



LAKE MINNETONKA CONSERVATION DISTRICT

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

AGENDA
LAKE MINNETONKA CONSERVATION DISTRICT
Wednesday, October 25, 2023
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

6:00 p.m.

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

No Work Session

FORMAL MEETING AGENDA

7:00 p.m.

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

- 1) **CALL TO ORDER**
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **ROLL CALL**
- 4) **APPROVAL OF AGENDA**
- 5) **CHAIR ANNOUNCEMENTS**
 - A) Discussion – Rep. Myers
- 6) **APPROVAL OF MINUTES (10/11/2023 LMCD Regular Board Meeting)**

7) APPROVAL OF CONSENT AGENDA

- A) Audit of Vouchers (10/16/2023 – 10/31/2023)
- B) Resolution 257 Accepting Save the Lake Contributions (08/01/2023 – 10/02/2023)

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

9) PUBLIC HEARING

- A) Wayzata Panoway Length
- B) Back Channel

10) OTHER BUSINESS

11) OLD BUSINESS

- A) Resolution 258 - Special Events Permits

12) NEW BUSINESS

- A) 2024 Board Appointments for Cities

13) TREASURER REPORT

- A) October Balance Sheet
- B) October General & STL Income and Expense Reports

14) EXECUTIVE DIRECTOR UPDATE

- A) WFH Moratorium

15) ADJOURNMENT

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., October 11, 2023
Wayzata City Hall

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Ann Hoelscher, Victoria; Jake Walesch, Deephaven; Rich Anderson, Orono; Mike Kirkwood, Minnetrista; Ben Brandt, Mound; Gabriel Jabbour, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Ryan Nellis, Tonka Bay; Denny Newell, Woodland; Nicole Stone, Minnetonka; and Deborah Zorn, Shorewood. Also present: Joe Langel, LMCD Legal Counsel; Thomas Tully, Manager of Code Enforcement; Maisyn Reardan, Office, and Finance Manager; Raina Arnston, Executive Assistant Code Enforcement and Operations; and Interim Executive Director Jim Brimeyer.

Members absent: Kristi Conrad, Greenwood; and Dan Baasen, Wayzata.

Persons in Audience: Sgt. Troy Kostohryz.

4. APPROVAL OF AGENDA

MOTION: Hoelscher moved; Walesch seconded to postpone Item 10 to the October 25, 2023 Board meeting at the request of the applicant.

Further discussion: Anderson asked the reason for the delay. He believed that another request was being delayed because of the delay on the Wayzata project as well.

Tully replied that both applicants had requested that their items be postponed in their own right to provide them with more time to prepare.

Anderson asked and received confirmation that the 60-day review window was extended by Back Channel Brewing.

VOTE: Motion carried unanimously.

MOTION: Hoelscher moved; Kirkwood seconded to approve the agenda as amended, making the change noted by Hoelscher above.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

There were no Chair announcements.

6. APPROVAL OF MINUTES- 09/27/2023 LMCD Regular Board Meeting

MOTION: Jabbour moved; Stone seconded to approve the 09/27/2023 LMCD Regular Board Meeting minutes as submitted.

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

7. APPROVAL OF CONSENT AGENDA

MOTION: Jabbour moved; Kroll seconded to approve the consent agenda as presented. Items approved included: **7A)** Audit of Vouchers (10/01/2023 – 10/15/2023); and **7B)** Findings of Fact and Order for Variance, Meadowbrook.

Further discussion: Anderson noted that it appears that insurance is still being paid for Schleuning. Brimeyer replied that is being reimbursed noting that the agreement was for a period of one year.

VOTE: Motion carried unanimously.

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

There were no public comments.

9. PRESENTATIONS

10. PUBLIC HEARING

~~A) Wayzata Panoway Length~~

11. OTHER BUSINESS

There was no other business.

12. OLD BUSINESS

There was no old business.

13. NEW BUSINESS

A) Employee Benefits Selection

Brimeyer provided an overview of the medical and dental insurance offerings and proposed increases.

Anderson stated that he had requested to table this item as he noticed the large age range for the employees in this group plan while most of the employees at the LMCD are in their 20s. He asked if there would be another option that would have a lesser cost.

Brimeyer noted that while there may be, it would be hard to do so because the LMCD is so small. He noted that over the next few months he could research to determine if there were other options available. He explained that small groups such as LMCD need to find a larger group to attach onto.

MOTION: Kroll moved, Stone seconded to approve the employee benefit package as recommended with the employer paying up to \$915.15 per single coverage and up to \$1,495 family coverage for health insurance and continuing the other portions of the current benefit package.

VOTE: Motion carried unanimously.

14. TREASURER REPORT

- A) September Balance Sheet
- B) September General and STL Income and Expense Reports

Anderson asked Brimeyer to opine on the cost of shredding/scanning and the next step.

Brimeyer replied that after the budget was approved, there were no funds designated for 2023. He stated that the bid received was a little over \$20,000 but he anticipated a change order, which did come in noting an approximate total of \$28,000. He stated that another change order may come forward before the process is completed. He recommended that the Board direct staff to amend the budget to the amount of \$40,000. He stated that they would then show the transfer of income which would relate to the scanning/shredding.

Anderson noted that is not how they had discussed to do that.

Brimeyer commented that his intention was to make it easy for his successor to understand.

Anderson noted an item under office supplies and equipment, document scanning, which was not approved under the budget. He believed that figure should be \$35,000 for the line item. He suggested a budget amendment to reduce the AIS prevention line item from \$70,000 to \$35,000 and move that remaining \$35,000 to document scanning.

MOTION: Anderson moved; Jabbour seconded to amend the budget to reduce the AIS prevention line item from \$70,000 to \$35,000 and move the remaining \$35,000 to the document scanning line item.

Further discussion: Newell stated that when the AIS subcategories were set up there were some funds identified for treatment and some for prevention. He thought that prevention had a balance of about \$30,000.

Anderson commented that the committee split that amount up, but the overall AIS line item was never split out that way in the budget. He commented that even after moving the \$35,000 to document scanning there would still be a remaining balance of \$15,076 for AIS and he did not anticipate that those funds would be spent before the end of the year.

Hoelscher stated that the other option would be to use money from the reserve to cover the cost of document scanning, as the argument could be made that the reserves should have been spent in the past and therefore this would be a legitimate expense. She was not sure if there were any additional AIS requests but if the remaining AIS funds were not spent this year, those funds could be rolled over for AIS activity next year to increase the success of that program.

Anderson stated that if that is true, in the 2024 fiscal year, they could do exactly that by taking more money from reserves. He stated that the intent was to move over \$100,000 from reserves last year but they only did \$80,000. He stated that this year the plan is to move \$120,000 from reserves. He noted that his suggestion would be a way to move money while remaining in budget.

Brandt stated that he has not received any applications for this fiscal year but there has been traction on potential 2024 projects in partnership with LMA and the DNR.

Walesch commented that he did not see either option as a big deal. He noted that the budget was done in 2022 for 2023, and you do not typically amend a budget each time the budget is slightly out of balance. He noted that in a budget there are categories that are overspent and categories that are underspent which balance out in the end.

Brimeyer noted that while that is true of smaller amounts, this is a substantial amount that was not anticipated when the budget was prepared.

Walesch stated that for clarity it was already agreed to spend the money from reserves, so this seems irrelevant.

Anderson agreed and noted that he would welcome an amendment to the motion.

Walesch suggested voting on the motion and moving on.

Jabbour commented that if someone is going to be asked to serve as the Treasurer and that person spends additional time reviewing this information, the Board should respect that recommendation.

Brimeyer commented that for audit purposes they should show how the Board intended to fund this expense. He stated that the good news is that the Board has funds which provide flexibility.

VOTE: Motion carried unanimously.

15. EXECUTIVE DIRECTOR UPDATE

A) LMCD Organizational Chart

Brimeyer explained that his purpose in providing the chart was to show the designation of duties. He noted that once he reviewed those duties with the staff, they were able to better define the job descriptions. He stated that he also watched staff and their interactions and noticed that multiple staff were responding to requests from the Board about the website. He asked the Board to only contact the one staff person for that duty.

B) Watercraft for Hire Workgroup Update

Walesch provided background information on how applications for watercraft for hire were previously being submitted and reviewed. He noted that the workgroup has discussed these issues and developed a recommendation. He stated that if there is collective agreement on these changes, staff could then draft an amendment that could be formally considered for the LMCD Code. He provided an overview of the recommended changes as proposed by the workgroup.

Jabbour commented that it is important to include cannabis in the City Code as the ticket will be issued under the LMCD Code. He stated that Walesch is recommending new changes to policies that are substantial.

Walesch noted that watercraft for hire currently does not require ports of call to be identified and provided further explanation on the proposed changes. He noted that the liquor license and watercraft for hire regulations would be separated in the Code for clarity, although a watercraft for hire could apply for and obtain a liquor license. He provided details on the proposed six pack rule that would cover some of the anglers that go out and would be an exemption from the watercraft for hire and would follow the State rules. He commented that there are anglers going out daily that are technically in violation of the watercraft for hire LMCD rules. He provided examples of other smaller watercraft for hire that would be interested in taking smaller groups that could fall under the six pack. He reviewed some of the qualifications that would be suggested to allow for the exemption.

The Board thanked Walesch for his great work on this matter.

Walesch confirmed the consensus of the Board to direct staff to prepare a Code amendment for consideration at a public hearing.

Anderson commented that this has been vetting by the entities involved and supported moving this forward. The Board agreed.

Jabbour commented that they are still working on the issue of rental boats. He commented that there is a new phenomenon on the lake that is uprooting neighborhoods. He commented that any boat could be inspected by any County Sheriff to become a rental boat. He noted that two public accesses are being bombarded for use of rental boats, staying the entire day, and then staying overnight at Hennepin County Public Works in Spring Park. He noted that his intention was to make the Board aware of this issue and a response that may be

necessary to address the issue.

Hoelscher noted that the watercraft for hire could come back at a November meeting for a public hearing. She thanked Walesch for his great work.

Anderson noted a check on the audit of vouchers that he previously objected to.

Hoelscher suggested that Anderson follow up with staff.

16. ADJOURNMENT

MOTION: Kroll moved; Zorn seconded to adjourn the meeting at 7:51 p.m.

VOTE: Motion carried unanimously.

Ann Hoelscher, Chair

Michael Kirkwood, Secretary

Lake Minnetonka Conservation District
Check Detail
October 16 - 31, 2023

| Date | Num | Name | Memo | Account | Paid Amount | Class |
|------------|-----------------|----------------------|--|---|-------------|--------|
| 10/26/2023 | EFT-23-113 | ADP | | Bridgewater Checking | | |
| | | | Salaries - Admin | 4020M10 · Salaries-002 - Admin | -7,837.44 | Admin. |
| | | | P.E.R.A | 2020 · Payroll Liabilities - | 1,096.65 | Admin. |
| | | | ER PERA | 4022M10 · ER PERA - Admin | -587.49 | Admin. |
| | | | ER PERA/FICA/Medicare - Admin | 4021M10 · ER Share of Admin FICA/Medicare | -599.26 | Admin. |
| | | | Long Term Disability | 2020-LT · Payroll Liabilities - UNUM | 4.10 | Admin. |
| | | | Contract Labor 10/1/2023 - 10/14/2023 | 4024 · Contract Labor | -2,080.00 | Admin. |
| TOTAL | | | | | -10,003.44 | |
| 10/26/2023 | EFT-23-114 | ADP Service Fee | | Bridgewater Checking | | |
| | | | Payroll 10/16/23 - 10/31/23 | 4380M10 · Employee Benefits - Admin. | -94.10 | Admin. |
| TOTAL | | | | | -94.10 | |
| 10/26/2023 | EFT-23-115 | P.E.R.A | 9236-00 | Bridgewater Checking | | |
| | | | Payroll 10/16/23 -10/31/23 | 4380M10 · Employee Benefits - Admin. | -1,096.65 | Admin. |
| TOTAL | | | | | -1,096.65 | |
| 10/26/2023 | EFT-23-116 | Health Partners | 16962 | Bridgewater Checking | | |
| | | | Dental Insurance October 2023 (Schleuning) | 4380M10 · Employee Benefits - Admin. | -60.91 | Admin. |
| | | | Dental Insurance October 2023 (Tully) | 4380M10 · Employee Benefits - Admin. | -60.91 | Admin. |
| TOTAL | | | | | -121.82 | |
| 10/26/2023 | EFT-23-117 | WEX Health, Inc. | | Bridgewater Checking | | |
| | | | HSA Service Fee October 2023 (Tully) | 4380M10 · Employee Benefits - Admin. | -2.75 | Admin. |
| TOTAL | | | | | -2.75 | |
| 10/26/2023 | EFT-23-118 | US Bank | | Bridgewater Checking | | |
| | | | October 2023 Credit Card Charges | 1087M10 · US Bank (Credit Card) | -772.67 | Admin. |
| TOTAL | | | | | -772.67 | |
| 10/26/2023 | 23031 | City of Mound | | Bridgewater Checking | | |
| 10/26/2023 | 2553 | | October 2023 Rent | 4320M10 · Office Rent - Admin. | -1,820.16 | Admin. |
| TOTAL | | | | | -1,820.16 | |
| 10/26/2023 | 23032 | ECM Publishers, Inc. | | Bridgewater Checking | | |
| 10/26/2023 | 968684 & 968... | | Ordinance 246 Advertisement | 4110M10 · Public Info Legal Fees- Admin. | -108.80 | Admin. |
| | | | Ordinance 246 Advertisement | 4110M10 · Public Info Legal Fees- Admin. | -70.13 | Admin. |
| TOTAL | | | | | -178.93 | |

Lake Minnetonka Conservation District
Check Detail
 October 16 - 31, 2023

| Date | Num | Name | Memo | Account | Paid Amount | Class |
|------------|-------|---|---|---|-------------|--------|
| 10/26/2023 | 23033 | Goff Public | | Bridgewater Checking | | |
| 10/26/2023 | 19002 | | September Project Management, Winter Newsletter, Winter Safety Brochure | 4180M10 · Professional Services - Admin. | -3,278.75 | Admin. |
| TOTAL | | | | | -3,278.75 | |
| 10/26/2023 | 23034 | LMCC | | Bridgewater Checking | | |
| 10/26/2023 | 1565 | | 10/11/23 Board Meeting VOD Services | 4182M10 · Media (Cable/Internet) - Admin. | -200.00 | Admin. |
| TOTAL | | | | | -200.00 | |
| 10/26/2023 | 23035 | Minnesota Trophies & Gifts | | Bridgewater Checking | | |
| 10/26/2023 | 35576 | | Updating Board Chair & Executive Director Plaques | 4230M10 · Meeting Exp. - Admin. | -33.60 | Admin. |
| TOTAL | | | | | -33.60 | |
| 10/26/2023 | 23036 | TimeSaver Off Site Secretarial, Inc. | | Bridgewater Checking | | |
| 10/26/2023 | 28623 | | 9/27/23 Board Meeting Minutes | 4230M10 · Meeting Exp. - Admin. | -196.75 | Admin. |
| TOTAL | | | | | -196.75 | |

**RESOLUTION 257****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.

RESOLUTION #254

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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 on this 25th day of October 2023.

ATTEST:

Ann Hoelscher, Chair

Michael Kirkwood, Secretary

DRAFT

Lake Minnetonka Conservation District Transaction Detail By Account

August 1 through October 2, 2023

Resolution #257 - Save the Lake Contributions

| <u>Date</u> | <u>Num</u> | <u>Name</u> | <u>Memo</u> | <u>Class</u> | <u>Amount</u> |
|--|------------|--------------------|--------------------------------|--------------|----------------------|
| Contributions | | | | | |
| 3001M20 - Donations (General) - S/L | | | | | |
| 08/24/2023 | PayPal | Gerald Walsh | STL Donation - General (25.00) | STL | 23.79 |
| 09/11/2023 | 16656 | Jerry & Lois Mader | STL Donation (General) | STL | 50.00 |
| 09/26/2023 | PayPal | Gerald Walsh | STL Donation General (25.00) | STL | 23.79 |
| 10/02/2023 | PayPal | Elaine Wyatt | STL Donation General (500.00) | STL | 485.06 |
| Total 3001M20 - Donations (General) - S/L | | | | | <u>582.64</u> |



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October 25, 2023 (Prepared October 17, 2023)
TO: LMCD Board of Directors
FROM: Thomas Tully, Manager of Code Enforcement
CC Jim Brimeyer, Interim Executive Director
RE: New Multiple Dock License Application for City of Wayzata

ACTION

Board consideration of Mike Kelly on behalf of the City of Wayzata's Variance application and consideration of public input as part of the public hearing process for the application.

The following motions are offered for the Board to approve or deny the request as the Board wishes.

Approval

I make a motion to direct LMCD staff and legal counsel to prepare Findings of Fact and Order approving the City of Wayzata, New Variance application for the property located at 402 Lake Street East in Wayzata as the draft conditions are presented <subject to the following changes...> for final Approval at the October 25, 2023 Board meeting.

Denial

I make a motion to direct LMCD staff and legal counsel to prepare Findings of Fact and Order denying the City of Wayzata, New Variance application for the property located at 402 Lake Street East in Wayzata as the draft conditions are presented <subject to the following changes...> for final Denial at the October 25, 2023 Board meeting.

APPLICATION SUMMARY

The Applicant, City of Wayzata, ("Applicant") has submitted a application for a New Length Variance for the City of Wayzata's Municipal Multiple Dock License. The applicant would also like to reaffirm the existing variances on the site. The site's shoreline is located at 402 Lake Street East, Wayzata, MN 55391. The site has 3460 feet of 929.4 OHWL shoreline on Wayzata Bay. Currently the Dock configuration at the site consists of 147 BSUs and two separate docking locations.

Currently the Dock configuration at the site consists of 153 BSUs and two separate docking locations. 100 of the BSUs are for rent and are located in a lagoon to the west of the Site. The

other 53 BSUs are transient and are located along the two (2) dock structures on either side of the Site. The applicant is proposing to extend the 2 approved transient dock structures on either side of the "Site" out to approximately 190 feet into the Lake. The current approved permanent dock structures are allowed to extend into the lake 150 feet, which is all that is allowed under the current LMCD Code. The Applicant is proposing this length variance due to concerns with public safety and navigation. The Applicant states that the dock configurations at the site have been laid out to be as close to the Approved Boardwalk structure as possible and still allow for safe maneuvering of boats on the north side of the docks. Additionally, several of the approved slips have been designed to accommodate larger chartered boats. Due to the topography of the lake bottom, the City of Wayzata feels this is the best and safest configuration of the proposed dock facilities.

APPLICATION BACKGROUND

- The Applicant originally came before the board on April 26, 2023 for a New Multiple Dock License. As part of the original proposal the Applicant asked to extend the dock structure out to 200 feet to accommodate larger Charter Boats with transient slips. Standard LMCD code only allows for Municipal Multiple Docks to extend into the lake up to 150feet. During the public hearing process the original proposal was approved with an additional length variance, but later rescinded by the LMCD Board after it was found the proper licensing procedures were not taken.
- The Applicant has submitted a variance application requesting that the dock structure for the site be allowed to extend past the approved 150-foot envelope to 190 feet. The proposed dock structure extension would be meant for transient 4 BSU currently approved for the Site, 3 of which are located on the eastern dock structure, and 1 on the western dock structure.
- The current approved dimensions are as follow:
 - 2 BSUs measuring 16 feet by 61 feet, and 1 BSU measuring 16 by 75 feet on the eastern dock structure.
 - 1 BSU measuring 16 by 75 feet in length on the western dock structure.
- These BSUs are designated as currently classified as "transient use" and are designed for the loading and unloading large Charter Boats. Additionally, the applicant has noted that one of the large slips could be used for the storage of the historic Minnehaha Streetcar Boat in the future.
- The Applicant is already approved for these BSU sizes but is required to keep them within the 150 foot envelope, this application would allow for these BSUs to extend farther into the lake that the approved, although there is no increase to BSU size just dock structure.
- The applicant is also reaffirming the current variances for the site.

APPLICATION REVIEW

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

- **Dock Structure.**
 - Current dock structure approved for the site is approximately: 21,932 sq. feet
 - Proposed dock Structure for the site approximately 22,356 sq. feet
 - Increase in structure is due to the length and width of proposed dock structure.
 - Increase in structure is due to the length and width of BSU structure.
 - Extending into the lake 190 feet (LMCD Code 150 feet)

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) DETERMINATION

The Applicant proposal required an EAW. An EAW is mandatory when marina size reaches or surpasses 20,000 sq. feet, and in 20,000 sq. feet increments thereafter.

- The proposal at the site would increase the size of the dock structure to 22,356. The Applicant underwent a EAW in 2018 for a New Multiple Dock License which was granted on May 10, 2023. This variance would not require a new EAW.

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN Department of Natural Resources (MN DNR), Minnehaha Creek Watershed District (MCWD), and the City of Wayzata were provided information regarding the Application on September 30, 2023. City and agency comments were due by October 10, 2023. Comments received as of noon on October 5, 2022 are summarized below:

- None

As of noon on April 20, 2023, comments received by LMCD staff from the general public are summarized below:

- None

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 September 28, 2023 edition of the Sun Sailor (official newspaper) and the September 30, 2023 edition of the Laker Pioneer. Residents and owners of property within 500 feet of the site were notified via a mailing sent out September 27, 2023. In addition, the Board packet has been posted online.

