



# 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 11, 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.**

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

### **Work Session at 6:00 pm:**

- **Tony Brough**

## **FORMAL MEETING AGENDA**

**7:00 p.m.**

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

- 1) **CALL TO ORDER**
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **ROLL CALL**
- 4) **APPROVAL OF AGENDA**
- 5) **CHAIR ANNOUNCEMENTS**
- 6) **APPROVAL OF MINUTES (09/27/2023 LMCD Regular Board Meeting)**

**7) APPROVAL OF CONSENT AGENDA**

- A) Audit of Vouchers (10/01/2023 – 10/15/2023)
- B) Findings of Fact and Order for Variance, Meadowbrook

**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) PRESENTATIONS**

**10) PUBLIC HEARING**

- A) Wayzata Panoway Length

**11) OTHER BUSINESS**

**12) OLD BUSINESS**

**13) NEW BUSINESS**

- A) Employee Benefits Selection

**14) TREASURER REPORT**

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

**15) EXECUTIVE DIRECTOR UPDATE**

- A) LMCD Org. Chart
- B) WFHW Summary

**16) ADJOURNMENT**

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., September 27, 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; Kristi Conrad, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gabriel Jabbour, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Ryan Nellis, Tonka Bay; Denny Newell, Woodland; and Nicole Stone, Minnetonka. Also present: Joe Langel, LMCD Legal Counsel; Thomas Tully, Manager of Code Enforcement; Raina Arnston, Executive Assistant Code Enforcement and Operations; and Interim Executive Director Jim Brimeyer.

**Members absent:** Deborah Zorn, Shorewood.

**Persons in Audience:** Eric Evenson, Jason Johnson, Robert Simpson, Michael Faber, and Steve Henches.

**4. APPROVAL OF AGENDA**

**MOTION:** Stone moved; Anderson seconded to approve the agenda as submitted.

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

Chair Hoelscher extended condolences to the family of Gary Hughes, who was a long-time member of the Board who recently passed away.

**6. APPROVAL OF MINUTES - 09/13/2023 LMCD Regular Board Meeting**

**MOTION:** Brandt moved; Walesch seconded to approve the 09/13/2023 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** Ayes (12), Abstained (1), (Kirkwood). Motion carried.

**7. APPROVAL OF CONSENT AGENDA**

Anderson referenced the audit of vouchers and noticed the LMCC is paid \$200 every month for representation. He stated that he often watches Board meetings on the LMCC channel and stated that he does not see the Board meetings being played.

Hoelscher stated that the meetings are on the website and on the channel.

**MOTION:** Walesch moved; Stone seconded to approve the consent agenda as presented. Items approved included: **7A)** Audit of Vouchers (09/16/2023 – 09/30/2023); **7B)** Findings of Fact and Order for Variance, 4290 Cottonwood Lane; and **7C)** Findings of Fact and Order for Wayzata Panoway Project.

**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**

There were no presentations.

**10. PUBLIC HEARING**

**A) Meadowbrook Boat Club**

Tully presented a request for a variance for the property located at 16508 Grays Bay Boulevard. He displayed an aerial map of this area, noting that the subject property is located between two residential properties. He provided background on the property noting that the applicant was granted a Multiple Dock License in 1972 for two separate parcels for ten watercrafts. The total shoreline for the Grays Bay parcel is 13 feet and is a nonconforming structure, noting that a temporary variance was issued by the Board for the dock located at the property dated October 25, 1972. The variance allowed the continuance of the approximately 80-foot dock until December 31, 1974 and also allowed for a zero-foot setback on the northern side of the property. He stated that the applicant came back before the Board on May 28, 1975 with letters of support from the neighboring properties and the LMCD granted an indefinite extension to the variance as well as an additional length variance to 100 feet, along with an allowance for four boats. In 1978 the Board received complaints from two neighboring property owners regarding how the Club's property was being managed and a request was made for the Board to rescind the variance for the dock. The Board held a hearing on July 19, 1978 and no action was taken and the activity was allowed to continue. The LMCD has continued to license the MDL for over 40 years in the same manner. He continued to provide background information on the site as well as subsequent applications, renewals, and enforcement letters. He commented that the current dock structure is 100 feet in length and 3.5 feet in width, which is .5 feet wider than allowed. He stated that on September 26, 2022 the LMCD sent an enforcement letter to the Boat Club requesting a reduction in width to match the approved size. Staff have worked with both the applicant and surrounding property owners since that time and the variance is brought before the Board today to resolve the ongoing site issues. He summarized the proposal from the applicant which would reaffirm the 1975 Board approval to allow for the storage of four watercrafts, a 100-foot dock structure and zero-foot setback. A request was also made to increase the width of the allowed dock from three feet to 3.5 feet and to maintain a one-foot setback at the 929.4 OHWL to a

zero-foot setback at the end of the dock structure from the southern side site line. He reviewed the current site plan, approved site plan and proposed site plan. He reviewed the site's characteristics. He noted that no comments were received from the Mn DNR, MCWD, or City of Minnetonka but noted that multiple comments have been received from the public in both support and opposition of the variance, which were included in the Board packet. He reviewed items for the Board to consider and the recommendation of staff in approval subject to conditions, which would include reducing the width of the dock from 3.5 feet to three feet.

Walesch referenced the variance proposal from the applicant and confirmed the only difference between that and the staff recommendation would be the dock width. He asked if there would be an option to have fewer boats that could be longer, at the current width.

Tully replied that staff are attempting to reaffirm the variance that existed and clean up the site. He stated that if the applicant wanted to reduce the number of BSUs that could be done through the nonconforming portion of Code.

Walesch commented that it would not seem there would be enough space to fit four watercrafts in there along a 100-foot dock, especially if the water is low.

Kirkwood referenced the mention of 12-foot-wide boat spacing and 8.5 foot spacing.

Tully replied that in 1989 the LMCD incorporated a new system where they looked at the watercraft size and billed upon that system. He recognized that four watercrafts would not fit on the dock, but the applicant has been billed for four BSUs.

Jabbour stated that four boats would need to touch each other in order to fit. He stated that this dock encroaches further on the setback because of the .5 foot in width. He stated that would then require a variance and a hardship would be necessary. He believed that this applicant has a hardship. He stated that he has many docks two feet in width, but those serve one boat. He commented that this dock serves multiple boats and therefore people will be coming and going, and the dock has to be appropriate to service those slips for safety. He asked if that would be a reasonable hardship.

Tully replied that he believes that part of this is due to past licensing of the LMCD that created a hardship, while the other portion would be to bring this into compliance.

Jabbour agreed but stated that the LMCD needs to start documenting hardships for recording purposes.

Nellis stated that he would tend to agree with Jabbour on allowing 3.5 in width for safety. He asked staff for additional input on why three feet is recommended.

Tully replied that staff recommends three feet, rather than 3.5 feet, because that is what the applicant has been licensed for the past 40 years and staff would like to stick to the original variance as much as possible. He commented that if the Board agreed with the 3.5-foot width, which would still be within the dock use area. He confirmed that the current dock is 3.5 feet.

Anderson stated that he likes the idea of approving the staff recommendation and the applicant could come back to request a variance for 3.5 feet in width.

Hoelscher asked if the applicant applied for a variance for the 3.5 feet.

Tully replied that the applicant is requesting to keep the 3.5-foot dock that exists.

Walesch commented that obviously a hardship needs to be shown and, in this instance, this is a small piece of property. He commented that whether the dock is three feet or 3.5 feet, a variance would be needed. He did not think it would make a difference whether the dock is three feet or 3.5 feet as the dock is already owned, and he would not be in favor of making someone construct a new dock. He also agreed that a hardship should be defined, acknowledging that there is hardship with the land as well as the issue of safety that was raised.

Conrad asked at what point the applicant would cut close to the property line with a boat and whether it would encroach into neighboring property.

Tully stated that the applicant has a 13-foot piece of land, which gets down to 12 feet, and the applicant is licensed for three feet of dock which leaves a very small setback. He stated that if the dock that exists is allowed to continue that would leave a zero-foot setback at the end of the dock.

Conrad stated that the applicant is granted four BSUs but cannot fit four BSUs.

Tully replied that the license allowed four watercraft units but did not specify the size or setback on the southern side. He stated that in the 1990s, the size was specified, acknowledging that could not feasibly fit.

Hoelscher stated that the order would say up to four BSUs, up to the allowed size. She stated that someone could choose to put in a small fishing boat.

Hoelscher opened the public hearing at 7:30 p.m.

Jason Johnson, 16648 Meadowbrook Lane, commented that he is the current Commodore of the Boat Club, and they currently have 14 members. He commented that it is in their best interest to limit the size of their boats in order to maximize use. He stated that they have had four boats on the dock in the past and they can manage that for accessibility. He commented that they do not allow boat lifts or boat house structures. He stated that they purchased the dock in 2020 and 3.5 is the standard width. He commented that they would like to reuse that as the additional six inches provides additional safety, especially at the end of the dock. He thanked Tully who has been a great resource throughout this process.

Robert Simpson, 16516 Grays Bay Boulevard, and Michael Faber, 16500 Grays Bay Boulevard, commented that their properties are on both sides of this dock location, and they have a number of concerns. Mr. Simpson noted that the 1972 variance allowed the boat dock to expand from 60 to 100 feet, granted a zero-foot

setback on the northern side, and a maximum of four boats. He stated that the Boat Club dock would not exist today under LMCD rules. He noted that this is a very generous allowance for a 13-foot piece of property. He commented that there was a lot of controversy about the 1975 variance request ruling. He noted two elements of that variance were that there is no formal document about what was requested and neither LMCD nor the Boat Club can provide a legally binding 1975 variance document. He stated that because the 1972 variance was complete, it would be hard to accept anything other than that document. He stated that if the 1975 variance document can be provided, he would accept that. He noted that the validity of the 1975 variance remains unresolved and may need to be resolved legally. He commented that the MDL also impacts the current variance situation, noting that it was granted over 50 years ago and provides more rights than a residential license. He asked why the Boat Club does not have to obey the same rules as a residential dock. He stated that most MDL holders have docks parallel to the shore with multiple slips, whereas this dock is perpendicular with boats lined up and boats have operational and depth issues, especially in low water conditions. He stated that the Boat Club MDL configuration creates safety and operational issues. He stated that the LMCD guidelines state that a practical difficulty must be demonstrated, and he did not believe that the Boat Club meets that. He stated that the Meadowbrook neighborhood is less than one mile away from a public boat launch. He stated that this dock sits between two private residences and does change the character of the neighborhood as it blocks lake views, creates congestion, and lacks parking for the boat dock users. He stated that this dock is .25 miles away and is totally detached from the Meadowbrook neighborhood. He stated that this dock sits in their backyards and takes on the appearance of a mini marina. He noted that the other Grays Bay properties have at least 100 feet of lakeshore compared to this 13-foot section for the Boat Club. He stated that this dock is out of place in the neighborhood. He stated that he moved into his home eight years ago and has closely monitored the activity of the Boat Club. He noted that most of the members have small boats and therefore did not approach the LMCD to challenge the variance until a few years ago when big boats started to appear. He stated that the dock is packed from the shoreline to the end of the dock. He provided a photograph showing four boats on the dock. He believed the boat density should be reduced to three BSUs. He commented that while the Boat Club believes that dock access increases their property values, it decreases the other property values. He emphasized that all four neighbors within 350 feet have provided letters asking that the variance not be approved and ask the Boat Club to conform to the 1972 variance terms, which would reduce the dock length to 80 feet as well as the other terms. He stated that if the recommended boat size were approved, that would increase what has been allowed and that would not be a fair outcome for adjacent properties. He provided a photo showing three boats along the dock, which are adequately spaced and would be much more appropriate.

Mr. Faber commented that his concern is where this will end and relating to the integrity of the LMCD rules. He expressed concern about future requests along with the current situation. He stated that everyone has the right to enjoy the lake, but they want to be reasonable as well.

Steve Henches, 16617 Grays Bay Boulevard, referenced the mission statement of the LMCD which is great and that is what they are attempting to do. He referenced the question of proof that variance was allowed to live in perpetuity and noted that is evident by the fact that it has been allowed to exist for over 50 years. He stated that in relation to safety, he believes that the users can protect their own safety. He stated that their Boat Club meetings focus on safety and the importance of how they use this property. He commented that dropping boats in at a launch is very different than this dock and because they all live within walking distance,

there is no need for parking. He commented that the issue of lake views is distinctly different than the rights of the families that use this dock and have used this dock. He commented that they are only asking for what has been requested and how they have used the property for 50 years. He noted that it would be hard for him to believe that this activity impacts the property value for someone that purchased their property eight years ago when this dock was already in existence for decades.

No additional comments were offered, and the public hearing was closed at 7:50 p.m.

**MOTION:** Kroll moved; Klohs seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving the variance application from Meadowbrook Boat Club, with a width of 3.5 feet for the property located at 16508 Grays Bay Boulevard in Minnetonka for final approval at the October 11, 2023 LMCD Board meeting.

Further discussion: Jabbour referenced the current site plan noting that he believes that it is important to document why they would be approving the request. He stated that there are logical explanations to all the comments that were made. He commented that in the mid 1970's the widths allowed for vehicles to be towed behind a car changed and therefore boat manufacturers changed their sizes. He stated that in the 1970s staff were extremely aggressive. He commented that today he would have never voted in support of this, but this does exist and has rights, therefore this action cleans up the remnants of the past. He commented that in his opinion staff did an excellent job. He commented that there is no hardship for public access, but there is a hardship to support the wider dock. He commented that the Boat Club has the right to have the dock because it has existed since the 1970s. He stated that if there were legal action, he would hope that these comments would help to provide clarity.

Stone commented that these are all her neighbors. She stated that the 1975 situation is in the Board minutes stating that the variance was approved. She asked if there was a mistake where the subsequent findings of fact were not approved.

Tully confirmed that the minutes state that the variance was approved.

Stone recognized the comment from Mr. Simpson that the notes from the 1975 meeting referenced a 16-foot extension, but the total length of the dock was not clear.

Walesch commented that perhaps legal counsel could provide input on the basis that the dock was approved to extend to 100 feet.

Langel commented that the document does not state 100 feet, but the dock has been 100 feet for 48 years, therefore when there are five decades of approved use that would assume understanding that has been approved as it has been approved year after year. He stated that there was a 1975 meeting where it was decided to extend to 100 feet and the dock has been at that length since that time.

Stone commented that she does see both sides of this issue. She noted that she has been involved in many home sales on Meadowbrook Lane and when the Boat Club comes up, she explains it very carefully. She



commented that there are more families than slips available. She noted that many people bought their homes with the understanding that they would have access to dock space. She stated that she also sees the point of Mr. Simpson relating to four boats, but historically the 100-foot length has been there for 50 years, and the club has paid for a license for four BSUs for 50 years. She agreed with the recommendation of staff relating to the width of the boat and encroachment on neighboring space and the Boat Club should follow that. She stated that in regard to the dock width, it would be over the top to require the Boat Club to replace the three-year-old dock over six inches. She noted that perhaps a clause could be added requiring the width to be reduced to three feet if the dock is replaced.

Anderson stated that he did not believe that the applicant requested a width of 3.5 feet in their request. He reviewed the practical difficulty noted. He stated that he will support the three-foot width and if the width of 3.5 is desired, the applicant could request that.

Jabbour commented that for the record, the 1978 inspection showed a length of 100 feet. He stated that inspection was based on the license requested in 1977. He did not think a variance was needed for the width of the dock. He commented that a variance is needed for a width over eight feet or relating to a setback.

Tully replied that is correct. He stated that this variance specifically said three-foot dock, which is why he included that in his report.

Jabbour asked if a new variance is needed for the width.

Tully commented that the size of the watercraft would need to be included in the variance. He provided additional input on the reference of 16 feet, noting that the staff report stated that the dock was 16 feet too long, at a total length of 100 feet.

**VOTE:** Ayes (12), Abstained (2), (Conrad and Anderson). Motion carried.

#### **11. OTHER BUSINESS**

There was no other business.

#### **12. OLD BUSINESS**

There was no old business.

#### **13. NEW BUSINESS**

There was no new business.

#### **14. TREASURER REPORT**

Anderson reported that the third quarter information should be available for the October meeting.

## 15. EXECUTIVE DIRECTOR UPDATE

### A) Special Permits Process

Brimeyer stated that after review, the 2011 resolution provided clarity on the process for review of special permits. He noted that staff will be following that process more closely.

Hoelscher noted that resolution would need to be updated to match the current Code and process agreed upon by staff and Water Patrol.

Hoelscher stated that the old winter rules and newsletter were included in the packet, noting that they are collaborating with the consultant to update those documents. She asked that some input be provided to herself or staff to make this a better and more useful document. She confirmed that the Save the Lake solicitation would be mailed out with this mailing to save on postage costs.

Brimeyer noted that last year the winter rules were sent out in January, which is unacceptable. He noted the short turnaround time to provide input.

