmental watercraft for emergency response or law enforcement uses.

- *The Applicant appears to meet the definition of a Qualified Commercial Marina.*

Subd. 80. Qualified Commercial Uses. "Qualified commercial use" is, unless specifically noted otherwise, a general reference to qualified commercial marinas, qualified sailing schools, and qualified yacht clubs.

**Section 2-3.03. Determination of Authorized Dock Use Area.**

Subd. 2. Length. The length of the authorized dock use area is measured on a line parallel to the site side lines as extended into the Lake and is limited as provided in this subdivision.

(a) Qualified Commercial Uses. The authorized dock use area for qualified commercial marinas, qualified sailing school, and qualified yacht clubs extends into the Lake a distance of 200 feet.

- *No change is proposed to existing length from shore of dock or watercraft storage. Previous site plan indicates approximately 100 feet within 929.4 ft OHW shoreline.*

**Section 2-4.07. Qualified Commercial Uses.**

Subd. 1. General Rule – May 3, 1978. 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. When calculation of the number of restricted watercraft allowed results in a fractional restricted watercraft, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be counted as one additional watercraft.

**Section 6-2.01. Commercial Multiple Dock License.** An Application for a commercial multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

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;

- *No increase in BSUs is proposed. If approved as a QCM, the proposal would meet maximum density allowed for a QCM (1:10). Additional approval by the Board would be required if an increase in boat density is proposed and the site characteristics evaluated.*

(b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;

- *This site has been in existence and approved with the dock use area for many years. Since no changes in the structure or watercraft storage is proposed, continuance of the current structure is suggested. If the structure, BSUs, or significant operations are proposed in the future, the side setbacks and other elements of the DUA should be evaluated.*

(c) Whether the proposed structure will be structurally safe for use by the intended users;

- *No structural changes are proposed.*

(d) Whether the structure will comply with the regulations contained in this Code;

- *The proposal generally appears to comply with the regulations of the LMCD Code. Please refer to (b).*

(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;

- *This site has been in existence for several years and no changes are being proposed to the number of watercraft.*

(f) Whether the proposed structure will be compatible with the adjacent development;

- *The Applicant's use of the site would not be a departure from the current licensed use of the site in terms of compatibility with adjacent development.*

(g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;

- *The Applicant's use of the site would not be a departure from the current licensed use of the site in terms of compatibility with the natural beauty of the Lake.*

(h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;

- *The Applicant's use of the site would not be a departure from the current licensed use of the site in terms of its effect on the quality of water and the ecology of the Lake.*

(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;

- *This proposal does not appear to significantly change the noise, fumes, or other nuisance characteristics of the site, as its operation will conceivably remain functionally the same.*

(j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;

- *Existing and approved parking and sanitary facilities proposed to be continued.*

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

- *Existing BSUs at the marina are available for the general public to rent.*

(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

- *The Applicant proposes to comply with the current site plan submitted as part of this application, which is part of the currently approved commercial marina license.*

(m) If the site to which the Application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.09, 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 variances are currently held.*

(b) No license will be granted for a proposed facility that overlaps the dock use area of another site;

- *The existing and proposed site plan do not overlap the DUA of another site.*

(c) No license will be granted for a proposed facility that will require removal of emergent native vegetation; and

- *Removal of emergent native vegetation is not proposed. Emergent vegetation was observed growing near shore and the dock structure has existed for many years.*

(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.

- *The site has been in existence for many years and staff is not aware of any public navigation concerns.*

**PUBLIC COMMENTS**

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Orono were provided information regarding the application on August 12, 2022. City and agency comments were due by August 22, 2022. Comments received as of August 22, 2022, are summarized below. Any comments received after August 22, 2022, will be provided at the Board meeting for review.

- One public comment was received regarding some concerns if there was an increase in the number of boat slips at this site. No increase is proposed at this time.

**PUBLIC HEARING**

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

The public hearing notice was published in the June 30, 2022, edition of the Sun Sailor (official newspaper) and the July 2, 2022, edition of the Laker Pioneer. On August 12, 2022, 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**

This site has been in existence and approved with the proposed site plan for many years. Since no changes in the structure or watercraft storage is proposed, continuance of the current license

site plan and approved structures is suggested. If any increase in boat density, structures, or similar is proposed in the future, the channel side double setbacks and other elements of the dock use area should be re-evaluated. Based on information available at the time of this report, LMCD staff recommends approval with the minimum conditions listed below. The recommendation may change based on information presented or reviewed as part of the public hearing process.

1. Adequate lighting and/or reflectorized material be provided at the end of the southwestern edge of the dock along the public navigation channel.
2. Compliance with proposed/existing site plan such as watercraft storage and structures.
3. Other general license requirements apply.

**BUDGET**

N/A

**STRATEGIC PRIORITIES**

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| ☐ | Operational Effectiveness | ☐ | Clear & Timely Communications | ☐ | Effective Governance | X | Lake Protection | ☐ | Other |

**ATTACHMENTS**

1. LMCD Code Excerpts
2. Aerial Imagery of Site
3. Proposed Site Plan
4. Multiple Doc License & Submitted Documents
5. Public Hearing Notice (Sun Sailor and Laker Pioneer)
6. Public Hearing Notice Mailing

Multiple Dock License Application at 1449 Shoreline Dr, Orono
LMCD Board Meeting
August 24, 2022

**ATTACHMENT: LMCD Code Excerpts for Reference**
**2022 Multiple Dock License Application**

## Section 1-3.01. Definitions.

Subd. 20. Commercial Structure. "Commercial structure" is, unless specifically noted otherwise, a general reference to a facility associated with a commercial use that includes a multiple dock, moorings area, commercial single dock, and launching ramp. This general term is used to streamline references in this Code, but the use of this term does not exempt a particular commercial facility from needing to comply with the requirements of this Code Applicable to such facilities.

Subd. 79. Qualified Commercial Marina. "Qualified commercial marina" means a privately owned, revenue-producing business that rents storage space at one facility for 13 or more watercraft on the Lake. A facility does not qualify as a qualified commercial marina unless all rented boat storage units on the Lake are freely available to members of the public without requiring membership in any organization and without providing any priority or preference to members of any organization. Except as allowed in paragraphs (a) and (b) below, a facility does not qualify as a qualified commercial marina if any part of the facility meets the definition of any of the following classifications of use: club facilities; municipal facilities; outlot association facilities; residential association facilities; or residential multiple dock. Additional boat storage units may be used for purposes other than rental to the general public, subject to the following limitations:

(c) No more than 20 percent of all boat storage units at the facility may be used for any combination of the following uses: watercraft held for sale by the marina owner; watercraft being repaired by the marina owner; rental watercraft; emergency storage of a disabled watercraft for up to three business days; or boat storage units made available under a priority or preference to owners of specified real property under real estate interests created prior to 1995; and

(d) No more than the number of boat storage units rented to the general public may be used for any combination of the following uses: transient use; storage of commercial or governmental lake maintenance watercraft; or storage of governmental watercraft for emergency response or law enforcement uses.

Subd. 80. Qualified Commercial Uses. "Qualified commercial use" is, unless specifically noted otherwise, a general reference to qualified commercial marinas, qualified sailing schools, and qualified yacht clubs.

## Section 2-3.03. Determination of Authorized Dock Use Area.

Subd. 1. Generally. The dimensions of an authorized dock use area for sites bordering the Lake are determined in accordance with this Section. The authorized dock use area shall be measured from the point which forms the shoreline when the Lake is at elevation 929.4, National

Geodetic Vertical Datum of 1929 ("NGVD"). The authorized dock use area includes the area on, under, and over the surface of the Lake.

Subd. 2. Length. The length of the authorized dock use area is measured on a line parallel to the site side lines as extended into the Lake and is limited as provided in this subdivision.