RECOMMENDATION

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

1. Expansion of dock structure past 150 feet is not permitted for a Municipal Multiple Dock per LMCD Code Section 6-3.01, Subd. 4 (d)
2. Expansion of Authorized Dock Use Area past 150 feet is not permitted for a Municipal Multiple Dock per LMCD Code Section 6-3.01, Subd. 5 (b) (3).
3. LMCD Staff have determined that there is not enough evidence which would indicate practical difficulties as described in LMCD Code Section 1-3.01, Subd. 76
4. Due to the size of the proposed dock structure and associated watercraft storage, a length variance and adjusted dock use area for the proposed structure may adversely affect: the purpose of the LMCD Code; public health, safety, and welfare; and/or reasonable access to or use of the Lake by the public or nearby riparian owners.

BUDGET

N/A

STRATEGIC PRIORITIES

| | | | | | | | | | |
|--------------------------|--|--------------------------|---------------------|--------------------------|------------------------------|-------------------------------------|--------------------|--------------------------|-------|
| <input type="checkbox"/> | Docks, Applications Licenses, Surface Water Management | <input type="checkbox"/> | Lake Use, Safety | <input type="checkbox"/> | Operational Effectiveness | <input checked="" type="checkbox"/> | Lake Protection | <input type="checkbox"/> | Other |
|--------------------------|--|--------------------------|---------------------|--------------------------|------------------------------|-------------------------------------|--------------------|--------------------------|-------|

ATTACHMENTS

1. LMCD Code Excerpts
2. Current Approved Site Plan
3. Proposed Site Plan
4. Areal Photo, Proposed Site Plan (Provided by Applicant)
5. Application Documents
6. Applicant Narrative
7. Public Hearing Newspaper Notice (Sun Sailor-official)
8. Public Hearing Mailing Notice

ITEM ATTACHMENT 1

ATTACHMENT: LMCD Code Excerpts for Reference

City of Wayzata

New Variance Application



Section 1-3.01. Definitions.

Subd. 58. Municipal Multiple Dock. “Municipal multiple dock” means a multiple dock owned, operated, or licensed by a municipality, the county, or a state agency and under its control.

2-2.01. Placement. No structure shall be constructed, built, or placed on the Lake, or reconstructed once placed, except in conformance with the requirements of this Code and after obtaining all approvals that may be required from the LMCD and any other governmental entity.

6-3.01. Municipal Multiple Dock License. An application for a municipal multiple dock license shall be submitted, processed, and acted on in accordance with this Section. An applicant for a municipal multiple dock license may request a length for the dock of up to 150 feet from the shoreline and may request a width that is wider than the eight foot maximum allowed for commercial single docks.

Subd. 1. Application. An application for a municipal multiple dock license shall, in addition to the information required in Section 6-1.03, contain the following information:

- (a) Length of the proposed dock; and
- (b) Width of the proposed dock.

Subd. 2. Issuing Authority. The Board determines whether to issue a municipal multiple dock license after conducting a public hearing on the application. In addition to published notice, notice of the public hearing shall be mailed to owners of all property within 500 feet of the site to which the application relates. The license shall specify the authorized boat storage units allowed at the structure.

Subd. 3. Review Criteria. In exercising its discretion in granting or denying licenses, 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;
- (b) Whether the proposed structure will be structurally safe for use by the intended users;
- (c) Whether the structure will comply with the regulations contained in this Code;
- (d) 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;

- (e) Whether the proposed structure will be compatible with the adjacent development;
- (f) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
- (g) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;
- (h) 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;
- (i) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
- (j) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area; and
- (k) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public.

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

- (a) The dock must be owned and operated by a city, county, or state agency;
- (b) The dock must be open to the general public, subject to reasonable regulations of the owner;
- (c) No permanent or overnight storage shall be allowed at the dock;
- (d) No license shall be granted for a dock extending more than 150 feet from the shoreline; and
- (e) No retail sales, other than fuel, shall be permitted on the dock.

Subd. 5. Expanded Authorized Dock Use Area. Municipal multiple docks shall only be located within the authorized dock use area of the adjacent municipal property, except as follows:

- (a) If the Board approves the municipality to exceed the authorized dock use area as part of approved municipal planned unit development; or
- (b) If the Board approves a new multiple dock license that expressly allows the municipality to exceed the length or width limitations of Article 2, Chapter 3 for a municipal multiple dock that meets all of the following criteria:
 - (1) The dock is open to the general public, subject to reasonable regulations of the municipality;

- (2) Permanent or overnight storage of watercraft is not allowed at the dock;
- (3) The dock does not extend beyond 150 feet from the shoreline; and
- (4) Retail sales, other than fuel, are not allowed at the dock.

FIGURE 2: PHASE 2A BOARDWALK

Volume of Water Displacement:

| | |
|--|--------------------------|
| Number of Piers | = 37 |
| Number of 16" Steel/Concrete Piles | = 74 |
| X-Section area of each Pile | = 1.4 sq ft |
| Average Water Depth | = 6.78 ft |
| Volume of Water Displacement (each pile) | = 9.5 cu ft |
| Total Volume of Water Displacement | = 702.4 cu ft (74 x 9.5) |

Lake Bottom Disturbance:

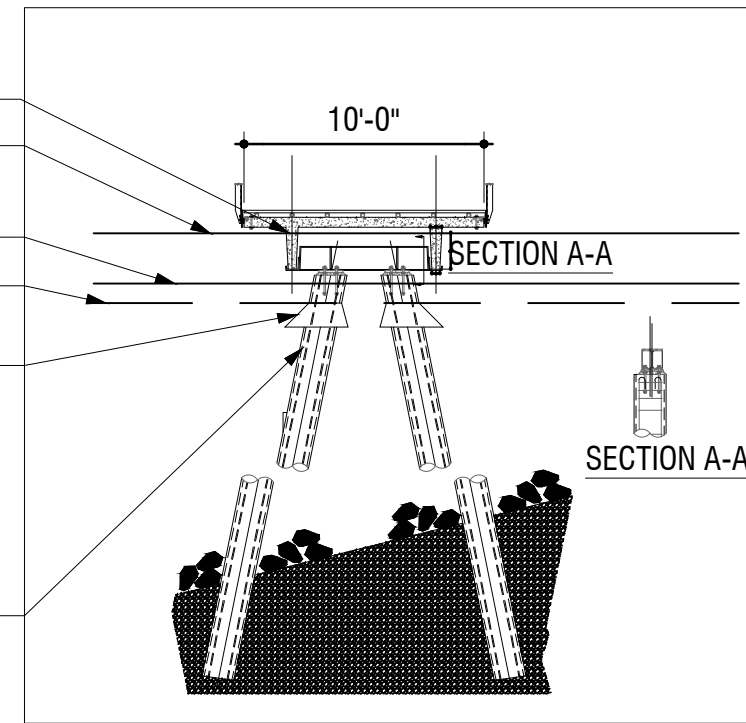
74 Steel/ Concrete Piles x 1.4 sq ft = 104 sq ft (permanent)
 (74 Piles x 64 sq ft (clearing rocks) = 4736 sq ft) - 104 sq ft (footprint) = 4632 sq ft (temporary)

Floodplain Storage Displacement (Refer to Detail 2):

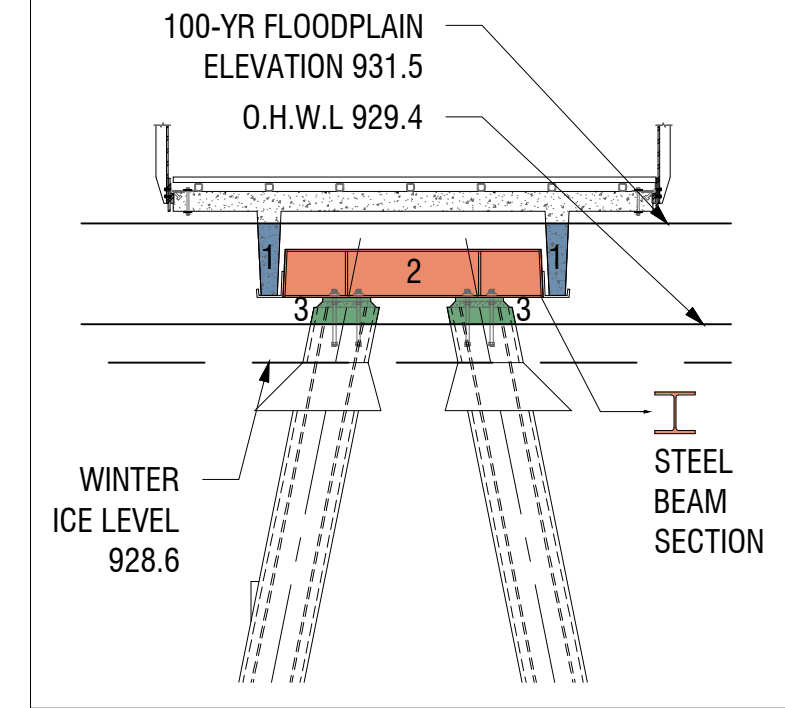
1. Precast Concrete 'T's = **1419 cu ft** (0.6' area x 1182.5' boardwalk length x 2 'T's)
2. Steel Beam = **27.9 cu ft** (0.14' area x 5.4' beam length x 37 piers)
3. Piles = **62.2 cu ft** (1.4' area x 0.6' water depth x 74 piles)

Total Volume Floodplain Storage Displacement = 1509.1 cu ft

PRECAST DOUBLE 'T'
 100-YR FLOODPLAIN
 ELEVATION 931.5
 O.H.W.L 929.4
 WINTER ICE LEVEL
 928.6
 CONE SHAPED ICE SHIELD
 WITH 45 DEGREE ANGLE
 PAIR OF BATTERED
 STEEL PILES,
 16" DIA,
 CONCRETE FILLED



1 TYPICAL PIER DETAIL
 SCALE: 1/8" = 1'-0"



2 TYPICAL PIER WATER DISPLACEMENT AREAS
 SCALE: 1/4" = 1'-0"

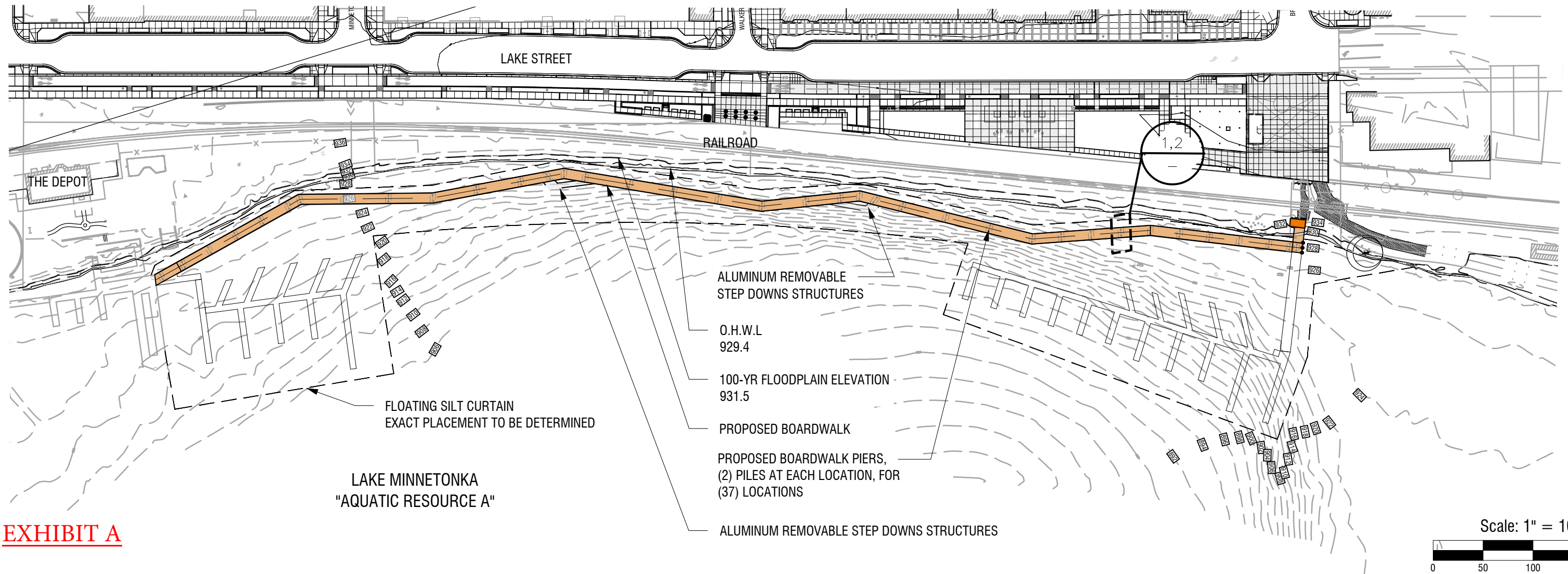


EXHIBIT 1: PROPERTY LINE SETBACKS

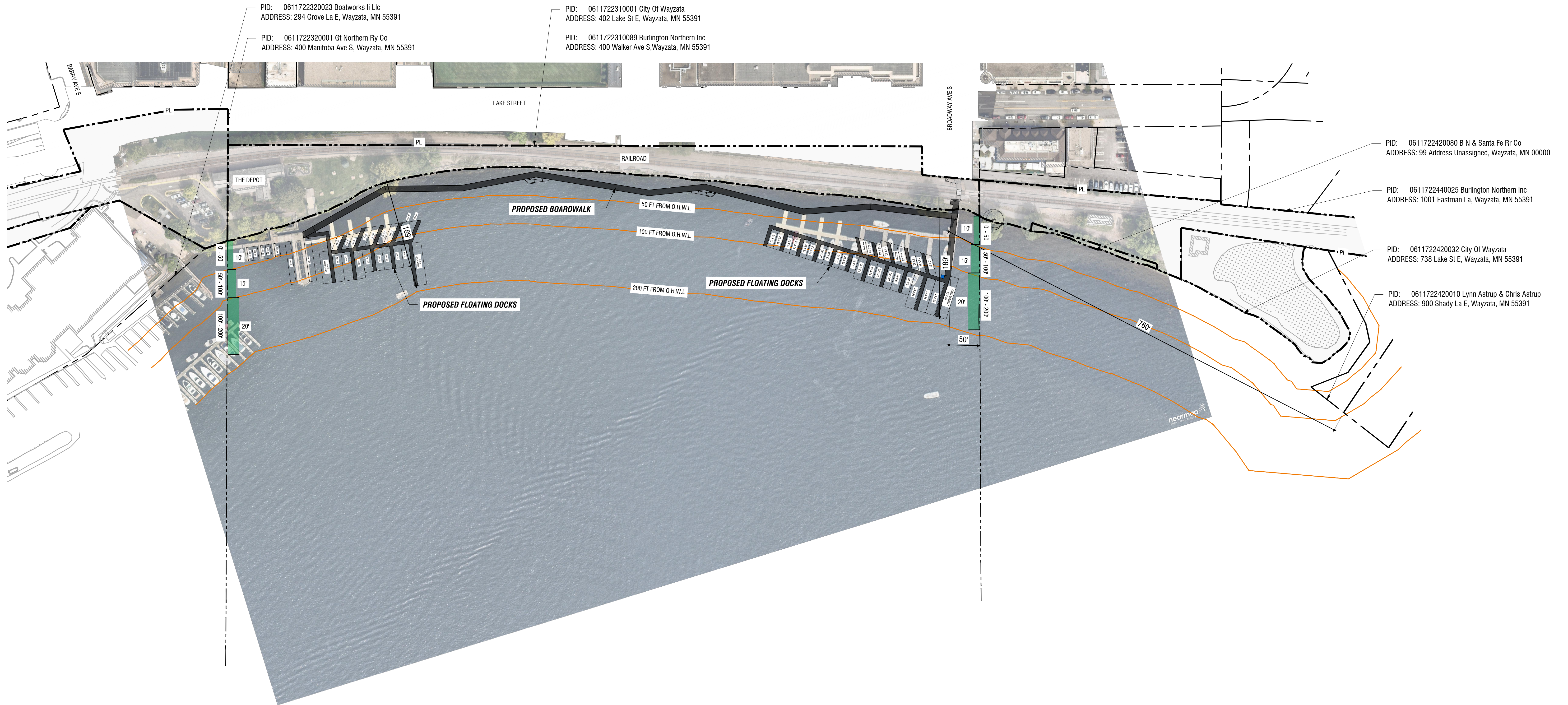


EXHIBIT 2: PARCEL MAP & ADDRESSES

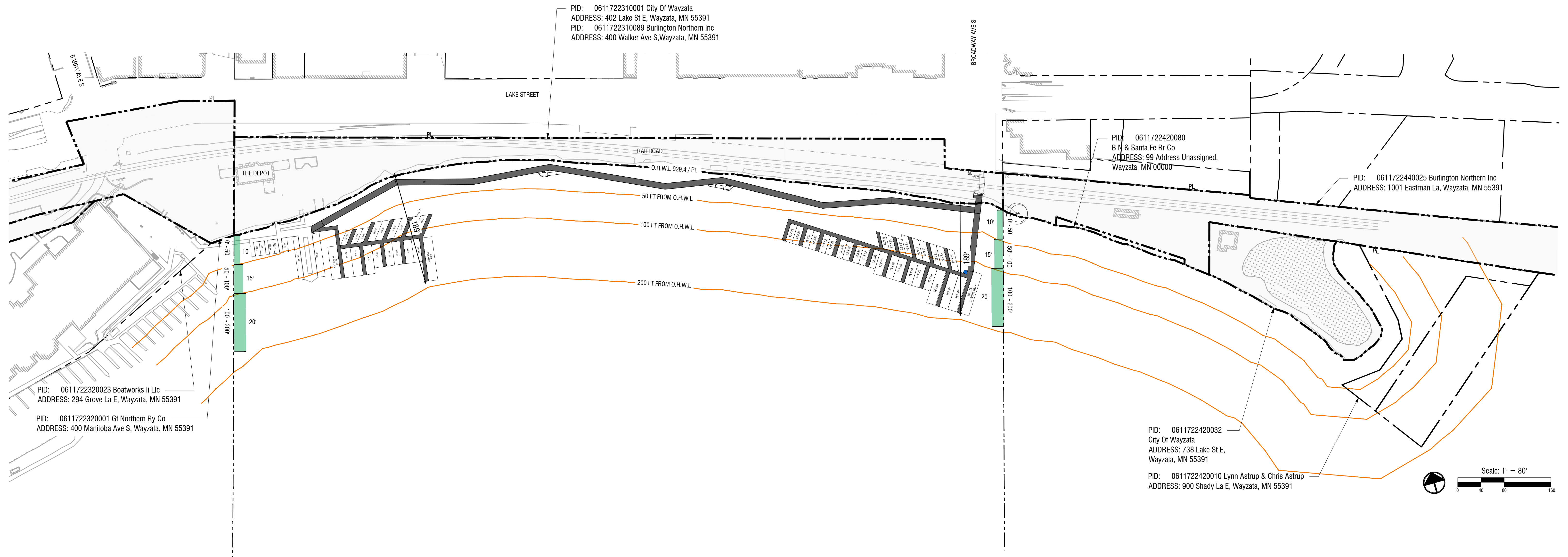
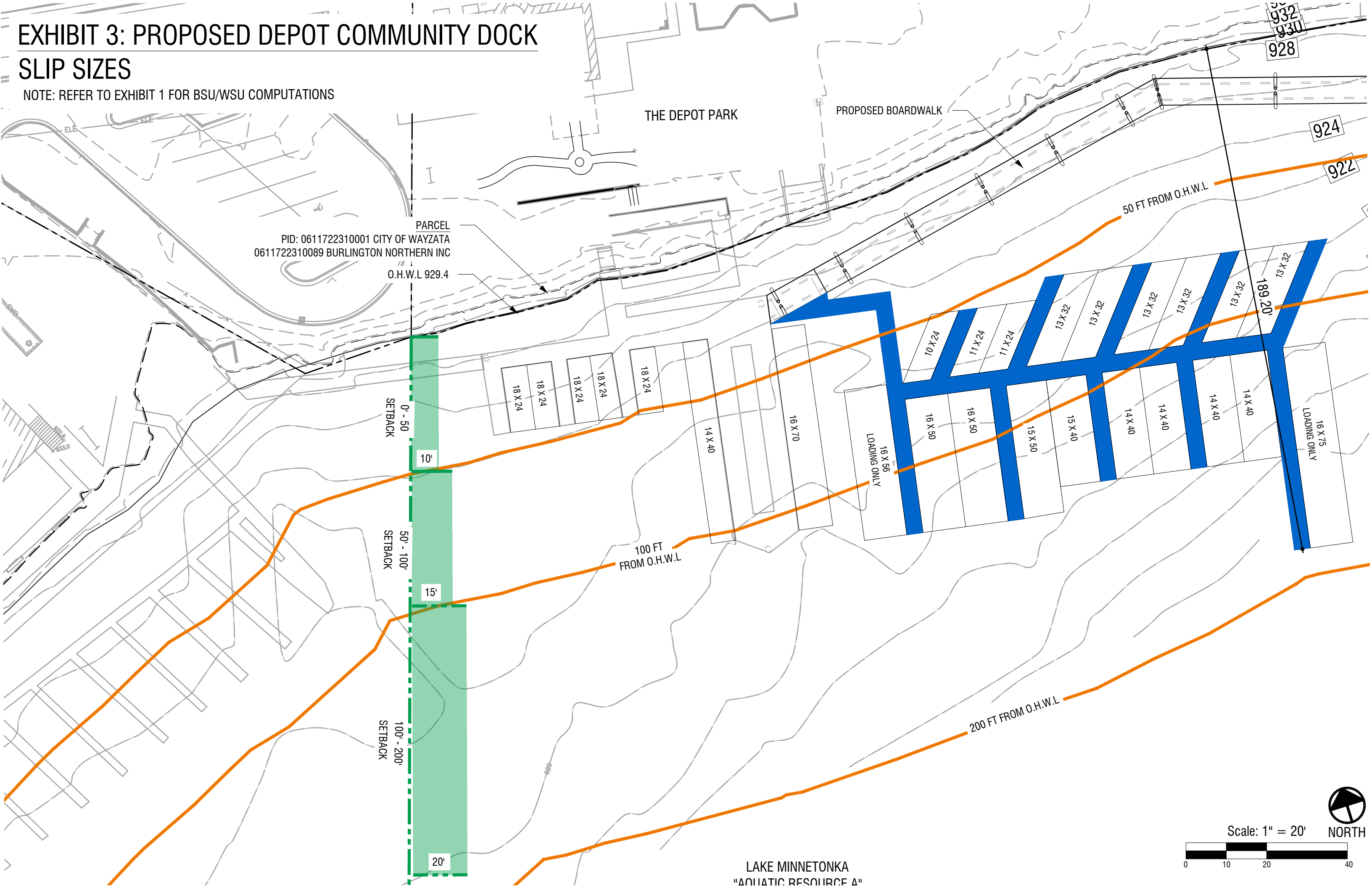