## 16. ADJOURNMENT

**MOTION:** Walesch moved; Jabbour seconded to adjourn the meeting at 8:14 p.m.

**VOTE:** Motion carried unanimously.

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Ann Hoelscher, Chair

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Michael Kirkwood, Secretary

10:33 AM  
10/05/23

Lake Minnetonka Conservation District  
Check Detail  
October 1 - 15, 2023

ITEM 7A

Date	Num	Name	Memo	Account	Paid Amount	Class
10/13/2023	EFT-23-101	WEX Health, Inc.		<b>Alerus Checking</b>		
			HSA Contribution October 2023 (Tully)	4380M10 · Employee Benefits - Admin.	-125.00	Admin.
TOTAL					-125.00	
10/13/2023	EFT-23-107	ADP		<b>Bridgewater Checking</b>		
			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 (Jim)	4024 · Contract Labor	-2,400.00	Admin.
TOTAL					-10,323.44	
10/13/2023	EFT-23-108	Medica		<b>Bridgewater Checking</b>		
			Medica Insurance October 2023 (Schleuning)	4380M10 · Employee Benefits - Admin.	-757.58	Admin.
			Medica Insurance October 2023 (Duncan)	4380M10 · Employee Benefits - Admin.	-757.58	Admin.
			Medica Insurance October 2023 (Tully)	4380M10 · Employee Benefits - Admin.	-757.58	Admin.
TOTAL					-2,272.74	
10/13/2023	EFT-23-109	P.E.R.A	9236-00	<b>Bridgewater Checking</b>		
			Payroll 10/1/23 - 10/15/23	2020 · Payroll Liabilities -	-1,096.65	Admin.
TOTAL					-1,096.65	
10/13/2023	EFT-23-110	Unum Life Insurance	0510159	<b>Bridgewater Checking</b>		
			Long Term Disability October 2023 (Tully)	2020-LT · Payroll Liabilities - UNUM	-8.20	Admin.
TOTAL					-8.20	
10/13/2023	EFT-23-112	ADP Service Fee		<b>Bridgewater Checking</b>		
			Payroll 10/1/23 - 10/15/23	4180M10 · Professional Services - Admin.	-94.10	Admin.
TOTAL					-94.10	
10/12/2023	22429	Riot Creative Imaging		<b>Alerus Checking</b>		
10/12/2023	54MNI90630...		Document Scanning	4550M10 · Document Scanning	-17,195.50	Admin.
TOTAL					-17,195.50	
10/12/2023	23018	AIS Advanced Imaging Solutions		<b>Bridgewater Checking</b>		
10/12/2023	511921660		Copier Contract 9/20/23 - 10/20/23	4140M10 · Office Equipment R&M - Admin.	-507.32	Admin.
TOTAL					-507.32	

10:33 AM  
10/05/23

**Lake Minnetonka Conservation District**  
**Check Detail**  
October 1 - 15, 2023

Date	Num	Name	Memo	Account	Paid Amount	Class
10/12/2023	23019	<b>LMCC</b>		<b>Bridgewater Checking</b>		
10/12/2023	1562		9/27/2023 Board Meeting VOD Services	4182M10 · Media (Cable/Internet) - Admin.	-200.00	Admin.
TOTAL					-200.00	
10/12/2023	23020	<b>NCPERS Group Life Insurance</b>		<b>Bridgewater Checking</b>		
10/12/2023	9236001020...		Life Insurance October 2023 (Tully)	4380M10 · Employee Benefits - Admin.	-16.00	Admin.
TOTAL					-16.00	
10/12/2023	23021	<b>Ratwik, Roszak &amp; Maloney, P.A.</b>		<b>Bridgewater Checking</b>		
10/12/2023			Civil Legal Fees August 2023	4620M10 · Civil Legal Fees - Admin.	-2,909.48	Admin.
TOTAL					-2,909.48	
10/12/2023	23022	<b>Shred Right</b>		<b>Bridgewater Checking</b>		
10/12/2023	8234		Document Shredding	4180M10 · Professional Services - Admin.	-17.73	Admin.
TOTAL					-17.73	
10/12/2023	23023	<b>Your Computer Hero</b>		<b>Bridgewater Checking</b>		
10/12/2023	8095		September 2023 Computer Maintenance, Recycling Old Computer Parts, and New Computer Consultation	4181M10 · Professional Comp. Serv.-Admin.	-755.00	Admin.
TOTAL					-755.00	
10/12/2023	23024	<b>ECM Publishers, Inc.</b>		<b>Bridgewater Checking</b>		
10/12/2023	966822 & 96...		10/11/23 Panoway Project Public Hearing Advertisement 10/11/23 Back Channel Public Hearing Advertisement	4110M10 · Public Info Legal Fees- Admin. 4110M10 · Public Info Legal Fees- Admin.	-45.38 -70.40	Admin. Admin.
TOTAL					-115.78	
10/12/2023	23025	<b>Cory Martilla</b>		<b>Bridgewater Checking</b>		
10/12/2023			Refund For Deicing License Overpayment	4111M10 · Public Service Education-Admin	-50.00	Admin.
TOTAL					-50.00	
10/12/2023	23026	<b>Steven M. Tallen Attorney At Law</b>		<b>Bridgewater Checking</b>		
10/12/2023	48743		September 2023 Prosecution Costs	4640M10 · Prosecution Legal Fees - Admin.	-4,629.09	Admin.
TOTAL					-4,629.09	
10/12/2023	23027	<b>CD3 General Benefit Corporation</b>		<b>Bridgewater Checking</b>		
10/12/2023	11645		CD3 Software Annual Fee	4151M30 · Equip. Supplies	-2,050.00	AIS
TOTAL					-2,050.00	

10:33 AM  
10/05/23

**Lake Minnetonka Conservation District**  
**Check Detail**  
October 1 - 15, 2023

Date	Num	Name	Memo	Account	Paid Amount	Class
10/12/2023	23028	Lynette M. Rohde Bookkeeping		<b>Bridgewater Checking</b>		
10/12/2023	2023-070		Quickbooks Training 7/19/23 & 10/2/2023	4180M10 - Professional Services - Admin.	-86.40	Admin.
TOTAL					-86.40	
10/12/2023	23029	ECM Publishers, Inc.		<b>Bridgewater Checking</b>		
10/12/2023			10/11/23 Wayzata Panoway Project PH Advertisement 10/11/23 Meadowbrook PH Advertisement	4110M10 - Public Info Legal Fees- Admin. 4110M10 - Public Info Legal Fees- Admin.	-45.38 -70.40	Admin. Admin.
TOTAL					-115.78	
10/12/2023	23030	TimeSaver Off Site Secretarial, Inc.		<b>Bridgewater Checking</b>		
10/12/2023	28581		9/13/2023 Board Meeting Minutes	4230M10 - Meeting Exp. - Admin.	-343.25	Admin.
TOTAL					-343.25	



# ITEM 7B

## LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** October 11, 2023 (Prepared October 5, 2023)

**TO:** LMCD Board of Directors

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

**CC:** Jim Brimeyer, Interim Executive Director

**SUBJECT:** Variance for Adjusted Site Setback and Length, 16508 Grays Bay Blvd, Minnetonka, MN 55391, Grays Bay

**ACTION** \_\_\_\_\_  
 Board approval of Findings of Fact and Order for a Variance for Adjusted Site Setback and Length, 16508 Grays Bay Blvd, Minnetonka, MN 55391, Grays Bay

**BACKGROUND** \_\_\_\_\_  
 The LMCD held a public hearing on September 27, 2023 to consider the application of Meadowbrook Boat Club (“Applicant”) for a variance at 16508 Grays Bay Blvd, Minnetonka, MN 55391, Grays Bay for an adjusted dock use area, side setbacks, and length.

On September 27, 2023, the LMCD Board voted to have legal counsel and staff draft Findings of Fact and Order for approval of the variance request with conditions. The draft of the Findings of Fact and Order is attached, as well as the memos and presentations from the hearing.

**BUDGET** \_\_\_\_\_  
 N/A

**STRATEGIC PRIORITIES** \_\_\_\_\_

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

- Findings of Fact and Order
- Board Memo of April 12, 2023 without attachments
- Proposed Site Plan

**Type:** Variance- Length, Side Setback, Adjusted Dock Use Area  
**Date:** October 11, 2023  
**Applicant:** Meadowbrook Boat Club  
**PID:** 08-117-224-30-032  
**Address:** 16508 Grays Bay Blvd  
Minnetonka, MN 55391

**LAKE MINNETONKA CONSERVATION DISTRICT  
HENNEPIN COUNTY, MINNESOTA**

IN RE:

Application of Meadowbrook Boat Club for a variance of Length, Side Setback, and Adjusted Dock Use Area for the property located at 16508 Grays Bay Blvd in the City of Minnetonka

**FINDINGS OF FACT  
AND ORDER**

The Lake Minnetonka Conservation District (“LMCD”) received an application from Meadowbrook Boat Club (“Applicant”) for a variance reaffirming the 100-foot limit on dock use area, zero foot setback on the northern extended side sideline, and new 1.5 foot to .5 foot setback respectively from the 929.4 HWL a to allow the installation of a 100 foot dock with 4 BSUs from the property located at 16508 Grays Bay Blvd, Minnetonka, Minnesota “Site” and legally described in the attached Exhibit A (“Subject Property”). The LMCD Board of Directors (“Board”) held a public hearing, after due notice having been provided, on the requested variances on September 27, 2023. Based on the proceedings and the record of this matter, the Board hereby makes the following Findings of Fact and Order:

**FINDINGS OF FACT**

1. The Subject Property is located in the City of Shorewood and is on Grays Bay, which is part of Lake Minnetonka (“Lake”). The Subject Property has had a dock in a location since first approved for a Multiple Dock License in 1972 that does not meet the standard LMCD Code Requirements.
2. A temporary variance was issued by the Board for the dock located on Gray bay dated October 25, 1972. The variance allowed the continuance of the approximately 80’ dock with a zero foot setback on the northern extended property line until December 31, 1974. The order recognized in the findings that the dock was “sufficient to accommodate six boats,” but it was also expressly recognized that the variance was granted to allow the club “additional time within which to amortize their investment in the docking facilities, but it is anticipated that the Club will ultimately need to revise its docking facilities to conform to the

ordinance.”.

3. The Meadowbrook Boat club came before the May 28, 1975 LMCD Board. The minutes from that meeting indicating that the Site was approved for an indefinite extension of the variance and to include the dock on Libbs. Additionally, the Meadowbrook Boat Club was given an additional length variance to allow the dock structure at the site to extend an additional 16 feet (100”) The approval indicated a total of 8 to 10 boats at the two locations and that the “boat storage capacity has been 6 boats at Grays Bay and 4 boats at Libbs Lake.”
4. Since received in 1976 the LMCD used an approved site plans for the two dock structures allowing for a 100 foot dock and 4 boats on Grays bay, and 6 boats on Libbs Lake. As has been the LMCD’s practice, each year since then, it noted on the site plans that 4 of 10 boats were located on Grays and 6 of 10 boats were located on Libbs Lake. That is how the docks have been licensed for over 40 years.
5. The Applicant desires to install a dock with sufficient length and width to accommodate 4 watercrafts at the Grays Bay location. The Applicant is proposing a dock which is 3.5 feet in width and has a total length of approximately 100 feet, as shown on the site plan attached hereto as Exhibit B (“Site Plan”). The length of the current dock from shore is approximately 100 feet.
6. The Subject Property has approximately 13 feet of 929.4 feet OHW shoreline.
7. The Applicant proposes to have 4 boat storage unit (“BSU”) within the Dock use area.
8. Additional information regarding this matter is provided in the LMCD staff report related to this application dated September 27, 2023, and the presentation made thereon at the meeting (collectively, the “Staff Reports”). The Staff Reports are incorporated herein by reference, except that the approvals and conditions contained in this document shall be controlling to the extent there are any inconsistencies.
9. Section 6-5.01, Subd. 3 of the Code expressly provides for the adjustment of the length limitations where feasible “to allow the construction and maintenance of a dock in the Lake to a water depth of five feet, measured from 929.4 feet 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.”
10. Section 6-5.01, Subd. 6 of the Code allows the granting of a variance if the Board determines practical difficulties exists and that granting the variance with whatever conditions it deems are necessary does not adversely affect the purposes of the Code, the public health, safety, and welfare, and reasonable access to or use of the Lake by the public or riparian owners.
11. The term “practical difficulties” is defined in Code, Section 1-3.01, Subd. 76 as meaning



“one or more unique conditions of a property that prevent the property owner from using the Lake in a reasonable manner permitted by the Code and that serve as a basis for the property owner to request a variance from the strict application of the provisions of the Code. Practical difficulties only exist with respect to a particular property if the conditions preventing the proposed reasonable use of the property are unique to the property, were not created by the property owner, and are not based solely on economic considerations.”

12. The proposed use of the Lake to install a dock with sufficient length and side setbacks is reasonable for the Subject Property. These conditions are unique that were not created by the Applicant. The variance request is not based solely on economic considerations in that the variance is needed to reasonably and safely operate a watercraft. Under these unique set of circumstances, the Board determines practical difficulties exist and that it is appropriate to grant the requested length and setback variance to enable the reasonable use of the Lake by the riparian owner.
13. Granting the requested variances will not adversely affect the purposes of the Code as the installation and use of a dock and the canopy furthers the purposes of the Code by promoting reasonable access to the Lake. The requested variance is also not contrary to the public health, safety, or welfare in that the dock does not pose a safety or navigation problem on the Lake. The dock will not extend beyond adjacent emergent vegetation and so boats traveling at speed tend to avoid the area in which the dock will be located. Also, this dock is located entirely within the extended sidelines and does not interfere with the navigation of watercraft to or from the neighboring docks.
14. Affected agencies were notified of the application. The City of Minnetonka and the Minnesota Department of Natural Resources had no comment on the application. The Minnehaha Creek Watershed District had no formal comment as well. The LMCD does not enforce the provisions of such declarations. The LMCD did receive public comments both prior to and during the public hearing in both opposition and support, those comments are referenced herein as the Staff Reports.
15. Practical difficulties exist in this case that support the Board exercising its authority under Section 6-5.01 of the Code to grant a dock length variance, and side setback reduction for the Subject Property.

### **ORDER**

ON THE BASIS OF THE FOREGOING AND THE RECORD OF THIS MATTER, IT IS ORDERED by the Board as follows:

1. Dock Length Variance. A one hundred (100) foot dock length and authorized dock use area variance is hereby approved for the Subject Property to allow the installation of a dock with a total length of up to one hundred (100) feet, which extends two hundred (100) feet into the Lake from elevation 929.4 feet NGVD, as shown on the Site Plan attached hereto as Exhibit B, subject to compliance with all of the conditions set out in this Order.

2. Conditions. The variances granted in this Order are subject to compliance with all of the following conditions:
- a. Ensure all watercrafts are contained within the BSU's located at the site. In this case meaning the designated watercraft size restriction.
  - b. Allow four (4) BSUs for the Site, each BSU measuring a maximum 8.5 Feet in width and 22 feet in length. Changing the BSU Size would require a Reconfiguration of a Nonconforming Structure and new board approval.
  - c. For the Northern side setbacks, maintain a minimum 0 foot-setback from shore as it extends into the lake as indicated on the site plan.
  - d. For the Southern side setbacks, maintain a minimum 1.5 foot setback to 0.5 feet respectively from shore as it extends into the lake.
  - e. The length of the dock structure and storage should be no longer than the proposed 100 feet from the 929.4 feet OHWL. Extension of the dock structure is not permitted during low water levels.
  - f. The width of the dock structure should be no greater than the current dock structure which is 3.5 feet.
  - g. Provide an updated site plan with final configuration and measurements as approved by the Board, this includes all watercraft for the site, their respective BSUs, and setbacks.
  - h. Ensure compliance with all federal, state, county, and municipality rules and regulations.
  - i. Any structures placed as part of this variance shall be maintained in good condition and shall promptly be removed, together with any watercraft stored on them, if this variance is ever revoked by action of the Board or if it is rendered null and void.
  - j. This variance shall be rendered null and void in event the Subject Property is subdivided. If the Subject Property is combined with another property, the Applicant shall request a review of the variance by the LMCD Executive Director to determine if a new or amended variance is required. If the Executive Director determines that a new or amended variance is required, the applicant shall submit an application for the variance to the LMCD within forty-five (45) days of the determination or bring the Subject Property into conformance with the Code without reliance on this variance within the same period.
  - k. This variance grants no vested rights to the use of the Lake. Use of the Lake shall at all times remain subject to regulation by the LMCD to assure the public of reasonable and equitable access to the Lake.

1. Utilization of the Lake pursuant to this variance constitutes, and shall be deemed, acceptance of, and agreement to, the terms and conditions of this variance without exception, qualification, or reservation.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation  
District this 26<sup>th</sup> day of April 2023.

\_\_\_\_\_  
Ann Hoelscher, Chair

ATTEST:

\_\_\_\_\_  
Mike Kirkwood, Secretary

**EXHIBIT A**  
Legal Description of Subject Property

**EXHIBIT B**  
Site Plan

[attached hereto]

DRAFT




# LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** Sept 27, 2023 (Prepared September 20, 2023)

**TO:** LMCD Board of Directors

**FROM:** Thomas Tully, Manager of Code Enforcement 

**CC:** Jim Brimeyer, Interim Executive Director

**SUBJECT:** Variance for Adjusted Site Setback and Length, 16508 Grays Bay Blvd, Minnetonka, MN 55391, Grays Bay

## **ACTION**

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Board consideration of a variance submitted by the Applicant for an adjusted side setback and length allowance for 16508 Grays Bay Blvd on Grays Bay in the City of Minnetonka (PID 08-117-22-43-0032) and receive public input during the public hearing.

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

### Approval

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order approving the variance application from Meadowbrook Boat Club for the property located at 16508 Grays Bay Blvd in Minnetonka for final approval at the October 11, 2023, LMCD Board meeting <subject to the following conditions>...

### Denial

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order denying the variance application from Meadowbrook Boat Club for the property located at 16508 Grays Bay Blvd in Minnetonka for a final vote at the October 11, 2023, LMCD Board meeting based on...

## **APPLICATION SUMMARY**

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The applicant, Meadowbrook Boat Club (“Applicant”) has submitted a variance application to reaffirm the dock length and adjust the side setback for 16508 Grays Bay Blvd in Minnetonka: (“Site”). The Applicant’s parcel has approximately 13 feet of 929.4 feet OHW shoreline. The variance application was submitted in an effort to resolve ongoing issues of conflicting dock use areas located at the site.

### Site Background

The LMCD has historically licensed this property as a multiple dock license in accordance with a 1976 Approved site plan, subject to a variance issued 1972 which was indefinitely extended in 1975 after letters of support from the neighboring properties were submitted. The approved site

plan allows for a 100-foot dock structure, 4 BSUs, and a 0-foot setback on the northern side. No BSU dimensions were specified on the Approved site plan or specified on the 1972 Findings of Fact. However, the current LMCD MDL license for the site allows for 4 BSUs up to 12 feet wide by 32 feet in length. This change was made in 1989 on a renewal application and references a letter dated 02/27/90. No letter confirming this reason of this change has been found by Staff.

On September 26, 2022 LMCD Staff sent an enforcement letter notifying the Meadowbrook Boat club that the dock structure and watercrafts stored on the site were out of LMCD compliance. LMCD Staff have since worked with both the Applicant and neighboring properties towards a long term solution to this ongoing issue.

The Applicant is proposing to maintain the length of dock structure and a zero-foot setback on the northern side as currently approved for the site. The Applicant proposes to install a dock structure that would extend out into the lake approximately 100 feet. The dock structure would have a zero-foot setback on the northeastern side and a 1-foot setback on the south side. The existing structure does not currently meet setbacks or dock length requirements per LMCD Code. This dock structure was previously allowed to extend into the lake 80 feet due to a past variance issued in 1972, and then was allowed an additional length variance to extend into the lake up to 100 feet in 1975. This variance is being brought back before the LMCD Board due to ongoing conflicts between the Applicant and the Neighboring properties.

The Applicant proposes to install a dock structure with four (4) Boat Storage Unit (BSU) 8.5 feet wide by 22 feet in length. The walkways of the dock structure are currently 3.5 feet wide, .5 feet wider than what is currently approved for the site. The length of the dock structure at the site is currently 100 feet, as approved in 1975. The applicant is also proposing to be allowed to maintain the current dock structure (3.5 x 100).

The current dock structure for the site is roughly 100 feet. LMCD Code allows properties with less than 40 feet of shoreline to extend their dock structure out a distance into the lake of 60 feet or to 4 feet of water depth, whichever is reached first. Meaning that at the current placement the applicants dock does not meet LMCD code.