(b) General Limit. The length of an authorized dock use area extends into the Lake a distance equal to the length of shoreline frontage of the site as measured at right angles to the side site lines as extended into the Lake. The total length of the authorized dock use area shall not extend beyond 100 feet, even if the site has more than 100 feet of shoreline frontage, unless otherwise specifically provided in this Section.

(c) Commercial Structures – August 30, 1978. The authorized dock use area for sites with commercial uses that have a commercial structure that was in existence on August 30, 1978 shall extend into the Lake a distance of 200 feet. The lakeward extension of the authorized dock use area more than 100 feet from the shoreline shall be limited to the distance from shore of the docks in existence on said date and that portion of said docks more than 100 feet from the shoreline may not be altered or expanded.

(d) Qualified Commercial Uses. The authorized dock use area for qualified commercial marinas, qualified sailing school, and qualified yacht clubs extends into the Lake a distance of 200 feet.

Subd. 3. Width. The width of an authorized dock use area is determined in accordance with the provisions of this subdivision. The width of an authorized dock use area is less than the width of the site due to the need to comply with setbacks imposed from the side site lines.

(a) Setbacks. The width of an authorized dock use area is limited by the following setbacks, which are measured from the side site lines as extended in the Lake:

| For that portion of the length of the authorized dock use area which extends from the shore: | The setback from the side site line as extended in the Lake shall be: |
|---|---|
| Zero to 50 feet | 10 feet |
| 50 to 100 feet | 15 feet |
| 100 to 200 feet | 20 feet |

Where boat slips open toward a side site line, the setback provided shall be at least equal to the slip depth, but shall not be less than 20 feet.

(b) Setbacks Doubled. Setbacks shall be doubled for all multiple docks or mooring areas and commercial single docks on each side where such structures are not located adjacent to another multiple dock, mooring area, or commercial single docks.

(1) Exception – May 3, 1978. Multiple docks, mooring areas, and commercial single docks in existence on May 3, 1978 shall be considered nonconforming structures and shall not be subject to setback doubling if such structures are not expanded. The reconfiguration of the structure pursuant to Article 2, Chapter 8 shall not be considered an expansion.

(c) Sites with 50 feet of Width or Less – February 2, 1970. For a site in existence on February 2, 1970 with a width of 50 feet or less, the authorized dock use area may be expanded to a side setback limitation of five feet, provided that such setback in no way impairs access to neighboring docks.

(d) Canopies. Canopies must be setback from side site lines a minimum distance of 20 feet.

**Section 2-4.07. Qualified Commercial Uses.**

Subd. 1. General Rule – May 3, 1978. 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. When calculation of the number of restricted watercraft allowed results in a fractional restricted watercraft, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be counted as one additional watercraft.

**Section 3-2.01. Commercial Uses Identified.**

The commercial uses identified in this Section are eligible to apply for commercial licenses on the Lake. The following designations are based on the characteristics of the commercial use and are used to determine eligibility for certain commercial licenses. The LMCD does not license these uses, but the licenses issued a particular use will identify the particular commercial use designation recognized by the LMCD. These designations are not directly dependent on the zoning approvals issued for a property by the municipality in which the use is located. Each type of commercial use is identified below and may be referred to in this Code collectively as commercial uses. The commercial uses that are also identified as qualified may be referred to in this Code collectively as qualified commercial uses. The commercial uses, including qualified commercial uses, identified in this Code are as follows:

(a) Commercial Marinas;
(b) Club Facilities;
(c) Qualified Commercial Marinas;
(d) Qualified Sailing Schools; or
(e) Qualified Yacht Clubs.

**Section 3-2.07. Qualified Commercial Marinas**. Qualified commercial marinas may seek the licenses identified in this Section and are subject to restrictions on the conversion of the use to a different use as provided in this Section.

Subd. 1. License Eligibility. A qualified commercial marina may apply for the following types of licenses:

(a) Commercial single dock license;
(b) Commercial multiple dock license;

(c) Commercial mooring area license; or
(d) Commercial launching ramp.

All license applications shall be submitted and processed in accordance with the requirements and procedures in Article 6.

Subd. 2. License Renewals. Commercial licenses issued to a qualified commercial marina shall be renewed annually as provided in Article 6, Chapter 2.

Subd. 3. Additional Density. A commercial marina that constitutes a qualified commercial marina may be eligible for additional boat storage density as provided in Article 2, Chapter 4.

Subd. 4. Conversion of Use. The conversion of a qualified commercial marina to any other use is subject to the restrictions in Section 3-2.03, subdivision 3.

**Section 3-3.01. Commercial Structures Identified.** The commercial structures identified in this Section are allowed on the Lake with the issuance of a license (or permit) from the LMCD and compliance with all Applicable provisions of this Code. In addition to these primary commercial structures, this Code also allows certain accessory commercial structures and uses as provided in Section 3-3.13. The specific types of commercial structures allowed by this Code, and which may be referred to collectively as commercial structures, are as follows:

(a) Commercial single docks;
(b) Commercial multiple docks;
(c) Commercial mooring areas; and
(d) Commercial launching ramps.

**Section 6-2.01. Commercial Multiple Dock License.** An Application for a commercial multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

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;
(b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
(c) Whether the proposed structure will be structurally safe for use by the intended users;
(d) Whether the structure will comply with the regulations contained in this Code;
(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;
(f) Whether the proposed structure will be compatible with the adjacent development;
(g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
(h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;

(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;

(j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed 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;

(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

(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).

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;

(b) No license will be granted for a proposed facility that overlaps the dock use area of another site;

(c) No license will be granted for a proposed facility that will require removal of emergent native vegetation; and

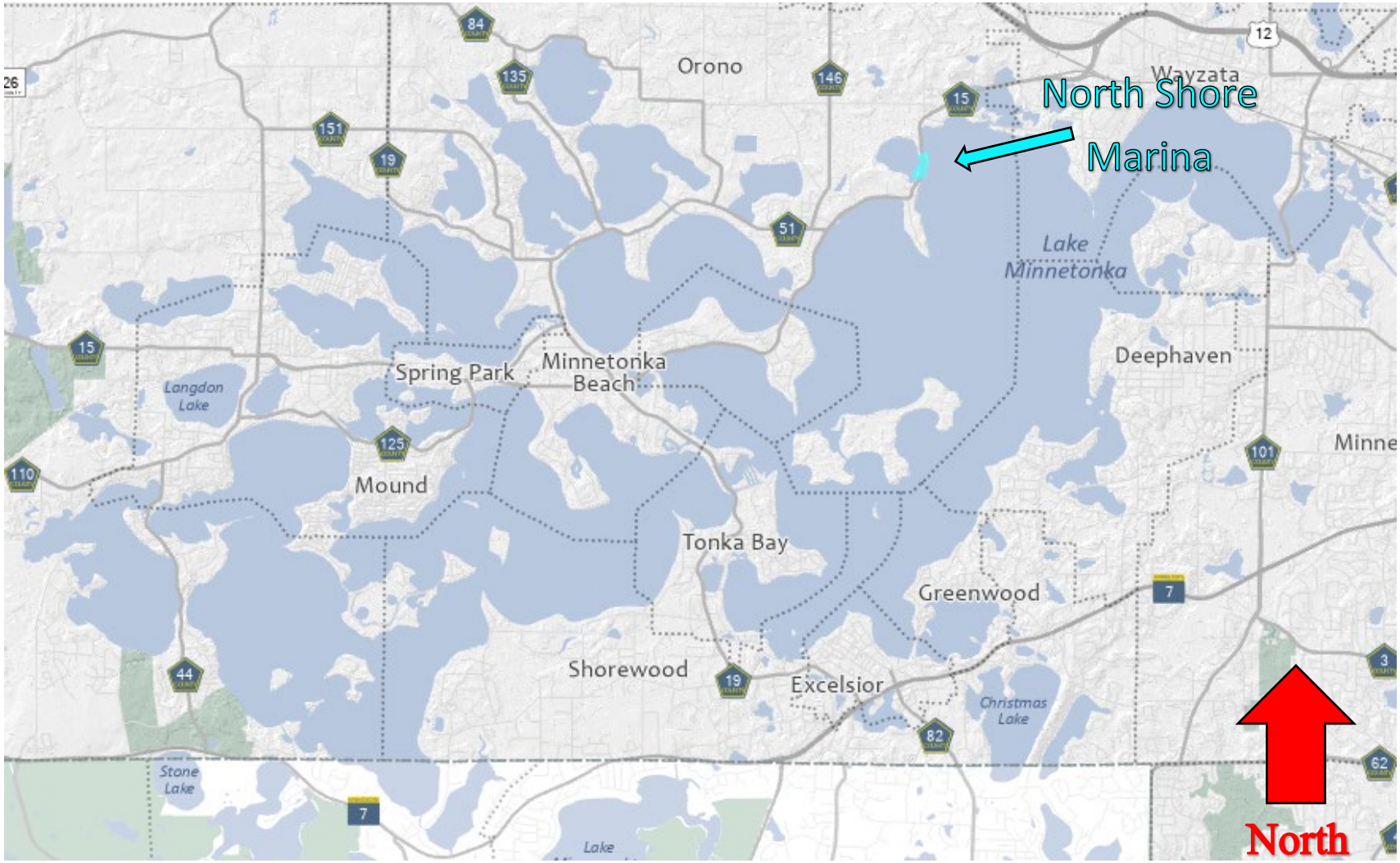
(d) No license will be granted for a proposed facility that interferes with general public navigation, or impairs access to use of the dock use area of another site or a commercial mooring area.