EXHIBIT 3: PROPOSED DEPOT COMMUNITY DOCK

SLIP SIZES

NOTE: REFER TO EXHIBIT 1 FOR BSU/WSU COMPUTATIONS



PARCEL
PID: 0611722310001 CITY OF WAYZATA
0611722310089 BURLINGTON NORTHERN INC
O.H.W.L. 929.4

THE DEPOT PARK

PROPOSED BOARDWALK

50 FT FROM O.H.W.L.

100 FT FROM O.H.W.L.

200 FT FROM O.H.W.L.

0' - 50'
SETBACK

50' - 100'
SETBACK

100' - 200'
SETBACK

Scale: 1" = 20'



NORTH



LAKE MINNETONKA
"AQUATIC RESOURCE A"

EXHIBIT 4: PROPOSED BROADWAY COMMUNITY DOCKS

SLIP SIZES

NOTE: REFER TO EXHIBIT 1 FOR BSU/WSU COMPUTATIONS

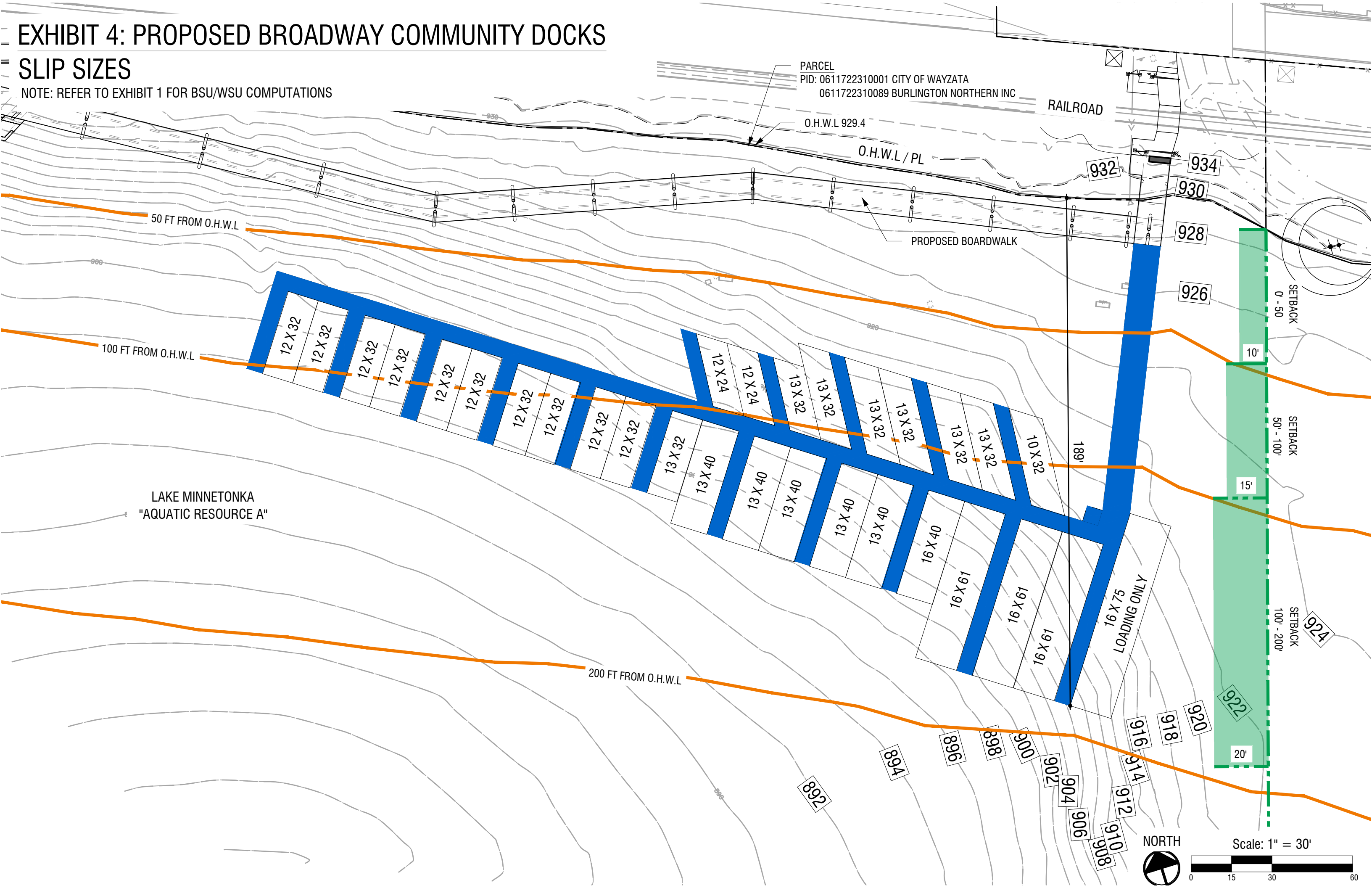


FIGURE 1A: SITE LOCATION



NORTH



VARIANCE APPLICATION

LAKE MINNETONKA CONSERVATION DISTRICT

For LMCD use:
Fee Amount: _____ Check # _____ Date Received: _____

1. CONTACT INFORMATION

Applicant: _____ Title (Owner, Authorized Agent, etc.): _____
Address: _____
City, State, Zip: _____
Phone: _____ Email: _____
Property Owner (if different from applicant): _____
Relationship to Property Owner: _____
Address: _____
City, State, Zip: _____
Phone: _____ Email: _____

2. PROPERTY INFORMATION

Site Address: _____
Abutting Lakeshore Property Owners (Name and Mailing Address)
North or West: _____

South or East: _____

Other affected parties: _____

3. PROPOSED VARIANCE

Type of Variance: _____
State practical difficulties causing the variance to be required: _____
The City of Wayzata is currently constructing its Panoway lake walk project between Broadway Avenue and the historic Depot. The proposed dock configurations have been laid out to be as close to the lake walk structure as possible and still allow for safe maneuvering of boats on the north side of the docks. Additionally, several of the proposed slips have been designed to accommodate larger boats. Due to the topography of the lake bottom, Wayzata feels this is the best and safest configuration of the proposed dock facilities.

4. ATTACHMENTS

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

- | | |
|--|---|
| Locator map, county plat map | Proposed facility site plan with scaled drawing of docks on abutting and other affected dockage |
| Certified Land Survey, Legal Description | Names & mailing addresses of owners within a 350-foot radius of the property. (See note below.) |
| Existing facility site plan | |

***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. The applicant is required to obtain mailing labels from Hennepin County for property owners within a 350-foot radius of the site. Labels are now available online by visiting <https://gis.hennepin.us/locatenotify/default.asp>. Set the buffer distance to 350 feet and print the "mail list," which includes both taxpayer and resident information. If the property is located in Carver County, contact the LMCD office for assistance.

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.

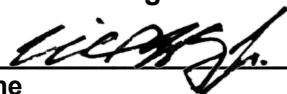
5. FEES

| | |
|--|------------------------|
| Application Fee (Non-refundable) | \$250.00 |
| Deposit (Refundable, upon full compliance with the Code and extent of administrative, inspection and legal service required.) | <u>\$250.00</u> |
| TOTAL FEE ENCLOSED (This fee is for processing of the application and does not entitle the applicant to a variance.) | <u>\$500.00</u> |

I certify that the information provided herein and the attachments hereto are true and correct; I understand that any variance granted may be revoked by the District for violation of the LMCD code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the District in excess of the amount of the application fee. I consent to permitting officers and agents of the District to enter the premises at reasonable times to investigate and to determine whether or not the Code of the District is being complied with.

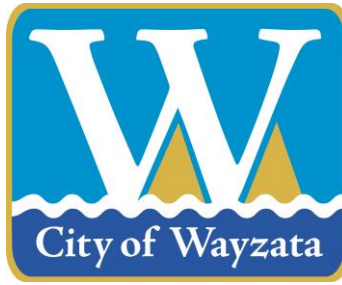
I agree to submit a certified, as-built survey upon completion of the docks.

Applicant's Signature:



 Name Title Date

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



City Council
Mayor Johanna Mouton
Jeffrey Parkhill
Cathy Iverson
Molly MacDonald
Alex Plechash

City Manager
Jeffrey Dahl

October 19, 2023

Jim Brimeyer
Executive Director
Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364

RE: Dock Variance Request

Dear Mr. Brimeyer

The City of Wayzata is requesting that the LMCD allow a 40-foot length variance to extend the two approved transient dock structures at both the Depot and Broadway locations to approximately 190 feet into the Lake. These proposed docks, with the design previously approved by the Wayzata City Council, are a key component of enhanced public access to Lake Minnetonka that the Panoway on Wayzata Bay Project entails.

The current permanent dock structures are allowed to extend into the lake 150 feet; thus a variance is required for the new design.

Summary of Rationale

As the attached site plans indicate, the proposed new Broadway and Depot docks extend approximately 190 feet from the shoreline for **three slip locations and just beyond the 150-foot limit in two locations**, the remaining 21 slip alignments meet the current 150' limit.

To allow a variance, a practical difficulty must be established. A summary of the City's practical difficulties can be found below:

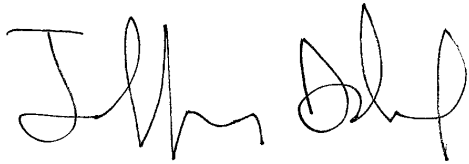
- *ADA Compliance*---allowing adequate length to ensure the walkways from the shore to the docks are ADA compliant. Keeping the current number of slips constant, the main walkway would not be ADA compliant if the length was shortened to meet the 150-foot requirement.
- *Water Depth*---the dock area is pigeon-holed between very shallow and very deep water depth. An extension beyond the 150-foot requirement is needed to ensure all slips are navigable.

- *Inclusive Public Dock Access*---the new dock design will accommodate a much greater diversity of vessel sizes including enhanced access for the Minnehaha Streetcar Boat and other charter boats at the Depot thanks to an extended dock to accommodate mooring during windy weather. The City would have to reduce the number of larger slips, including this charter dock, in order to meet the 150 foot requirement.
- *Preservation of the Lake Edge*---the proposed layout maximizes slips with only one entry point for each location, reducing the entry points and ecological disruption at the lake edge.

In addition to the site plan, please see the attached supplementary information from the lead designer, Civitas, regarding both the request and the community engagement and process leading up to the request.

City staff will be in attendance to answer questions at the October 25th meeting along with other community members in support of our request. We appreciate the LMCD's consideration.

Yours Truly,

A handwritten signature in black ink, appearing to read "Jeff Dahl". The signature is fluid and cursive, with the first name "Jeff" and the last name "Dahl" clearly distinguishable.

Jeff Dahl
City Manager
(952) 404-5303
jdahl@wayzata.org

October 16, 2023

RE: Panoway Dock Design Considerations

Over the past 30 years, the City of Wayzata and its partner institutions have completed a variety of studies attempting to celebrate, connect, enhance, and make accessible the communities most important natural resource Lake Minnetonka and its associated lakefront. The Panoway on Wayzata Bay project aims to restore, protect, and enhance the north shore of Lake Minnetonka, reconnecting Wayzata's and the other communities that call the shores of Lake Minnetonka home. The Panoway project is the result of a series of community-wide and regional stakeholder meetings over the past 8 years with representatives from the local and state agencies responsible for all aspects of Lake Minnetonka and the surrounding open spaces. The Plan looks to create a single unified vision that generates a well-connected, year-round lakefront destination that provides new spaces to accommodate the many divergent user groups and visitors who can overwhelm the lakefront during peak seasons. The proposed community docks are a critical component of this vision.

With the successful completion of Phase 1 improvements along Lake Street in downtown Wayzata in the fall of 2020, the City embarked on the design and implementation of the lakefront improvements including the lakewalk and associated community dock enhancements. To ensure that the proposed dock layout and design would meet the needs of the Lake Minnetonka boating community Wayzata City Council directed the design team and City staff to assemble a dock working group comprised of a variety of boat owners, residents, commercial vessel operators and members of governing agencies including the LMCD. Over the course of 8 months, this working group convened six times to discuss the layout, design, management, and operations of the proposed community docks. The proposed layout represents this group's preferred configuration.

Dock Working Group Members

Peter Hitch-Wayzata Conservancy
Harry Johnson-Wayzata Conservancy
Dan Baasen-LCMD Representative
Sarah Randolph, Wayzata Parks and Trails Board, boat owner
Mark Peet - Wayzata Bay Charters
Kurt Klapprich---City of Wayzata
Tom McCarthy---Minnehaha Streetcar Boat
George Sayer- Howard Point Marina
Jay Soule – Al and Alma's Charters
Matthew Thompson, Wayzata Sailing Center
Becky Pierson, Wayzata Area Chamber of Commerce, Panoway District Committee
Dennis Marhula, City Marina Committee
Brian McCullough, boat owner and resident
Jeffrey Parkhill, boat owner, Wayzata City Council
Rick Born, Boatworks owner
Lance Wallin, boat owner

The proposed new Broadway and Depot docks extend approximately 190 feet from the shoreline for only three slip locations and just beyond the 150-foot limit in two locations, the remaining 21 slip alignments meet the current 150' limit. The proposed layout is the result of many specific factors but was developed to follow LMCD Chapter 3 Municipal Licenses guidelines.

Key Factors in the Dock Design and Layout that create the need/justification for the proposed variance.

Per Chapter 5, Section 6-5.01 Subd. 1 Authorized – a variance may be granted where practical difficulties occur or where necessary to provide access to persons with disabilities.

1. Access for Persons with Disabilities – The proposed layout of the Broadway Docks was created to ensure fully ADA compliant dock access even during low water levels like those experienced in the summer of 2023.
 - a. The proposed design creates an ADA compliant 5% sloped walk connection between land and the beginning of the level public slips during OHW (929.4), that increases in steepness but never exceeds the maximum 8.33% slope allowed by ADA when water levels drop below elevation 928. Maintaining an ADA compliant walk was critical to ensuring equitable access to the lake and the various boat and publicly accessible commercial operators who may use these docks.

The proposed design results in a longer than typical gangway to mitigate the grade difference between the fixed grade elevation of 934.6 at the existing railroad crossing which cannot be adjusted and the finished elevation of the docks outlined above.

Per Chapter 5, Section 6-5.01 Subd. 2 Unusual Configurations – a variance where the provisions of this Code would cause the authorized dock use area of two or more sites to overlap, or where there is any other unusual configuration of shoreline.

And Subd. 3. Length Variances. The length limitations prescribed by this Code may be adjusted to allow the construction and maintenance of a dock in the Lake to a water depth of five feet, measured from 929.4 NGVD, at the outer end of such dock to provide adequate water depth for navigation and to protect the environmental quality or natural habitat of the water adjacent to the dock.

1. Work with the existing bathymetry and variable lake-bottom found along the north shore of Lake Minnetonka
 - a. As a result of the long northern fetch and its associated erosive qualities, the north shoreline of Lake Minnetonka has a unique profile that becomes extremely deep just south of the existing shoreline between the Broadway and Depot docks and shallow to the east of the Broadway Docks where the suspended sediment from the erosion in the middle portion of the lakeshore are deposited. This variable depth creates a relatively small area that is deep enough to safely navigate watercraft during ordinary and low water levels like those that occurred in the summer of this year, while shallow enough to work with standard member sizes of the structural pilings required to build the docks. The proposed layout was developed to fit within these constraints, resulting in the proposed layout extending beyond the 150' limits.

In addition to the variance justification noted above, the following Municipal Multiple Dock License Review criteria from Section 6-3.01 Subd. 3. were carefully considered in developing the dock layout

Subd. 3 (f) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake

Subd. 3(g) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;

Subd. 3 (k) (k) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public.

1. Minimize impacts to the shoreline

As Wayzata’s most cherished natural resource, every effort was made to minimize the physical and visual impacts to the shoreline of Lake Minnetonka. To accommodate the number of slips required, we explored a variety of dock layouts to determine a layout that minimizes the length of shoreline impacted but results in the dock layout extending slightly further into Lake Minnetonka.

2. Minimize impacts of ice aeration

As a permanent structure that is susceptible to the northern ice flows, the proposed dock structures will need to be aerated for protection. By minimizing the length of the lakeshore that requires aeration, the proposed layout will minimize the impacts on the ice shelf and ensure a stable northern edge to the ice that will continue to allow the numerous winter ice-based activities that occur on Lake Minnetonka during the winter months.

Subd. 3(g) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area

1. Accommodate the diversity of vessel sizes that exist on Lake Minnetonka

As part of the design process, our team utilized the Hennepin County Boat Registry to understand the number and size of all registered private vessels located on Lake Minnetonka. As the dock layouts were developed, the goal was to provide a proportional number of slips for specific vessel sizes based on the percentage of total vessels registered on Lake Minnetonka by size, so that users with all vessel sizes can be accommodated.

Our research showed:

Vessels longer than 45’ in length - 59 total (9% of total vessels on Lake Minnetonka)

Vessels 35’-45’ in length – 142 total (20% of total vessels on Lake Minnetonka)

Vessels 25’-35’ in length – 242 total (35% of total vessels on Lake Minnetonka)

Vessels less than 25’ – 250 total (36% of total vessels on Lake Minnetonka)

693 total vessels registered (not including personal watercraft, sailboats, or catamaran’s)

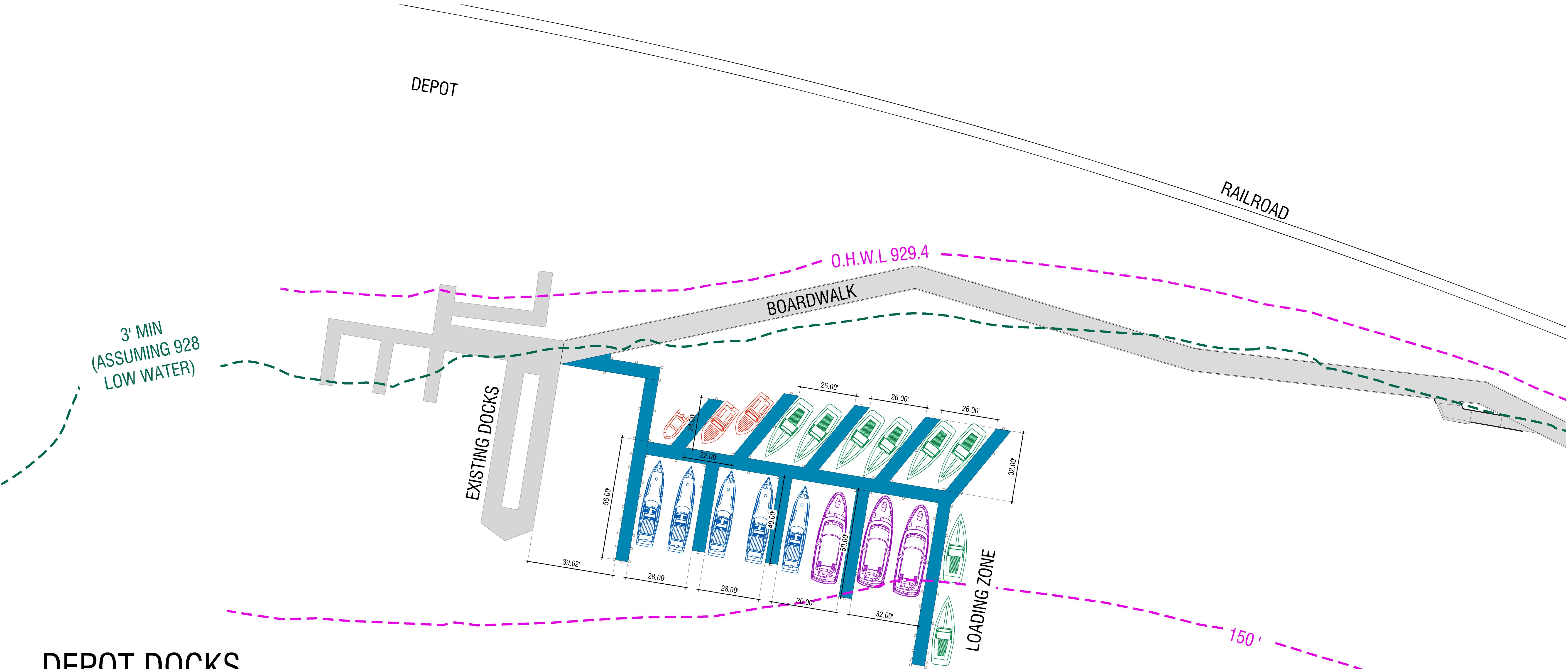
2. Accommodate Commercial Vessels to ensure access to community members who do not live on the Lake or own their own vessels.