Standard LMCD Code for residential properties with under 50 feet of shoreline require a 5-foot setback for dock structure extending into the lake 0 to 60 feet. However, Multiple Docks located next to residential properties are required to double this resulting in a 10 foot setback requirement. The current dock structure and watercrafts approved for the site do not meet Standard LMCD setbacks. LMCD staff found no evidence that a setback requirement was imposed for the southern side site line, only the northern 0-foot setback. Navigation as well as safety should be taken into account when reviewing the application.

Lastly, it should be noted that the Dock Use Area for the Site starts at approximately 13 feet wide at the 929.4 OHWL and reduces down to approximately 12 feet wide at the end of the Approved Site envelope (100 feet). Meaning a standard setback for the site on the southern side would not be uniform and should be considered by the Board. With a 3 foot dock structure as previously approved, and a 8.5 maximum width BSU, Setbacks for the site would be 1.5 feet to .5 feet as the structure extends into the lake. With the Current dock structure, setbacks would be approximately 1 foot to 0 foot respectively.

## **CONSIDERATIONS OF VARIANCE**

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The following items should be considered when reviewing a variance request:

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.
  - b. Granting a variance is within spirit and intent of the Code.
  - c. 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.
  - d. 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?

## **PUBLIC COMMENTS**

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In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, the City of Minnetonka, and the general public were provided information regarding the application on September 8, 2023. City and agency comments were due by September 15, 2023. Comments received as of September 20, 2023, are summarized below. Any comments received after September 8, 2023, will be provided at the Board meeting for review.

- There have been no agency comments regarding the application.

As of September 20, comments received by LMCD staff from the general public are summarized below:

- There have been multiple comments received by LMCD Staff regarding both support and opposition to this variance. Those comments are included with this memo under attachments or issued to the LMCD Board prior to the Public hearing.

## **PUBLIC HEARING**

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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 14, 2023, edition of the Sun Sailor (official newspaper) and the September 16, 2023, edition of the Laker Pioneer. On September 8 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**

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If the board chooses to approve the variance, based on review of the Considerations of Variance factors, the minimum recommendations are provided for consideration. The Board may wish to consider other items.

1. Ensure all watercrafts are contained within the BSU's located at the site. In this case meaning the designated watercraft size restriction
2. For the Northern side setbacks, maintain a minimum 0 foot-setback from shore as it extends into the lake as indicated on the site plan.
3. For the Southern side setbacks, maintain a minimum 1.5 foot setback to 0.5 feet respectively from shore as it extends into the lake.
4. The length of the dock structure and storage should be no longer than the proposed 100 feet from the 929.4 feet OHW
5. The width of the dock structure should be no greater than 3 feet, as was originally approved
6. Allow four (4) BSUs for the Site, each BSU measuring a maximum 8.5 Feet in width and 22 feet in length. Changing the BSU Size would require a Reconfiguration of a Nonconforming Structure and new board approval.
7. Provide an updated site plan with final configuration and measurements as approved by the Board, this includes all watercraft for the site, their respective BSUs, and setbacks.
8. Apply standard variance conditions reflecting environmental, nuisances, maintenance, etc.

### **BUDGET**

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N/A

### **STRATEGIC PRIORITIES**

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

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1. LMCD Code Excerpts
2. Aerial Imagery of Site
3. Current Site Plan
4. Proposed Site Plan

5. Variance Application
6. Current Variance and Historical Documents
7. Public Comments
8. Public Hearing Notice (Sun Sailor and Laker Pioneer)
9. Public Hearing Notice Mailing

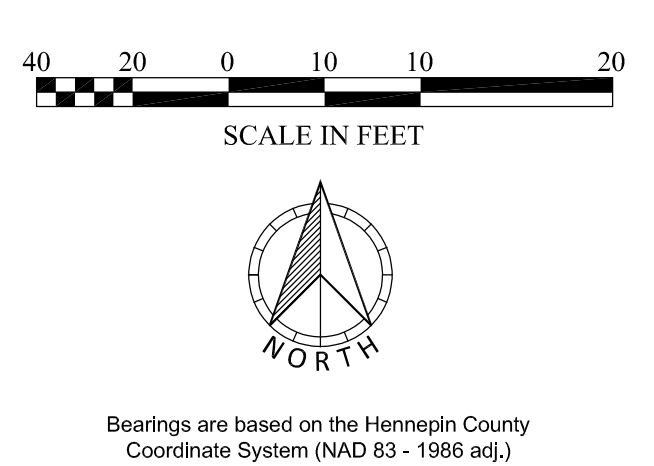
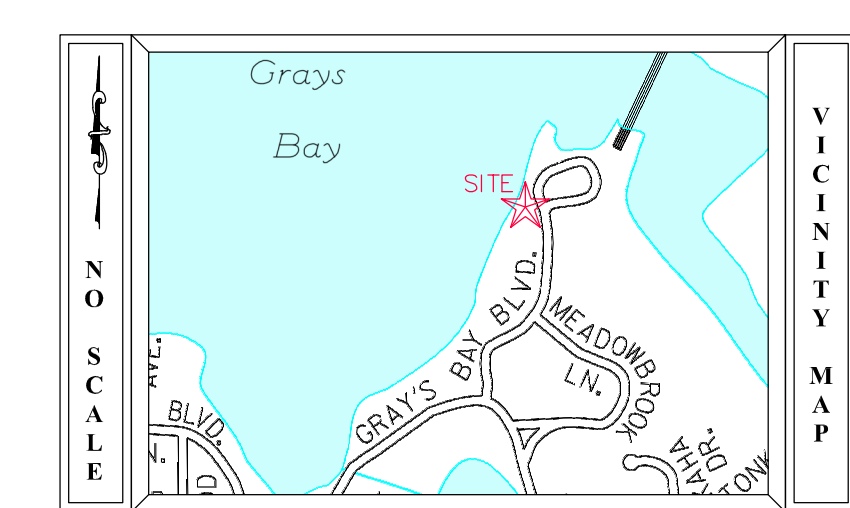
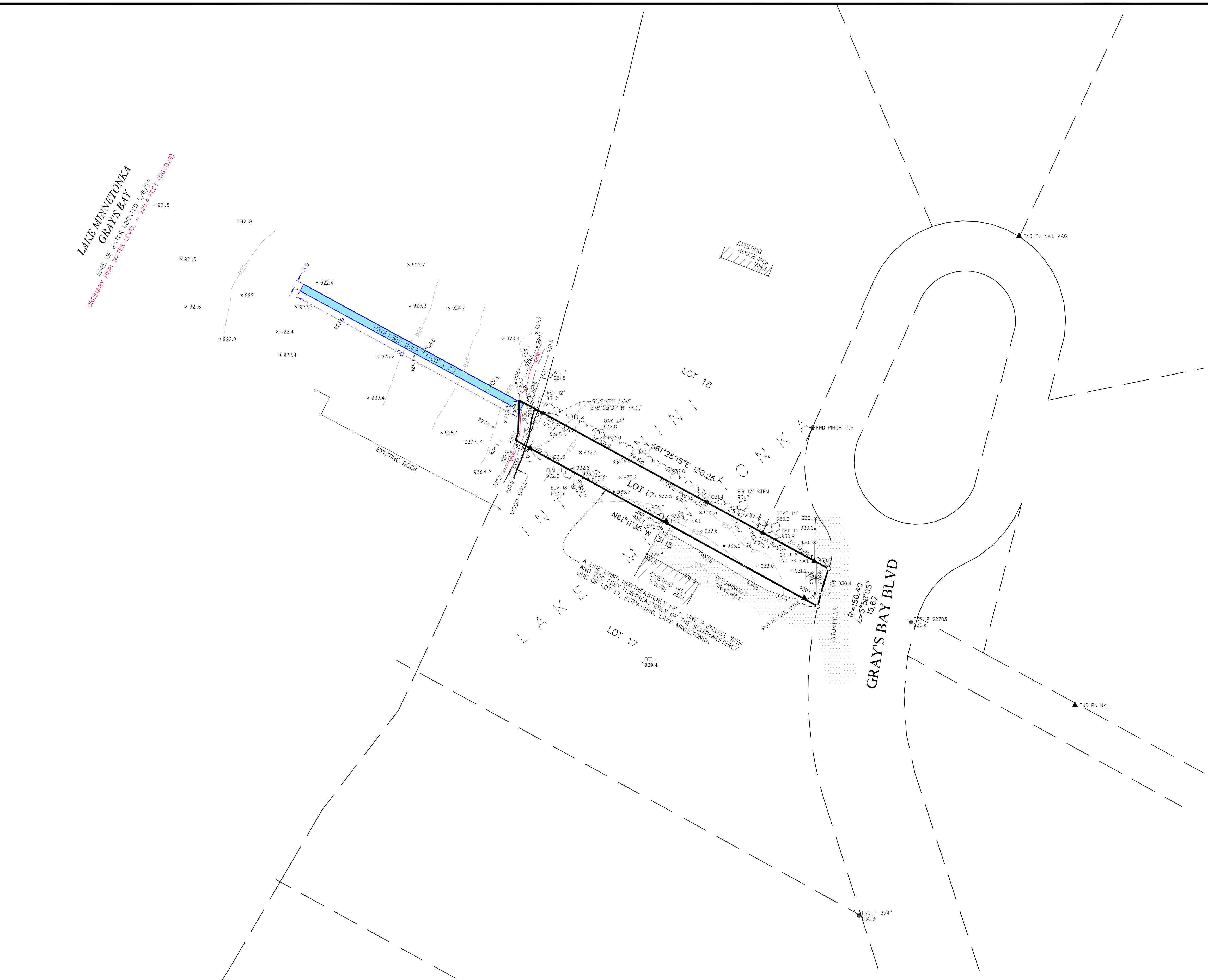
**DESCRIPTION OF PROPERTY SURVEYED**

All that part of Lot 17, INTPA-NINI, LAKE MINNETONKA lying northeasterly of a line parallel with and 200 feet northeasterly as measured at right angles from the Southwesterly lot line of said Lot 17, Hennepin County, Minnesota.

**STANDARD NOTES**

- 1) **Site Address:** 16508 Gray's Blvd., Minnetonka, MN, 55391
- 2) **Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.) per Flood Insurance Rate Map, Community Panel No. 27053C0338F, which has an effective date of 11/04/2016.
- 3) **Parcel Area Information:** Gross Area: ±2,081 s.f. ~ ±0.04 acres
- 4) **Benchmark:** Elevations are based on Elevations are based on the Lake Minnetonka Benchmark, Brass disk in concrete curb at the exit of Grays bay Dam area, which has an elevation of 932.7 feet (NGVD 29).
- 5) **Zoning Information:** Not Applicable for this survey.
- 6) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.

LAKE MINNETONKA  
EDGE OF WATER LOCATED 5/8/23  
ORDINARY HIGH WATER LEVEL = 928.4 FEET (MND029)



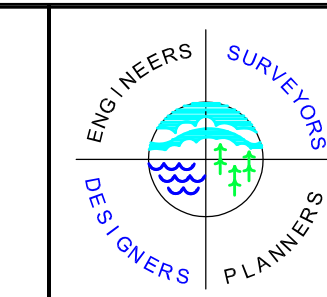
**SURVEY LEGEND**

- |   |   |   |
|---|---|---|
| <ul style="list-style-type: none"> <li>● CAST IRON MONUMENT</li> <li>● IRON PIPE MONUMENT SET</li> <li>● DRILL HOLE FOUND</li> <li>× CHISELED "X" MONUMENT SET</li> <li>× CHISELED "X" MONUMENT FOUND</li> <li>△ REBAR MONUMENT FOUND</li> <li>△ PK NAIL MONUMENT SET</li> <li>△ PK NAIL MONUMENT FOUND</li> <li>△ PK NAIL W/ ALUMINUM DISC</li> <li>△ SURVEY CONTROL POINT</li> <li>□ A/C UNIT</li> <li>□ CABLE TV PEDESTAL</li> <li>□ ELECTRIC TRANSFORMER</li> <li>□ ELECTRIC MANHOLE</li> <li>□ ELECTRIC METER</li> <li>□ ELECTRIC OUTLET</li> <li>□ YARD LIGHT</li> <li>□ LIGHT POLE</li> <li>□ FIBER OPTIC MANHOLE</li> <li>□ FIRE DEPT. HOOK UP</li> <li>□ FLAG POLE</li> <li>□ FUEL PUMP</li> <li>□ FUEL TANK</li> <li>□ PROPANE TANK</li> <li>□ GAS METER</li> <li>□ GAS VALVE</li> <li>□ GAS MANHOLE</li> <li>□ GENERATOR</li> <li>□ GUARD POST</li> <li>□ HAND HOLE</li> <li>□ MAIL BOX</li> </ul> | <ul style="list-style-type: none"> <li>⊕ PIEZOMETER</li> <li>⊕ POWER POLE</li> <li>⊕ GUY WIRE</li> <li>⊕ ROOF DRAIN</li> <li>⊕ LIFT STATION</li> <li>⊕ SANITARY MANHOLE</li> <li>⊕ SANITARY CLEANOUT</li> <li>⊕ STORM MANHOLE</li> <li>⊕ STORM DRAIN</li> <li>⊕ CATCH BASIN</li> <li>⊕ FLARED END SECTION</li> <li>⊕ TREE CONIFEROUS</li> <li>⊕ TREE DECIDUOUS</li> <li>⊕ TREE CONIFEROUS REMOVED</li> <li>⊕ TREE DECIDUOUS REMOVED</li> <li>⊕ TELEPHONE MANHOLE</li> <li>⊕ TELEPHONE PEDESTAL</li> <li>⊕ UTILITY MANHOLE</li> <li>⊕ UTILITY PEDESTAL</li> <li>⊕ UTILITY VAULT</li> <li>⊕ WATERMAIN MANHOLE</li> <li>⊕ WATER METER</li> <li>⊕ WATER SPIGOT</li> <li>⊕ WELL</li> <li>⊕ MONITORING WELL</li> <li>⊕ CURB STOP</li> <li>⊕ GATE VALVE</li> <li>⊕ HYDRANT</li> <li>⊕ IRRIGATION VALVE</li> <li>⊕ POST INDICATOR VALVE</li> <li>⊕ SIGN</li> <li>⊕ SOIL BORING</li> </ul> | <ul style="list-style-type: none"> <li>WOE WALKOUT ELEVATION</li> <li>FFE FIRST FLOOR ELEVATION</li> <li>GFE GARAGE FLOOR ELEVATION</li> <li>TOF TOP OF FOUNDATION ELEV.</li> <li>LOE LOWEST OPENING ELEV.</li> <li>CONCRETE</li> <li>BITUMINOUS</li> <li>BUILDING SETBACK LINE</li> <li>CTV CABLE TV</li> <li>CONCRETE CURB</li> <li>CONTOUR EXISTING</li> <li>CONTOUR PROPOSED</li> <li>GUARD RAIL</li> <li>DT DRAIN TILE</li> <li>ELC ELECTRIC UNDERGROUND</li> <li>FENCE</li> <li>FO FIBER OPTIC UNDERGROUND</li> <li>GAS GAS UNDERGROUND</li> <li>OHU OVERHEAD UTILITY</li> <li>TREE LINE</li> <li>SANITARY SEWER</li> <li>STORM SEWER</li> <li>TEL TELEPHONE UNDERGROUND</li> <li>RETAINING WALL</li> <li>UTL UTILITY UNDERGROUND</li> <li>WATERMAIN</li> <li>TRAFFIC SIGNAL</li> <li>RAILROAD TRACKS</li> <li>RAILROAD SIGNAL</li> <li>RAILROAD SWITCH</li> <li>SATELLITE DISH</li> <li>WETLAND BUFFER SIGN</li> </ul> |
|---|---|---|

FIELD CREW	NO.	BY	DATE	REVISION
DM, ABE	1	JRS	7/11/2023	PROPOSED DOCK
DRAWN				
JRS				
CHECKED				
DLS				
DATE				
5/8/2023				

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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 8th day of May, 2023.  
*Daniel L. Schmidt*  
Daniel L. Schmidt, PLS  
schmidt@sathre.com  
Minnesota License No. 26147



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Hennepin County  
**MINNETONKA, MINNESOTA**

**CERTIFICATE OF SURVEY**  
PREPARED FOR:  
**MEADOWBROOK BOAT CLUB INC.**  
FILE NO.  
55904-001  
**1**  
**1**



## LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** October 11, 2023 (Prepared October 03, 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 "transient use" and are designed for the loading and unloading large Charter Boats.
- 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"/> Operational Effectiveness	<input type="checkbox"/> Clear & Timely Communications	<input type="checkbox"/> Effective Governance	<input checked="" type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
--	--	---	---	--------------------------------

**ATTACHMENTS** \_\_\_\_\_

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

# ITEM 10A ATTACHMENT

## 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:

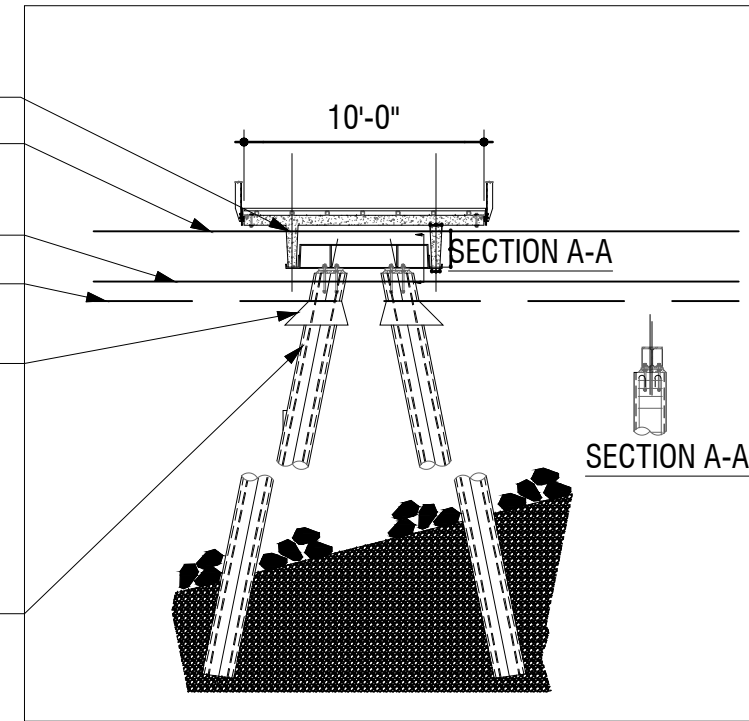
74 Steel/ Concrete Piles x 1.4 sq ft = 104 sq ft (permanent)  
 (74 Piles x 64 sq ft (clearing rocks) = 4736 sq ft) - 104 sq ft (footprint) = 4632 sq ft (temporary)