Subd. 5. Limitations. The following limitations and restrictions apply to structures licensed under this Section.

(a) Zoning Districts. No commercial single dock shall extend across the extended zone line between sites zoned differently by a municipality.

(b) Non-Continuous Shoreline. If the dock use area of the site includes non-continuous shoreline, the limitations in Section 2-4.09, subdivision 4(a) apply.

North Shore Marina, 1449 Shoreline Dr., Orono. PID 11-117-23-21-0001 | Multiple Dock License – Classification Change Request For illustrative purposes only. Taken from Hennepin County Property Interactive Map 08/03/2022.



North Shore Marina, 1449 Shoreline Dr., Orono. PID 11-117-23-21-0001 | Multiple Dock License – Classification Change Request For illustrative purposes only. Taken from Hennepin County Property Interactive Map 08/03/2022.

# PROPOSED DOCK PLACEMENT EXHIBIT FOR:
# NORTHSHORE MARINA

## LEGAL DESCRIPTION:

Per Certificate of Title No. 1346856, registered February 6, 2012.

That part of Government Lot 1, Section 11, Township 117, Range 23, lying southerly of a line described as commencing at the meander corner on the North line of said Government Lot 1; thence South 10 degrees East, assuming the North line of said Government Lot 1 as bearing East and West, a distance of 887.66 feet to the point of beginning of the line to be described; thence North 67 degrees 48 minutes East to the Shore of Lake Minnetonka; thence South 67 degrees 48 minutes West through the point of beginning to the shore of Tanager Lake, formerly Mud Lake, and said line there terminating.

That part of Government Lot 2, Section 11, Township 117, Range 23 contiguous to Government Lot 1 Section 11, Township 117, Range 23 and lying north of the channel shown on Hennepin County State Aid Highway No. 15, Plat 51, Registrar of Titles Doc. No. 1457512.

Subject to the rights of the State of Minnesota below the ordinary high watermark of Lake Minnetonka;

Subject to Hennepin County State Aid Highway No. 15, Plat 51, Registrar of Titles Doc. No. 1457512;

Subject to an easement for sanitary sewer purposes in favor of the City of Orono, recorded October 15, 1980 as CR Doc. No. 4595672;

Subject to an easement for sanitary sewer purposes in favor of the City of Orono, recorded October 15, 1980 as CR Doc. No. 4595673;

Subject to Orono City Council Resolution No. 2308, granting a conditional use permit and variance, recorded January 13, 1988 as CR Doc. No. 5367551;

Subject to Orono City Council Resolution No. 3835, granting variances, recorded June 24, 1997 as CR Doc. No. 6749483;

Subject to Orono City Council Resolution No. 2638, granting variances, recorded December 9, 2009 as CR Doc. No. 9455018;

## NOTES:

1. The orientation of this bearing system is based on the Hennepin County coordinate grid (NAD 83–96 Adj.).

2. The total approximate area of the property described hereon is 202,350 square feet or 4.6453 acres of which 62,756 square feet or 1.4407 acres is right of way for Hennepin County State Aid Highway No. 15, Plat 51, Registrar of Titles Doc. No. 1457512.

3. Title work was not furnished to Egan, Field & Nowak, Inc. for the preparation of this survey to verify the legal description, or the existence of any easements or encumbrances.

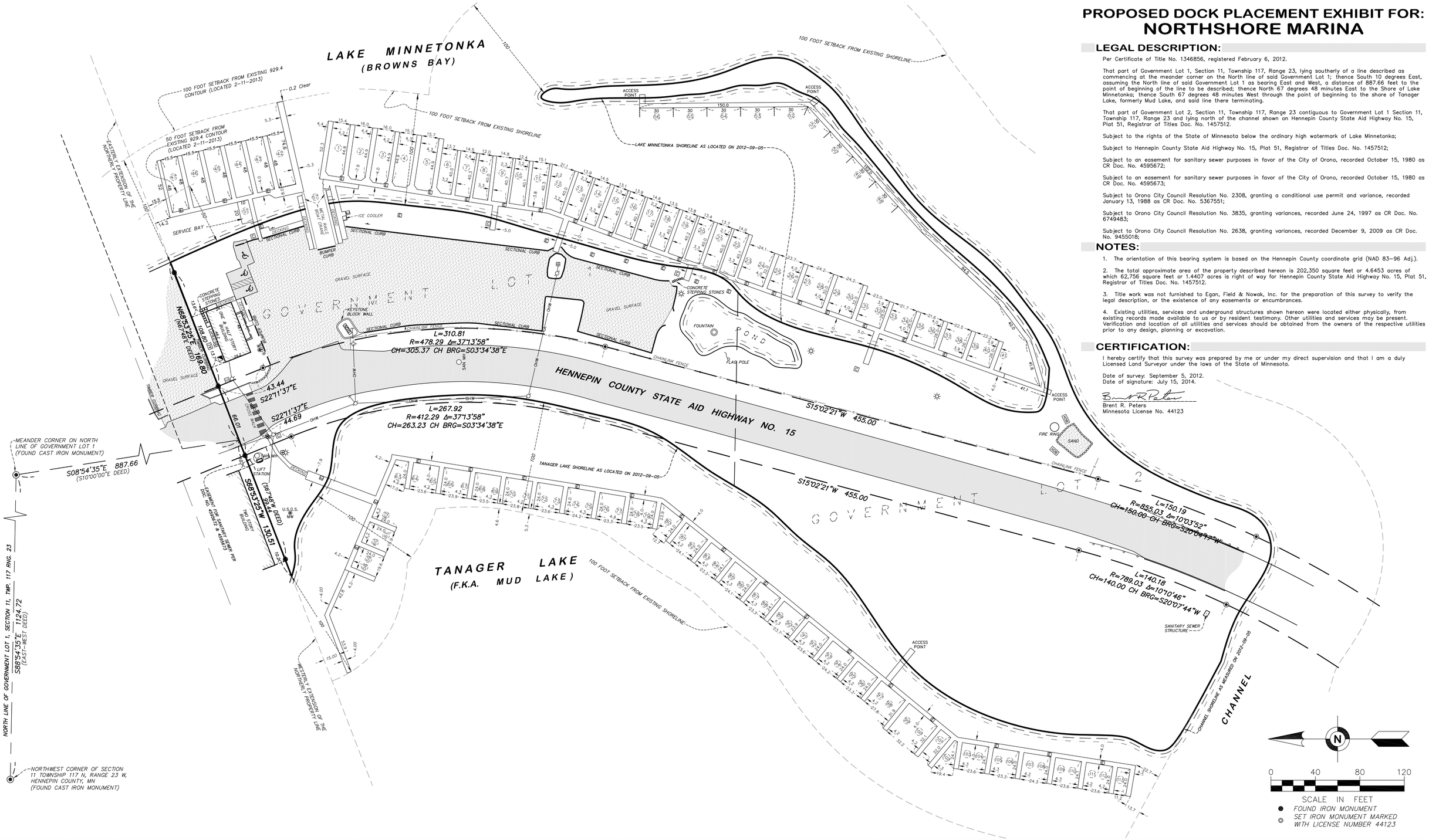
4. Existing utilities, services and underground structures shown hereon were located either physically, from existing records made available to us or by resident testimony. Other utilities and services may be present. Verification and location of all utilities and services should be obtained from the owners of the respective utilities prior to any design, planning or excavation.