Through consultation with a variety of commercial vessel operators who provide lake access to non-boat owners, the dock layout and design were developed to safely accommodate a variety of commercial vessel sizes including the historic Minnehaha Streetcar Boat, if it is to get back up and running. As the vessel with the most limited navigational devise, it requires a specific dock layout with highly engineering pilings. The

proposed design and layout at both docks to accommodate these potential uses, which results in a slightly longer dock profile that extends further out into the Lake.

3. Vessel navigation and slip allocations

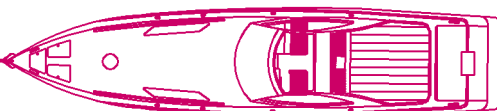
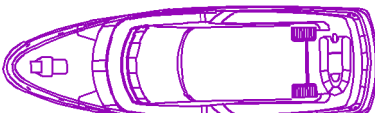

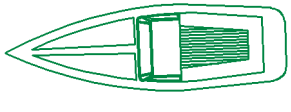

The dock layout considered management and operational uses during peak times when Dock Attendants manage vessel mooring. By providing a dock layout that creates zones for vessels of different sizes, transient dock users can be directed to slips of the appropriate sizes by zone to maximize efficiency and use. Additionally, the dock layout places the smallest vessels on the north side of the docks capitalizing on the floating dock system as a partial wave break to minimize the impacts of wave action and winds that affect smaller vessels when docking the most. The resulting layout moves the easternmost docks further south into the lake exceeding the 150' limits.



DEPOT DOCKS

STEEL OR WOOD PILES

TOTAL 17 BOATS + 3 LOADING ZONE = 20 BOATS

-  50' - 80' 0 BOAT
-  40' - 50' 3 BOATS
-  32' - 40' 5 BOATS
-  22' - 32' 6 BOATS
-  6' - 22' 3 BOATS

EXISTING TEMPORARY DOCKS

RAILROAD

BROADWAY PLAZA

EXISTING DOCKS

LOADING ZONE

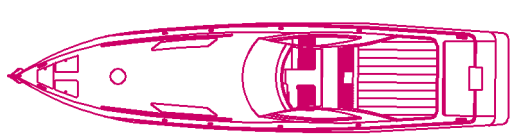
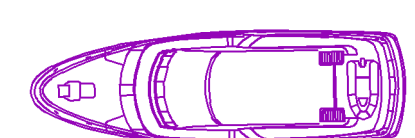
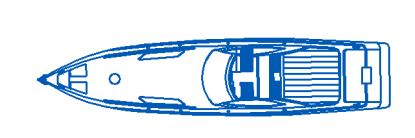
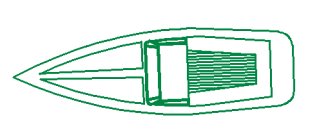
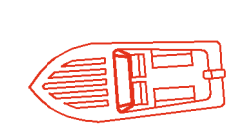
O.H.W.L 929.4

(ASSUMING 3' MIN
928 LOW WATER)

BROADWAY DOCKS

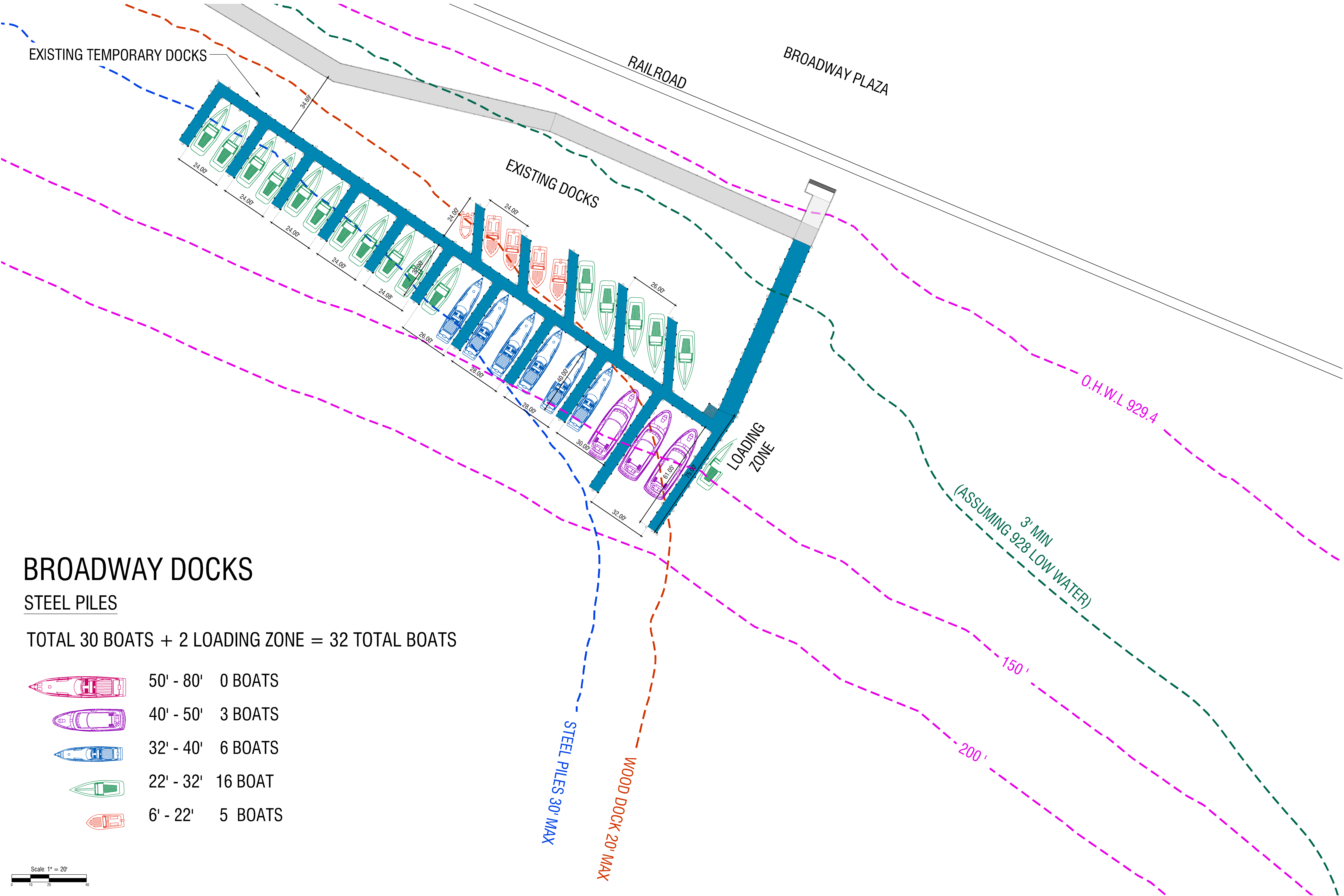
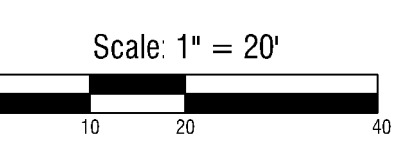
STEEL PILES

TOTAL 30 BOATS + 2 LOADING ZONE = 32 TOTAL BOATS

-  50' - 80' 0 BOATS
-  40' - 50' 3 BOATS
-  32' - 40' 6 BOATS
-  22' - 32' 16 BOAT
-  6' - 22' 5 BOATS

STEEL PILES 30' MAX

WOOD DOCK 20' MAX



**LAKE MINNETONKA
CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, OCTOBER 11, 2023**

**CITY OF WAYZATA
PANOWAY PROJECT
402 LAKE STREET EAST,
WAYZATA, MN 55391
WAYZATA BAY,
LAKE MINNETONKA**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a new variance application from Mike Kelly of 600 Rice Street East, Wayzata. The City of Wayzata seeks to lengthen the dock structure from 150 feet to approximately 190 feet located at both the boardwalk and depot. No adjustments are being proposed to the Applicants side setbacks. All interested persons will be given an opportunity to comment. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

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

Published in the
Sun Sailor
September 28, 2023
1343644



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: September 27, 2023
TO: Property Owner or Resident
FROM: Thomas Tully, Manager of Code Enforcement
SUBJECT: Public Hearing Notice

A handwritten signature in black ink, appearing to read 'Thomas Tully', is written over a light gray rectangular background.

You are receiving this notice since Hennepin County property records indicate you own or reside upon property within 350 feet of a site being considered for a new length variance. The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the application. The property is located along Lake Street East, PID: 06-117-22-31-0001, in Wayzata MN 55391, on Wayzata Bay. The application is from Mike Kelly, City of Wayzata.

The Applicant is proposing to lengthen the dock structure from 150 feet to approximately 190 feet located at both the boardwalk and depot. No adjustments are being proposed to the Applicants side setbacks. 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, October 11, 2023. The items detailed 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 Manager of Code Enforcement at tully@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.

FIGURE 1A: SITE LOCATION



3603 ft

Google Earth



EXHIBIT 1: PROPERTY LINE SETBACKS

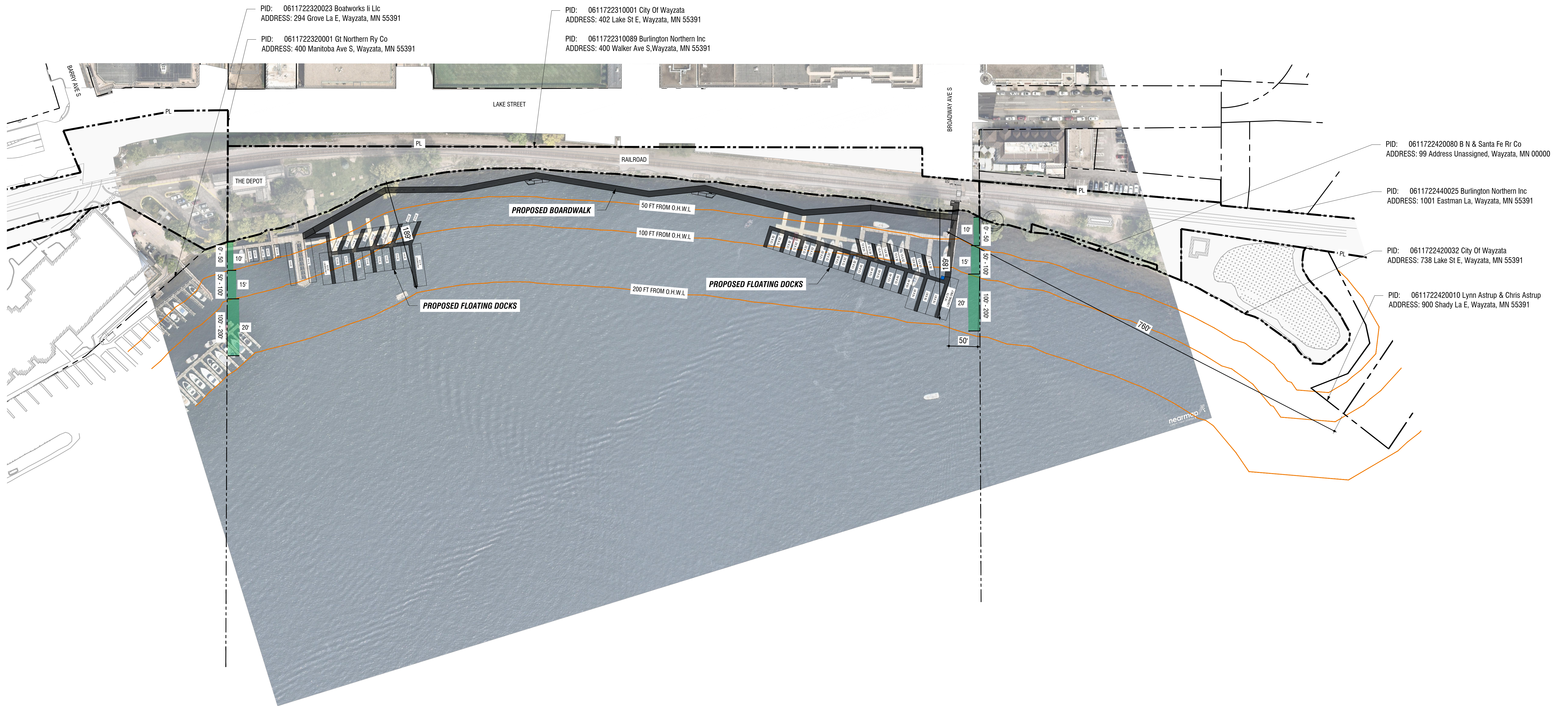


EXHIBIT 2: PARCEL MAP & ADDRESSES

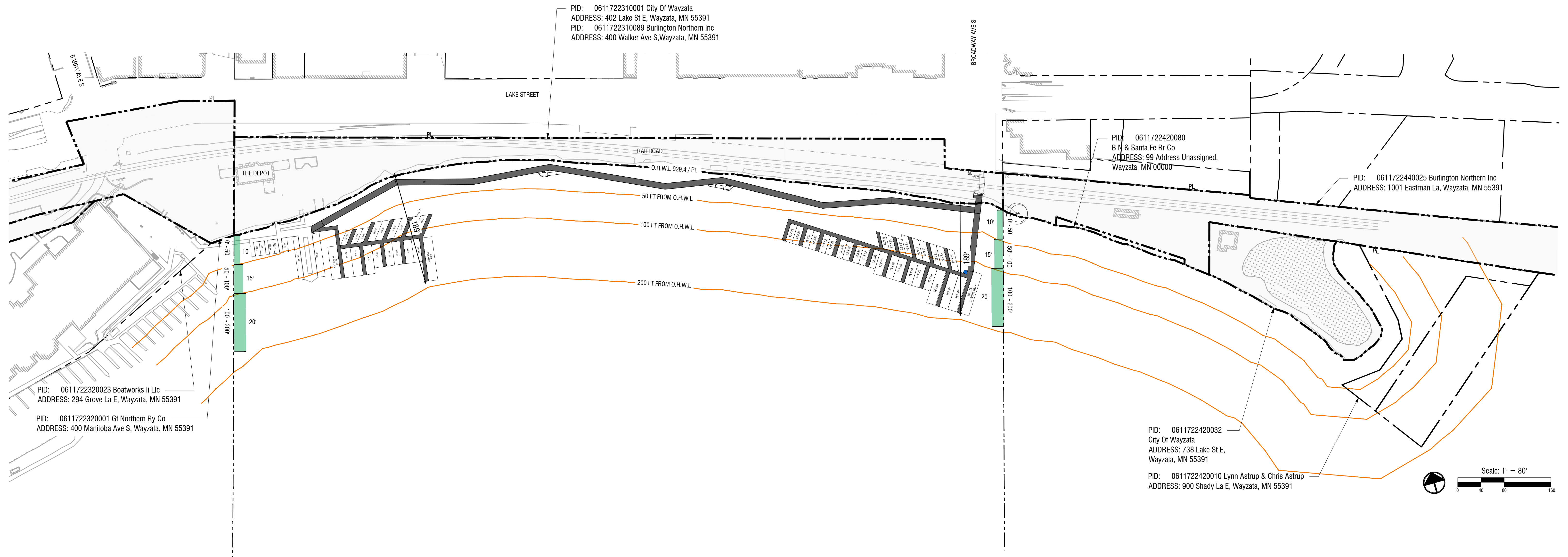


EXHIBIT 3: PROPOSED DEPOT COMMUNITY DOCK

SLIP SIZES

NOTE: REFER TO EXHIBIT 1 FOR BSU/WSU COMPUTATIONS

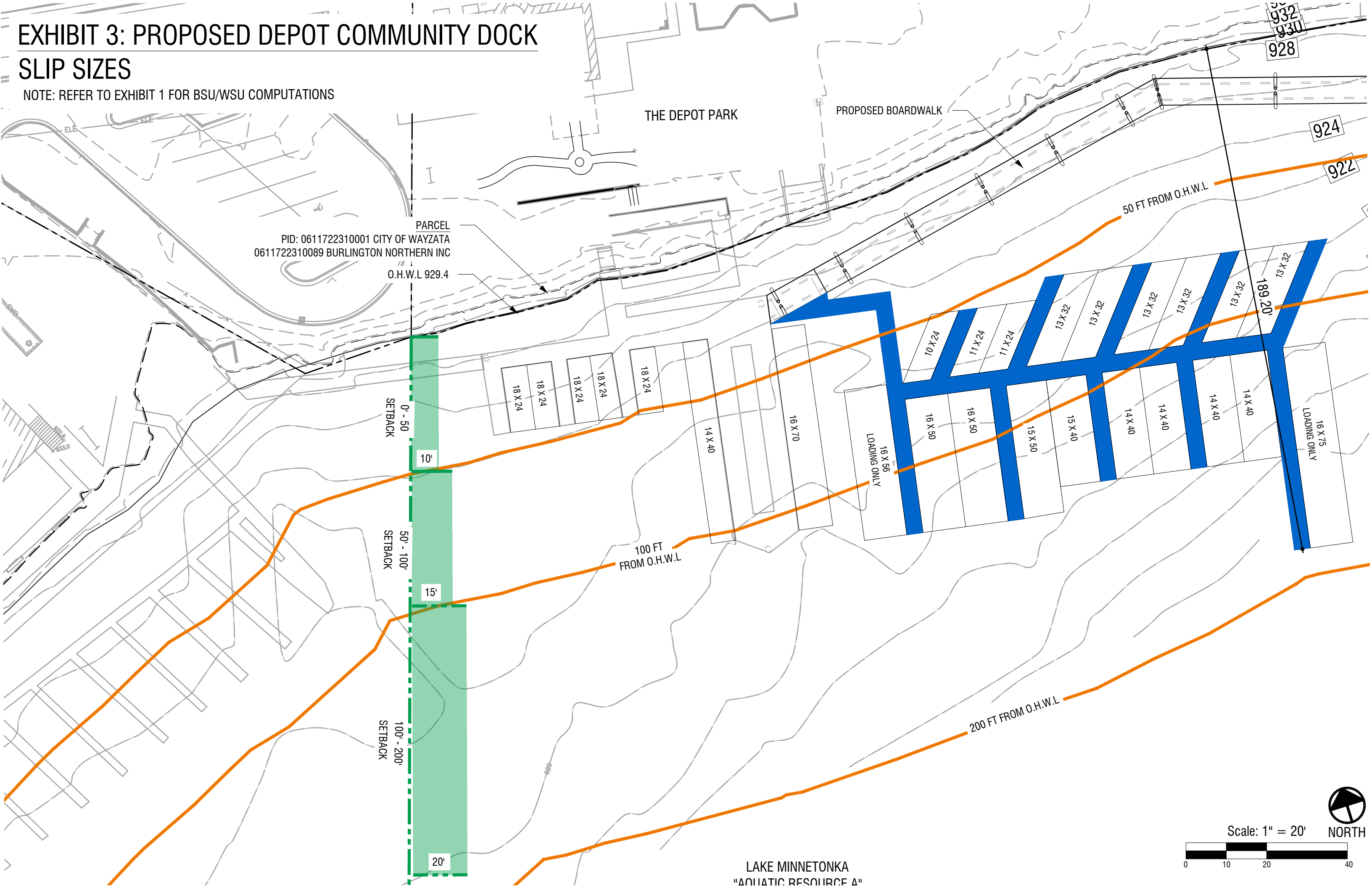
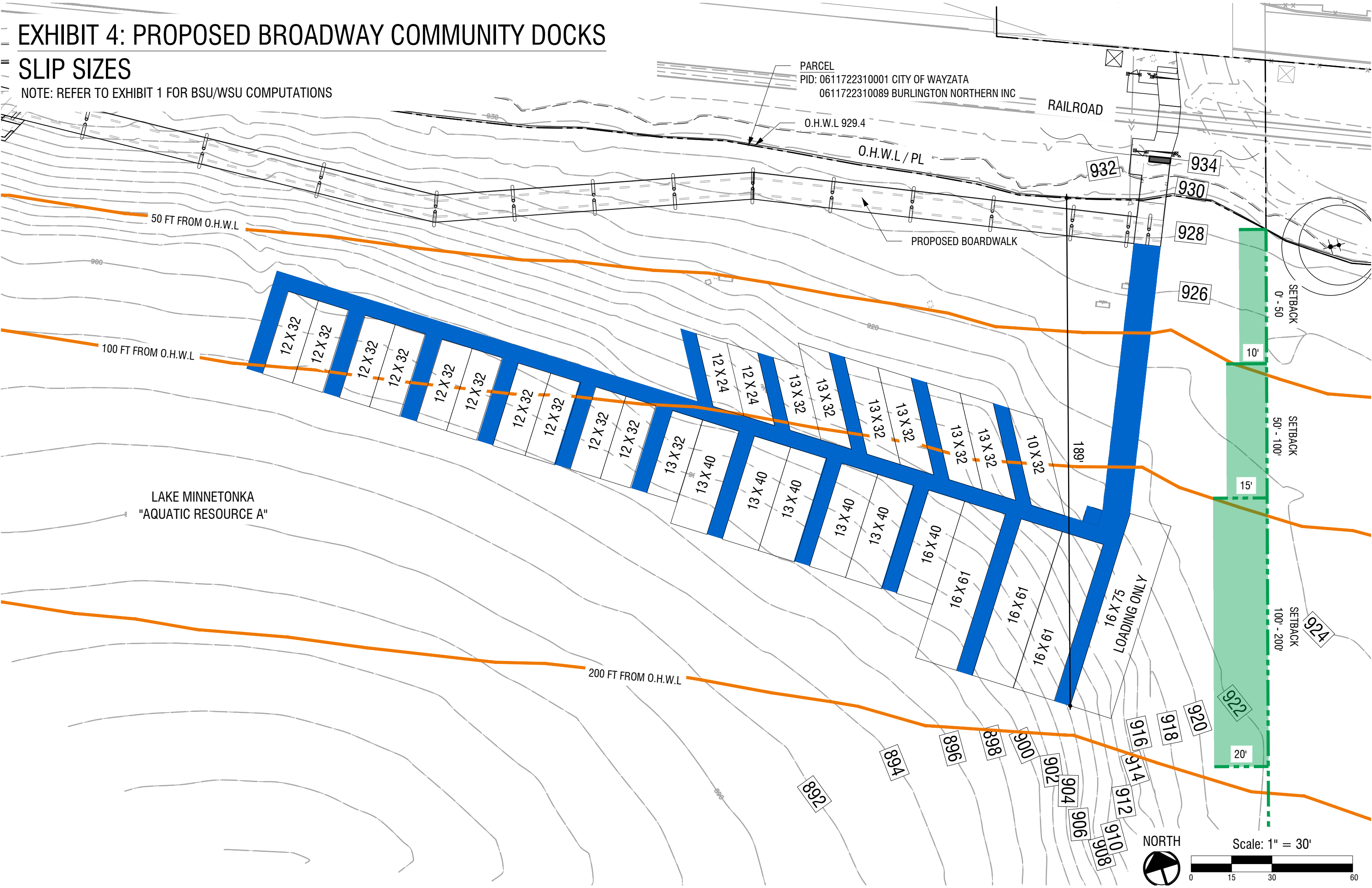


EXHIBIT 4: PROPOSED BROADWAY COMMUNITY DOCKS

SLIP SIZES

NOTE: REFER TO EXHIBIT 1 FOR BSU/WSU COMPUTATIONS





LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October 25, 2023 (Prepared October 18, 2023)

TO: LMCD Board of Directors

FROM: Thomas Tully, Environmental Administrative Technician

CC: Jim Brimeyer, Interim Executive Director

SUBJECT: New Multiple Dock License (Expansion of a Qualified Commercial Marina) and Variance Request for Back Channel Brewing in Spring Park

ACTION

Board consideration of the 5th Street Ventures, LLC Multiple Dock License and Variance applications, and receive public input as part of the public hearing for the applications. The applications were submitted by Mr. Josh Leddy of Back Channel Brewing, authorized agent of the owner of the 5th Street Ventures, (“Applicant”). The Applicant’s property (“site”) is located at 4681 Shoreline Drive, Spring Park, MN 55384 (PID 18-117-23-33-0049). The site includes shoreline at two adjacent parcels, 4665 Shoreline Drive (PID 18-117-23-33-0009) and 4695 Shoreline Drive (PID 18-117-23-33-0010). The site’s shoreline is on the Seton Channel / Seton Lake.