## Floodplain Storage Displacement (Refer to Detail 2):

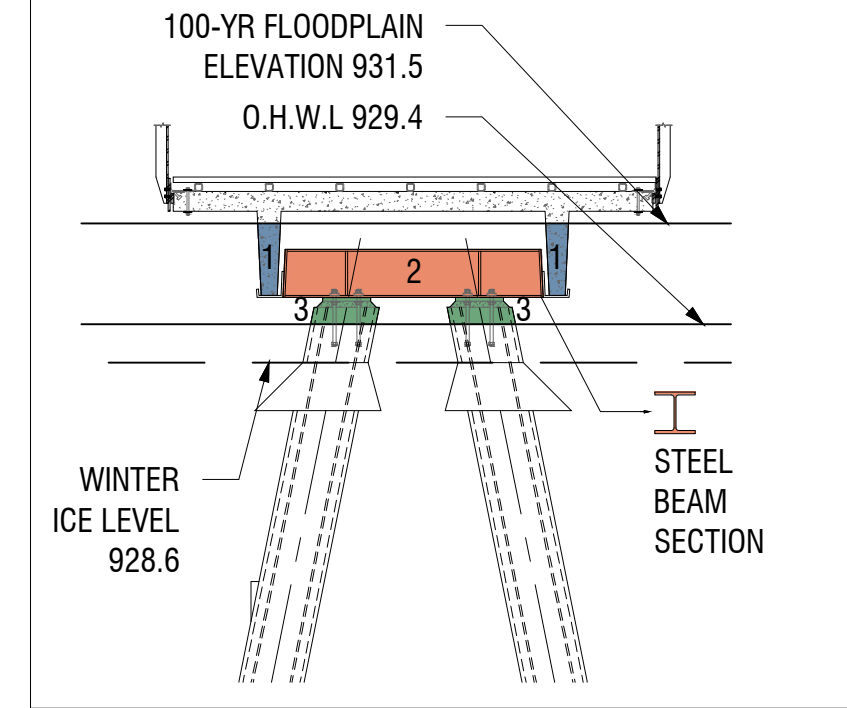
1. Precast Concrete 'T's = **1419 cu ft** (0.6' area x 1182.5' boardwalk length x 2 'T's)
2. Steel Beam = **27.9 cu ft** (0.14' area x 5.4' beam length x 37 piers)
3. Piles = **62.2 cu ft** (1.4' area x 0.6' water depth x 74 piles)

Total Volume Floodplain Storage Displacement = 1509.1 cu ft

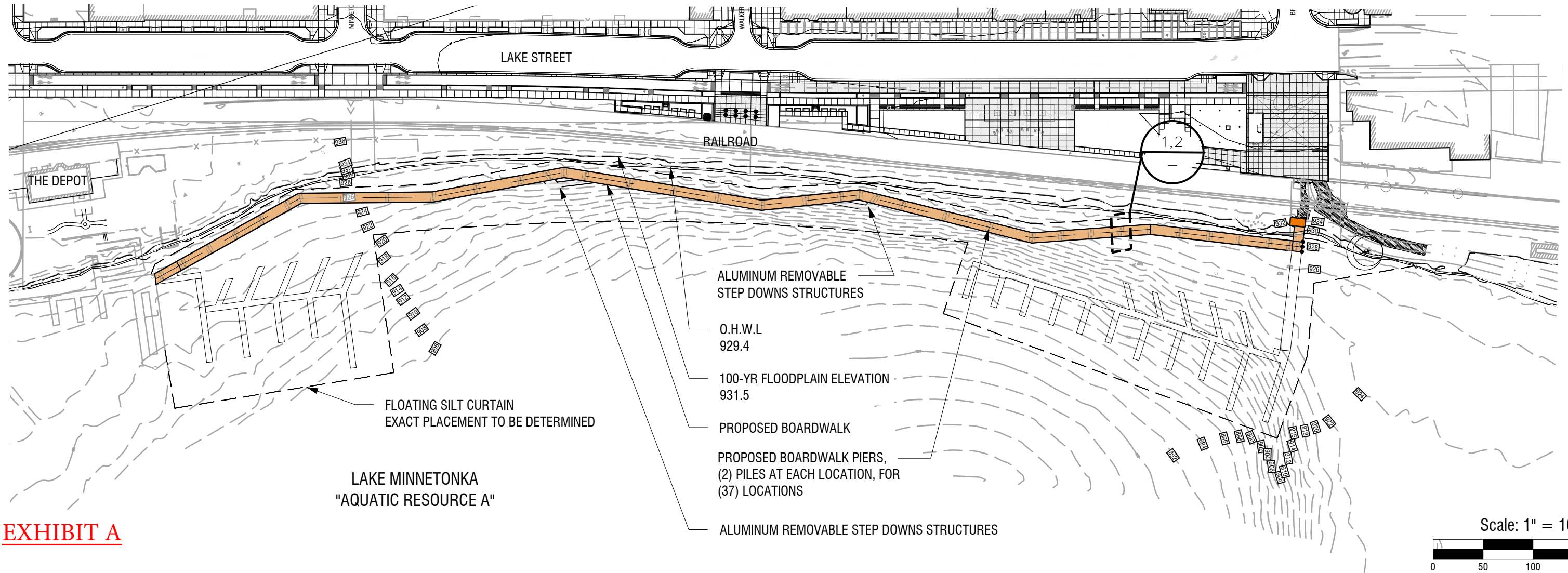
PRECAST DOUBLE 'T'  
 100-YR FLOODPLAIN  
 ELEVATION 931.5  
 O.H.W.L 929.4  
 WINTER ICE LEVEL  
 928.6  
 CONE SHAPED ICE SHIELD  
 WITH 45 DEGREE ANGLE  
 PAIR OF BATTERED  
 STEEL PILES,  
 16" DIA,  
 CONCRETE FILLED



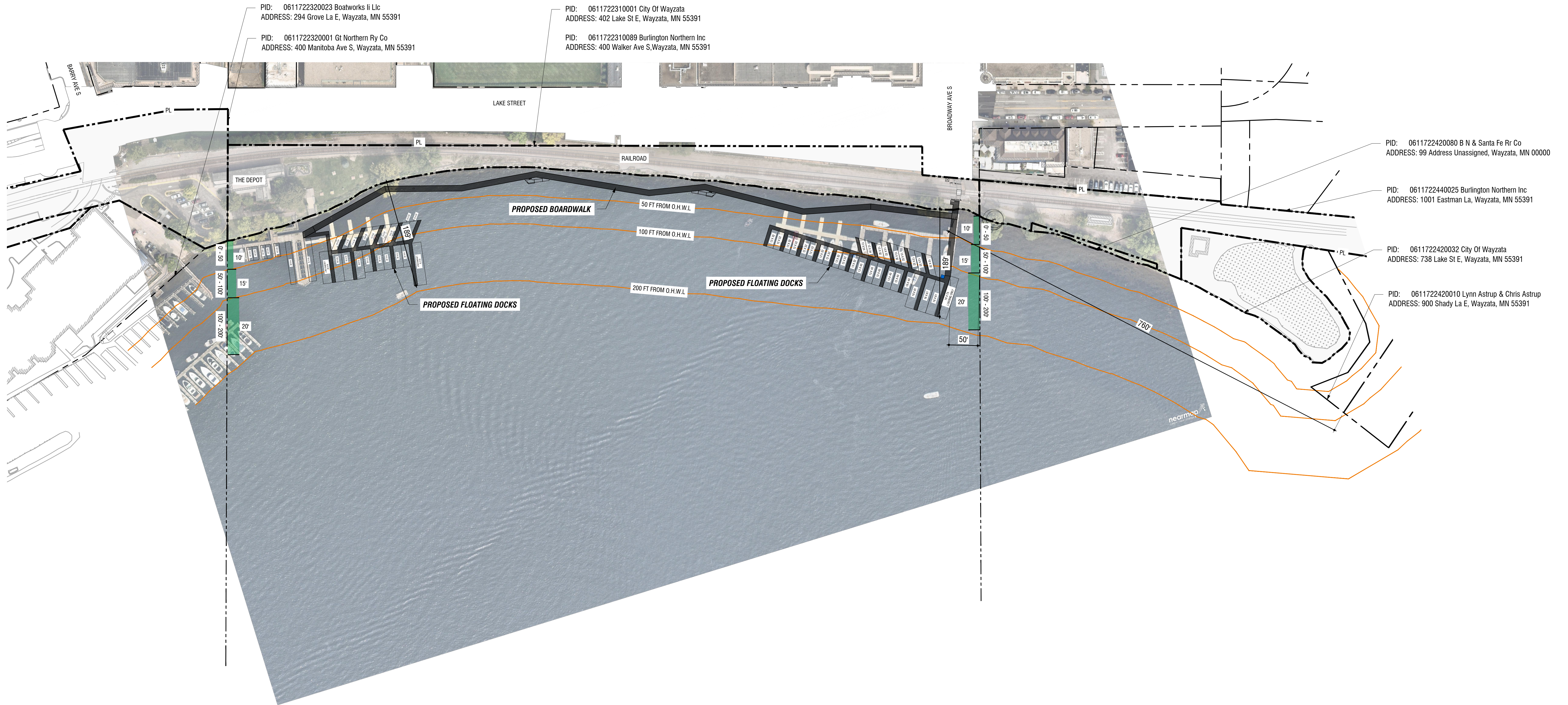
1 TYPICAL PIER DETAIL  
 SCALE: 1/8" = 1'-0"



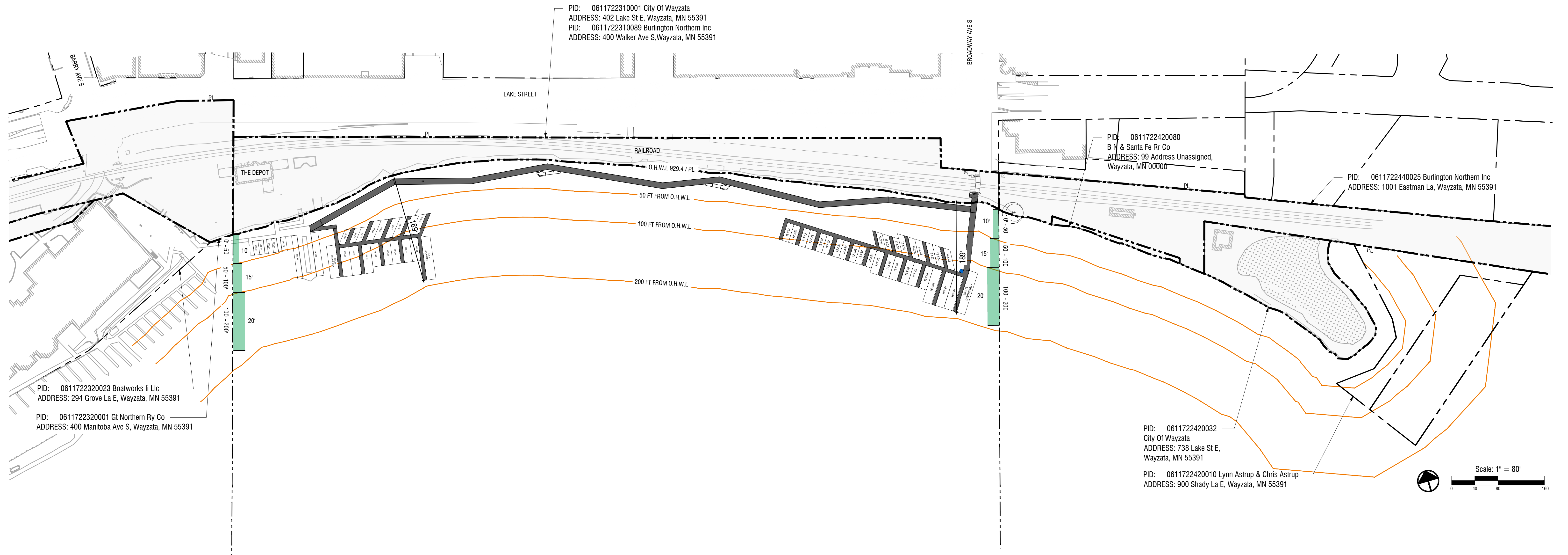
2 TYPICAL PIER WATER DISPLACEMENT AREAS  
 SCALE: 1/4" = 1'-0"



# EXHIBIT 1: PROPERTY LINE SETBACKS



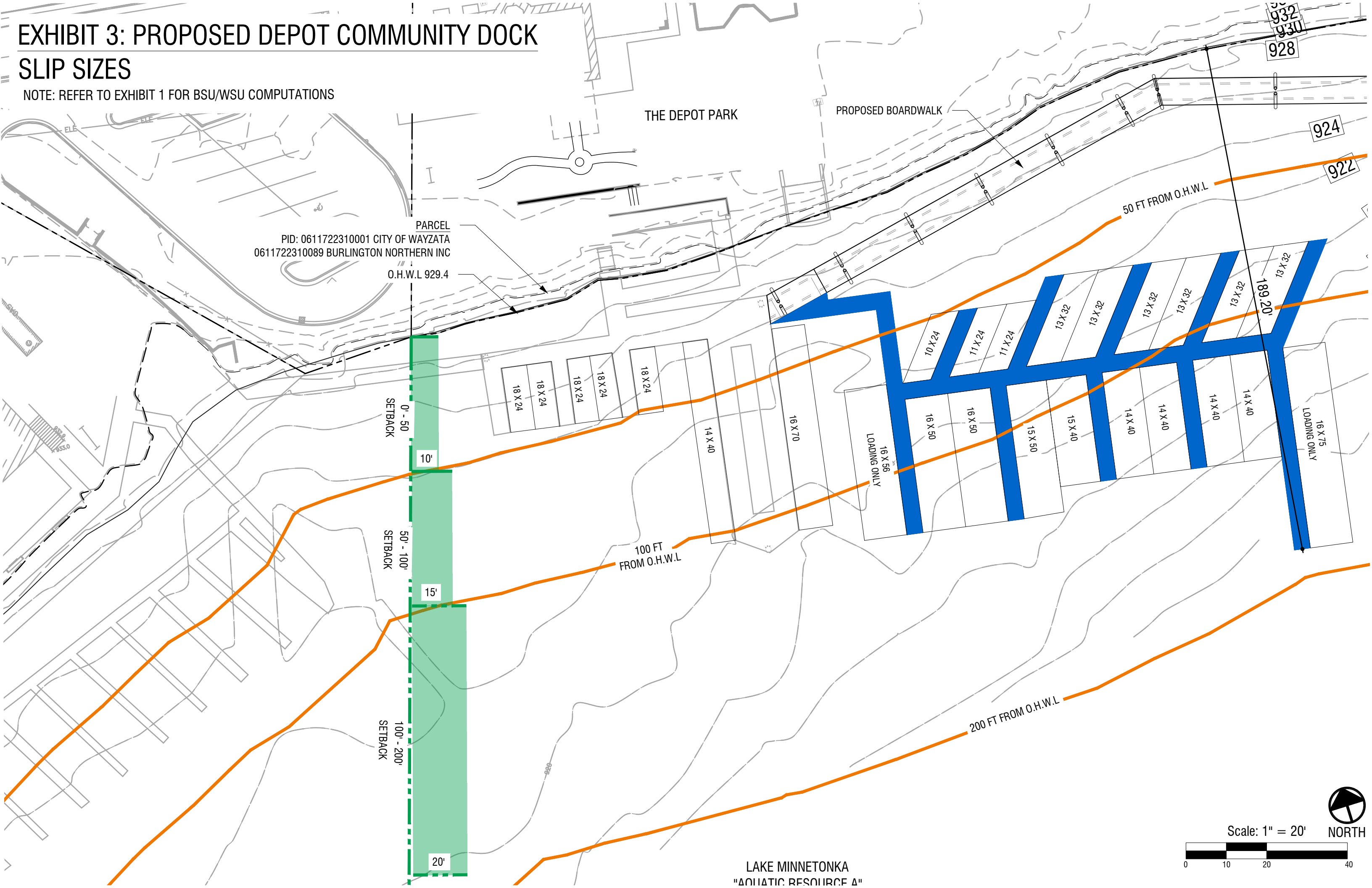
# EXHIBIT 2: PARCEL MAP & ADDRESSES



# 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

0' - 50'  
SETBACK

50' - 100'  
SETBACK

100' - 200'  
SETBACK

THE DEPOT PARK

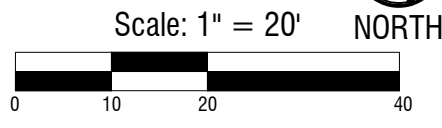
PROPOSED BOARDWALK

50 FT FROM O.H.W.L.

100 FT FROM O.H.W.L.

200 FT FROM O.H.W.L.

LAKE MINNETONKA  
"AQUATIC RESOURCE A"