## CERTIFICATION:

I hereby certify that this survey 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.

Date of survey: September 5, 2012.
Date of signature: July 15, 2014.

Brent R. Peters
Minnesota License No. 44123




| FIELD BOOK | PAGE |
|---|---|
| 2886 | 25 |
| | |
| | |

DRAWING NAME: 35329-PRO DOCK2.dwg
JOB NO. 35329
FILE NO. 5916

FIELDWORK CHIEF: TH
DRAWN BY: PMD, kgf
CHECKED BY: BRP

**REVISIONS**

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 02-14-13 | PROPOSED DOCK-REVISE WEST END & S1 |
| 2 | 04-02-13 | PROPOSED DOCK-ADD ACCESS POINTS |
| 3 | 03-12-14 | ADD 200 FOOT SETBACK DATA |
| 4 | 07-10-14 | REVISE SOUTHERLY DOCK CONFIGURATION |
| 5 | 07-15-14 | REVISE DOCK LAYOUT 100 FEET |

**PROPOSED DOCK PLACEMENT EXHIBIT**

SURVEY FOR: **NORTHSHORE MARINA**

PROPERTY ADDRESS: **1449 SHORELINE DRIVE ORONO, MINNESOTA 55391**


Egan, Field & Nowak, Inc.
land surveyors since 1872
1229 Tyler Street NE, Suite 100
Minneapolis, Minnesota 55413
PHONE: (612) 466-3300
FAX: (612) 466-3383
WWW.EFNSURVEY.COM

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Printed: 7/29/2014 at 7:44 AM by Ken Tavolaro

# MULTIPLE DOCK
# NEW LICENSE APPLICATION
*LAKE MINNETONKA CONSERVATION DISTRICT*

RECEIVED
MAR 16 2022
By

For LMCD Use
Fee Amount: $2,423.75 Check # 21366 Date Received: 3-16-22

## 1. CONTACT INFORMATION

**Applicant:** North Shore Marina Applicant Title (*Owner, Authorized Agent, etc.*): Rich Anderson

Address: 1449 Shoreline Drive Wayzata MN 55391

Phone: 612.282.8290 Email: Rich@Nsmarina.com

**Owner of Site** (if different from Applicant): _____

Address: _____

Phone: _____ Email: _____

## 2. SITE INFORMATION

**Site Name (Business) & Address/PID:** _____

**Facility Use Classification (Check all that apply)**

- ☐ a) Commercial Marina
- ☐ b) Club
- ☐ c) Municipal
- ☐ d) Transient
- ☐ e) Outlot Association
- ☐ f) Residential Association
- ☐ g) Residential Multiple Dock

**Facility Type**

- ☑ a) Qualified Commercial Marina
- ☐ b) Qualified Yacht Club
- ☐ c) Qualified Sailing School
- ☐ d) Not Applicable

Site Shoreline Measurement of 929.4 ft OHW: 3310 feet

Existing Boat Storage Unit Density: 114 Requested Boat Storage Unit Density: 114

Describe **type of dock construction** (material, permanent/pilings, floating, etc.) and attach to-scale drawing per site plan instructions:

FLOATING ALUMINUM SUBSTRUCTURE WITH ENCASED FLOATS AND PLASTIC DECKING

**Parking and zoning requirements:** Check with the city staff in which the site is located.

**Facilities & Services**

| | | | |
|---|---|---|---|
| Restroom facilities | ☑ Yes ☐ No | If yes, number of indoor: 3 | and/or outdoor portable: _____ |
| Head pump-out facilities | ☑ Yes | ☐ No | |
| Fuel offered | ☐ Yes | ☑ No | |
| Fishing bait offered | ☐ Yes | ☑ No | |
| Boat Maintenance Services | ☐ Yes | ☑ No | |
| Public Launch Ramp | ☑ Yes | ☐ No | |

**Site Square Footage (structures and maneuvering)**

Total square footage of existing dock area and maneuvering space = 17,800 sq. ft.

Total square footage of new or additional dock area and maneuvering space = N/A sq. ft.

*Note: An EAW is mandatory when marina size reaches or surpasses 20,000 sq ft, and in 20,000 sq ft increments thereafter. A discretionary EAW may be required if potential for significant adverse environmental impacts could occur or where sensitive or protected aquatics may exist. Voluntary EAWs are supported.*

**Boat Storage Units (BSU) Computation**

**General Facility Applications**: Lakeshore Frontage _____ feet divided by 50 = _____ BSU's potential under the 1 boat per 50-foot rule. If this number is less than the total BSU's applied for below, an application for a *Special Density License* is required per Code Section 2-4.05.

**Qualified Facility Applications:** Lakeshore Frontage 3310 feet divided by 10 = 331 BSUs potential under the 1 boat per 10-foot rule.

**Number & Type of BSU's Requested**

| Number of BSUs in Each Type | |
|---|---|
| Slips | 114 |
| Slides | |
| Lifts | |
| Tie-ons | |
| Moorings | |
| Other | |
| **TOTAL BSU's** | 114 |

| Number of BSUs for Each USE | |
|---|---|
| Rent or lease | 114 |
| Service work | 0 |
| Company use | 0 |
| Private use | 0 |
| Transient use | 0 |
| Other | 0 |
| **TOTAL BSU's** | |

**Watercraft Storage Units (WSU) Computation**

Enter the number of BSU and WSU in each slip size category. Complete and **provide a slip size chart** as an attachment to this application. Note: This is only for fee calculations and does not entitle the applicant to install the number of BSUs or WSUs.

| BSU | SLIP SIZE CATEGORIES | WSU |
|---|---|---|
| 1 | BSU @ 1 WSU (each slip up to 20' long and /or up to 10' wide) | 1 |
| 5 | BSU @ 1.5 WSU (each slip more than 20' up to 24' long and/or up to 11' wide) | 7.5 |
| 69 | BSU @ 2 WSU (each slip more than 24' up to 32' long and/or up to 12' wide) | 138 |
| 18 | BSU @ 2.5 WSU (each slip more than 32' up to 40' long and/or up to 14' wide) | 45 |
| 19 | BSU @ 3 WSU (each slip more than 40' up to 48' long and/or up to 16' wide) | 57 |
| 2 | BSU @ 4 WSU (each slip more than 48' long and/or more than 16' wide) | 8 |
| 114 | **Total BSUs** | **Total WSUs** 256.5 |

## 3. ATTACHMENTS

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

- ☑ Locator map, county plat map
- ☑ Certified land survey, legal description
- ☑ Slip size report (approved & proposed)
- ☑ Proposed facility site plan to scale in accordance with site plan requirements
- ☑ Existing facility site plan
- ☑ Copies of any additional agency approvals related to project, e.g., shoreland restoration, dredging, etc.
- ☑ Names and mailing addresses within 350 or 500 foot radius (See note)

**Names & Mailing Addresses:** The LMCD provides notice of a public hearing, which is published and mailed to owners within 350 feet of the subject property or 500 feet depending on the type of application. The applicant is required to obtain mailing labels from Hennepin County for property owners within the radius of the site. Labels are now available online by visiting https://gis.hennepin.us/locatenotify/. Set the buffer distance to 350 feet and print the "mail list," which includes both taxpayer and resident information. If the facility is located in Carver County, contact the LMCD office for assistance.