Approval

I make a motion to direct staff and LMCD legal counsel to draft Findings of Fact and Order approving the 5th Street Ventures, LLC 2020 Multiple Dock License and Variance applications for the properties located at 4681, 4665, and 4695 Shoreline Drive in the City of Spring Park as presented <or with additional amendments> for consideration at the November 08, 2023 Board meeting.

Denial

I make a motion to direct LMCD legal counsel to draft Findings of Fact and Order denying 5th Street Ventures, LLC 2020 Multiple Dock License and Variance applications for the property located at 4681, 4665, and 4695 Shoreline Drive in the City of Spring Park based on the following reasons... for consideration at the November 08, 2023 Board meeting.

APPLICATION HISTORY

The Applicant, 5th Street Ventures, (“Applicant”) submitted an application for a new Multiple Dock License and Variance at 4681 Shoreline Drive, Spring Park, MN 55384 (PID 18-117-23-33-0049). The site includes shoreline at two adjacent parcels, 4665 Shoreline Drive (PID 18-117-23-33-0009) and 4695 Shoreline Drive (PID 18-117-23-33-0010). The site’s shoreline is on the Seton Channel / Seton Lake.

Multiple Dock License

4681 Shoreline Drive, Spring Park, MN 55384 (PID 18-117-23-33-0049), 4665 Shoreline Drive (PID 18-117-23-33-0009) and 4695 Shoreline Drive (PID 18-117-23-33-0010). In the City of Spring Park

LMCD Board Meeting

October 25, 2023

The marina expanded in 2016 from 13 to 25 boat storage units (BSUs) after a bog/wetland near the site was relocated. A Mandatory EAW was conducted at that time, and some ecological concerns were noted. The LMCD Board of Directors ultimately issued a Negative EIS Declaration in 2016 and approved 25 total BSUs of the 41 proposed. 4 more BSUs (29 total) were eventually approved after completion of a sediment study and wetland delineation study. Another BSU (30 total) was approved in 2020 without installing any additional dock structure. It should be noted that as apart of this 2020 approval the Applicant was also granted a side setback variance which allowed for an encroachment into the channel by 7 feet after the Board determined that the Applicant had proven a practical difficulty.

In 2021 the Applicant submitted a application seeking a new commercial multiple dock license and length variance to allow an additional 20 boat storage units (BSUs), reduced setbacks from Seton Channel from 60 feet to 46 feet, and to increase the length of the docks to approximately 550 feet from the northern shoreline and 900 feet from the eastern shoreline, depending how the length is measured. After a public hearing the Board determined that the Applicant had not demonstrated the existence of practical difficulties to support the proposed further expansion of the marina. The Board is generally supportive of marinas utilizing the density available to them under the Code, but in this case the expansion involves an unreasonably long dock extension that would serve to undermine the reasons for the 200-foot limit placed on docks at qualified commercial marinas. Granting the variance would adversely affect the purpose of the Code and the dock extension would create an unreasonable risk of negatively impacting the adjacent wetland area and public navigation.

APPLICATION SUMMARY

The Applicant has submitted an application to expand the qualified commercial marina dock structure located at the site, and reaffirm existing dock structure on the site. The applicant seeks to increase the length of the docks beyond 200 feet which would run parallel to a wetland south of the current dock structure. The applicant believes this extension of the docks will minimize the negative impact to emergent vegetation while expanding the marina. The site's shoreline is located at 4681, 4665, and 4695 Shoreline Dr, Spring Park, MN 55384. The site has 1421 feet of shoreline on Lost Lake. The applicant is proposing to expand the current dock structure at the site which is currently 19,784.5 Sq Ft to a total of 31,304.5 sq ft. Additionally, the applicant is proposing an increase in BSU count from 30 to 46. The current boat density at the site is 1:47 meaning 1 BSU per 47 feet. Qualified Commercial Marinas are allowed to reach a boat density of 1:10. This proposal would increase the current boat density to 1:30, which is allowed under LMCD Code. The new proposed BSUs are "side-opening slips" and would require a minimum setback of 60 feet from the extended property line. The side-opening slips appear to meet the required setback. However, the proximity of the slips to Seton Channel could indicate a potential increase to traffic for the area. The dimension of all the proposed slips are 12 feet wide by 30 feet in length, two of the slips would be for the designated use of the Paddle Tap Charter Boats, five of the slips would be for transient use, and the rest being for rent to the general public.

Multiple Dock License

4681 Shoreline Drive, Spring Park, MN 55384 (PID 18-117-23-33-0049), 4665 Shoreline Drive (PID 18-117-23-33-0009) and 4695 Shoreline Drive (PID 18-117-23-33-0010). In the City of Spring Park

LMCD Board Meeting

October 25, 2023

Based on the proposed site plan, the installation of the proposed docks and storage of watercraft may require removal of emergent vegetation. However, LMCD Code does not allow a qualified commercial marina to remove emergent vegetation, the applicant would need to ensure that current vegetation was not disturbed.

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 will need to consider issuing a new variance which the applicant is asking for as part of the new MDL license.

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Spring Park were provided information regarding the applications on September 27, 2023. City and agency comments are due by October 11, 2023. Comments received as of October 11, 2023 are summarized below. Any comments received after October 11, 2023 will be provided at the Board meeting for review.

- No comments received

Comments have been received from the public. Written comments received after noon on October 11, 2023 will be shared at the October 25, 2023 Board meeting.

- One comment received from the property to the south worrying about the increase in traffic, noise, and encroachment of the property line.

PUBLIC HEARING

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

A hearing notice was published in the September 28, 2023 edition of the Sun Sailor (official LMCD newspaper) and the September 30, 2023 edition of the Laker Pioneer. On September 27, 2023, 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

LMCD staff support local marinas as providers of important services for the lake. It is important to also balance the use of the lake for all stakeholders and protect the health of the lake.

Multiple Dock License

4681 Shoreline Drive, Spring Park, MN 55384 (PID 18-117-23-33-0049), 4665 Shoreline Drive (PID 18-117-23-33-0009) and 4695 Shoreline Drive (PID 18-117-23-33-0010). In the City of Spring Park

LMCD Board Meeting

October 25, 2023

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

- 1) Due to the size of the proposed dock structure and associated watercraft storage, a length variance and potential setback variance for the proposed structure may adversely affect: the purpose of the LMCD Code; public health, safety, and welfare; and/or reasonable access to or use of the Lake by the public or nearby riparian owners.
- 2) Allowing Qualified Commercial Marinas to expand past 200 Feet based on Boat density does not satisfy the requirements of an expansion and may set a dangerous precedent for other commercial uses around the lake that have been limited to the 200 feet.
- 3) The removal of emergent vegetation, which may include native emergent vegetation, is not permitted for a Qualified Commercial Marina per LMCD Code Section 6-2.01, Subd. 4(c).

BUDGET

N/A

STRATEGIC PRIORITIES

| | | | | |
|--|---|--|---|--------------------------------|
| <input type="checkbox"/> Docks, Applications, Licenses, Surface Water Management | <input type="checkbox"/> Lake Use, Safety | <input type="checkbox"/> Operational Effectiveness | <input checked="" type="checkbox"/> Lake Protection | <input type="checkbox"/> Other |
|--|---|--|---|--------------------------------|

ATTACHMENTS

1. LMCD Code Excerpts
2. Location Map
3. Current Site Plan
4. Proposed Site Plan
5. Site Plan Overlay
6. Application Narrative (as submitted by Applicant)
7. Multiple Dock License Application
8. Public Hearing Notice (Sun Sailor & Laker Pioneer)
9. Public Hearing Notice Mailing

Multiple Dock License
4681 Shoreline Drive, Spring Park, MN 55384 (PID 18-117-23-33-0049), 4665 Shoreline Drive
(PID 18-117-23-33-0009) and 4695 Shoreline Drive (PID 18-117-23-33-0010). In the City of
Spring Park
LMCD Board Meeting
October 25, 2023

LMCD CODE EXCERPTS



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 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.

- *The applicant's proposed dock reaches a maximum of at least 350 feet from shore at its closest point, and 475 feet from the start of the current dock structure. The applicant has requested a variance for this length.*

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;

- *The watercraft density is expected to increase from 1:47 to 1:30. If the applicant's site would remain a QCM, the increase would still meet the density allowed for Qualified Commercial Marinas per LMCD Code Section 2-4.07.*

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

- *A variance to adjust the setbacks for BSU #30 was previously approved in 2020. The applicant proposes to reaffirm this variance.*

Multiple Dock License

4681 Shoreline Drive, Spring Park, MN 55384 (PID 18-117-23-33-0049), 4665 Shoreline Drive (PID 18-117-23-33-0009) and 4695 Shoreline Drive (PID 18-117-23-33-0010). In the City of Spring Park

LMCD Board Meeting

October 25, 2023

- *The new proposed BSUs are “side-opening slips” and would require a minimum setback of 60 feet. The side-opening slips appear to meet this setback requirement of the property line extended along the channel in the proposed site plan.*

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

- *The new docks appear to be designed consistent with dock standards.*

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

- *The applicant has requested variances for the structure to the extent it does not meet the regulations of the LMCD’s Code.*

- *See LMCD Code Section 6-2.01 Sub. 4(c) regarding restriction of removal of emergent vegetation for qualified commercial uses.*

(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;

- *The volume of traffic in the lake will increase as a result of the 16 additional BSUs. Concerns have been expressed about the high traffic through the nearby channel.*

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

- *Insofar as the existing structure was compatible with the adjacent residential property with a multiple dock license, the proposed structure may be compatible. However, the Board may deem that the expansion past 200 feet to allow for the Applicant to more fully use the boat density associated with Qualified Commercial Marinas may be incompatible.*

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

- *The proposed structure appears to require the elimination of some of the emergent vegetation in the wetland and may require dredging depending on the water depths. It will obscure and potentially impact a significant portion of the nearby bog / wetland. The code does not allow the removal of emergent vegetation for a qualified commercial marina (QCM). QCMs are allowed up to a 200-foot maximum dock length (versus 100-foot max length for commercial uses) and a higher watercraft density of 1 boat per 10 feet of shoreline (versus base density rule of 1 watercraft per 50 feet).*

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

- *A Mandatory EAW was conducted at that time, and some ecological concerns were noted. The LMCD Board of Directors ultimately issued a Negative EIS Declaration in 2016. This expansion would not trigger a new EAW. As part of the application the Applicant is claiming that the new dock structure would be implemented to protect the wetland from further damage or relocation.*

(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;

Multiple Dock License

4681 Shoreline Drive, Spring Park, MN 55384 (PID 18-117-23-33-0049), 4665 Shoreline Drive (PID 18-117-23-33-0009) and 4695 Shoreline Drive (PID 18-117-23-33-0010). In the City of Spring Park

LMCD Board Meeting

October 25, 2023

- *The increase in the number of watercraft and the expansion to previously-undisturbed areas may constitute an increase in nuisance characteristics for nearby residents and recreators. It may also encourage boat traffic to navigate closer to the residential properties across the channel.*

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

- *N/A*

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

- *The rental slips and transient slips are / will be open to the general public.*

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

- *The proposed expansion does not appear to impact the channel or the wetland, however, due to its proximity to the channel, and the proposed transient slips an increase to general traffic in the area may impact navigation.*

(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).

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;

- *The Applicant has applied for a variance for length and to reaffirm the 2020 variance for the setback from the channel for slip #30*

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

- *The applicant's dock use area does not overlap 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

- *Removal of emergent vegetation may be required in and around the proposed dock and BSUs. Further, dredging may be required depending on the water depth. The Applicant would need to ensure that the emergent vegetation was not damaged or removed.*

(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.

- *Concerns have been expressed about the high traffic through the nearby channel and proposed watercraft entering and exiting with the proposed side opening slips.*

Multiple Dock License

4681 Shoreline Drive, Spring Park, MN 55384 (PID 18-117-23-33-0049), 4665 Shoreline Drive (PID 18-117-23-33-0009) and 4695 Shoreline Drive (PID 18-117-23-33-0010). In the City of Spring Park

LMCD Board Meeting

October 25, 2023

VARIANCE STANDARDS

The following items need to be considered when considering granting a variance:

1. Has the Applicant sufficiently demonstrated practical difficulties exist such that each of following are true? a. Strict application of code prohibits property owner from using Lake in reasonable manner that is otherwise permitted by the code.

a. Granting a variance is within spirit and intent of the Code.

b. Plight of property owner is due to circumstances:

(1) Unique to property;

(2) Not created by property owner; and

(3) Not based solely on economic considerations.

c. Granting a variance does not alter essential character of the area.

2. Is the Applicant proposing a use not allowed under the code?

3. Would variance, if granted and with conditions imposed, adversely affect:

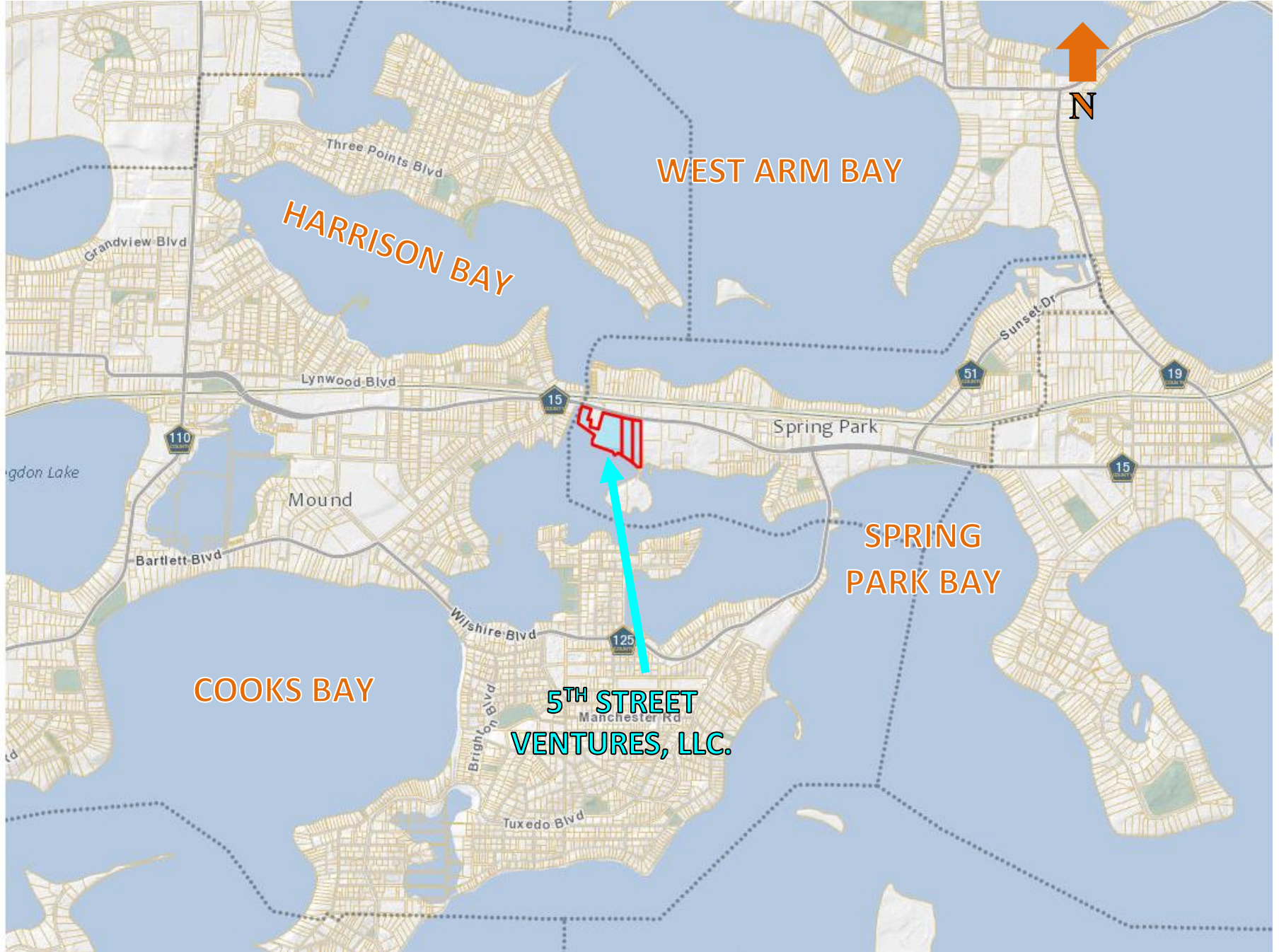
a. Purpose of Code?

b. Public health, safety, and welfare?

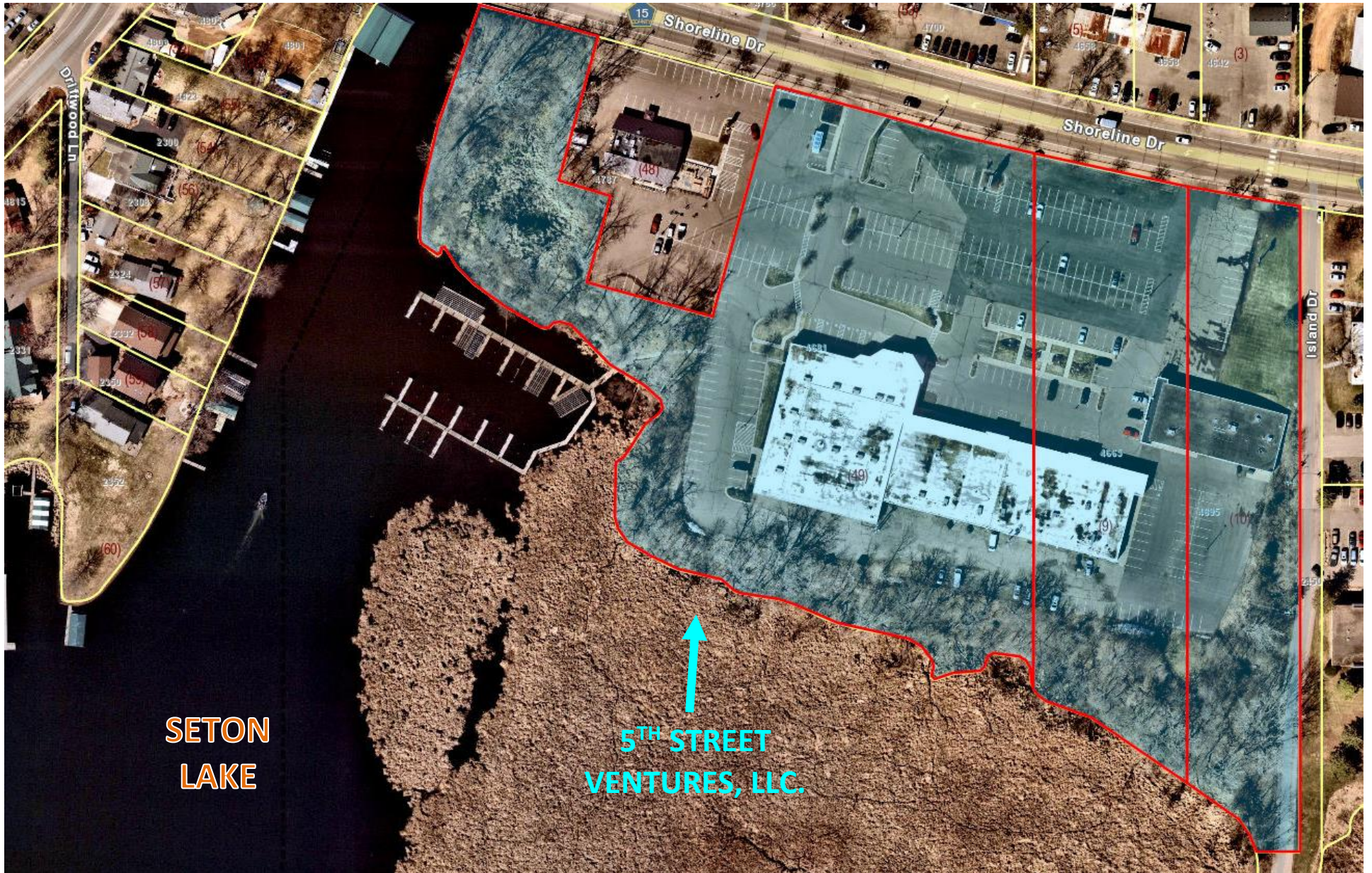
c. Reasonable access to or use of the Lake by public or riparian owners?