# EXHIBIT 4: PROPOSED BROADWAY COMMUNITY DOCKS

## SLIP SIZES

NOTE: REFER TO EXHIBIT 1 FOR BSU/WSU COMPUTATIONS

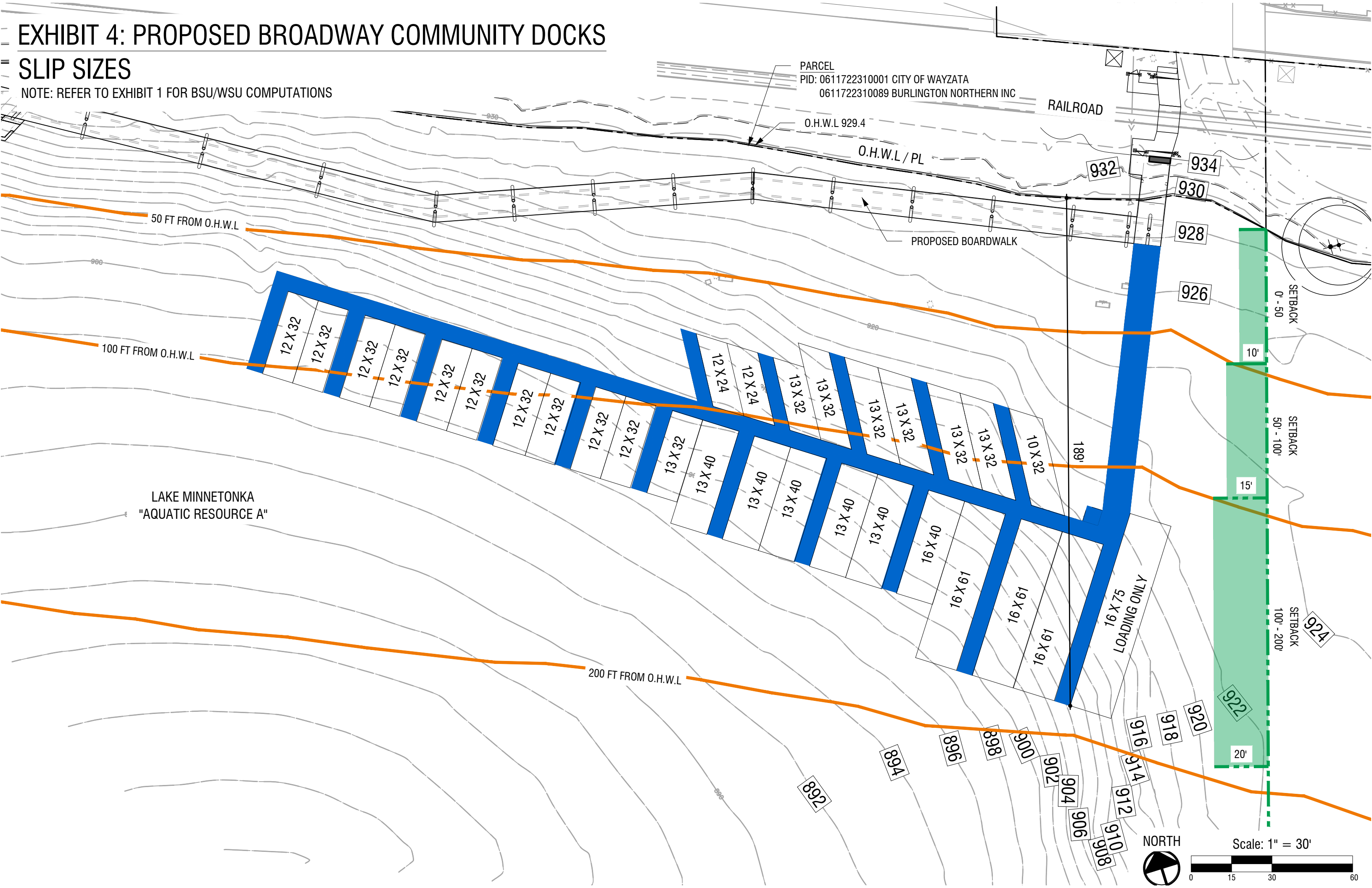
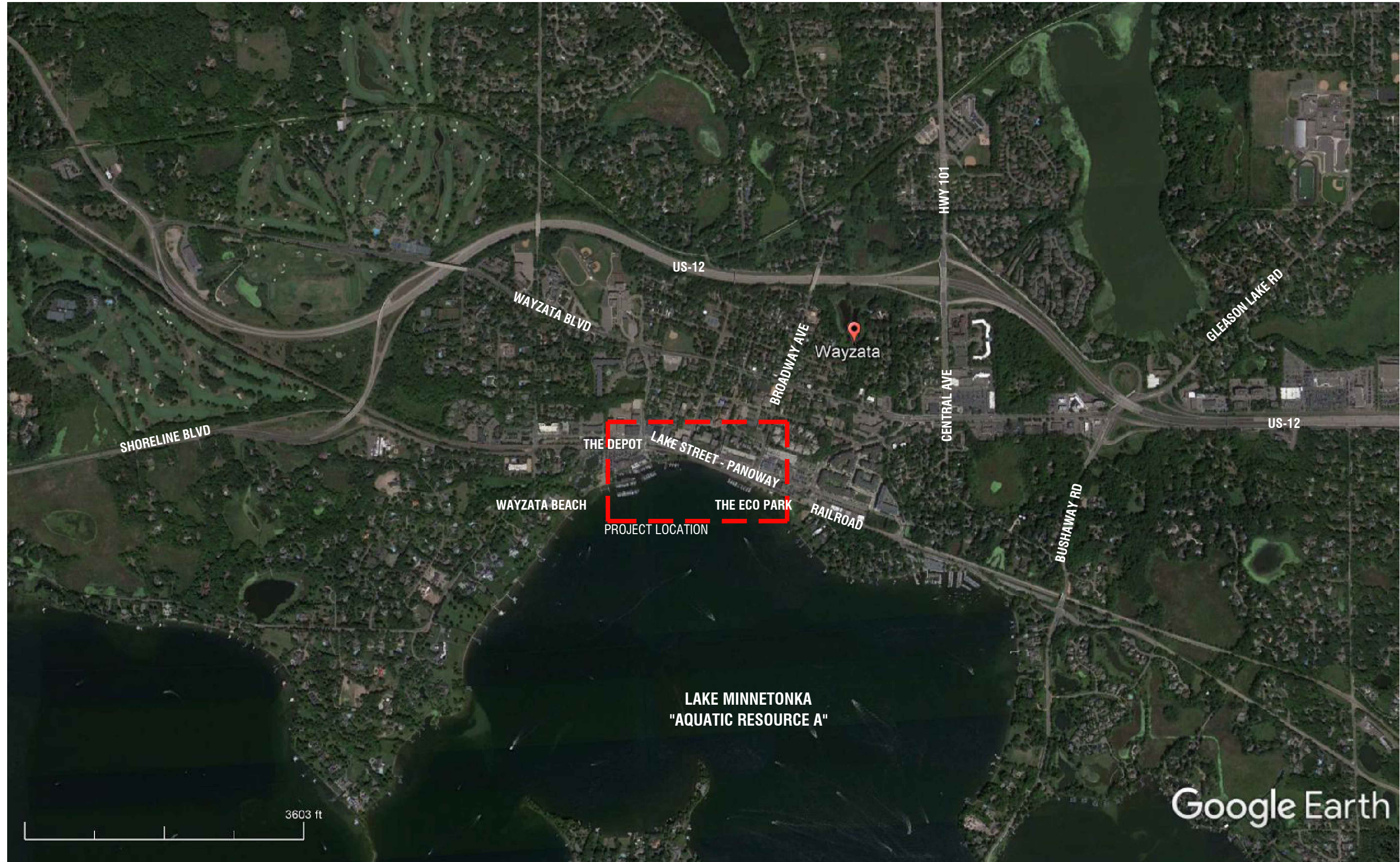


FIGURE 1A: SITE LOCATION



3603 ft

Google Earth



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.*

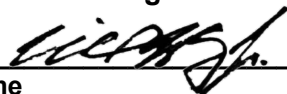
#### 5. FEES

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

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**

**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](http://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](http://lmcd.org).

Those desiring to participate in the hearing may also email the Manager of Code Enforcement at [tully@lmcd.org](mailto: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](http://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



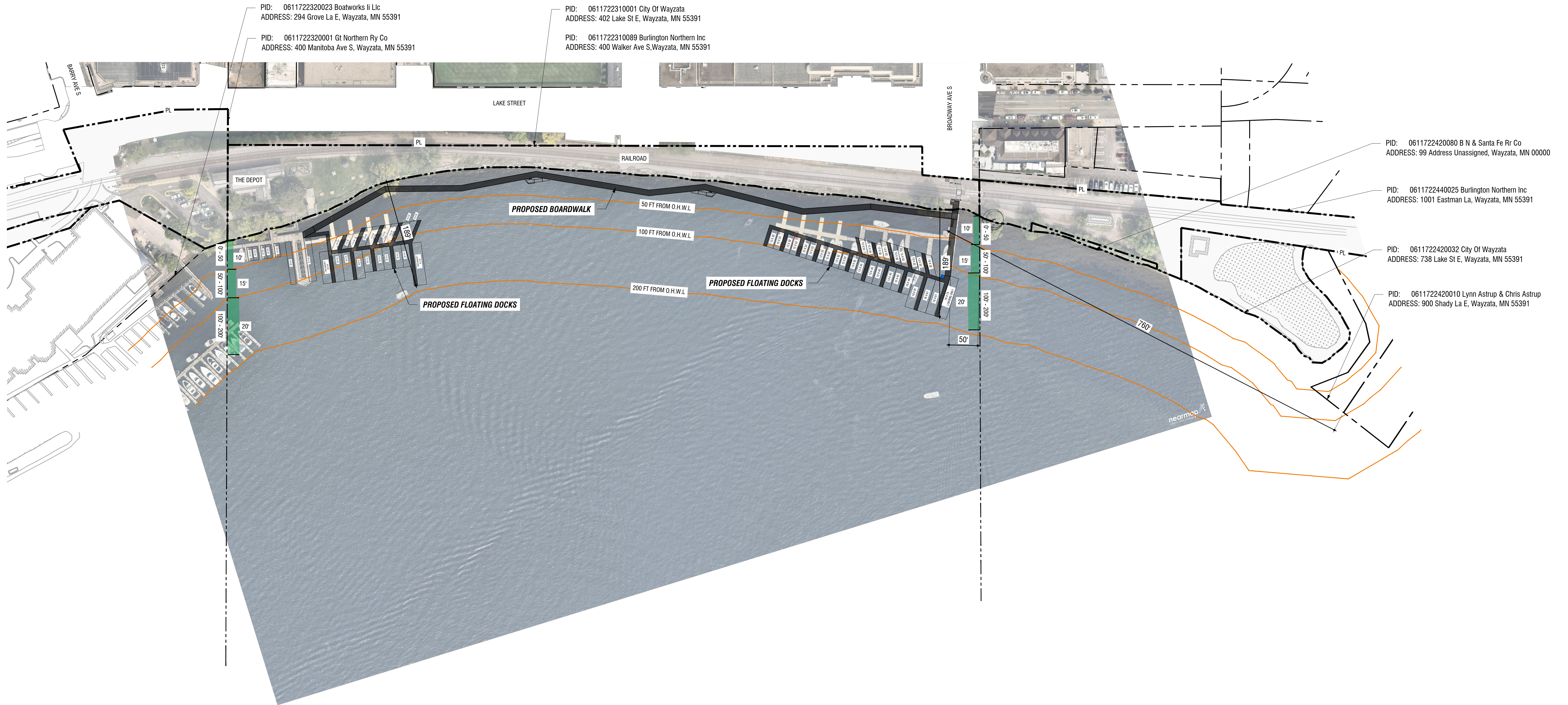
3603 ft

Google Earth

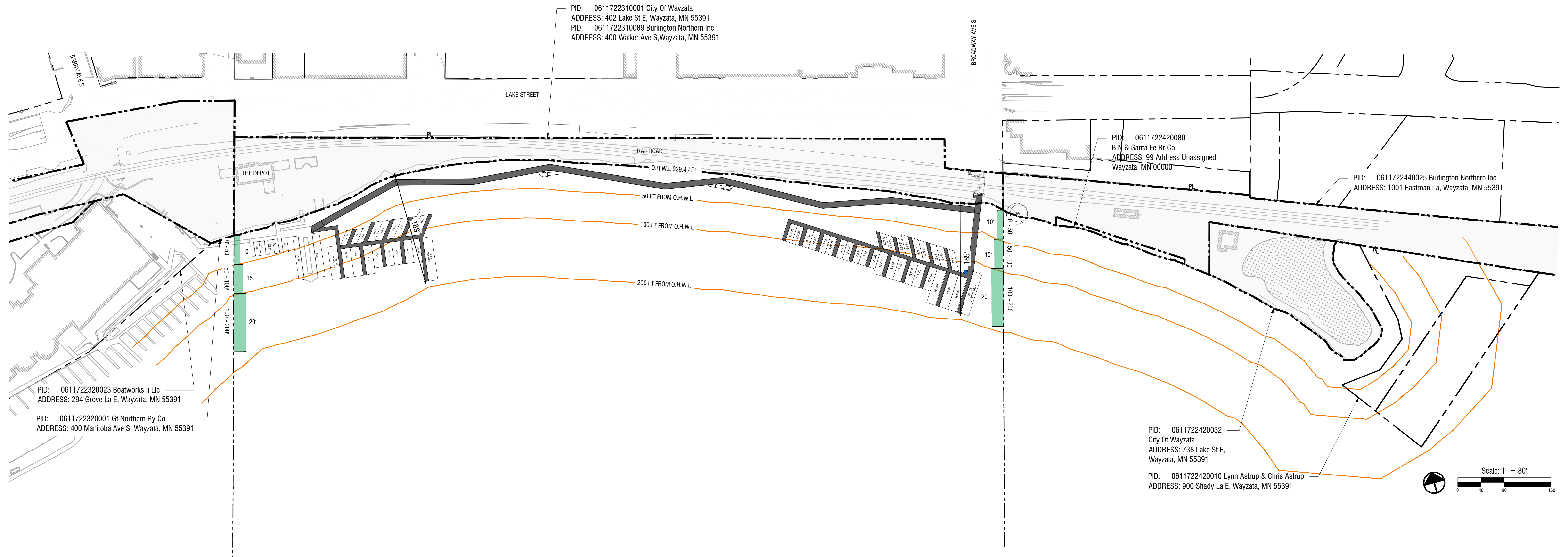


NORTH

# EXHIBIT 1: PROPERTY LINE SETBACKS

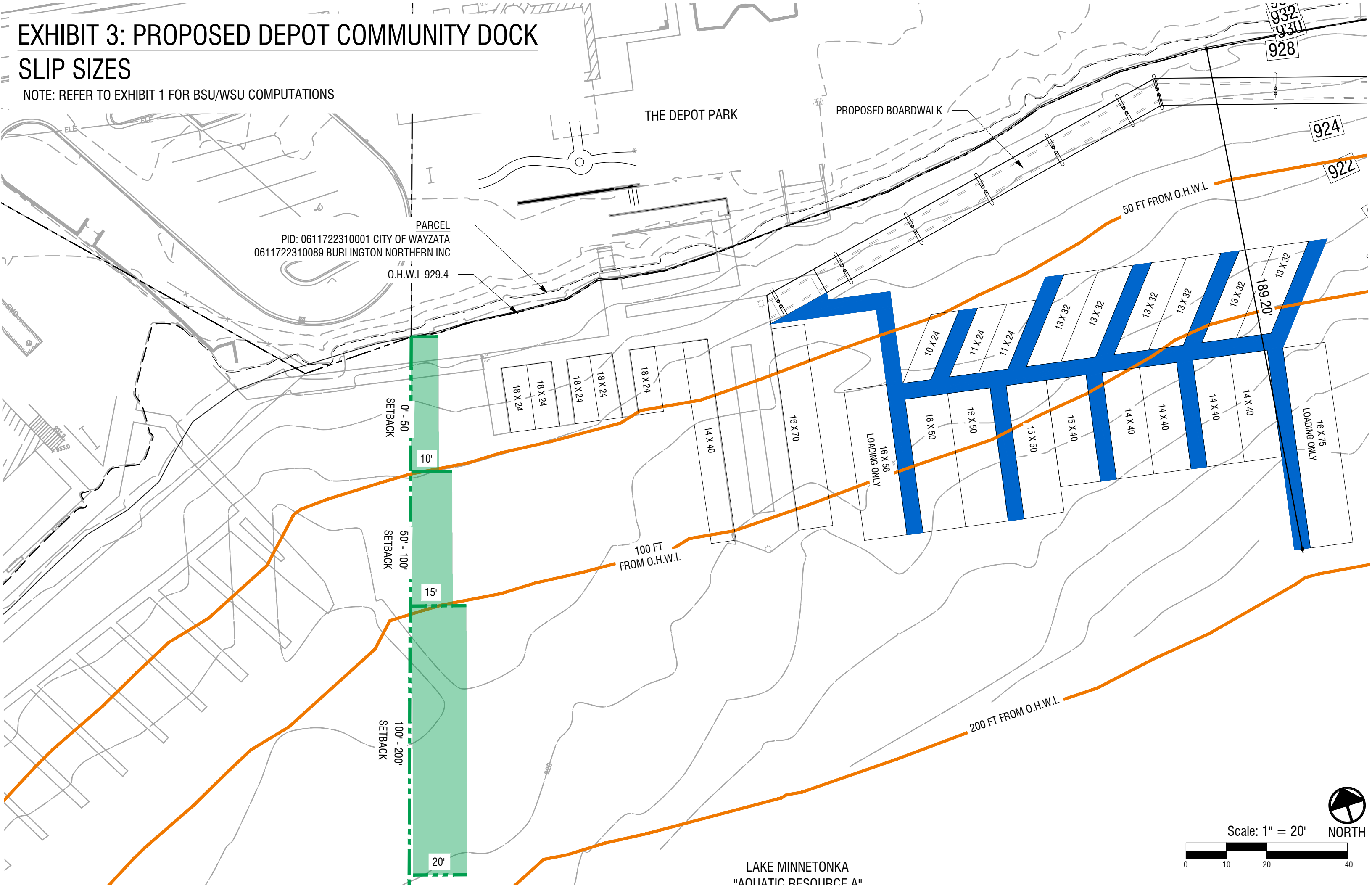


# EXHIBIT 2: PARCEL MAP & ADDRESSES



# 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

10'

15'

20'

932  
930  
928

924

922

189.20'

16 X 75  
LOADING ONLY

14 X 40

14 X 40

14 X 40

14 X 40

15 X 40

16 X 50

16 X 50

16 X 56  
LOADING ONLY

16 X 70

14 X 40

18 X 24

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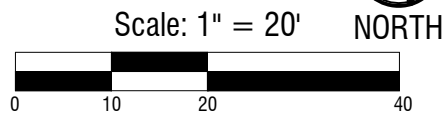
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18 X 24

18 X 24

18 X 24

LAKE MINNETONKA  
"AQUATIC RESOURCE A"

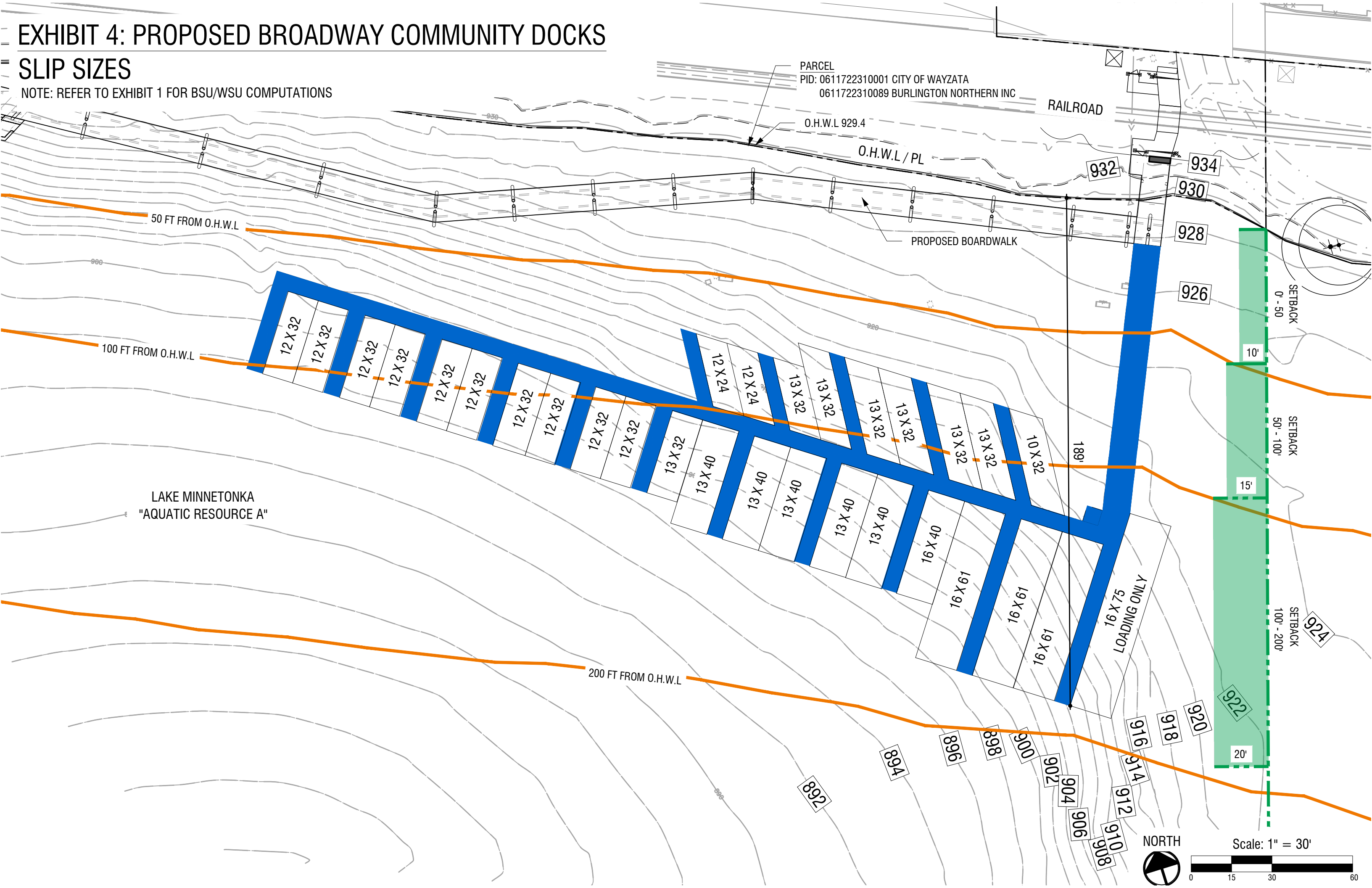




# EXHIBIT 4: PROPOSED BROADWAY COMMUNITY DOCKS

## 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 11th, 2023 (Prepared October 5, 2023)

**TO:** Board of Directors

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

**SUBJECT:** 2024 LMCD Employee Benefits Package

**ACTION**

---

Board consideration of the 2024 Employee Benefits Package.