Visit www.LMCD.org for **requirements regarding application and site plan submittals**. Several of the required attachments can be combined into a single document. Absence of requested data may result in a processing delay or the application may be deemed incomplete.

## 4. FEES

| | |
|---|---|
| **Base Fee** (Non-refundable) | $500.00 |
| **Plus Number of Watercraft Storage Units (WSU)** 256.5 x $7.50 | $ 1923.75 |
| **Total Fee Enclosed** | $ 2423.75 |

I certify that I have legal authority to make this application and that the information provided herein and any attachments hereto are true and correct statements to the best of my knowledge. Further, no changes have been or will be made without LMCD approval at this site and that a new license will be obtained from the LMCD before making any change. I understand that any license issued may be revoked for violation of the LMCD code. I agree to reimburse the LMCD for any legal, surveying, engineering, inspection, maintenance, or other expenses required that be incurred by the LMCD in excess of the original fee. I agree to the provisions of the license, if granted; and I consent to permitting officers and agents of the LMCD to investigate at all reasonable times and to determine compliance with all applicable regulations.

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

**Applicant's Signature:**

| Name | Title | Date |
|---|---|---|
| | PRESIDENT | 1/7/2022 |

**Return to:**
Lake Minnetonka Conservation District, 5341 Maywood Road, Suite 200, Mound, MN 55364

# Hennepin County Locate & Notify Map

Date: 1/6/2022

**Buffer Size:** 0

**Map Comments:**

0 205 410 820 Feet

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

For more information, contact Hennepin County GIS Office
300 6th Street South, Minneapolis, MN 55487 / gis.info@hennepin.us

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38 11-117-23 22 0004

EOF INVESTMENTS LLC

1440 SHORELINE DR

ORONO MN 55391

38 11-117-23 22 0010

EOF INVESTMENTS LLC

38 ADDRESS UNASSIGNED

ORONO MN 00000

38 11-117-23 22 0015

S D FELDSHON & A G FELDSHON

1420 SHORELINE DR

ORONO MN 55391

38 11-117-23 23 0002

ELLEN A SCHMITT

1475 SHORELINE DR

ORONO MN 55391

38 11-117-23 23 0012

J T BRASS & J L BRASS

1495 GREEN TREES RD

ORONO MN 55391

Étiquettes d'adresse Easy Peel®
Repliez à la hachure afin de révéler le rebord Pop-up®
Pat: avery.com/patents

38 11-117-23 22 0005

EOF INVESTMENTS LLC

1442 SHORELINE DR

ORONO MN 55391

38 11-117-23 22 0014

R A GANZ & K S GANZ

1432 SHORELINE DR

ORONO MN 55391

38 11-117-23 22 0017

EOF INVESTMENTS LLC

1444 SHORELINE DR

ORONO MN 55391

38 11-117-23 23 0011

J D JASBERG & S G JASBERG

1485 GREEN TREES RD

ORONO MN 55391

38 11-117-23 23 0017

CHRISTOPHER G WILLSON

38 ADDRESS UNASSIGNED

ORONO MN 00000

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

DATE: June 21, 2022

TO: Sun Sailor & Laker Pioneer
Legal Department
publicnotice@apgecm.com

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (06/30/2022 Edition of Sun Sailor; 07/02/2022 Edition of Laker Pioneer)

**LAKE MINNETONKA CONSERVATION DISTRICT**
**PUBLIC HEARING NOTICE**
7:00 PM, July 13, 2022

**North Shore Marina**
**1449 Shoreline Drive, Orono MN 55391**
**Browns Bay and Tanager Lake, Lake Minnetonka**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider an application from Rich Anderson, Owner of North Shore Marina for the multiple dock facility at 1449 Shoreline Drive, Orono MN 55391. An Application has been submitted for a new multiple dock license. The Applicant proposes to change the classification of the site from a Commercial Marina to a Qualified Commercial Marina (QCM). The Application proposes that the BSUs would remain at 114 and no structural changes are proposed. The licensee currently holds a special density license for the site but would no longer need one if approved as a QCM. All interested persons will be given an opportunity to comment.

The meeting will be held at Wayzata City Hall, 600 Rice Street E, Wayzata, MN 55391. Information about meeting location and meeting logistics will be available on the LMCD website, www.lmcd.org. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

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

**DATE:** August 12, 2022

**TO:** Property Owner or Resident

**FROM:** Vickie Schleuning, Executive Director

**CC:** Thomas Tully, Environmental Administrative Technician

**SUBJECT:** Public Hearing Notice

You are receiving this notice since Hennepin County property records indicate you own or reside upon property within 350 feet of a site being considered for reclassification from a Commercial Marina to a Qualified Commercial Marina. The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the application. The site is located at 1449 Shoreline Drive in Orono and has shoreline on Browns Bay and Tanager Lake. The applicant is North Shore Marina, Rich Anderson.

The applicant proposes to reclassify the site from a Commercial Marina to a Qualified Commercial Marina, stating there have been no changes to structure or storage from the original 2013 site plan. All interested persons will be given an opportunity to comment. An aerial image and proposed site plan are enclosed for your reference.

Public Hearing Information

A public hearing will be held at 7:00 PM, August 24, 2022. The item summarized above will be reviewed and considered for approval. All interested persons will be given an opportunity to comment. Alternatively, please submit comments in writing to the LMCD (address below) or by using the "Contact Us" form at lmcd.org.

Those desiring to participate in the hearing may also email the Executive Director at vschleuning@lmcd.org for information. The meeting place is Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. Information about meeting logistics will be available on the LMCD website, www.lmcd.org.

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

# ITEM 12A

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

**DATE:** August 24, 2022 (Prepared August 22, 2022)

**TO:** LMCD Board of Directors

**FROM:** Vickie Schleuning, Executive Director

**SUBJECT:** Additional Review of Unlawful Charter Berthing Locations

**ACTION**

Additional Board review and direction regarding berthing requirements for watercraft for hire operations.

**BACKGROUND**

The Board has reviewed the commercial berth requirements previously based on certain requests from applicants to lessen the regulations. The Board continues to receive requests to lessen the code requirements for certain parties. The staff's approach has been to regulate the berth location as it appears to have been traditionally enforced. The Board has been aware and watchful of the pressure to further expand commercial activities on Lake Minnetonka, as well as the potentially negatively impact to lakeshore owners from the higher use of activities and creep of commercial activities into residential areas.

One concern expressed by these parties is that the requirement that the charter boat be berthed at a commercial dock is prohibitive due in part to the high demand, low availability, and costs for slips at marinas. Further, the contention is that the design is more private/leisure compared to a commercial designed charter boat. Also, applying for a commercial dock license in a residential lakeshore area may not receive the required zoning approval from the municipality.

Because of the potential public safety and nuisance risks, Watercraft for Hire (Charter) operations must be registered through the LMCD. Further, if an operations carries more than six passengers, several other state and county regulations go into effect. A summary of requirements has been compiled to aid in the public's understanding of the requirements and is available on the LMCD website. A list of the licensed/registered watercraft for hire operations was placed on the website a few years ago to promote the businesses that undertake the safety inspections, training, and other actions to promote lawful and safe operations. While the intent of the communications is to help clarify the requirements, not every possible scenario of business operations can be illustrated.