5th Street Ventures, LLC. | Multiple Dock License and Variance Requests

For illustrative purposes only. Aerial imagery from 2020. Created using Hennepin County Locate & Notify Map 04/27/2021.



5th Street Ventures, LLC. | Multiple Dock License and Variance Requests
For illustrative purposes only. Aerial imagery from 2020. Created using Hennepin County Locate & Notify Map 04/27/2021.



**SETON
LAKE**

**5TH STREET
VENTURES, LLC.**

DESCRIPTION OF PROPERTY SURVEYED

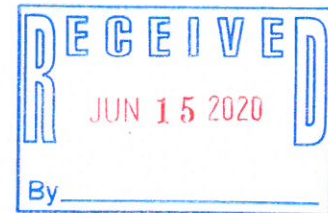
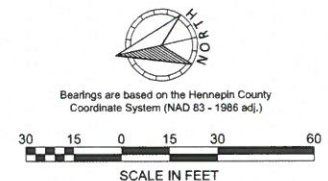
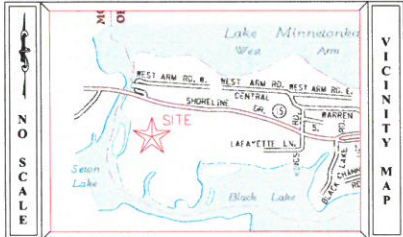
Tract B, Registered Land Survey No. 1488, Except Road, Hennepin County, Minnesota.

GENERAL NOTES

- 1) Site Address: 4681 Shoreline Drive, Spring Park, Minnesota 55384
 - 2) P.L.S. Location: Southwest Quarter of the Southwest Quarter of Section 18, Township 117, Range 23
 - 3) Latitude/Longitude: N44°56'10"W/093°38'41" (shown on map at end of dock)
 - 4) Benchmark: Elevations are based on Hennepin County Control Point "MOUND" = 937.83 Feet (NAVD88). Elevations were converted to NAVD 29 datum using Vertcon (North American Vertical Datum Conversion) from National Geodetic Survey provided on the National Oceanic and Atmospheric Administration web site.
 - 5) Tax Id: 18-117-23-33-0049
 - 6) Zoning: C-2 Shopping Center
- Adjoining property to the east and south: R-3 High Density Residential
 Adjoining property north of Shoreline Drive: C-1 Commercial
 City of Mound: B-3 Neighborhood Business and R-1 Residential

SURVEY LEGEND

| | | |
|-------------------------|------------------------|-------------------------|
| ● CAST IRON MONUMENT | ⊠ A/C UNIT | ▭ BITUMINOUS |
| ⊠ CATCH BASIN | ⊠ CABLE TV PEDESTAL | — BUILDING SETBACK LINE |
| ◁ FLARED END SECTION | ⊠ ELECTRIC TRANSFORMER | — CTV |
| ⊠ GATE VALVE | ⊠ ELECTRIC MANHOLE | — CONCRETE CURB |
| < GUY WIRE | ⊠ ELECTRIC METER | — CONCRETE |
| ⊠ HYDRANT | ⊠ GAS METER | — CONTOUR EXISTING |
| ● SURVEY MONUMENT SET | ⊠ GAS VALVE | — CONTOUR PROPOSED |
| ● SURVEY MONUMENT FOUND | — GUARD RAIL | — DT |
| △ SURVEY CONTROL POINT | ⊠ HAND HOLE | — ELC |
| ⊠ LIGHT POLE | ⊠ SOIL BORING | — FENCE |
| ⊠ POWER POLE | ⊠ TREE CONIFEROUS | — FO |
| ⊠ SANITARY MANHOLE | ⊠ TREE DECIDUOUS | — GAS |
| ⊠ SANITARY CLEANOUT | ⊠ TELEPHONE MANHOLE | — OAU |
| ⊠ SIGN | ⊠ TELEPHONE PEDESTAL | — RAILROAD TRACKS |
| ⊠ GROUND ELEVATION | — TRAFFIC SIGNAL | — SANITARY SEWER |
| ⊠ STORM DRAIN | ⊠ UTILITY MANHOLE | — STORM SEWER |
| ⊠ STORM MANHOLE | ⊠ UTILITY PEDESTAL | — TEL |
| ⊠ YARD LIGHT | ⊠ WELL | — UTL |
| | | — WATERMAIN |



| FIELD CREW | NO. | BY | DATE | REVISION |
|------------|-----|-----|------------|------------------------------|
| XXX | 2 | DBP | 11/30/2016 | REMOVE 2 SLIPS |
| DRAWN | 3 | DBP | 12/9/2016 | EXTENDED PROPERTY LINE |
| DBP/BRV | 4 | EMW | 3/6/2017 | ASBUILT |
| CHECKED | 5 | JPR | 4/2/2018 | REMOVED SLIPS 26 AND 31 |
| DBP | 6 | EMW | 2/28/2020 | DOCK ADDITIONS |
| DATE | 7 | EMW | 3/10/2020 | DOCK REVISION |
| 04/15/16 | 8 | DLS | 6/10/2020 | ADDED 1 SLIP/SHOWED SLIP 26A |

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

Dated this 28th day of April, 2020.

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

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

ENGINEERS SURVEYORS
 DESIGNERS PLANNERS

| |
|------------------------------|
| TWP. 117 - RGE. 23 - SEC. 18 |
| Project City: Spring Park |
| Hennepin County |

DOCK ADDITION
 PREPARED FOR
5TH STREET VENTURES LLC
 ON BEHALF OF
DOCK AND LIFT, INC

| |
|-----------------------|
| FILE NO. 21115-006 |
| 1 |
| 1 |

DESCRIPTION OF PROPERTY SURVEYED

Tract B, Registered Land Survey No. 1488, Except Road, Hennepin County, Minnesota.

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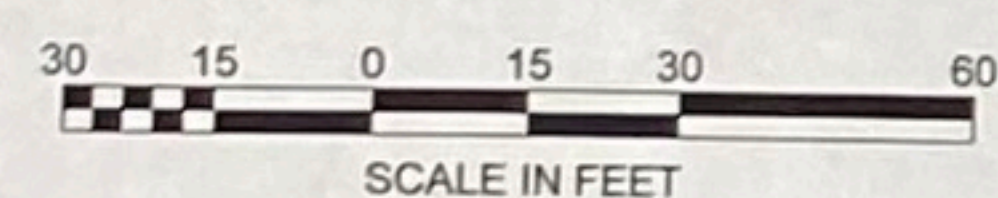
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SURVEY LEGEND

- | | | |
|-------------------------|------------------------|---------------------------|
| ● CAST IRON MONUMENT | □ A/C UNIT | — BITUMINOUS |
| □ CATCH BASIN | □ CABLE TV PEDESTAL | — BUILDING SETBACK LINE |
| △ FLARED END SECTION | □ ELECTRIC TRANSFORMER | — CABLE TV |
| ⊗ GATE VALVE | ○ ELECTRIC MANHOLE | — CONCRETE CURB |
| < GUY WIRE | ○ ELECTRIC METER | — CONCRETE |
| ⊕ HYDRANT | ○ GAS METER | — CONTOUR EXISTING |
| ○ SURVEY MONUMENT SET | ○ GAS VALVE | — CONTOUR PROPOSED |
| ● SURVEY MONUMENT FOUND | — GUARD RAIL | — DRAIN TILE |
| △ SURVEY CONTROL POINT | ⊕ HAND HOLE | — ELECTRIC UNDERGROUND |
| ○ LIGHT POLE | ⊕ SOIL BORING | — FENCE |
| ⊕ POWER POLE | ⊕ TREE CONIFEROUS | — FIBER OPTIC UNDERGROUND |
| ○ SANITARY MANHOLE | ⊕ TREE DECIDUOUS | — GAS UNDERGROUND |
| ○ SANITARY CLEANOUT | ⊕ TELEPHONE MANHOLE | — OVERHEAD UTILITY |
| — SIGN | ⊕ TELEPHONE PEDESTAL | — RAILROAD TRACKS |
| 772.5 GROUND ELEVATION | — TRAFFIC SIGNAL | — SANITARY SEWER |
| ⊕ STORM DRAIN | ⊕ UTILITY MANHOLE | — STORM SEWER |
| ⊕ STORM MANHOLE | ⊕ UTILITY PEDESTAL | — TELEPHONE UNDERGROUND |
| ○ YARD LIGHT | ⊕ WELL | — UTILITY UNDERGROUND |
| | | — WATERMAIN |



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



| FIELD CREW | NO. | BY | DATE | REVISION |
|------------|-----|-----|------------|----------------------------------|
| XXX | 7 | EMW | 3/10/2020 | DOCK REVISION |
| DRAWN | 8 | DLS | 6/10/2020 | ADDED 1 SLIP/SHOWED SLIP 26A |
| DBP/BRV | 9 | EMW | 2/1/2021 | REMOVED 1 SLIP/SLIP 26A |
| CHECKED | 10 | EMW | 2/2/2021 | ADDED SLIP 26A/RENUMBERED |
| DBP | 11 | JPR | 10/12/2022 | DOCK REVISION / CONNECTION |
| DATE | 12 | JPR | 12/15/2022 | CHANGED SLIPS 31-35 / RENUMBERED |
| 04/15/16 | 13 | JPR | 3/14/2023 | REMOVED SLIPS 31-33 / RENUMBERED |

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 28th day of April, 2020.
Daniel L. Schmidt
 Daniel L. Schmidt, PLS
 schmidt@sathre.com
 Minnesota License No. 26147

ENGINEERS SURVEYORS DESIGNERS PLANNERS

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

TWP 117 - RGE 23 - SEC 18
 Project City: Spring Park
 Hennepin County

DOCK ADDITION
 PREPARED FOR
5TH STREET VENTURES LLC
 ON BEHALF OF
DOCK AND LIFT, INC

FILE NO.
 21115-006
 1
 1



S
L

Hello,

My name is Josh Leddy and I'm the owner of Back Channel Brewing and Back Channel Marina in Spring Park. I'm putting together this application due to the high demand from Lake Minnetonka residents for transient slips at our marina. Since we were allowed to have transient slips beginning in 2018, the biggest complaint from residents and boaters is that we don't have enough space to accommodate demand, so this is an attempt to remedy that and provide more experiences for boaters on our recreational lake.

I first attempted this dock expansion a little over two years ago and we were denied based on a couple concerns from LMCD board members that I was not able to rebut based on the format of LMCD hearings. The first concern was that there would be a negative impact to the aquatic environment surrounding our marina. To get out in front of this potential environmental concern, I worked with Hennepin County and was awarded a Good Deed grant to build a Rain Garden near the wetland that separates our parking lot and the lake. This Rain Garden has now been completed and it treats runoff from the entire property owned by Cornerstone Investors that would otherwise run into the lake unimpeded. It also prevents erosion along our shoreline and increases soil stability throughout the area. With the trend around the lake of adding rip wrap to prevent erosion and increase soil stability, this Rain Garden can hopefully be used as a tool to create awareness about restoring shoreline property back to its original state instead of adding material that doesn't provide a benefit to the ecosystem of the lake.

The next concern was regarding the variance request to add dock slips beyond the 200 feet that is currently allowed. The request to add dock slips beyond 200 feet is being made due to the practical hardship that is the cattail area along the shoreline. These cattails prevent the ability to add slips within the 200 feet, so we are requesting the variance to add slips along the cattail area to protect them moving forward. Adding a dock system that is constructed along the cattails will prevent them from continuously breaking off and creating floating bogs that become a hazard for boaters and a nuisance for homeowners when the bog floats into their property. It will also prevent anyone from attempting to remove the cattails within the 200 feet in order to add more dock slips, thus allowing the cattail system to remain and provide habitat for aquatic wildlife for generations to come while still being accommodating to the demands of boaters.

According to LMCD rules, this marina is allowed to have 142 BSU's due to the 1,421 feet of shoreline along the property. Some LMCD board members stated that this could create a scenario where other marinas would pursue extending their dock slips beyond the 200 feet. However, we are the only marina on the lake where extending beyond 200 feet wouldn't impede boat traffic in the Seton Lake area. This is because the cattails already prevent boaters from boating through the area. All other marinas on this lake don't have the practical hardship

of cattails preventing them from adding slips throughout their property. If other marinas extended their slips beyond 200 feet, it would directly impact boat traffic through the area. Extending slips beyond 200 feet at our marina will not. Additionally, all other marinas are maxed out on their ability to add more BSU's, so it's impossible for other marinas to pursue this same variance that we are requesting. We are the only marina with this unique scenario. Even with this request to add more slips, we still fall well short of our allotted BSU's.

We are requesting to add 16 slips along the cattails. Slips 31 and 32 would be rented out by Paddletap. Slips 33-38 would be transient slips. Slips 39-46 would be private slips. Every marina on the lake has an extensive wait list, and this would create more opportunities for boaters to enjoy the lake. Instead of boaters waiting along the cattails for one of our five current transient slips, they'd simply be able to pull into a slip in that same area. Additionally, it would provide another amenity for boaters who enjoy boating up to local establishments with their friends and family to showcase the wonders of Lake Minnetonka.

LAKE MINNETONKA CONSERVATION DISTRICT
APPLICANT REQUEST FOR TIME LIMIT EXTENSION

| | |
|---------------------------------------|--|
| Applicant Name | <i>Name as it appears on the application:</i> Josh Leddy |
| Application | <i>Describe the application to which this request applies:</i> New Qualified Commercial Marina MDL (Expansion) |
| Scope of Request | <i>This request will include all requests or matters related to the Application unless expressly excluded from this request by listing them here:</i> All |
| Requested Extended Deadline | <i>List the date of the extended time limit for action on this Application (or state "Indefinite"):</i> November 1, 2023 |
| Reason for Requested Extension | <i>Provide a general description of the reason(s) for this request:</i> Provide LMCD Staff adequate time to finish EAW |

Applicant hereby requests the Lake Minnetonka Conservation District ("LMCD") extend the applicable deadline imposed pursuant to Minnesota Statutes, sections 15.99 ("Act"), or such other law as may apply, for reviewing and taking action on the above listed Application to the date listed above as the Requested Extended Deadline. If the Requested Extended Deadline is identified as indefinite, the Applicant is required to notify the LMCD in writing when its Application is ready for further processing. If no such written notice is provided within 12 months from the date of this request, the Application will automatically be deemed denied. This request is made voluntarily on behalf of all persons or entities which may be considered an Applicant and with the understanding that it waives the Applicant's right to final action on the Application by the deadline imposed by the Act and any previously requested extensions. It is further understood the Applicant may not cancel, waive, or withdraw this extension request.

Applicant understands and agrees the deadline imposed under the Act is suspended until at least the Requested Extended Deadline listed above. Upon that date, or upon written notice to proceed if the extension is indefinite, the LMCD Board will have the until the remaining period provided under the Act, including any remaining extension period, to make a decision on the Application. This request does not limit the LMCD's authority to extend the deadline under the Act for up to an additional 60 days if that authority has not already been exercised with respect to this particular Application. This request for an extension does not prevent the LMCD Board from acting on the Application before the Requested Extended Deadline.

Date: 11/31/23

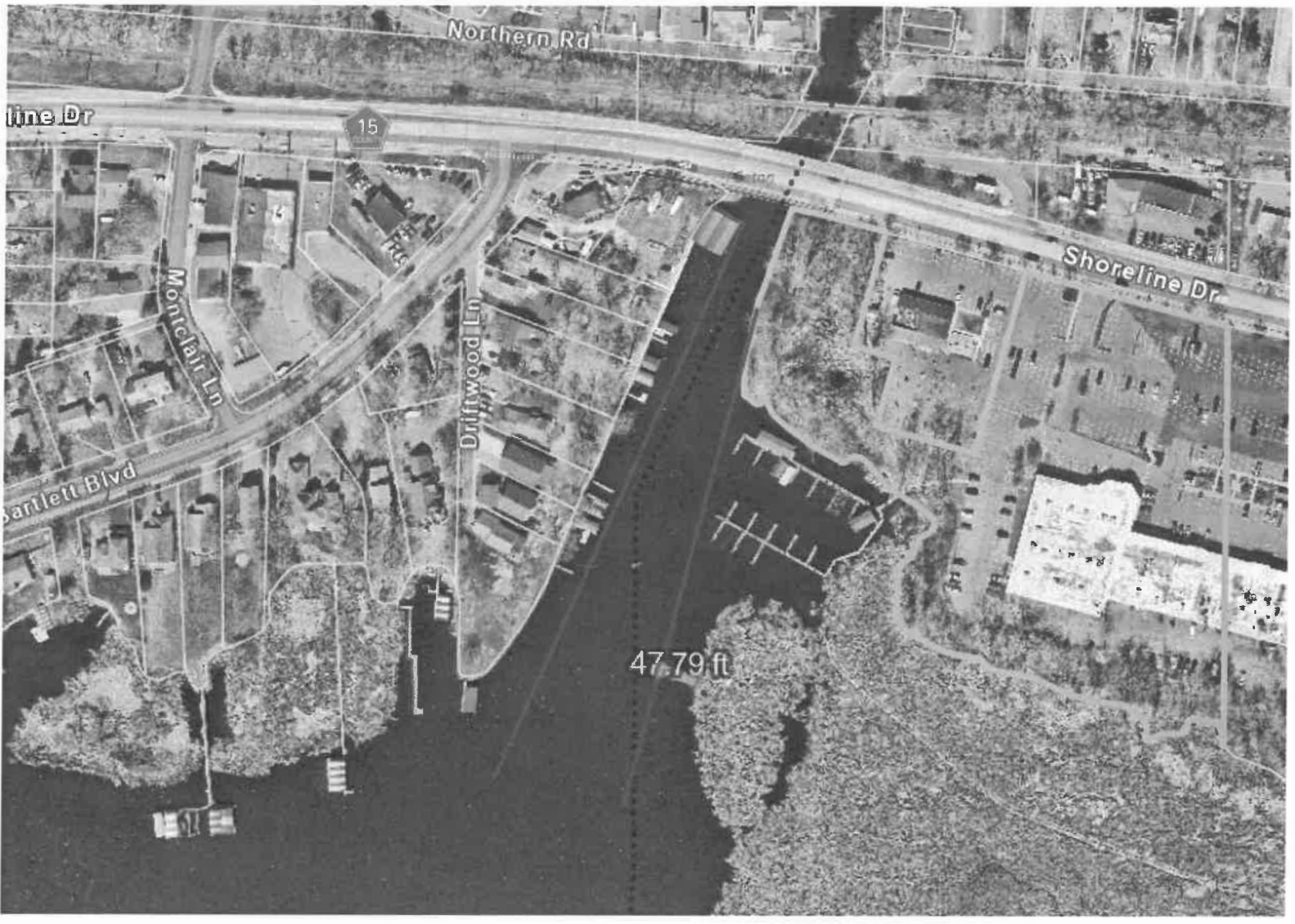
APPLICANT:



 Signature(s)

Josh Leddy

 Print Name(s)





MULTIPLE DOCK NEW LICENSE APPLICATION LAKE MINNETONKA CONSERVATION DISTRICT



For LMCD Use Fee Amount: Check # Date Received

1. CONTACT INFORMATION

Applicant: Back Channel Marina / Josh Ledy Applicant Title (Owner, Authorized Agent, etc.): Owner / Authorized Agent Address: 4787 Shoreline Drive Spring Park, MN 55384 (4681 Shoreline Drive) Phone: 763-458-0568 Email: Josh@backchannelbrewing.com Owner of Site (if different from Applicant): Joel Bутtenhoff - Cornerstone Investors LLC Address: 102 Jonathan Blvd N. #200 Chaska, MN 55318 Phone: 952-368-9009 Email: Joel@cornerstone-mn.com

2. SITE INFORMATION

Site Name (Business) & Address/PID: Back Channel Marina - 4787 Shoreline Drive (4681 Shoreline Dr.)