The following motions are offered depending on whether the Board wishes to approve or deny the employee benefit package.

Approval:

I make a motion 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.

Denial:

I make a motion to deny the proposed health insurance coverage and employee benefit package.

**BACKGROUND**

---

The Lake Minnetonka Conservation District is required to confirm the contract for benefits for 2024. As such, the following information is being brought forward for consideration of approval by the Board. The benefit package is based on the current Personnel Policy.

The quote for 2024 for health insurance indicates a 3.20% increase from 2023. The health insurance rate quoted for 2024 for the Medica health plan is \$781.82 per employee per month, with a \$1,600.00 annual deductible. The rate quoted for 2024 for a family plan is \$1,916.88 per employee per month, with a \$3,200.00 annual deductible.

**BUDGET**

---

The employee benefit package for single coverage was considered in the adopted 2024 budget for three employees, with the understanding that four employees are available, and fits within the budget for personnel. Four employees are eligible if they do not opt out of these benefits. While a family plan was added in 2021, it is undetermined whether this option will be chosen in 2024.

**STRATEGIC PRIORITIES**

---

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

**ATTACHMENTS/SUPPLEMENTARY INFORMATION**

---

- 2024 Health Insurance Renewal Packet
- 2019 – 2024 LMCD Benefit Package Summary



# 2024 Health Insurance Renewal LAKE MINNETONKA CONSERVATION DISTRICT





August 2023

Dear Group Leader,

The Minnesota Healthcare Consortium (MHC) is excited to provide you with a renewal offering in our Statewide Small Group Health Insurance Pool. This statewide pool is member owned, self-insured, and locally managed. Member groups reap the rewards of self-insurance, without the associated risk of claims exceeding expected levels. Our statewide pool reduces the volatility of claim cost fluctuations that an individual group would experience on their own.

Included in this mailing is a renewal containing plan designs requested by your group leader and/or broker. This renewal is administered by MHC through Medica. Each group has the freedom to choose their plan designs and we have alternate benefit plans that might be of interest to you. If you would like to see additional benefit alternates, please let us know. We would be happy to assist you.

Also included in this renewal are the additional benefits for having your health insurance with MHC. We are dedicated to empowering and engaging our members in lifelong health and wellbeing. We feel that the programs provided in this renewal help us to achieve this mission. These programs, along with the regional wellness programs described in this renewal are included to enrolled staff at no additional cost to the group.

In addition to our health insurance pool, we have other insurance opportunities available to our members including telehealth, dental, vision, and long-term care. These programs are offered at a reduced cost to you as a member of SWWC Service Cooperative.

We look forward to working with you and your staff on your benefit program. Should you have questions regarding this information, please feel free to contact SWWC Service Cooperative.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Carlson".

**Jason Carlson, MHC Board President**  
**Minnesota Healthcare Consortium**



# Group Leader Information

January 2024

## Reminders

- **The Medicare Part D Credible Coverage** – notification will be mailed to all members annually. This is a task group leaders no longer need to complete as it will be managed by our medical carrier.
- **PCORI** – fees are paid by your organization. MHC will send data annually in June for the report due by July 31.
- **IRS deductible indexing** – In 2023 the IRS has adjusted the minimum and maximum annual deductible and other out-of-pocket expenses for high deductible health plans. If you have the minimum or maximum plan MHC will automatically make the adjustment to remain in compliance with the IRS.
- **Wellness program updates**
  - Self-Care by AbleTo is replacing Sanvello as a mental health program in late 2023. See the Wellness flier for more details.

## Medica Self Insured (MSI) Administrative Changes

- See attachment for benefit/language change grid. Your service cooperative insurance consultant will review these updates with you after renewal.

## Enrollment Platform

- Benefitsolver continues as your platform for enrollment & billing. If contact information for your office needs to be updated, please contact your service cooperative consultant.

## Plan Documents

- Updated Summary Plan Documents (SPDs) will be available after the renewal date on the Medica Portal for each member.
- Updated Summary of Benefits and Coverage (SBC) will be produced after the signed confirmation is returned. The SBC takes 4-6 weeks to produce.

## Open Enrollment

- SWWC Service Cooperative staff are available to meet with you and/or present to your staff
- We have materials for you to share with staff related to the new programs available through our partnership with Medica.



Contact information:

Regional Service Cooperative	Medica	BenefitSolver Enrollment & Billing portal
<p><b>*Carli Bothun</b> SWWC Insurance Specialist <a href="mailto:carli.bothun@swwc.org">carli.bothun@swwc.org</a> 320-226-6690</p> <p><b>Doug Deragisch</b> Insurance Consultant 507-476-8510 <a href="mailto:dderagisch@holmesmurphy.com">dderagisch@holmesmurphy.com</a></p> <p>Carli is currently out on maternity leave and will return end of October.</p>	<p><b>Mike Mosiman</b> Strategic Account Manager <a href="mailto:mike.mosiman@medica.com">mike.mosiman@medica.com</a> 952-992-3771</p>	<p><b>Judy Nordhoff</b> Account Manager Billing/Eligibility <a href="mailto:jnordhoff@capstonebenefits.com">jnordhoff@capstonebenefits.com</a> (317) 793-2916</p>
<p>Website: <a href="http://mnhc.gov">mnhc.gov</a></p>	<p>Medica Website <a href="https://www.medica.com/">https://www.medica.com/</a></p> <p>Group Leader Service Center 1 (952) 992-2200 or 1 (800)-936-6880</p> <p>Member Customer Service 1 (877)-347-0282</p> <p>Email: <a href="mailto:MedicaServiceCenter@Medica.com">MedicaServiceCenter@Medica.com</a></p>	<p>Website: <a href="http://www.benefitsolver.com">www.benefitsolver.com</a></p> <p>Email Inquiries: <a href="mailto:MHC@capstonebenefits.com">MHC@capstonebenefits.com</a></p>



## Small Insurance Pool

### Gain more predictability and peace of mind.

Don't let your size work against you. Join a statewide health insurance pool for small employers, made possible through the Minnesota Healthcare Consortium (MHC). With this pool, you can give your employees the much-needed benefit of health insurance without worrying about how to manage annual renewal spikes.

Healthcare costs have been increasing year after year for all organizations, but those with fewer employees experience larger increases. We're changing that through this specialized pool for public employers with 50 or fewer individuals electing to take health coverage (contracts). This pool seeks to give Minnesota's smallest public employers big company buying power and more choice in healthcare benefits.

### Why Employers Join the Pool

- Stabilize healthcare costs and lower renewal increases
- Spread out risk over a larger group
- Flexibility to select your own benefit design and promote choice
- Access to wellness programs designed to promote health and wellbeing

### How It Works

Healthcare costs are based on size. The bigger and healthier the group, the lower the risk and costs. In 2020, MHC combined small groups with employers with 50 or fewer individuals electing to take health coverage (contracts) into one pool and will use a statewide rating formula. By joining this insurance pool, small employers are able to stabilize healthcare costs this year and experience more predictable and lower renewals in the future.

### Contact Information

Contact the insurance advocates at the SWWC Service Cooperative:

**Carli Bothun**  
Carli.bothun@swwc.org  
320-226-6690

**Doug Deragisch**  
dderagisch@holmesmurphy.com  
507-476-8510







**Minnesota  
Healthcare  
Consortium**  
Participating Minnesota Service Cooperatives

## Healthcare Benefit Programs

**My Health Rewards by Medica** features health assessments, lifestyle, and condition management coaching, and activity tracking to inspire behavior changes. Employees and their dependents ages 18 and over can each earn up to \$220 annually in rewards!

**Omada** helps at-risk employees as they work to lose weight and reduce their risk for diabetes and heart disease. Diabetes and diabetes prevention programs available.

**Omada for Joint & Muscle Health** combines personalized physical therapy with virtual technology. It's a proven program that can help build muscle, prevent pain, and treat existing aches and injuries.

**Ovia Health** Ovia Health guides you through your pregnancy, parenting, and reproductive health journey — including trying to conceive and managing menopause. Enhanced on-demand support and clinically backed guidance is offered to MHC Members.

**Self Care by AbleTo** Self-care techniques, coping tools, meditations, sleep tracking, and more at no cost — anytime, anywhere with Self Care by AbleTo. In addition, MHC Medica members receive access to online therapy covered under their plan as behavioral health office visit.

**Worksite Wellness** programs help our members build a customized wellness experience on-site that increases employee engagement and makes the healthy choice the easy choice for their staff.

**TelaDoc\*** allows you to access doctors and therapists by phone, web, or app, including programs for back care, dermatology and nutrition.

**VSP Vision Care\*** brings personalized care from a VSP network doctor at low out-of-pocket costs.

**Mayo Clinic Complex Care** Medica Choice Passport member facing serious, complex or rare medical conditions may be eligible for care at Mayo Clinic with your travel and lodging covered by MHC.



\*Available for an additional fee



## Terms and Conditions

- 1) The Southwest West Central Service Cooperative's (SWWC) & pharmacy benefits program is administered by Medica. Medica also underwrites the specific and aggregate stop loss insurance and provides customer service and account management support. The Minnesota Healthcare Consortium, of which SWWC is a member, also self-insures a layer of stop loss combined with other participating service cooperatives in a statewide pooling arrangement.
- 2) The rates are contingent on being the only health plan(s) that you offer.
- 3) The rates are based on the benefit description and expected enrollment shown for each plan. If you request different benefits, or if your actual enrollment varies from expected enrollment listed by more than 10%, we reserve the right to make changes to the rates.
- 4) At least 50% of the total number of all eligible employees must enroll in the program for coverage to be offered to your group.
- 5) The employer must contribute at least 50% of the cost of the lowest priced health plan offered to your employees.
- 6) Rates included are guaranteed for 12 months beginning on January 1, 2024 contingent on becoming a member of the service cooperative.
- 7) Rates and plans are compliant with state and Federal regulations, including ACA.
- 8) Cash in lieu of benefits are not recommended. Please discuss variations with the Service Cooperative.
- 9) Quoted rates include commission (if applicable)
- 10) Your account will continue to be serviced locally by Carli Bothun at SWWC Service Cooperative and Mike Mosiman of Medica.
- 11) The SWWC Service Cooperative collects premiums in full from members via ACH on a monthly basis.

For questions, please contact:

Carli Bothun  
SWWC  
320-226-6690  
Carli.bothun@swwc.org

# MEDICA SELF-INSURED (MSI)

## RECOMMENDED PLAN DOCUMENT, BENEFIT AND ADMINISTRATIVE CHANGES FOR 2024 MINNESOTA HEALTHCARE CONSORTIUM (MHC)

Medica reviews plan benefits annually to make sure they are competitive and meet market standards. Each year, we review local and national benefit trends and provide clarification of plan language.

These changes will be included in your new Plan Document(s) as applicable for your renewal. Note that the plans listed below represent all plans offered by MHC. Updates will be applied to the specific benefits covered by your organization's plans.

### THESE BENEFIT/LANGUAGE CLARIFICATIONS WILL BE INCORPORATED AT RENEWAL

DESCRIPTION	CURRENT COVERAGE	RECOMMENDED COVERAGE/CHANGE
<p><b><u>7500–0% plans</u></b>  <b>Deductible</b>  <i>Section(s) impacted: What's Covered and How Much Will I Pay</i></p>	<p>In-network deductible is \$7,500 per individual and \$15,000 per family</p> <p><b>APPLIES TO HSA PLANS</b></p>	<p>In-network deductible is \$8,050 per individual and \$16,100 per family</p>
<p><b><u>7500–0% plans</u></b>  <b>Out-of-Pocket</b>  <i>Section(s) impacted: What's Covered and How Much Will I Pay</i></p>	<p>In-network out-of-pocket is \$7,500 per individual and \$15,000 per family</p> <p>Out-of-network out-of-pocket is \$22,500 per individual and \$45,000 per family</p> <p><b>APPLIES TO HSA PLANS</b></p>	<p>In-network out-of-pocket is \$8,050 per individual and \$16,100 per family</p> <p>Out-of-network out-of-pocket is \$25,000 per individual \$50,000 per family</p>

DESCRIPTION	CURRENT COVERAGE	CHANGE
<p><b><u>1500–0% plans</u></b>  <b>Deductible</b>  <i>Section(s) impacted: What's Covered and How Much Will I Pay</i></p>	<p>In-network deductible is \$1,500 per individual and \$3,000 per family</p> <p><b>APPLIES TO HSA PLANS</b></p>	<p>In-network deductible is \$1,600 per individual and \$3,200 per family</p>
<p><b><u>1500–0% plans</u></b>  <b>Out-of-Pocket</b>  <i>Section(s) impacted: What's Covered and How Much Will I Pay</i></p>	<p>In-network out-of-pocket is \$1,500 per individual and \$3,000 per family</p> <p><b>APPLIES TO HSA PLANS</b></p>	<p>In-network out-of-pocket is \$1,600 per individual and \$3,200 per family</p>
<p><b><u>1500-25% plans</u></b>  <b>Deductible</b>  <i>Section(s) impacted: What's Covered and How Much Will I Pay</i></p>	<p>In-network deductible is \$1,500 per individual and \$3,000 per family</p> <p><b>APPLIES TO HSA PLANS</b></p>	<p>In-network deductible is \$1,600 per individual and \$3,200 per family</p>
<p><b><u>3000-0% plans</u></b>  <b>Deductible</b>  <i>Section(s) impacted: What's Covered and How Much Will I Pay</i></p>	<p>In-network deductible is \$3,000 per individual and \$6,000 per family</p> <p>Out-of-network deductible is \$6,000 per individual and \$12,000 per family</p> <p><b>APPLIES TO HSA PLANS</b></p>	<p>In-network deductible is \$3,200 per individual and \$6,400 per family</p> <p>Out-of-network deductible is \$6,400 per individual and \$12,800 per family</p>
<p><b><u>3000-0% plans</u></b>  <b>Out-of-Pocket</b>  <i>Section(s) impacted: What's Covered and How Much Will I Pay</i></p>	<p>In-network out-of-pocket is \$3,000 per individual and \$6,000 per family</p> <p>Out-of-network out-of-pocket is \$9,000 per individual and \$18,000 per family</p> <p><b>APPLIES TO HSA PLANS</b></p>	<p>In-network out-of-pocket is \$3,200 per individual and \$6,400 per family</p> <p>Out-of-network out-of-pocket is \$10,000 per individual and \$20,000 per family</p>
<p><b><u>3000-25% plans</u></b>  <b>Deductible</b>  <i>Section(s) impacted: What's Covered and How Much Will I Pay</i></p>	<p>In-network deductible is \$3,000 per individual and \$6,000 per family</p> <p>Out-of-network is \$6,000 per individual and \$12,000 per family</p> <p><b>APPLIES TO HSA PLANS</b></p>	<p>In-network deductible is \$3,200 per individual and \$6,400 per family</p> <p>Out-of-network deductible is \$6,400 per individual and \$12,800 per family</p>
<p><b><u>3000-0% HSA + Rx Copay plans</u></b>  <b>Deductible</b>  <i>Section(s) impacted: What's Covered and How Much Will I Pay</i></p>	<p>In-network deductible is \$3,000 per individual and \$6,000 per family</p> <p>Out-of-network deductible is \$6,000 per individual and \$12,000 per family</p> <p><b>APPLIES TO HSA PLANS</b></p>	<p>In-network deductible is \$3,200 per individual and \$6,400 per family</p> <p>Out-of-network deductible is \$6,400 per individual and \$12,800 per family</p>