A number of reports regarding unlicensed watercraft for hire operations offering captain services for a fee have been reported to the Hennepin County Sheriff's Office Water Patrol and LMCD. Some operations also include the service of alcoholic beverages or consumption of alcoholic beverages on the business facility, which requires a license.

Additional Review of Unlawful Charter Berthing Locations
LMCD Board Meeting
August 24, 2022

**CONSIDERATIONS**

1. Does the board wish for the watercraft for hire regulations and berthing locations to be reviewed?
2. What criteria, if any, would the board consider for residential berth locations? Size of boat, advertising, setbacks, length, density, etc.
3. What detriments would removing the commercial berthing requirement create? Would member cities support lesser regulation of what could be perceived as commercial activity at a residential dock? (Berth versus port of call)
4. What impact would the changes to charter boat berthing requirements have on the lake (e.g., density, ecology, etc.)?
5. What impact would changes to charter boat berthing requirements have on the various stakeholders, e.g., license charters, marinas, transient facilities, lakeshore owners, etc.?

**BUDGET**

Additional staff time and legal expenses for developing code amendment. Long-term, some costs of application processing, inspection, correspondence, and other administrative functions may be recovered through registration/license fees.

**STRATEGIC PRIORITIES**

| | | | | |
|---|---|---|---|---|
| ☐ Operational Effectiveness | ☐ Clear & Timely Communications | ☐ Effective Governance | ☒ Lake Protection | ☐ Other |

**RESOURCES**

- LMCD Webpage Regarding Charters & Watercraft for Hire
- LMCD Webpage Amenities Licensed/Registered Charters & Watercraft for Hire
- LMCD Code, www.lmcd.org, Highlighted Code Excerpt

Additional Review of Unlawful Charter Berthing Locations
LMCD Board Meeting
August 24, 2022

**Highlighted Code Excerpt**

**3-1.03. General Standards.**

Subd. 1. License Required. No commercial use may locate, construct, install, or maintain a commercial structure on the shoreline of the Lake, or in the waters of the Lake, without first obtaining a license from the LMCD in accordance with Article 6.

Subd. 2. Restrictions. Unless expressly provided otherwise in this Code, the use of the Lake for the storage of watercraft and the placement of commercial single docks and other structures adjacent to commercial use property may only occur:

(a) Within the authorized dock use area determined in accordance with Article 2, Chapter 3;

(b) In compliance with the setbacks requirements of Section 2-3.03; and

(c) The storage of restricted watercraft shall comply with the density limits of Article 2, Chapter 4.

Subd. 3. Standards. Municipal structures are subject to the standards and restrictions in Article 2, Chapter 2 and all other applicable provisions of this Code.

# ITEM 13A

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

**DATE:** August 24, 2022 (Prepared August 19, 2022)

**TO:** LMCD Board of Directors

**FROM:** Vickie Schleuning, Executive Director

**SUBJECT:** AIS Management Funding Request - Carp Management: Jennings, Harrison, West Arm Bays

**ACTION**

Board consideration of a funding request from Harrisons Bay Association to support carp population management activities on Lake Minnetonka to include Jennings, Harrison, and West Arm Bays. The following motions are offered depending on whether the Board wishes to approve or deny the request.

> Approval:
> I make a motion to authorize funding for Harrisons Bay Association to support Carp Population management up to 35% for Jennings, Harrison, and West Arm Bays with additional actual project costs and services rendered not to exceed $2.807 of the estimated costs in the application; and to authorize payment directly to service provider(s) upon verification by AIS Committee and Finance Committee Chairs of proof of completed work, receipt of copies of all surveys, shapefiles, <or other…>
>
> Denial:
> I make a motion to deny the Harrisons Bay Association funding request for Carp Population activities for the following reasons...

**BACKGROUND**

On October 27, 2021, the LMCD Board acted to "fund for the first-year cost, AIS bay treatment plans up to 25 percent and up to 35 percent of AIS surveys total cost" for Lake Minnetonka bay-specific organizations that submit applications to the LMCD. The AIS Committee recently received and reviewed another application for common carp, an aquatic invasive species that is detrimental to the health and enjoyment of lakes.

An application was submitted for Jennings, Harrison, and West Arm Bays for funds to perform AIS management activities. The applicant proposes to assess the three bays for carp populations. The applicant has applied for funds from the LMCD to perform an initial survey that will estimate the carp population and biomass density in order to properly scale future removal efforts. This phase once completed has the potential to allow for future funding activities through other agency grant opportunities. The total cost of the project and the AIS Committee's recommended LMCD contributions are summarized below:

| ACTIVITY | COST | LMCD GRANT |
|---|---|---|
| Electrofishing Survey | $4,520 | $1,582 |
| Documenting Spring Carp Migrations | $3,000 | $1050 |
| Study Report | $500 | $175 |
| **TOTAL** | **$8,020** | **$2,807** |

On February 11, 2022, University of Minnesota professor Przemek Bajer presented a proposal to the AIS Committee to assess carp populations and spawning activities in three water quality impaired bays of Lake Minnetonka: Harrisons, West Arm, and Jennings.

As of August 10, 2022, the AIS Committee approved to help fund 35% of the carp population and spawning project, with actual funding costs to not exceed $2,807. Therefore, the AIS Committee recommends that the LMCD Board approves the funding request.

**CONSIDERATIONS**

- Will funding these AIS prevention and management activities help protect the ecology of Lake Minnetonka?
- Will additional AIS management projects help foster a safer and more enjoyable experience for those who use the lake?
- Does funding these initial projects have the potential of advancing bay-level organization and action for AIS prevention and management?

**BUDGET**

- Total LMCD Costs: Up to $2,807
- AIS funds have been budgeted at $45,000 in 2022 to support new bay aquatic invasive species management projects.

**STRATEGIC PRIORITIES**

| | | | | |
|---|---|---|---|---|
| ☐ Operational Effectiveness | ☐ Clear & Timely Communications | ☐ Effective Governance | ☒ Lake Protection | ☐ Other |

**ATTACHMENT**

- AIS Management Funding Request - Carp Management Application
- Harrisons Bay Association Carp Proposal Letter
- Carp Population Assessment Reduced Proposal

# LMCD Aquative Invasive Species (AIS) Project Funding Application

For LMCD Use: Date Received _____

1. Applications can be any of the following:

| | |
|---|---|
| ☐ | Initial Baywide Chemical Application for AIS Treatment |
| ☐ | Initial Baywide Surveys required to obtain DNR lisence or permits |
| ☑ | Others to be determined as program is further developed by LMCD |

The purpose of this application is to provide the LMCD's AIS Committee relevant information about the AIS initiative being requested for funding. The application will be reviewed by the AIS Committee for approval. Full LMCD Board of Directors approval is required for successful funding.

2. Project Title:

Carp Population and Spawning Assessment (West Arm, Jennings & Harrisons Bays)

3. Contact Information of Applicant

| | | | |
|---|---|---|---|
| Name: | Sheri Wallace | Title or Position: | Chair, Harrisons Bay Association |
| Address: | 2135 Overland Lane, Mound, MN 55364 | | |
| Phone: | 763.234.6016 | | |
| Email: | sheri.l.wallace@gmail.com | | |

4. Project Location: description and attach a map of the lake area

Jennings Bay, Harrisons Bay and West Arm Bay

5. Project Narrative: proposed project description, desired project timeline, other project partners (contractors, agencies, associations, stakeholders, professional service recommendations, etc.). Add additional information as appropriate.