Facility Use Classification (Check all that apply)

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

Facility Type

- a) Qualified Commercial Marina [checked] b) Qualified Yacht Club c) Qualified Sailing School d) Not Applicable

Site Shoreline Measurement of 929.4 ft OHW: 1,421 feet

Existing Boat Storage Unit Density: 62.5 Requested Boat Storage Unit Density: ~~100~~

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

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

Facilities & Services

- Restroom facilities: Yes [checked] If yes, number of indoor: 4 and/or outdoor portable: 1 No [] Head pump-out facilities: Yes [] No [checked] Fuel offered: Yes [] No [checked] Fishing bait offered: Yes [] No [checked] Boat Maintenance Services: Yes [] No [checked] Public Launch Ramp: Yes [] No [checked]

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) | <u>\$500.00</u> |
| Plus Number of Watercraft Storage Units (WSU) <u>94.5</u> x \$7.50 | <u>\$708.75</u> |
| Total Fee Enclosed | <u>\$1,208.75</u> |

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:


Owner/Authorized Agent
4/11/23

Name _____ Title _____ Date _____

Return to:

Lake Minnetonka Conservation District, 5341 Maywood Road, Suite 200, Mound, MN 55364

Site Square Footage (structures and maneuvering)

Total square footage of existing dock area and maneuvering space = 19,784.50 sq. ft.

Total square footage of new or additional dock area and maneuvering space = 11,520 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 1,421 feet divided by 10 = 142 BSUs potential under the 1 boat per 10-foot rule.

Other code provisions regarding density may apply. _____ BSUs.

Number & Type of BSU's Requested

| Number of BSUs in Each Type | | Number of BSUs for Each USE | |
|-----------------------------|-----------|-----------------------------|-----------|
| Slips | <u>46</u> | Rent or lease | <u>35</u> |
| Slides | | Service work | |
| Lifts | | Company use | |
| Tie-ons | | Private use | |
| Moorings | | Transient use | <u>11</u> |
| Other | | Other | |
| TOTAL BSU's | <u>46</u> | TOTAL BSU's | <u>46</u> |

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.

| <u>BSU</u> | <u>SLIP SIZE CATEGORIES</u> | <u>WSU</u> |
|------------|--|-------------------------------|
| <u>0</u> | BSU @ 1 WSU (each slip up to 20' long and /or up to 10' wide) | <u>0</u> |
| <u>5</u> | BSU @ 1.5 WSU (each slip more than 20' up to 24' long and/or up to 11' wide) | <u>7.5</u> |
| <u>34</u> | BSU @ 2 WSU (each slip more than 24' up to 32' long and/or up to 12' wide) | <u>68</u> |
| <u>6</u> | BSU @ 2.5 WSU (each slip more than 32' up to 40' long and/or up to 14' wide) | <u>15</u> |
| <u>0</u> | BSU @ 3 WSU (each slip more than 40' up to 48' long and/or up to 16' wide) | <u>0</u> |
| <u>1</u> | BSU @ 4 WSU (each slip more than 48' long and/or more than 16' wide) | <u>4</u> |
| <u>46</u> | Total BSUs | Total WSUs <u>94.5</u> |

RE: Marina expansion question

Joel Buttenhoff <joel@cornerstone-mn.com>

Tue 10/18/2022 8:52 AM

To: Josh Leddy <josh@backchannelbrewing.com>

To whom it may concern,

5th Street Ventures, LLC who is the owner of the Marina Center and dock slips gives our permission to Josh Leddy to be our representative and point of contact for the application for additional dock slips. If any questions, please feel free to contact me. Thank you,

Joel Buttenhoff
Work 952-368-9009
Mobil 612-723-7760

Cornerstone Investors LLC
102 Jonathan Blvd. N #200
Chaska MN 55318

We have been the recipients of the choicest bounties of Heaven; we have been preserved these many years in peace and prosperity; we have grown in numbers, wealth, and power as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace and multiplied and enriched and strengthened us, and we have vainly imagined, in the deceitfulness of our hearts, that all the blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us.

A portion of Proclamation 97 written by Abraham Lincoln appointing a national day of prayer on March 30, 1863

From: Josh Leddy <josh@backchannelbrewing.com>
Sent: Monday, October 17, 2022 3:27 PM
To: Joel Buttenhoff <joel@cornerstone-mn.com>
Subject: Marina expansion question

Hey Joel,

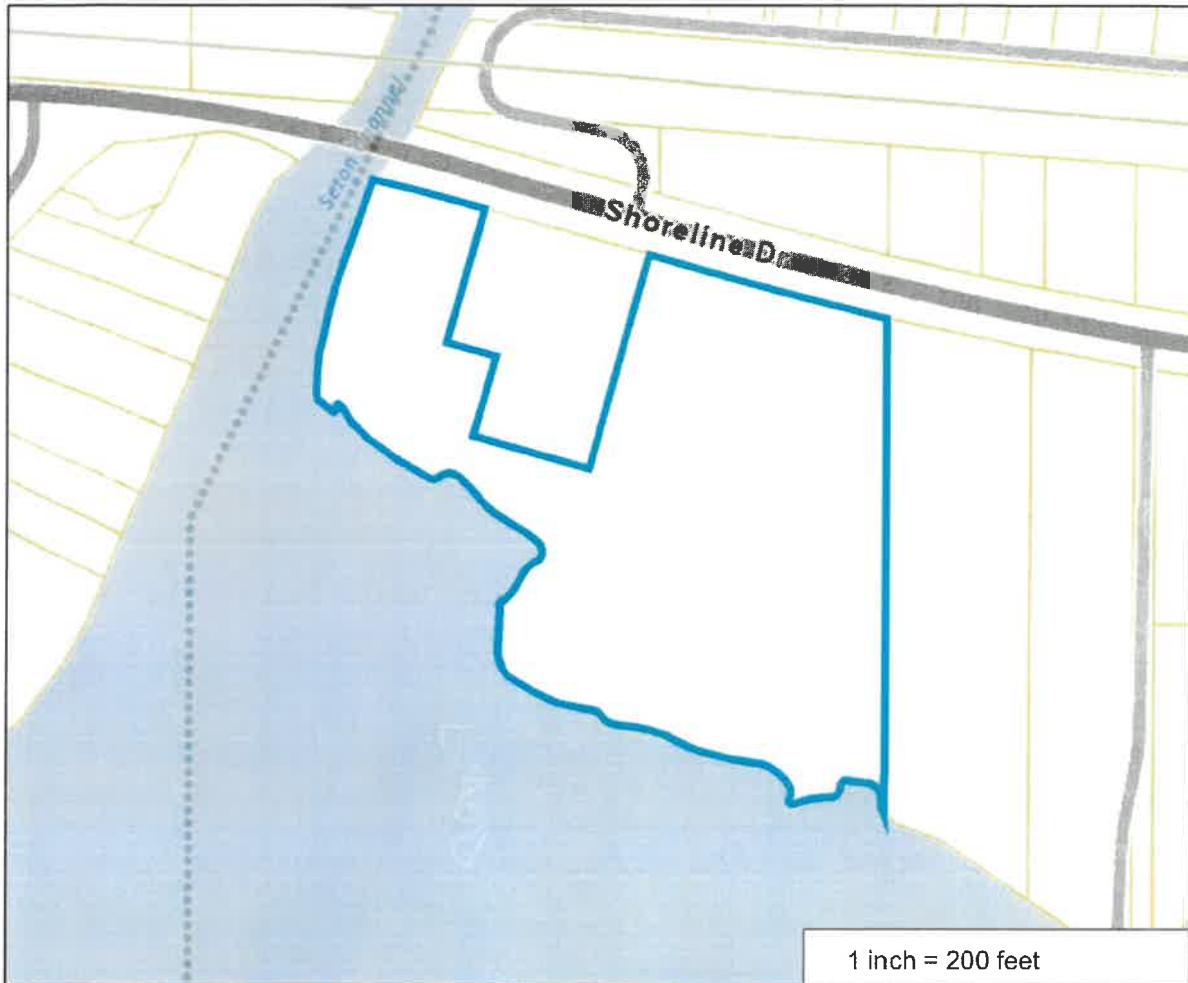
Would you mind providing a statement authorizing me to complete the application for the marina expansion and be the main point of contact? Also, would you be able to reimburse the cost of the application? I will send a check from our Marina account in the meantime to keep things moving. The total cost is \$1,268.75. I'll be in touch with anything else I might need in the meantime.

Josh



Hennepin County Property Map

Date: 10/17/2022



PARCEL ID: 1811723330049

OWNER NAME: 5Th Street Ventures Llc

PARCEL ADDRESS: 4681 Shoreline Dr, Spring Park MN 55384

PARCEL AREA: 5.21 acres, 226,834 sq ft

A-T-B: Torrens

SALE PRICE: \$1,750,000

SALE DATE: 08/2002

SALE CODE: Sale Includes More Than One Parcel

ASSESSED 2021, PAYABLE 2022

PROPERTY TYPE: Commercial-Non Preferred

HOMESTEAD: Non-Homestead

MARKET VALUE: \$5,048,000

TAX TOTAL: \$151,535.28

ASSESSED 2022, PAYABLE 2023

PROPERTY TYPE: Commercial

HOMESTEAD: Non-Homestead

MARKET VALUE: \$5,144,000

Comments:

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

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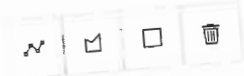
Selected [Clear All](#)

Address 4681
SHORELINE
DR, SPRING
PARK 55384

Properties 48
Selected

[Zoom to selected](#)

Draw Geometry



Buffer

Buffer
distance
feet

Buffer

Clear

Print

[Mail Labels](#) Mail List

Create Avery 5160
Mailing Labels for:

- Taxpayer (The name and address of the taxpayer for the property)
- Actual location (This



17 18-117-23 33 0002
REMBRANDT PROPERTIES LLC
4636 SHORELINE DR
SPRING PARK MN 55384
REMBRANDT PROPERTIES LLC
4636 SHORELINE DRIVE
SPRING PARK MN 55384

17 18-117-23 33 0003
J N BENNYHOFF
4642 SHORELINE DR
SPRING PARK MN 55384
DAVID C BENNYHOFF
5680 GRANDVIEW BLVD
MOUND MN 55364

17 18-117-23 33 0004
J N BENNYHOFF
4658 SHORELINE DR
SPRING PARK MN 55384
DAVID C BENNYHOFF
5680 GRANDVIEW BLVD
MOUND MN 55364

17 18-117-23 33 0005
J N BENNYHOFF
4658 SHORELINE DR
SPRING PARK MN 55384
DAVID C BENNYHOFF
5680 GRANDVIEW BLVD
MOUND MN 55364

17 18-117-23 33 0009
5TH STREET VENTURES LLC
4665 SHORELINE DR
SPRING PARK MN 55384
5TH STREET VENTURES LLC
102 JONATHAN BLVD N #300
CHASKA MN 55318

17 18-117-23 33 0010
5TH STREET VENTURES LLC
4695 SHORELINE DR
SPRING PARK MN 55384
5TH STREET VENTURES LLC
102 JONATHAN BLVD N #200
CHASKA MN 55318

17 18-117-23 33 0020
H & J HURLEY
4764 WEST ARM RD
SPRING PARK MN 55384
HARRY D & JOAN K HURLEY
4764 WEST ARM RD
SPRING PARK MN 55384

17 18-117-23 33 0021
TROY EHLERS
4766 WEST ARM RD
SPRING PARK MN 55384
TROY EHLERS
9030 WEST SAHARA AVE #456
LAS VEGAS NV 89117

17 18-117-23 33 0022
CLIFFORD W DINSMORE ETAL
4768 WEST ARM RD
SPRING PARK MN 55384
C W DINSMORE & C A NYKAMP
4768 WEST ARM RD #5436
SPRING PARK MN 55384

17 18-117-23 33 0023
BENJAMIN J RIMOLDE
4770 WEST ARM RD
SPRING PARK MN 55384
BENJAMIN J RIMOLDE
4770 WEST ARM RD
SPRING PARK MN 55384

17 18-117-23 33 0024
STEVE THOENY
4772 WEST ARM RD
SPRING PARK MN 55384
STEVE THOENY
4772 W ARM RD
SPRING PARK MN 55384

17 18-117-23 33 0025
SETON VILLAGE ASSN
4732 WEST ARM RD
SPRING PARK MN 55384
SETON VILLAGE ASSOC
4732 WEST ARM ROAD
SPRING PARK MN 55384

17 18-117-23 33 0031
J E CROSBY & M J CROSBY
4722 WEST ARM RD
SPRING PARK MN 55384
JAMES E CROSBY
MARY JO CROSBY
4722 WEST ARM RD
SPRING PARK MN 55384

17 18-117-23 33 0033
RANDY E BICKMANN
4702 WEST ARM RD
SPRING PARK MN 55384
RANDY E BICKMANN
5400 DOUGLAS DR N
CRYSTAL MN 55429

17 18-117-23 33 0034
I S & S A MALONEY
4710 WEST ARM RD
SPRING PARK MN 55384
IAN S & SERA A MALONEY
4710 WEST ARM RD
SPRING PARK MN 55384

17 18-117-23 33 0036
RANDY E BICKMANN
4700 WEST ARM RD
SPRING PARK MN 55384
RANDY E BICKMANN
5400 DOUGLAS DR N
CRYSTAL MN 55429

17 18-117-23 33 0037
RANDY E BICKMANN
4694 WEST ARM RD
SPRING PARK MN 55384
RANDY E BICKMANN
5400 DOUGLAS DR N
CRYSTAL MN 55429

17 18-117-23 33 0038
RANDY E BICKMANN
4690 WEST ARM RD
SPRING PARK MN 55384
RANDY E BICKMANN
5400 DOUGLAS DR N
CRYSTAL MN 55429

17 18-117-23 33 0039
ERIK R PAULSEN
4676 WEST ARM RD
SPRING PARK MN 55384
ERIK R PAULSEN
C/O LINDA S PAULSEN
4676 WEST ARM RD
SPRING PARK MN 55384

17 18-117-23 33 0040
ROBERT SCHATZLE
4684 WEST ARM RD
SPRING PARK MN 55384
ROBERT SCHATZLE
4684 WEST ARM ROAD
SPRING PARK MN 55384

17 18-117-23 33 0041
R C SCHATZLE & L R SCHATZLE
4688 WEST ARM RD
SPRING PARK MN 55384
ROBERT C SCHATZLE
LAURA RENEE SCHATZLE
4688 WEST ARM RD
SPRING PARK MN 55384

17 18-117-23 33 0042
B E & L M BLOOMQUIST
4668 WEST ARM RD
SPRING PARK MN 55384
BRUCE E & LINDA M BLOOMQUIST
4121 22ND AVE S
MPLS MN 55407

17 18-117-23 33 0048
5TH STREET VENTURES LLC
4787 SHORELINE DR
SPRING PARK MN 55384
5TH STREET VENTURES LLC
102 JONATHAN BLVD #200
CHASKA MN 55318

17 18-117-23 33 0049
5TH STREET VENTURES LLC
4681 SHORELINE DR
SPRING PARK MN 55384
5TH STREET VENTURES LLC
102 JONATHAN BLVD N #200
CHASKA MN 55318

17 18-117-23 33 0052
CITY OF SPRING PARK
4786 SHORELINE DR
SPRING PARK MN 55384
CITY OF SPRING PARK
PO BOX 452
SPRING PARK MN 55384

17 18-117-23 33 0053
JOHN H & PATRICIA TOMBERS
4700 SHORELINE DR
SPRING PARK MN 55384
MARK W PFLEGHAAR PROP LLC
3509 IVY PLACE
WAYZATA MN 55391

17 18-117-23 33 0055
MARK J MELBY
4712 WEST ARM RD
SPRING PARK MN 55384
MARK J MELBY
4712 WEST ARM RD
SPRING PARK MN 55384

17 18-117-23 33 0061
PHS/LAKE MINNETONKA LLC
4601 SHORELINE DR
SPRING PARK MN 55384
PHS/LAKE MINNETONKA LLC
ATTN CFO
2845 HAMLINE AVE N
ROSEVILLE MN 55113

17 18-117-23 33 0062
PHS/LAKE MINNETONKA LLC
2380 ISLAND DR
SPRING PARK MN 55384
PHS/LAKE MINNETONKA LLC
ATTN CFO
2845 HAMLINE AVE N
ROSEVILLE MN 55113

17 18-117-23 43 0186
HENNEPIN CO REGIONAL RR AUTH
17 ADDRESS UNASSIGNED
SPRING PARK MN 00000
COUNTY OF HENNEPIN
REGIONAL RR AUTH
701 4TH AVE S STE 700
MINNEAPOLIS MN 55415

17 19-117-23 22 0066
PARK ISLAND APARTMENTS
2450 ISLAND DR
SPRING PARK MN 55384
PARK ISLAND APARTMENTS
PO BOX 476
VICTORIA MN 55386

85 13-117-24 44 0051
J E BEDELL & S A BEDELL
4805 BARTLETT BLVD
MOUND MN 55364
JAMES E BEDELL
2627 WILSHIRE BLVD
MOUND MN 55364

85 13-117-24 44 0052
J & S BEDELL
4801 SHORELINE DR
MOUND MN 55364
JAMES BEDELL
2627 WILSHIRE BLVD
MOUND MN 55364

85 13-117-24 44 0053
PAUL D VAN STONE II
4809 BARTLETT BLVD
MOUND MN 55364
PAUL D VAN STONE II
4809 BARTLETT BLVD
MOUND MN 55364

85 13-117-24 44 0054
JAMES E BIERWERTH
2300 DRIFTWOOD LA
MOUND MN 55364
JAMES E BIERWERTH
2300 DRIFTWOOD LA
MOUND MN 55364

85 13-117-24 44 0055
STEVEN M BEDELL REV TRUST
4823 BARTLETT BLVD
MOUND MN 55364
STEVEN M BEDELL
4823 BARTLETT BLVD
MOUND MN 55364

85 13-117-24 44 0056
A J SAPLETAL-MARKSTROM ET AL
2308 DRIFTWOOD LA
MOUND MN 55364
ANDREA J SAPLETAL-MARKSTROM
ROLF D MARKSTROM
2308 DRIFTWOOD LA
MOUND MN 55364

85 13-117-24 44 0057
LEONA C RODEWALD
2324 DRIFTWOOD LA
MOUND MN 55364
LEONA C RODEWALD
2324 DRIFTWOOD LA
MOUND MN 55364

85 13-117-24 44 0058
SCOTT STEWART/SHERI STEWART
2332 DRIFTWOOD LA
MOUND MN 55364
SCOTT STEWART
SHERI STEWART
23830 MEADOW CREEK DR
LORETTO MN 55357

85 13-117-24 44 0059
GUOHE MAO
2350 DRIFTWOOD LA
MOUND MN 55364
GUOHE MAO
2350 DRIFTWOOD LA
MOUND MN 55364

85 13-117-24 44 0060
AMY MARIE & SCOTT B GAYLORD
2352 DRIFTWOOD LA
MOUND MN 55364
SCOTT & AMY GAYLORD
2001 LAKESIDE LA
MOUND MN 55364

85 13-117-24 44 0094
MCDUGALL CONSULTING LLC
4804 NORTHERN RD
MOUND MN 55364
MCDUGALL CONSULTING LLC
5239 WASHBURN AVE S
MINNEAPOLIS MN 55410

85 13-117-24 44 0116
HENNEPIN CO REGIONAL RR AUTH
85 ADDRESS UNASSIGNED
MOUND MN 00000
COUNTY OF HENNEPIN
REGIONAL RR AUTH
701 4TH AVE S STE 700
MINNEAPOLIS MN 55415

85 13-117-24 44 0138
BRADLEY TOTORITIS-SEARL ETAL
4798 NORTHERN RD
MOUND MN 55364
BRADLEY TOTORITIS-SEARL
4798 NORTHERN ROAD
MOUND MN 55364

85 18-117-23 33 0027
SUSAN KAY LAW TRUST
4790 NORTHERN RD
MOUND MN 55364
MATTHEW M LAW & SUSAN K LAW
215 10TH AVE S UNIT 804
MINNEAPOLIS MN 55415

85 18-117-23 33 0050
HENNEPIN CO REGIONAL RR AUTH
85 ADDRESS UNASSIGNED
MOUND MN 00000
COUNTY OF HENNEPIN
REGIONAL RR AUTH
701 4TH AVE S STE 700
MINNEAPOLIS MN 55415

85 18-117-23 33 0057
JAMES L LEE & COLLEEN B LEE
4784 NORTHERN RD
MOUND MN 55364
JAMES L LEE & COLLEEN B LEE
4784 NORTHERN RD
MOUND MN 55364

85 18-117-23 33 0058
SCHEFERS FAMILY LLC
4778 NORTHERN RD
MOUND MN 55364
SCHEFERS FAMILY LLC
2540 CASCO PT RD
WAYZATA MN 55391