DESCRIPTION	CURRENT COVERAGE	CHANGE
<p><b>Bariatric Surgery Section</b>  <b>Designated provider requirement</b>  <i>Section(s) impacted: Bariatric Surgery, Definitions</i></p>	<ol style="list-style-type: none"> <li>1. Separate plan document section titled “Bariatric Surgery.”</li> <li>2. In-network services must be provided by a designated physician and received at a designated facility.</li> <li>3. No out-of-network benefits</li> </ol> <p><b>Applies to all plans who <u>elected to cover Bariatric Surgery</u></b></p>	<ol style="list-style-type: none"> <li>1. Removal of section titled “Bariatric Surgery” in plan document.</li> <li>2. No requirement for in-network services to be received from designated physician or at a designated facility.</li> <li>3. Definition of “designated physician” will be removed.</li> <li>4. Out-of-network benefits will apply.</li> </ol>
<p><b>Port Wine Stain</b>  <i>Section(s) impacted: What’s Not Covered</i></p>	<p>If covered, benefit “Treatment to lighten or remove the coloration of a port wine stain.” in benefit table</p> <p><b>Applies to ALL plans</b></p>	<p>If covered, benefit changed to: Elimination of a port wine stain or treatment to lighten or remove the coloration of a port wine stain.</p>
<p><b>Chiropractic Services</b>  <i>Section(s) impacted: Physician and Professional Services</i></p>	<p>Chiropractic services to diagnose and to treat (by manual manipulation or certain therapies) conditions related to the muscles, skeleton, and nerves of the body.</p> <p><b>Applies to ALL plans</b></p>	<p><b>Addition of the following language:</b></p> <p>Please note: Some services received during a visit may be covered under another benefit in this section. The most specific and appropriate benefit will apply for each service received during a visit.</p> <p>For example, certain services may be considered surgical or imaging services; see below and in X-Rays and Other Imaging for coverage of these services. In such instances, both a chiropractic services copayment or coinsurance and an outpatient surgical or imaging copayment or coinsurance apply.</p>
<p><b>Harmful Use of Medical Services</b>  <i>Section(s) impacted: Harmful Use of Medical Services</i></p>	<p>Prescription medications that may be harmful to a covered person’s health will be restricted to ensure patient safety.</p> <p><b>Applies to ALL plans</b></p>	<p>Medica may restrict receipt of benefits to a specific physician, hospital or pharmacy if health services or medications are being received in a manner that harms the covered person’s health.</p>

DESCRIPTION	CURRENT COVERAGE	CHANGE
<p><b>Hearing Aids Over-The-Counter</b>  <i>Section(s) impacted: Durable Medical Equipment</i></p>	<p>Not mentioned in plan document</p> <p><b>Applies to ALL plans</b></p>	<p><b><u>What's Not Covered</u></b>  Hearing aids that are available over-the-counter are excluded.</p>
<p><b>Behavioral Health Updates</b>  <i>Section(s) impacted: Behavioral Health – Mental Health, Behavioral Health- Substance Use Disorder</i></p>	<p><b>Two separate sections in the plan document:</b>  Behavioral Health – Mental Health  Behavioral Health – Substance Use Disorder</p> <p><b>Applies to ALL plans</b></p>	<p><b>Combined into one section:</b>  Behavioral Health –Mental Health and Substance Use  Updated, clarified, and removed language throughout to reflect the combination of the two documents.</p>
<p><b>Intermittent skilled care</b>  <i>Section(s) impacted: Home Health Care, Pregnancy-Maternity Care</i></p>	<p><b>Current terminology:</b>  “Intermittent skilled care”</p> <p><b>Applies to ALL plans</b></p>	<p><b>New terminology:</b>  Intermittent skilled nursing care</p>
<p><b>Observation Room</b>  <i>Section(s) impacted: Hospital Services, Physician and Professional Services</i></p>	<p>Reference to physician services is silent in plan document.</p> <p><b>Applies to ALL plans that have in-network copay for observation room</b></p>	<p><b>Addition of the following language:</b>  Please note: Some services received during an observation room visit may be covered under another benefit in this section. The most specific and appropriate benefit will apply for each service received during an observation room visit.   For example, certain services may be considered surgical or imaging services; see below and in X-Rays and Other Imaging for coverage of these services. In such instances, both an observation room copayment and outpatient surgical or x-ray will apply.</p>
<p><b>Continuity of Care</b>  <i>Section(s) impacted: Before You Access Care</i></p>	<p><b>Applies to ALL plans</b></p>	<p>Language has been revised to provide clarity and additional detail around continuity of care requirements.</p>
<p><b>Prior Authorization</b>  <i>Section(s) impacted: Before You Access Care</i></p>	<p>Prior authorization requests will generally be responded to within 10 days of receiving request. Expedited requests will be responded to within 72 hours.</p> <p><b>Applies to ALL plans</b></p>	<p>Prior authorization requests will generally be responded to within 5 business days of receiving request. Expedited requests will be responded to within 48 hours.</p>

DESCRIPTION	CURRENT COVERAGE	CHANGE
<p><b>Preventive Care</b>  <i>Section(s) impacted: Surveillance Tests for Ovarian Cancer for At-Risk Women, Preventive Health Care</i></p>	<p><b>Preventive Health Care</b> section, benefit in table:            Routine screening procedures for cancer including, but not limited to, screening for prostate cancer (including prostate-specific antigen blood test and a digital rectal exam and without age limitation) and colorectal cancer. <b>See Surveillance Tests for Ovarian Cancer for At-Risk Women</b> for more information about surveillance testing for ovarian cancer for at-risk women.</p> <p>Separate section title <b>Surveillance Tests for Ovarian Cancer for At-Risk Women</b></p> <p><b>Applies to ALL plans</b></p>	<p><b>Preventive Health Care</b> section, benefit in table:            Routine screening procedures for cancer including, but not limited to, screening for prostate cancer, ovarian cancer and colorectal cancer. See Cancer-Related Testing for more information about surveillance testing for ovarian cancer for at risk women and screening for prostate cancer for men.</p> <p>Retitled plan section <b>Surveillance Tests for Ovarian Cancer for At-Risk Women</b> to <b>Certain Cancer-Related Testing</b>.</p> <p>Prostate cancer screening is now included under this re-named section.</p>
<p><b>Gender Affirmation Care</b>  <i>Section(s) impacted: Gender Affirmation Care Definitions</i></p>	<p><b>Benefit description in table:</b>            Medically necessary treatment for gender dysphoria</p> <p><b>Applies to ALL plans</b></p>	<p><b>Benefit description in table changed to</b> “Medically necessary gender affirming health care services for gender dysphoria.”</p> <p><b>New definition</b> added for “Gender affirming health care services”-            Gender affirming health care services means all medical, surgical, counseling, or referral services, including telehealth services, that an individual may receive to support and affirm that individual's gender identity or gender expression and that are legal under the laws of the State of Minnesota</p>
<p><b>Telehealth</b>  <i>Section(s) impacted: Behavioral Health – Mental Health, Behavioral Health – Substance Use Disorder, Telehealth Services, Definitions, What’s not covered</i></p>	<p>Telephone mental health and substance use exclusions in <b>Behavioral Health-Mental Health and Behavioral-Health Substance Use</b> sections</p> <p><b>Applies to ALL plans</b></p>	<p>Removed exclusion from new Behavioral Health – Mental Health and Substance Use What’s not covered section of plan document.</p> <p>Added statement under <b>What’s covered in Telehealth Services</b> section:            Telehealth includes certain audio-only services as provided for in Medica’s coverage policy.</p>

DESCRIPTION	CURRENT COVERAGE	CHANGE
<p><b>Telehealth</b>  <i>Section(s) impacted: Definitions</i></p>	<p>Telehealth definition includes this paragraph:            Until July 1, 2023, telehealth includes audio-only communication between a health care provider and a patient if the communication is a scheduled appointment and the standard of care for that particular service can be met through the use of audio-only communications. However, substance use disorder treatment services and mental health care services delivered through telehealth by means of audio-only communication may be covered without a scheduled appointment if the communication was initiated by the patient while in an emergency or crisis situation and a scheduled appointment was not possible due to the need of an immediate response. This paragraph expires July 1, 2023.</p> <p><b>Applies to ALL plans</b></p>	<p>This paragraph has been deleted</p>



DESCRIPTION	CURRENT COVERAGE	CHANGE
<p><b>Regulatory Language Changes</b>  <i>Section(s) impacted: Multiple</i></p>	<p>Additional language is provided that is not included in the 2023 plan documents</p> <p><b>Applies to ALL plans</b></p>	<p>Due to regulatory requirements, additional explanatory language has been added to the following sections without impact to benefits or coverage:</p> <ul style="list-style-type: none"> <li>• <b>Hospice Services</b>– What’s not covered</li> <li>• <b>Prescription Drugs</b>– Antipsychotic Drugs</li> <li>• <b>Prescription Drugs</b> – Orally Administered Cancer Drugs</li> <li>• <b>Reconstructive and Restorative Surgery</b> – What’s not covered</li> <li>• <b>Transplant Services</b> – What’s not covered</li> <li>• <b>Behavioral Health-Mental Health and Substance Use</b> – What’s not covered</li> <li>• <b>Medica’s Nondiscrimination Policy</b> - Nondiscrimination</li> </ul> <p><b>Note:</b> A separate document with full details of these changes is attached</p>

# Prescription Drug Coverage

## Prescription drug coverage with your new plan

Your new Minnesota Healthcare Consortium (MHC) and Medica health plan covers a variety of prescription drugs and includes options for filling your prescriptions.

If you take prescription drugs, you'll want to review how your current drugs will be covered with your new plan to avoid any delays with filling your prescriptions when your new plan starts.

### Get started

Visit [WelcomeToMedica.com/MHC2](https://www.WelcomeToMedica.com/MHC2) to view the Medica drug list, learn about options for filling your prescriptions, find information about specialty drugs, and get answers to frequently asked questions, including whether you need approval for a particular prescription, or whether there are any limits on a particular drug.

### Check the Medica drug list

The Medica drug list shows all of your covered drugs. It's comprised of drugs that provide the most value and have proven safety and effectiveness. Go to [WelcomeToMedica.com/MHC2](https://www.WelcomeToMedica.com/MHC2) and view the *What drugs are covered* section to check the Medica drug list to see how your current prescription drugs are covered with your new plan.

### See if you need a prior authorization for your prescription

Certain drugs require prior authorization (approval in advance) from Medica in order to be covered. These medications are shown on the Medica drug list with the abbreviation "PA."

If your current medication is noted with "PA" on the Medica drug list, ask your health care provider to submit a prior authorization request to Medica (after your plan starts) to get approval for your medication.

### Learn about specialty drug coverage

Specialty drugs are used to treat certain complicated health problems. These drugs tend to be very expensive and may need special handling and monitoring. For most specialty medications, you'll use Accredo Specialty Pharmacy to fill your prescriptions. Or you'll use the designated specialty pharmacy vendor if it's a limited distribution drug.



# Prescription Drug Coverage

If your current medication is noted with “SP” on the Medica drug list, it is considered a specialty drug. To fill a specialty drug:

- Make sure your plan covers your specialty drug or if there are coverage requirements such as prior authorization, step therapy, or quantity limitations. Call Member Services at **1-877-347-0282** for your specific benefits or with questions about coverage limitations.
- Once you've verified your benefits, have your prescription filled through Accredo Specialty Pharmacy. Call Accredo Specialty Pharmacy at **1-866-544-6817** (TTY: **711**). If you fill your specialty drug prescription through a vendor other than Accredo Specialty Pharmacy, your drug will not be covered and you will be responsible for the entire cost.
- When your plan starts with Medica and before your next fill, contact Accredo Specialty Pharmacy to set up your new account.
- If you are currently filling your specialty drug at a non-Accredo pharmacy, your prescription will need to be transferred to Accredo Specialty Pharmacy. Call Accredo Specialty Pharmacy to start the transfer process or get new orders to avoid delays or disruption in therapy.

## Share manufacturer assistance program information

When you set up your new account and initial fill with Accredo Specialty Pharmacy, we'll also need to review copay assistance or manufacturer assistance programs. If you are currently enrolled in a manufacturer assistance program for your specialty drug, please have that information readily available to share with Accredo to ensure a smooth transition.

## Have questions? We're here.

Call your MHC dedicated Member Services at **1-877-347-0282** (TTY: **711**). We're available 7 a.m.- 8 p.m. Monday - Friday and 9 a.m.-3 p.m. on Saturdays.

Learn more about Medica and your prescription benefits at [WelcomeToMedica.com/MHC2](https://www.welcometomedica.com/MHC2).

# Mayo Clinic Complex Care Program



If you are facing complex health challenges, you may be eligible for care at Mayo Clinic with travel and lodging covered and coordinated for you.

The Mayo Clinic Complex Care Program is an enhanced health care benefit available to Medica Choice Passport members for:

- Cancer
- Complex medical conditions
- Complex pediatrics
- Hemophilia
- Multiple Sclerosis
- Spine health
- Transplant

## **STEP 1. Get started**

Call the Medica Member Services line for MHC employees at 877-347-0282 for full details, help with collecting your medical records and to get connected with Mayo Clinic.

## **STEP 2. Medical review**

A Mayo Clinic specialist will review your medical records and determine if you would benefit from care at Mayo Clinic.

## **STEP 3. Travel to Mayo Clinic for care**

Mayo Clinic will call you to coordinate your travel, lodging and appointment itinerary for you and a caregiver.

## **STEP 4. Return home**

After you return home, your local medical provider and Mayo Clinic will work closely to coordinate your ongoing care.



## Why Choose Mayo Clinic?

# When you're facing a serious illness, we stand by your side.



### Is Mayo Clinic for me?

The answer is yes for 1.4 million patients from 139 countries. The reason is simple: Compassion is at the heart of our care. At Mayo Clinic, unhurried, comprehensive evaluations offer the best chance of healing and getting back to your life.



### What makes care at Mayo Clinic different?

Effective treatment depends on getting the right diagnosis as soon as possible. Our specialists collaborate across disciplines to listen to your story, evaluate your condition from every angle, and develop a diagnosis and treatment plan that's just for you.



### Does Mayo Clinic treat my condition?

Mayo Clinic experts solve the world's toughest medical problems — one patient at a time. No matter what serious, complex or rare health challenge you're facing, you can be confident that Mayo Clinic has extensive experience in treating patients with your specific condition.



### Is Mayo Clinic doing research on my condition?

Our relentless research yields scientific discoveries and innovations that reach our patients faster and help them heal sooner. Our patients are frequently among the first to benefit from breakthrough therapies, advanced technologies and clinical research trials.

**Tip:** Your travel and lodging may be covered and coordinated for you through the Mayo Clinic Complex Care Program. Call the Medica Member Services line for MHC employees at **877-347-0282** to get started.



LIVE WELL

1420 East College Drive  
Marshall, MN 56258  
www.swwc.org

## Lake Minnetonka Conservation District SWWC Insurance Pool Wellness/Employee Incentive Offering

\*\*\*Groups can choose to participate in one or both of the programs listed\*\*\*  
(Live Well and/or Incentive)

### Program Year:

January | Pool: March - October 2024

### Potential Dollar Amounts (dependent upon participation):

Activity/Biometric Screening Dollars: \$70/Contract or up to \$210.00

Employee Incentives: \$500/Contract\* a potential of \$1,500.00

### Employee Incentive Offering

Group – 1) must have an organized Wellness Committee (or Insurance Committee)  
2) must offer employees a minimum of 5 Activities (**Biometric Screening is required**)

Employee – 1) to be eligible the employee must be on the group health plan  
2) must participate in a minimum of 3 activities (**One must be a Biometric Screening**)

\*Incentives to employees on the group health plan can be put into a VEBA, an HSA, used toward premium reduction, or put into payroll which is subject to payroll taxes. (Determined by the group)

For more information, contact:

**SWWC Service Cooperative**  
**Carli Bothun, Insurance Specialist**  
**1420 East College Drive**  
**Marshall, MN 56258**  
[carli.bothun@swwc.org](mailto:carli.bothun@swwc.org)  
**320.226.6690**



**MHC Statewide Pool Renewal for:  
LAKE MTKA CONSERV DISTRICT  
1/1/2024**

Plan	Description	Coverage	Contracts *	Current rates	RATES	Plan adj. %	Elect this plan? Yes/No
					EFFECTIVE 1/1/2024		
1	MSI PP MN 1600-0% HSA <i>Ded updated for 2024 IRS Limits</i>	Single	3	\$757.58	\$781.82	3.20%	
		Family	0	\$1,857.45	\$1,916.88	3.20%	

\*Based on the group's most recent enrollment data. Rates are guaranteed for one year from 1/1/2024 through 12/31/2024.

Projected Monthly Premium *	\$2,272.74	\$2,345.46
Projected Annual Premium *	\$27,272.88	\$28,145.52
Projected Renewal % Change *		3.20%

**Confirmation Instructions:**

Please send a signed copy of this rate confirmation to your Service Cooperative by: 11/15/2023.  
Please verify broker fees, commissions and information listed below that apply to your policy.

**Alternative Plans (if applicable)**

Attach plan summaries and rates for alternative plans. Check "no" above for any current plan or plans that are being replaced or discontinued.

Broker commissions included? \$21.00 per contract/mo 0.0% of total plan premium

Brokerage agency North Risk Partners LLC Broker name \_\_\_\_\_ Broker tel: \_\_\_\_\_

Broker email \_\_\_\_\_ Broker MN Life and Health License # \_\_\_\_\_

**Rate confirmation approved by:**

Print name: \_\_\_\_\_  
for: LAKE MTKA CONSERV DISTRICT

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Health Plan Descriptions	LAKE MTKA CONSERV DISTRICT	Effective: 1/1/2024
Plan 1: MSI PP MN 1600-0% HSA	\$1600/3200 Ded, 100/0% Coins, \$1600/3200 OOP, Ded/Coins with Prev Rx, (OON: 1600/3200, 0%, 1600/3200) DED/OOP Comb INN & OON Non-embedded	



## MHC and Medica Additional Programs

The supplemental programs listed below are available at an additional fee for member groups in our health insurance pool. The premium provided on the renewal confirmation page does not include the fees for the programs below. If selected, the per subscriber per month (PSPM) fee will be added to your premium invoice and billed monthly.

---

### My Health Rewards - Invest

Check to Select

The **Invest** program is a supplement to the standard My Health Rewards program offered by Medica and MHC. Additional monthly wellness challenge goals for sleep, activity, and nutrition are incorporated. The program offers rewards of up to \$75 per month totaling a potential of \$900 per year per participant. This health and wellness program is for employees enrolled in an HSA plan.

**Additional Cost**

Implementation Fee: None

\$4.00 PSPM

---

### My Health Rewards - Results

Check to Select

The **Results** program is a supplement to the standard My Health Rewards program offered by Medica and MHC. This program focuses on healthy biometric screenings and offers additional points in the My Health Rewards program for employees when their health numbers fall within recommended ranges. Biometric screenings may be available at clinic's or doctor's office when you bring the health screening form, or they can be completed through many national networks.

**Additional Cost**

Implementation Fee \$1500.00

\$1.50 PSPM + \$55/screening

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### Optum - Employee Assistant Program (EAP)

Check to Select

The Medica® Optum® Employee Assistance Program (EAP) assists with challenges affecting your employees or workplace. Master's-level specialists are available 24/7 to assist your employees and their families with a variety of personal concerns. Management consultants can help you handle workplace challenges — from job performance to regulatory compliance. You also have access to 150 on-site hours for training workshops and crisis response if you need it.