Objective 1: Electrofishing Survey - Before attempting carp management, it is important to estimate the carp population and biomass density in order to properly scale future removal efforts. The carp caught during electrofishing surveys will be implanted with a passive integrated transponder (PIT) tag to provide information of the movement of carp in the system and inform possible future removal efforts.
Objective 2: Documenting carp spring migrations in Painter Creek - We will install a PIT monitoring system in Painter Creek upstream of Jennings Bay in the spring of 2023. The system will include a PIT antenna placed on the bottom of the stream, a data logger, batteries and solar panels placed on shore. The system will detect the movement of carp that were PIT tagged in Harrison Bay, West Arm, and Jennings Bay during the previous summer. Data will be analyzed to determine the intensity and timing of carp migration to assess stream removal feasibility.

6. Cost Estimate for project

Objective 1: $4,520
Objective 2: $3,000
Study Report: $500
Not to Exceed Budget for Total Project: $8,020

I certify that the information provided herein and any attachments hereto are true and correct statements to the best of my knowledge. I agree to the conditions of the funding, if granted; and I consent to permitting officers and agents of the District to investigate at all reasonable times and to determine compliance with conditions of the funding.

| | |
|---|---|
| Submitted by: | Sheri Wallace, Board Chair of Harrisons Bay Association |
| Date: | 7/26/2022 |

The purpose of this program is to encourage others to invest in AIS research, identification and removal activities directly associated with Lake Minnetonka. This program is intended to help initiate, promote and support AIS prevention and removal in Lake Minnetonka. This project support is intended to help incubate new projects around the Lake. Additional pages may be necessary.

Harrisons Bay Association

P.O. Box 464
Mound, MN 55364

Lake Minnetonka Conservation District
5341 Maywood Road
Mound MN 55364

June 13, 2022

Dear LMCD AIS Committee,

On February 11th this year Przemek Bajer presented a proposal to your team to assess the carp population in four impaired bays of Lake Minnetonka: Harrisons, West Arm, Jennings, and Forest Lake. At this point we have not received a decision on whether LMCD will be able to provide funding for this proposal. As I am sure you are aware, carp cause material issues with water quality, stir up unwanted phosphorus deposits, impact desirable gamefish spawning and adversely impact the ability for native, healthy vegetation to grow within a lake. Since all four of these bays are currently confirmed as "impaired" it is important to assess the problem before we can determine if mediation is needed.

We have become aware of future grant opportunities through the Board of Water and Soil (BWSR) targeted toward water quality issues and active carp management. Our association is willing to do the grant legwork for these 4 impaired bays and believe that having the data from an assessment is necessary to estimate the work needed to decrease the population. To keep costs down we asked Dr. Bajer to revise his proposal to focus on the Jennings, West Arm and Harrisons Bays. It is the thought that if problems are found in these 3 bays that the same problem is likely to exist in Forest Lake. The proposal also includes understanding the role that Painters Creek plays in continued growth of the carp population as an ideal and suspected spawning habitat.

According to the MN Pollution Control, Lake Minnetonka has 7 impaired bays due to high nutrients, including Halsteds, Jennings, West Arm, Harrisons, Forest Lake, Tanager and Stubbs. Please confirm any specific plans that the LMCD and the Watershed have initiated to address the current drivers of "impaired" status, including high nutrient conditions and uncontrolled carp populations. MCWD has been working on Six Mile Creek and Halsteds. The Long Lake Waters Association has been working to manage carp that feed to Tanagers. As the board of the Harrisons Bay Association, we would like to join forces with LMCD and MCWD to put together plans for the other impaired bays at the headwater of Lake Minnetonka.

We'd like to understand if the AIS committee intends to take this request for assessment to the board. We believe that this analysis can be used as a model for understanding the role an overpopulation of carp play in impairment of bays across the entire lake. Please help us as we try to transition these bays to healthier waters.

We appreciate your consideration of our request for funding. Attached you will find the revised proposal.

Best

**Sheri Wallace**
*Board Chair*
*Sheri.l.wallace@gmail.com*
*763.234.6016*

**Phil Bowman**, *Board Director*
**Jane Anderson,** *Board Director*
***Heather Cole,*** *Treasurer*

**Jim Dustrude**, *Board Director*
**Bart Halling**, *Board Director*

Email Cc: Ben Brandt
Vickie Schleuning

**Proposal for Carp Population Assessment**
April 7, 2022
Prepared For: Lake Minnetonka Conservation District

Prepared by:
Carp Solutions LLC
www.carpsolutionsmn.com

**Objective 1: Electrofishing Survey**

Before attempting carp management, it is important to estimate the carp population and biomass density in order to properly scale future removal efforts. This can be accomplished through electrofishing surveys. The number of carp caught in a certain amount of time, or catch-per-unit-effort (CPUE), can be used to determine an estimate of the population size. Because the three bays are not separated by a channel, we propose three full days of electrofishing in Harrison Bay, West Arm, and Jennings Bay. The carp caught during electrofishing surveys will be implanted with a passive integrated transponder (PIT) tag to provide information of the movement of carp in the system and inform possible future removal efforts.

Cost of Objective 1:

$4,320 (Harrison, Jennings and West Arm)
$200 PIT tags

**Objective 2: Documenting carp spring migrations in Painter Creek**

In systems where carp migrate extensively in the spring, carp removal during spring migrations is often the easiest and most cost-effective. Anecdotal reports from lake residents suggest extensive spring migrations of carp from Jennings Bay into Painter Creek. To document how many carp migrate in the creek and when, we will install a PIT monitoring system in Painter Creek upstream of Jennings Bay in the spring of 2023. The system will include a PIT antenna placed on the bottom of the stream, a data logger, batteries and solar panels placed on shore. The system will detect the movement of carp that were PIT tagged in Harrison Bay, West Arm, and Jennings Bay during the previous summer. That information will then be analyzed to determine the intensity and timing of carp migration. This will be then used to determine if stream removal at that site is a feasible management strategy in the future.

Cost of Objective 2: $3,000

**Report**

At the conclusion of this effort, we will provide a written report with management recommendations. The report will be submitted by February 28, 2023.

Cost of report $500

**Cost**

This work will be conducted at a not-to-exceed budget of $8,020.

**ITEM 16**

**AIS COMMITTEE MEETING**
LAKE MINNETONKA CONSERVATION DISTRICT

Monday June 20, 2022
9:00 a.m.

Location: 2105 Daniels Street, Long Lake, MN 55356.

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1. **CALL TO ORDER**
   - The meeting was called to order at 9:25 am.

2. **ROLL CALL:**
   - Members Present: Ben Brand, Rich Anderson, Jake Walesch, Denny Newell and Eric Evenson
   - Members Absent: Bill Cook, Deborah Zorn

3. **CHAIR ANNOUNCEMENTS**
   - None

4. **APPROVAL OF MINUTES** (02/11/2022 LMCD AIS Committee Meeting Minutes)
   - Approved

5. **COMMITTEE STRATEGIC INITIATIVES**
   - Smithtown Bay treatment application review
     - Eric noted 50-58 acres maximum / milfoil only
     - late season treatment might be best for this bay
     - neighborhood budget for bay treatment could be $50,000 - $57,000
   - Review of treatment funding and approval to pay invoices of completed work
     - pre-treatment funding $950 / post-intercept study $950.....total $1,900 @35% = $665.00 paid by LMCD
     - treatment funding for 50 acres at a cost of $57,782 @25% = $14,45.50 paid by LMCD
     - Total cost commitment of LMCD <u>not to exceed $15,110.50</u>

     Jake proposed that the AIS committee approve the funding for surveys at 35% and treatments for 25% in Smithtown Bay in a total amount <u>not to exceed **$15,110.50**</u>
     - dependent on AIS receiving copies of all surveys
     - those payments be made directly to service providers after proof of completed work.
     - all funding to be made after approval of AIS and Finance Committees.
     - Seconded by Rich....<u>**approved by all**</u>

- 2022 and 2023 AIS budget
  - Ben noted that with Smithtown Bay at approx $15,000, our total projected spending for 2022 will now be close to $54,000 of the $80,000 we had budgeted.