BOAT STORAGE UNIT SIZE SHEET

Facility: Back Channel Marina

Date: 4/4/2023

| APPROVED | | | | PROPOSED | | | |
|-------------------|-------|--------|-----------------|-------------------|-------|--------|-----------------|
| Dimensions (Feet) | | | Sq. Ft. | Dimensions (Feet) | | | Sq. Ft. |
| BSU # | Width | Length | | BSU # | Width | Length | |
| 1 | 12.5' | 34.5' | 431.25 | 1 | 12.5' | 34.5' | 431.25 |
| 2 | 12.5' | 30' | 375 | 2 | 12.5' | 30' | 375 |
| 3 | 12.5' | 30' | 375 | 3 | 12.5' | 30' | 375 |
| 4 | 12.5' | 30' | 375 | 4 | 12.5' | 30' | 375 |
| 5 | 12.5' | 30' | 375 | 5 | 12.5' | 30' | 375 |
| 6 | 11.5' | 30' | 345 | 6 | 11.5' | 30' | 345 |
| 7 | 11.5' | 24' | 276 | 7 | 11.5' | 24' | 276 |
| 8 | 10.5' | 24' | 252 | 8 | 10.5' | 24' | 252 |
| 9 | 10.5' | 24' | 252 | 9 | 10.5' | 24' | 252 |
| 10 | 10.5' | 24' | 252 | 10 | 10.5' | 24' | 252 |
| 11 | 10.5' | 24' | 252 | 11 | 10.5' | 24' | 252 |
| 12 | 11' | 24' | 264 | 12 | 11' | 24' | 264 |
| 13 | 13' | 24' | 312 | 13 | 13' | 24' | 312 |
| 14 | 16' | 50' | 800 | 14 | 16' | 50' | 800 |
| 15 | 12' | 26' | 312 | 15 | 12' | 26' | 312 |
| 16 | 12' | 26' | 312 | 16 | 12' | 26' | 312 |
| 17 | 12' | 26' | 312 | 17 | 12' | 26' | 312 |
| 18 | 12' | 26' | 312 | 18 | 12' | 26' | 312 |
| 19 | 12' | 26' | 312 | 19 | 12' | 26' | 312 |
| 20 | 12' | 26' | 312 | 20 | 12' | 26' | 312 |
| 21 | 12' | 26' | 312 | 21 | 12' | 26' | 312 |
| 22 | 12' | 26' | 312 | 22 | 12' | 26' | 312 |
| 23 | 12' | 26' | 312 | 23 | 12' | 26' | 312 |
| 24 | 12' | 26' | 312 | 24 | 12' | 26' | 312 |
| 25 | 12' | 26' | 312 | 25 | 12' | 26' | 312 |
| 26 | 12' | 30' | 360 | 26 | 12' | 30' | 360 |
| 27 | 12' | 30' | 360 | 27 | 12' | 30' | 360 |
| 28 | 12' | 30' | 360 | 28 | 12' | 30' | 360 |
| 29 | 12' | 30' | 360 | 29 | 12' | 30' | 360 |
| 30 | 12' | 30' | 360 | 30 | 12' | 30' | 360 |
| 31 | | | | 31 | 12' | 30' | 360 |
| 32 | | | | 32 | 12' | 30' | 360 |
| 33 | | | | 33 | 12' | 30' | 360 |
| 34 | | | | 34 | 12' | 30' | 360 |
| 35 | | | | 35 | 12' | 30' | 360 |
| 36 | | | | 36 | 12' | 30' | 360 |
| 37 | | | | 37 | 12' | 30' | 360 |
| 38 | | | | 38 | 12' | 30' | 360 |
| 39 | | | | 39 | 12' | 30' | 360 |
| 40 | | | | 40 | 12' | 30' | 360 |
| 41 | | | | 41 | 12' | 30' | 360 |
| 42 | | | | 42 | 12' | 30' | 360 |
| 43 | | | | 43 | 12' | 30' | 360 |
| 44 | | | | 44 | 12' | 30' | 360 |
| 45 | | | | 45 | 12' | 30' | 360 |
| 46 | | | | 46 | 12' | 30' | 360 |
| TOTAL | | | 10168.25 | TOTAL | | | 15928.25 |

Site Square Footage

| Total Square Footage of Existing Dock | Maneuvering Space | Total Square Feet |
|--|-------------------|-------------------|
| Slip 1 | 431.25 | 862.5 |
| Slip 2 | 375 | 750 |
| Slip 3 | 375 | 750 |
| Slip 4 | 375 | 750 |
| Slip 5 | 375 | 750 |
| Slip 6 | 345 | 690 |
| Slip 7 | 270 | 540 |
| Slip 8 | 252 | 504 |
| Slip 9 | 252 | 504 |
| Slip 9 | 252 | 504 |
| Slip 10 | 252 | 504 |
| Slip 11 | 252 | 504 |
| Slip 12 | 264 | 528 |
| Slip 13 | 312 | 624 |
| Slip 14 | 800 | 1600 |
| Slip 15 | 312 | 624 |
| Slip 16 | 312 | 624 |
| Slip 17 | 312 | 624 |
| Slip 18 | 312 | 624 |
| Slip 19 | 312 | 624 |
| Slip 20 | 312 | 624 |
| Slip 21 | 312 | 624 |
| Slip 22 | 312 | 624 |
| Slip 23 | 312 | 624 |
| Slip 24 | 312 | 624 |
| Slip 25 | 312 | 624 |
| Slip 26 | 360 | 720 |
| Slip 27 | 360 | 720 |
| Slip 28 | 360 | 720 |
| Slip 29 | 360 | 720 |
| Slip 30 | 360 | 720 |
| Total Square Footage of Existing Space | | 19,784.50 |
| Additional Docks | | |
| Slip 31 | 360 | 720 |
| Slip 32 | 360 | 720 |
| Slip 33 | 360 | 720 |
| Slip 34 | 360 | 720 |
| Slip 35 | 360 | 720 |
| Slip 36 | 360 | 720 |
| Slip 37 | 360 | 720 |
| Slip 38 | 360 | 720 |

| Additional Docks | | Maneuvering Space | Total Square Feet |
|--|-----|-------------------|-------------------|
| Slip 39 | 360 | 360 | 720 |
| Slip 40 | 360 | 360 | 720 |
| Slip 41 | 360 | 360 | 720 |
| Slip 42 | 360 | 360 | 720 |
| Slip 43 | 360 | 360 | 720 |
| Slip 44 | 360 | 360 | 720 |
| Slip 45 | 360 | 360 | 720 |
| Slip 46 | 360 | 360 | 720 |
| Total Square Footage of Additional Docks | | | 11,520 |
| Total Square Footage of Old and Additional Docks | | | 31,304.50 |

17 18-117-23 33 0002
 REMBRANDT PROPERTIES LLC
 4636 SHORELINE DRIVE
 SPRING PARK MN 55384

17 18-117-23 33 0024
 STEVE THOENY
 4772 W ARM RD
 SPRING PARK MN 55384

17 18-117-23 33 0041
 ROBERT C SCHATZLE
 LAURA RENEE SCHATZLE
 4688 WEST ARM RD
 SPRING PARK MN 55384

17 18-117-23 33 0003
 DAVID C BENNYHOFF
 5680 GRANDVIEW BLVD
 MOUND MN 55364

17 18-117-23 33 0025
 SETON VILLAGE ASSOC
 4732 WEST ARM ROAD
 SPRING PARK MN 55384

17 18-117-23 33 0042
 BRUCE E & LINDA M BLOOMQUIST
 4121 22ND AVE S
 MPLS MN 55407

17 18-117-23 33 0004
 DAVID C BENNYHOFF
 5680 GRANDVIEW BLVD
 MOUND MN 55364

17 18-117-23 33 0031
 JAMES E CROSBY
 MARY JO CROSBY
 4722 WEST ARM RD
 SPRING PARK MN 55384

17 18-117-23 33 0045
 5TH STREET VENTURES LLC
 102 JONATHAN BLVD #200
 CHASKA MN 55318

17 18-117-23 33 0005
 DAVID C BENNYHOFF
 5680 GRANDVIEW BLVD
 MOUND MN 55364

17 18-117-23 33 0033
 RANDY E BICKMANN
 5400 DOUGLAS DR N
 CRYSTAL MN 55429

17 18-117-23 33 0049
 5TH STREET VENTURES LLC
 102 JONATHAN BLVD N #200
 CHASKA MN 55318

17 18-117-23 33 0009
 5TH STREET VENTURES LLC
 102 JONATHAN BLVD N #300
 CHASKA MN 55318

17 18-117-23 33 0034
 IAN S & SERA A MALONEY
 4710 WEST ARM RD
 SPRING PARK MN 55384

17 18-117-23 33 0052
 CITY OF SPRING PARK
 PO BOX 452
 SPRING PARK MN 55384

17 18-117-23 33 0010
 5TH STREET VENTURES LLC
 102 JOHNATHAN BLVD N #200
 CHASKA MN 55318

17 18-117-23 33 0036
 RANDY E BICKMANN
 5400 DOUGLAS DR N
 CRYSTAL MN 55429

17 18-117-23 33 0053
 MARK W PFLEGHAAR PROP LLC
 3509 IVY PLACE
 WAYZATA MN 55391

17 18-117-23 33 0020
 HARRY D & JOAN K HURLEY
 4764 WEST ARM RD
 SPRING PARK MN 55384

17 18-117-23 33 0037
 RANDY E BICKMANN
 5400 DOUGLAS DR N
 CRYSTAL MN 55429

17 18-117-23 33 0055
 MARK J MELBY
 4712 WEST ARM RD
 SPRING PARK MN 55384

17 18-117-23 33 0021
 TROY EHLERS
 9030 WEST SAHARA AVE #456
 LAS VEGAS NV 89117

17 18-117-23 33 0038
 RANDY E BICKMANN
 5400 DOUGLAS DR N
 CRYSTAL MN 55429

17 18-117-23 33 0061
 PHS/LAKE MINNETONKA LLC
 ATTN CFO
 2845 HAMLIN AVE N
 ROSEVILLE MN 55113

17 18-117-23 33 0022
 C W DINSMORE & C A NYKAMP
 4768 WEST ARM RD #5436
 SPRING PARK MN 55384

17 18-117-23 33 0039
 ERIK R PAULSEN
 C/O LINDA S PAULSEN
 4676 WEST ARM RD
 SPRING PARK MN 55384

17 18-117-23 33 0062
 PHS/LAKE MINNETONKA LLC
 ATTN CFO
 2845 HAMLIN AVE N
 ROSEVILLE MN 55113

17 18-117-23 33 0023
 BENJAMIN J RIMOLDE
 4770 WEST ARM RD
 SPRING PARK MN 55384

17 18-117-23 33 0040
 ROBERT SCHATZLE
 4684 WEST ARM ROAD
 SPRING PARK MN 55384

17 18-117-23 43 0186
 COUNTY OF HENNEPIN
 REGIONAL RR AUTH
 701 4TH AVE S STE 700
 MINNEAPOLIS MN 55415

85 13-117-24 44 0051
 JAMES E BEDELL
 2627 WILSHIRE BLVD
 MOUND MN 55364

85 13-117-24 44 0094
 MCDUGALL CONSULTING LLC
 5239 WASHBURN AVE S
 MINNEAPOLIS MN 55410

85 13-117-24 44 0052
 JAMES BEDELL
 2627 WILSHIRE BLVD
 MOUND MN 55364

85 13-117-24 44 0116
 COUNTY OF HENNEPIN
 REGIONAL RR AUTH
 701 4TH AVE S STE 700
 MINNEAPOLIS MN 55415

85 13-117-24 44 0053
 PAUL D VAN STONE II
 4809 BARTLETT BLVD
 MOUND MN 55364

85 13-117-24 44 0138
 BRADLEY TOTORITIS-SEARL
 4798 NORTHERN ROAD
 MOUND MN 55364

85 13-117-24 44 0054
 JAMES E BIERWERTH
 2300 DRIFTWOOD LA
 MOUND MN 55364

85 18-117-23 33 0027
 MATTHEW M LAW & SUSAN K LAW
 215 10TH AVE S UNIT 804
 MINNEAPOLIS MN 55415

85 13-117-24 44 0055
 STEVEN M BEDELL
 4823 BARTLETT BLVD
 MOUND MN 55364

85 18-117-23 33 0050
 COUNTY OF HENNEPIN
 REGIONAL RR AUTH
 701 4TH AVE S STE 700
 MINNEAPOLIS MN 55415

85 13-117-24 44 0056
 ANDREA J SAPLETAL-MARKSTROM
 ROLF D MARKSTROM
 2308 DRIFTWOOD LA
 MOUND MN 55364

85 18-117-23 33 0057
 JAMES L LEE & COLLEEN B LEE
 4784 NORTHERN RD
 MOUND MN 55364

85 13-117-24 44 0057
 LEONA C RODEWALD
 2324 DRIFTWOOD LA
 MOUND MN 55364

85 18-117-23 33 0058
 SCHEFERS FAMILY LLC
 2540 CASCO PT RD
 WAYZATA MN 55391

85 13-117-24 44 0058
 SCOTT STEWART
 SHERI STEWART
 23830 MEADOW CREEK DR
 LORETTO MN 55357

85 13-117-24 44 0059
 GUOHE MAO
 2350 DRIFTWOOD LA
 MOUND MN 55364



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17 19-117-23 22 0066
PARK ISLAND APARTMENTS
PO BOX 476
VICTORIA MN 55386

85 13-117-24 44 0060
SCOTT & AMY GAYLORD
2001 LAKESIDE LA
MOUND MN 55364

**LAKE MINNETONKA
CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, OCTOBER 11, 2023**

**BACK CHANNEL MARINA
4681 SHORELINE DR,
SPRING PARK, MN 55384
SETON LAKE,
LAKE MINNETONKA**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a new variance application from Back Channel Marina. The Applicant is Josh Leddy of 4787 Shoreline Drive, Spring Park. The Applicant seeks to expand the dock structure of a Qualified Commercial Marina from 19,784.50 square feet to approximately 31,304 square feet located adjacent to a wetland on Seton Lake. No adjustments are being proposed to the Applicants side setbacks. All interested persons will be given an opportunity to comment. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

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

Published in the
Sun Sailor
September 28, 2023
1343650



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October 25, 2023 (Prepared October 19, 2023)

TO: LMCD Board of Directors

FROM: Jim Brimeyer, Interim Executive Director

SUBJECT: Special Events Resolution

ACTION _____
None

BACKGROUND _____

The resolution confirms that the Water Patrol approves and issues permits for Special Events. It also states that the Water Patrol will adhere to the conditions as outlined in Section 6-5.03.

A slight change is that the Water Patrol will submit all applications to the LMCD as soon as possible for review and comment. The LMCD may require the applicant to obtain an LMCD permit and the LMCD will notify the Water Patrol of this determination.

The resolution repeals Resolution No. 124.

STRATEGIC PRIORITIES

| | | | | | | | | | |
|--------------------------|---|--------------------------|------------------|--------------------------|-----------------|-------------------------------------|---------------------------|--------------------------|-------|
| <input type="checkbox"/> | Docks, Applications, Licenses, Surface Water Management | <input type="checkbox"/> | Lake Use, Safety | <input type="checkbox"/> | Lake Protection | <input checked="" type="checkbox"/> | Operational Effectiveness | <input type="checkbox"/> | Other |
|--------------------------|---|--------------------------|------------------|--------------------------|-----------------|-------------------------------------|---------------------------|--------------------------|-------|

ATTACHMENT _____

RESOLUTION 258 – SPECIAL EVENTS PERMITS

LMCD RESOLUTION No. 258

A RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL EVENTS PERMITS BY THE HENNEPIN COUNTY SHERIFF'S WATER PATROL

WHEREAS, LMCD Code section 6-5.03 requires permits for certain special events as described in section 6-5.03; and

WHEREAS, Minnesota Statutes section 86B.121 requires the public to obtain a Hennepin County Sheriff's Water Patrol permit prior to holding certain events on any body of water in Hennepin County; and

WHEREAS, LMCD Code section 6-5.03, subd. 2, provides that the Board may authorize the Hennepin County Sheriff's Water Patrol to issue special events permits subject to such terms, conditions and limitations as are specified in the resolution authorizing the issuance of such permits.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Lake Minnetonka Conservation District as follows:

1. The Hennepin County Sheriff's Water Patrol, by its duly authorized representative, is authorized to issue special events permits required by LMCD Code section 6-5.03, subject to the following limitations:
 - a. Permits may be issued for all special events conducted on the Lake.
 - b. Permits will be issued in the same manner and subject to the same conditions as issuance by the Executive Director of the LMCD under section 6-5.03.
 - c. Compliance by licenses with LMCD Code section 6-5.03 will be coordinated by the LMCD on a voluntary basis. To facilitate this, the Sheriff's Water Patrol will allow the LMCD to include, with the Sheriff's Water Patrol's permit application, a written summary of the LMCD's expectations for control of aquatic invasive species (AIS).
 - d. Special event permit applications must be received by the Sheriff's Water Patrol at least 30 days in advance of the planned event. The Sheriff's Water Patrol will forward a copy of these applications as soon as possible for review and comment by the LMCD.
 - e. The LMCD Executive Director may elect to require that an applicant obtain an LMCD special event permit for a specific event from LMCD and will promptly notify the Sheriff's Water Patrol of the election.

2. Decisions of the Sheriff's Water Patrol regarding issuance of an LMCD permit are subject to appeal to the LMCD Board of Directors in accordance with LMCD Code section 6-5.03, subdivision 6. Decisions of the Sheriff's Water Patrol regarding issuance of permits required by state law or Hennepin County ordinances are not subject to appeal to the LMCD Board.
3. The Sheriff's Water Patrol is authorized to collect fees in accordance with established fee schedules adopted by the LMCD Board of Directors and to retain such fees to cover the costs of permit issuance, permit administration and enforcement.
4. LMCD Resolution No. 124, as amended, is hereby repealed.

Adopted by the Board of Directors of the Lake Minnetonka Conservation District
this 25th day of October, 2023.

Ann Hoelscher, Chair

ATTEST:

Mike Kirkwood, Secretary



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October 25, 2023 (Prepared October 18, 2023)
TO: LMCD Board of Directors
FROM: Jim Brimeyer, Interim Executive Director
SUBJECT: Board Appointments for 2024

ACTION

NONE

BACKGROUND

The purpose of this report is for information purposes only.
Attached is the list of board members and their respective terms.
We will be sending a note to the cities if they want to continue with the same person or make some changes.
Any member not wishing to remain on the board should advise the city of their intention, even if their term does not expire in 2023.

STRATEGIC PRIORITIES

Form with checkboxes for strategic priorities: Docks, Applications, Licenses, Surface Water Management; Lake Use, Safety; Lake Protection; Operational Effectiveness (checked); Other.

ATTACHMENT

CURRENT BOARD MEMBERS & TERMS



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October 25, 2023

TO: LMCD Member Cities (Mayors, Managers, Administrators, Clerks)

FROM: *James J. Brimeyer*
Jim Brimeyer, Interim Executive Director

RE: 2024 City Appointments of LMCD Board Members

The terms for some members of the Lake Minnetonka Conservation District (LMCD) Board of Directors will expire January 31, 2024. Terms on the LMCD Board extend from February 1st through January 31st of the following year. The state enabling LMCD legislation calls for Board members to be appointed by their respective member cities for a three-year term, with no term limits. If necessary, a city does have the ability to recall its member anytime and appoint another member for the remainder of the term. Because of the uniqueness of Lake Minnetonka and the important application of the ordinances, it is beneficial for Directors to serve multiple years.

Through your partnership, we have processed a high number of projects and achieved many successes over the years. We hope that your appointed Director will consider serving another term. We appreciate the time, guidance, and dedication of Board Member representatives who can advocate for all stakeholders and help preserve and enhance the “Lake Minnetonka experience.”

Appointments. At this time, the cities with the January 2024 expiration terms are requested to reappoint or appoint new members to the Board of Directors. A list of the current City appointment terms is provided in the enclosed table. Please note that officer positions will be considered by the Board tentatively in February through a Nominating Committee process.

Attendance & Participation. This past year, the overall attendance of the Board Members was good as we transitioned from virtual meetings to in-person. Members also contribute through their attendance at and participation in Special Meetings, Workgroups, Committees, special events, and projects outside the regular meeting schedule.

Please let me know your city’s appointment for 2024 after your council meeting where approvals are made, typically in January. A copy of the official Council appointment is also required such as the resolution or meeting minutes. Appointments typically start February 1, 2024. I look forward to working with your city in the coming year on various lake initiatives. If you have questions, please contact me at (952) 745-0789 or jbrimeyer@lmcd.org.

LMCD Board Member Appointments

| Jan. 2024 – Term Ending (Appointments Needed) | Jan. 2025 - Term Ending | Jan. 2026 – Term Ending |
|--|--------------------------------|--------------------------------|
| Dan Baasen, Wayzata | Ben Brandt, Mound | Rich Anderson, Orono |
| Gabriel Jabbour, Spring Park (Term ending 08/15/2024) | Dennis Klohs, Minnetonka Beach | Kristi Conrad, Greenwood |
| | Nicole Stone, Minnetonka | Ann Hoelscher, Victoria |
| | | Mike Kirkwood, Minnetrista |
| | | Mark Kroll, Excelsior |
| | | Ryan Nellis, Tonka Bay |
| | | Denny Newell, Woodland |
| | | Jake Walesch, Deephaven |
| | | Deborah Zorn, Shorewood |



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October 25, 2023 (Prepared October 18, 2023)

TO: LMCD Board of Directors

FROM: Jim Brimeyer, Interim Executive Director

SUBJECT: Watercraft for Hire Moratorium

ACTION _____

BACKGROUND _____

In the process of reviewing the LMCD website, realized the three month moratorium expires the month of October.

To show progress, one option is to extend the moratorium for thirty to sixty additional days, or longer, if desired.

In any event, given the progress already made by the Working Group, the following is suggested:

- Another one or two meetings of the Working Group.
- Put the item on the Work Session for November 8th, with adoption at the regular meeting on the 8th or the first meeting in January (January 10th).

STRATEGIC PRIORITIES

Form with checkboxes for Docks, Applications, Licenses, Surface Water Management; Lake Use, Safety; Lake Protection; Operational Effectiveness; and Other. 'X' is marked in the first and fourth boxes.

ATTACHMENT _____