**Additional Cost**

Implementation Fee: None

\$1.80 PSPM

**Lead Time for program start: None**

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**Authorized Signature:**

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**Group Name:**

**Date:**

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**We are not electing any additional programs for this renewal cycle:**



2019 - 2024 LMCD BENEFIT PACKAGE SUMMARY

PERA (Coordinated Plan)					
Year	Employee Rate	Employer Rate	Employer Additional	Employer Total	Staff Participatio
2019	6.50%	6.50%	1%	7.50%	3 (Vacant 1)
2020	6.50%	6.50%	1%	7.50%	4
2021	6.50%	6.50%	1%	7.50%	4
2022	6.50%	6.50%	1%	7.50%	4
2023	6.50%	6.50%	1%	7.50%	4
2024	6.50%	6.50%	1%	7.50%	4
HEALTH PARTNERS (DENTAL)					
Year	Rate	Percent Increase	Staff Participation		
2019	\$55.88	3.50%	3		
2020	\$56.95	1.90%	3		
2021	\$56.95	0.00%	3		
2022	\$58.83 Single \$147.05 Family	3.00%	3 (4 eligible)		
2023	\$60.91 Single \$152.26 Family	3.50%	3 (4 eligible)		
2024	<b>Have not received</b>				
*MEDICA (SW/WC Service Coop) PREMIUMS ONLY					
Year	Rate	Percent Increase	Staff Participation		
2019	\$697.00	4.00%	2		
2020	\$721.50	3.54%	2		
2021	\$721.50 Single \$1769.00 Family	0.00%	3		
2022	\$721.50 Single \$1769.00 Family HSA \$1,400, 116.67 per employee	0%, Family Coverage Optional	3 (4 eligible)		

2023	\$757.58 Single \$1857.45 Family HSA \$1,500, 125.00/ employee	5%, Family Coverage Optional	3 (4 eligible)
2024*	\$781.82 Single \$1916.88 Family HSA \$1,600, \$133.33/ employee	3.2%, Family Coverage Optional	1 (4 eligible)
<b>NCPERS Group Life Insurance</b>			
<b>Year</b>	<b>Rate</b>	<b>Percent Increase</b>	<b>Staff Participation</b>
Life of Policy	\$16/Participant	N/A	3 (4 eligible)

Lake Minnetonka Conservation District  
**Balance Sheet**  
As of September 30, 2023

	Sep 30, 23
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Alerus Checking	37,311.51
Bridgewater Checking	50,059.42
Bridgewater Savings	504,326.53
1010M10 · Petty Cash	188.60
1090M10 · Alerus Bank - Savings	
1090M50 · Alerus Savings - Equip. Repl	125,652.32
1090M10 · Alerus Bank - Savings - Other	-42,482.40
<b>Total 1090M10 · Alerus Bank - Savings</b>	<b>83,169.92</b>
<b>Total Checking/Savings</b>	<b>675,055.98</b>
<b>Accounts Receivable</b>	
1150M10 · Accounts Rec. - Gen	63,750.50
<b>Total Accounts Receivable</b>	<b>63,750.50</b>
<b>Other Current Assets</b>	
12000 · Undeposited Funds	5,066.75
<b>Total Other Current Assets</b>	<b>5,066.75</b>
<b>Total Current Assets</b>	<b>743,873.23</b>
<b>Fixed Assets</b>	
1640M90 · Fixed Assets	155,233.00
1645M90 · Accumulated Depreciation	-95,427.00
<b>Total Fixed Assets</b>	<b>59,806.00</b>
<b>Other Assets</b>	
1650M90 · Leased Asset	172,361.00
1655M90 · Accumulated Amortization-Lease	-22,969.00
<b>Total Other Assets</b>	<b>149,392.00</b>
<b>TOTAL ASSETS</b>	<b>953,071.23</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Other Current Liabilities</b>	
2020-LT · Payroll Liabilities - UNUM	-21.08
2020 · Payroll Liabilities -	1,105.20
2050M10 · Accrued Payroll - Gen	5,068.00
2150M90 · Accrued compensated absences	14,439.00
2151M90 · Current portion of comp absens	3,337.93
2916M90 · Lease Liability - Short Term	25,290.00
<b>Total Other Current Liabilities</b>	<b>49,219.05</b>
<b>Total Current Liabilities</b>	<b>49,219.05</b>
<b>Long Term Liabilities</b>	
2915M90 · Lease Liability - Long Term	126,242.00
<b>Total Long Term Liabilities</b>	<b>126,242.00</b>
<b>Total Liabilities</b>	<b>175,461.05</b>

Lake Minnetonka Conservation District

Balance Sheet

As of September 30, 2023

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	<u>Sep 30, 23</u>
<b>Equity</b>	
Retained Earnings	946,364.89
2910M10 · Fund Balance - Admin.	48,727.51
2910M20 · Fund Balance - S/L	226,468.17
2910M30 · Fund Balance - EWM	40,088.85
2910M50 · Fund Balance - Equip Repl	79,004.07
2910M90 · Fixed Assets - Conversion Fund	-585,738.00
Net Income	22,694.69
<b>Total Equity</b>	<u>777,610.18</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>953,071.23</u></u>

12:31 PM

10/03/23

Accrual Basis

## Lake Minnetonka Conservation District General Income & Expense 2023 Budget Comparison

January through September 2023

	Jan - Sep 23	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>Contributions</b>				
3001M20 · Donations (General) - S/L	50.00			
<b>Total Contributions</b>	50.00			
<b>Grants &amp; Other Income</b>				
3080M10 · Interest - Gen	9,187.13	2,600.00	6,587.13	353.4%
3260M10 · Court Fines - Admin.	72,490.00	60,000.00	12,490.00	120.8%
3300M10 · Other Income - Admin.	11,739.52	6,190.00	5,549.52	189.7%
<b>Total Grants &amp; Other Income</b>	93,416.65	68,790.00	24,626.65	135.8%
<b>Licenses/Permits</b>				
3110M10 · Multiple/Perm. Dock Lic -Admin.	81,672.01	85,200.00	-3,527.99	95.9%
3120M10 · DMA license - Admin.	3,450.00	3,000.00	450.00	115.0%
3130M10 · Deicing License - Admin.	4,837.00	6,000.00	-1,163.00	80.6%
3170M10 · Variances - Admin.	2,500.00	10,600.00	-8,100.00	23.6%
3200M10 · Special Density - Admin.	360.00			
3220M10 · Special Events - Admin.	55.00			
3240M10 · Charter Boats - Admin.	2,400.00	3,200.00	-800.00	75.0%
3280M10 · Liquor/Beer/Wine License-Admin.	17,850.00	19,000.00	-1,150.00	93.9%
<b>Total Licenses/Permits</b>	113,124.01	127,000.00	-13,875.99	89.1%
3020M10 · Municipal Dues - Admin.	255,002.00	255,000.00	2.00	100.0%
3400M10 · Transfers In - Admin.	0.00	125,000.00	-125,000.00	0.0%
<b>Total Income</b>	461,592.66	575,790.00	-114,197.34	80.2%
<b>Gross Profit</b>	461,592.66	575,790.00	-114,197.34	80.2%
<b>Expense</b>				
<b>AIS Administration</b>				
4181M30 · Prof. Services	19,324.00	68,000.00	-48,676.00	28.4%
4221M30 · Office Supplies -AIS Prevention	0.00	2,000.00	-2,000.00	0.0%
<b>Total AIS Administration</b>	19,324.00	70,000.00	-50,676.00	27.6%
<b>General &amp; Admin Expenses</b>				
4060 · Telephone/Internet	2,992.11	3,500.00	-507.89	85.5%
4070M10 · Webpage & Digital	3,800.00	590.00	3,210.00	644.1%
4090M30 · DMV	0.00	50.00	-50.00	0.0%
4340M10 · Insurance - Admin.	6,142.00	4,500.00	1,642.00	136.5%
4340M30 · Insurance W/C	0.00	1,400.00	-1,400.00	0.0%
4350M30 · Ins./Equip.	0.00	400.00	-400.00	0.0%
4360M10 · Subs/Memberships - Admin.	2,421.00	2,400.00	21.00	100.9%
<b>Total General &amp; Admin Expenses</b>	15,355.11	12,840.00	2,515.11	119.6%
<b>Legal</b>				
4110M10 · Public Info Legal Fees- Admin.	1,222.25	1,750.00	-527.75	69.8%
4620M10 · Civil Legal Fees - Admin.	26,964.31	31,325.00	-4,360.69	86.1%
4640M10 · Prosecution Legal Fees - Admin.	35,997.01	30,000.00	5,997.01	120.0%
<b>Total Legal</b>	64,183.57	63,075.00	1,108.57	101.8%
<b>Office, Supplies, Equip</b>				
4080 · Postage	1,409.61	3,000.00	-1,590.39	47.0%
4100M10 · Printing - Admin.	5,302.43	1,260.00	4,042.43	420.8%
4140M10 · Office Equipment R&M - Admin.	4,235.27	6,000.00	-1,764.73	70.6%
4220M10 · Office Supplies -Admin.	2,449.27	1,700.00	749.27	144.1%
4230M10 · Meeting Exp. - Admin.	3,375.28	12,000.00	-8,624.72	28.1%
4320M10 · Office Rent - Admin.	17,334.80	22,000.00	-4,665.20	78.8%
4400M10 · Mileage/Exp's - Admin.	0.00	400.00	-400.00	0.0%
4410M10 · Training/Prof. Devel.	0.00	500.00	-500.00	0.0%
4520M10 · Furniture & Equip - Admin.	0.00	750.00	-750.00	0.0%
4530M10 · Comp. Sftwr & Hdwr - Admin.	2,634.95	3,515.00	-880.05	75.0%
4531M30 · Software & Hardware/Training	410.08	500.00	-89.92	82.0%
4550M10 · Document Scanning	0.00	40,000.00	-40,000.00	0.0%
<b>Total Office, Supplies, Equip</b>	37,151.69	91,625.00	-54,473.31	40.5%

**Lake Minnetonka Conservation District**  
**General Income & Expense 2023 Budget Comparison**

January through September 2023

	Jan - Sep 23	Budget	\$ Over Budget	% of Budget
<b>Personnel Expenses</b>				
4020M10 · Salaries-002 - Admin	175,101.47	246,050.00	-70,948.53	71.2%
4021M10 · ER Share of Admin FICA/Medicare	13,365.99	17,700.00	-4,334.01	75.5%
4022M10 · ER PERA - Admin	12,157.60	17,500.00	-5,342.40	69.5%
4024 · Contract Labor	38,420.00			
4380M10 · Employee Benefits - Admin.	22,868.87	33,750.00	-10,881.13	67.8%
<b>Total Personnel Expenses</b>	261,913.93	315,000.00	-53,086.07	83.1%
<b>Professional Services- ADM</b>				
4040M10 · Auditing - Admin.	14,156.00	11,500.00	2,656.00	123.1%
4180M10 · Professional Services - Admin.	10,693.14	6,000.00	4,693.14	178.2%
4181M10 · Professional Comp. Serv.-Admin.	6,309.99	2,500.00	3,809.99	252.4%
4182M10 · Media (Cable/Internet) - Admin.	4,120.00	3,500.00	620.00	117.7%
4183M10 · Prof/ Serv. - Communications	23,073.65	30,000.00	-6,926.35	76.9%
<b>Total Professional Services- ADM</b>	58,352.78	53,500.00	4,852.78	109.1%
<b>Public Education &amp; Safety</b>				
4111M10 · Public Service Education-Admin	2,517.39	2,500.00	17.39	100.7%
4160M10 · Watercraft/Vehicle Maint	21.48	750.00	-728.52	2.9%
4160M20 · Public Health/Safety- SL	59.90	0.00	59.90	100.0%
4535M10 · Public Safety - SolarLights	2,469.00	5,000.00	-2,531.00	49.4%
<b>Total Public Education &amp; Safety</b>	5,067.77	8,250.00	-3,182.23	61.4%
<b>Total Expense</b>	461,348.85	614,290.00	-152,941.15	75.1%
<b>Net Ordinary Income</b>	243.81	-38,500.00	38,743.81	-0.6%
<b>Net Income</b>	<b>243.81</b>	<b>-38,500.00</b>	<b>38,743.81</b>	<b>-0.6%</b>

**Lake Minnetonka Conservation District**  
**STL Income & Expense 2023 Budget Comparison**  
**January through September 2023**

	Jan - Sep 23	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>Contributions</b>				
3001M20 · Donations (General) - S/L	24,859.50	43,050.00	-18,190.50	57.7%
3002M20 · Donations (Photograph) - S/L	50.00			
3004M20 · Donations (Solar Light) - S/L	410.57			
3012M20 · Donations Carp Removal West Arm	50.00			
<b>Total Contributions</b>	25,370.07	43,050.00	-17,679.93	58.9%
<b>Grants &amp; Other Income</b>				
3300M20 · Other Income - S/L	0.00	750.00	-750.00	0.0%
<b>Total Grants &amp; Other Income</b>	0.00	750.00	-750.00	0.0%
3400M20 · Transfers In - S/L	0.00	42,000.00	-42,000.00	0.0%
<b>Total Income</b>	25,370.07	85,800.00	-60,429.93	29.6%
<b>Gross Profit</b>	25,370.07	85,800.00	-60,429.93	29.6%
<b>Expense</b>				
<b>Office, Supplies, Equip</b>				
4220M10 · Office Supplies -Admin.	10.67			
<b>Total Office, Supplies, Equip</b>	10.67			
<b>Office, Supplies, Equip STL</b>				
4080M20 · Postage - S/L	0.00	800.00	-800.00	0.0%
4100M20 · Printing - S/L	0.00	1,000.00	-1,000.00	0.0%
<b>Total Office, Supplies, Equip STL</b>	0.00	1,800.00	-1,800.00	0.0%
<b>Projects &amp; Activities- STL</b>				
4110M20 · Environmental- S/L	453.53			
<b>Total Projects &amp; Activities- STL</b>	453.53			
<b>Public Education &amp; Safety</b>				
4160M20 · Public Health/Safety- SL	2,234.65	84,000.00	-81,765.35	2.7%
<b>Total Public Education &amp; Safety</b>	2,234.65	84,000.00	-81,765.35	2.7%
4980M20 · Contingency - S/L	37.00			
<b>Total Expense</b>	2,735.85	85,800.00	-83,064.15	3.2%
<b>Net Ordinary Income</b>	22,634.22	0.00	22,634.22	100.0%
<b>Net Income</b>	<b>22,634.22</b>	<b>0.00</b>	<b>22,634.22</b>	<b>100.0%</b>



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: October 11, 2023 (Prepared October 05, 2023)

TO: LMCD Board of Directors

FROM: Jim Brimeyer, Interim Executive Director

SUBJECT: Organization Clarifications

ACTION \_\_\_\_\_

NONE

BACKGROUND \_\_\_\_\_

As of September 13<sup>th</sup>, we have instituted a revised organization chart.

We converted our employees from hourly to salaried positions, approved a Flex Time program and listed the expectations for each position.

After some observation, I decided to further refine those expectations.

This is being done to more clearly define the roles for staff and to give the board some assistance when making contact or asking for information/clarification on a particular item.

The revised descriptions are attached.

We can discuss at the board meeting on Wednesday.

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 \_\_\_\_\_

Employee Organization Chart



# ITEM 15A ATTACHMENT

## LMCD ORGANIZATION CHART

### BOARD

#### INTERIM EXECUTIVE DIRECTOR

#### LEGAL COUNSEL

#### PROSECUTING ATTORNEY

- Work directly with the Board and legal counsel
- Work with member cities
- Monitor and direct staff work load
- Work with water patrol
- Work with consultants and manage contracts

#### OFFICE AND FINANCE MANAGER (\$57,000.00)\*

- Office procedures, special projects, file management
- Provide direct assistance to General Manager and staff
- Record STL activity, court fines, levies, receivable collections
- Reconcile bank accounts, monthly financials, assist with budget, audit process, insurance policies, accounts payables, audit vouchers,
- Human resources, payroll, taxes, benefits
- Process contracts/agreements, events
- Maintain databases, operations calendar, logs, filing systems
- Signage, winter/summer rules, STL records and correspondence

#### DIRECTOR OF ENVIRONMENTAL SERVICES/CODE ENFORCEMENT (\$77,000.00)\*

- Variances, dock enforcement, surface water management, code compliance
- Respond, investigate alleged dock, boat violations,
- Recommend code updates in order to better understood LMCD rules,
- Direct activities of Executive Assistant for Environmental Services

#### EXECUTIVE ASSISTANT FOR ENVIRONMENTAL SERVICES and OPERATIONS (\$54,000.00)\*

- Assist with code enforcement and environmental services, (30%-40%)
- Manage special projects, public contact, office work flow, manage agenda agenda/work session prep
- Maintain the current website, manage new/renewal licenses, respond to complaints and inquiries(maintain "user guide"),
- Phone coverage, voicemail,

\*subject to three month perf evaluation, no later than 12.31.23

# ITEM 15B

**6-PACK / Exemption From WFH  
WATERCRAFT FOR HIRE, RENTAL, AND LIQUOR LICENSING**

LMCD Watercraft For Hire Workgroup (WFHW)  
6-Pack Rule / Exemption Considerations

Current Code (State Code)	Comments / Considerations	WFHW Recommendations
MN State Language: If you are carrying six or fewer passengers for hire there are no state licensing, permitting or inspection requirements – regardless of boat length.	Presumably the LMCD would not issue a license and there would be no inspection. Should LMCD require a MN State Operator permit so there is some recourse if there are continued violations?	Recommend an exemption from certain WFH Code with certain provisions
<b>NOTES:</b>		
State language is "regardless of boat length"	Consider boat length	Recommend a maximum boat length of 25 feet for exemption
Consider: No for hire passenger shall be loaded at any residential property or residential dock	Does the LMCD want to encourage any commercial activity at residential property?	Recommend no passenger for hire passenger shall be loaded at any residential property or residential dock
Consider: If watercraft is licensed for a WFH it does not qualify for the 6-pack exemption	Can an applicant be WFH one day and exempted the next?	Recommend if a watercraft is licensed for a WFH it does not qualify for the exemption
Need to add: No person shall deal in, sell, provide, load or serve alcoholic or intoxicating beverages or intoxicating substances of any kind (including marijuana) or knowingly serve any liquid for the purpose of mixing with intoxicating liquor.	I assume this would be part of the WFH Chapter 1 code listed as "exemption" but will talk to LMCD staff and attorney about where is add this code.	Required per existing code, intoxicating substances and marijuana is added
Need to add: No person shall deal in, sell, provide, or serve food of any kind.	Does providing food require other inspections	Providing food would require MN Department of Health inspection/s
Insurance Requirements	What are insurance requirements if exempted from WFH code	Recommend a requirement for insurance at some level