**6. OTHER BUSINESS**

- Other AIS discussion:
  SENTRY boat tracking system discussed briefly and all agreed to talk more after Eric gets more information from the Maxwell Bay installation
  - Ben suggested next meeting in August unless another application comes up before.
  - Eric noted Starry monitoring in August

**7. ADJOURNMENT:**

- The meeting was adjourned at 10:10 am.

Respectfully submitted,

Denny Newell

AIS Secretary

**COMMUNICATIONS COMMITTEE MINUTES**
LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)
9:00 am, June 6, 2022
Location: LMCD office, Mound, MN

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1. **CALL TO ORDER**
   The meeting called to order at 9:04 am.

2. **ROLL CALL**
   Members Present: Mike Kirkwood, Ann Hoelscher, Dennis Klohs, Dan Baasen
   Members Absent: Mark Chase

3. **CHAIR ANNOUNCEMENTS**
   - Budget: Ann indicated that our Communications Budget for 2023 preliminary budget proposal was $12,500 as compared to $25,000 in 2022. It would be difficult to fulfill our planned objectives at that level.

4. **APPROVAL OF MINUTES**
   - Minutes for 05/17/2022 Communications Committee Meeting approved.

5. **NEW BUSINESS**
   A) Objectives for 2023:
      a. Print; Timely announcements, newsletters
      b. Social Media
      c. Website
      d. Legislation: Goff
      e. Annual Event

   It was agreed that we will submit to the Board at the next meeting a request to increase our 2023 budget to & 35,000. Dan Baasen to present. Ann is to contact Goff for clarity and costs with Goff going forward as a retainer or on hourly rate of $195 per hour as needed.

   Vickie Schleuning, Executive Director joined the meeting at 9:15 am.

6. **OLD BUSINESS**
   - Social Media: Video demonstrating distance from shore still being done, waiting for buoys
   - Invitations: to local legislators put on hold yet open to requests. No campaign appearances
   - Website: Improve search function to allow easier access to Code inspections by citizens and provide clarity to Calendar function prioritizing meetings scheduled. Noted that Website is the best it has ever been. Congratulations to Staff!

7. **PUBLIC INTERACTION**
   - Dan indicated that LMCD would host a Boater Safety Class conducted by Jay Soule on June 13, 2022 at the Hennepin County Sheriff Water Patrol Headquarters in Spring Park starting at 7:30 am. Forty-Five registrations have been received so far.

**8. NEXT MEETING**

- The next Communications Meeting is scheduled for 7/19 at 8:30 am. Mike will serve as Secretary

**9. ADJOURNMENT**

Dan motioned and Dennis seconded that the meeting adjourn. Unanimous approval.

Respectfully Submitted,

Dan Baasen
LMCD Communications Committee Secretary

**COMMUNICATIONS COMMITTEE MINUTES**
LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)
July 19, 2022
8:30 AM, LMCD Office meeting

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1. **CALL TO ORDER**
   The meeting called to order at 8:35 AM
2. **ROLL CALL**
   Members Present: Ann Hoelscher, Mike Kirkwood, Dan Baasen, Vickie Schleuning
   Members Absent: Dennis Klohs, Mark Chase

3. **CHAIR ANNOUNCEMENTS**

4. **APPROVAL OF MINUTES**

Minutes from 06/06/2022 Communications Committee meeting; Dan moved, Mike second

**5. TOPICS DRIVEN FROM STRATEGIC INITIATVES**

A. Identify and utilize most effective outlets to convey public information

Engaged Goff Public: Role and tasks

- Vicki to be prime contact, with Goff as needed
- Communications Committee to lead on reviewing Newsletters with Goff and Vickie, Vickie final approval: Hoelscher is Comm. Committee contact for Goff
- Newsletter: Goff to assist as needed in getting August edition in mail; Vickie to ask: "What do you recommend for look of the newsletter, how best to get it out?"
- Review of Summer rules and Winter rules brochures: Should we distribute them differently; look to sending Winter rules in October/November time frame

Articles and Goff role…

- Help LMCD time our announcements to be best picked up by local press around the lake
- Help write short articles for the local press monthly, e.g., "The Lake Minnetonka Update"
- Craft the story/message of the distance measuring buoys at Surfside launch
- Articles to be reviewed by Ann Hoelscher and Greg Thomas and Vickie Schleuning
- Wake decision for the media: What, when, focus on the "why," theme: "we all want to safely use the lake," "this is the first step in responding to the public input;" "next steps in finalizing any ordinance are."

B. Surfside distance buoy markers

- Currently referenced on LMCD website, more photos to be added
- Use the Surfside 300' buoy for website message: "New rule on Lake Minnetonka, 300' no wake zone for all boats"
- Mike K to talk with Lake Minnetonka Communications Commission LMCC
  - Establish new cost: Scope reduction to just video of buoys from shore

and aerial views

C. Search function on LMCD website: Vickie to seek estimates of adding board meeting search functionality to website.

D. Electric shock presentation to board: delayed to May/June 2013

E. SharePoint:

- Considering its use to enable board members to access documents not on website; serves like an intra-net for the board; serves as on-line management of our documents, e.g., By-Laws, board member orientation materials, posting of committee agendas and draft minutes
- Links will be sent to Communications Committee members as a demonstration group; committee to review the SharePoint site

F. Summer outing for board members:

Ann Hoelscher to explore boat cruise outing for September, incorporating social event and lake projects updates.

**6. Other business**

Mark Chase designated secretary for August meeting

**7. ADJOURNMENT**

The meeting was adjourned at 10:10 by Baasen, second by Kirkwood

**Next meeting, August 9 at 8:30 AM at LMCD offices**

Respectfully Submitted,

Mike Kirkwood
LMCD Communications Committee Secretary

**SAVE THE LAKE COMMITTEE MINUTES**

LAKE MINNETONKA CONSERVATION DISTRICT

5 p.m., July 12, 2022

In-person

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1. **CALL TO ORDER**
   The meeting was called to order at 5:05 p.m.

2. **ROLL CALL**
   - Members Present: Denny Newell, Dan Baasen, Gregg Thomas, Bill Cook, and Mike Kirkwood
   - Members Absent: Rich Anderson, Mark Kroll, Jay Soule

3. **CHAIR ANNOUNCEMENTS –** none

4. **APPROVAL OF AGENDA** – approved.

5. **APPROVAL OF MINUTES** – (04/12/2022 STL Meeting Minutes) approved.

6. **TOPICS**
   A) Review results of Spring Appeal Letter from May 2022
      1. Total Response: about $16,000 raised to-date. Somewhat higher than past years. Cost of mailing was about $4,000. Year-end goal remains $42,000. All agreed that $4,000 for the spring mailing 2022 was expensive and that next year (2023) a similar mass-mailing (4,000 +) should be only used for our year-end appeal Summer appeal will be to local business. Fall appeal should be targeted to go out Nov. 1, 2022.
      2. New Donors: a few new donors this spring but most were riparian owners. There was one large donor of $5,000 that Dan was going to contact for special recognition.

   B) Plans for Summer Appeal Letter
      a. Direct Solicitation: Dan to assemble a packet for distribution to business
      b. Businesses near the Lake: a target list will be developed (not determined who / how this list will be assembled)
      c. Follow Through: not discussed

   C) Budget Review: discussed above.

   D) Communication with public: Mike agreed to discuss STL "branding" with the Communications group to improve public awareness of our mission

7. **NEW BUSINESS**
   A) Communication with public: Dan discussed the idea of creating a "Save Minnetonka Foundation" and attracting key individuals from the community to serve on the Board. His idea was to broaden the base of support for the mission of what is now STL. All agreed that it was worth future discussion. Dan agreed to talk with Troy to determine feasibility and legality.

8. **ADJOURNMENT**

- The meeting was adjourned at 6:00 p.m.

Respectfully Submitted,
Denny Newell
STL Secretary