



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, February 22, 2023
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

PUBLIC PARTICIPATION

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

WORK SESSION AGENDA

6:00 p.m.

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

1. No Work Session- Meeting Begins at Formal Meeting

FORMAL MEETING AGENDA

7:00 p.m.

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

- 1) CALL TO ORDER**
- 2) PLEDGE OF ALLEGIANCE**
- 3) ROLL CALL**
- 4) APPROVAL OF AGENDA**
- 5) CHAIR ANNOUNCEMENTS, Acting Chair Hoelscher**
 - A) Oath of Office to Ryan Nellis (Tonka Bay), Rich Anderson (Orono), Bill Cook (Greenwood), Ann Hoelscher (Victoria), Mike Kirkwood (Minnetrista), Mark Kroll (Excelsior), Denny Newell (Woodland), Deborah Zorn (Shorewood), Jake Walesch (Deephaven)

B) Gregg Thomas Acknowledgement

6) **APPROVAL OF MINUTES** (01/25/2023 LMCD Regular Board Meeting)

7) **APPROVAL OF CONSENT AGENDA**

A) Audit of Vouchers (02/01/2023 – 02/15/2023 and 02/16/2023 – 02/28/2023)

B) Resolution Accepting Save the Lake Contributions (02/07/2023 – 02/13/27)

C) Pay Equity Report

D) Findings of Fact and Order for Denial of Commercial Multiple Dock License, Dan Gustafson, Lake Minnetonka Real Estate II, LLC; PID 11-117-23-22-0013, Outlot B Dragonfly Hill, along Shoreline Drive, Orono, 55391, Browns Bay

8) **RECOGNITIONS**

A) Save the Lake Contributions

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

10) **PRESENTATIONS**

11) **PUBLIC HEARING**

N/A

12) **OTHER BUSINESS**

13) **OLD BUSINESS**

14) **NEW BUSINESS**

A) Nomination and Election of 2023 LMCD Board Officers

B) Update Regarding Executive Director Selection Committee

15) **TREASURER REPORT**

A) January Financials - Income and Expense Reports

B) Balance Sheet

16) **EXECUTIVE DIRECTOR UPDATE**

17) **STANDING LMCD COMMITTEE UPDATE**

- Aquatic Invasive Species
- Communications

- Finance
- Nominating
- Operations
- Save the Lake

18) ADJOURNMENT

Future Items for Review – Tentative

- Code Change for Qualified Commercial Marina
- Watercraft for Hire- Additional Review of Berthing Requirements
- Deicing Operation License Eligibility Expansion Discussion

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., January 25, 2023
Wayzata City Hall

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Denny Newell, Woodland (arrived at 7:06pm); Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Joe Langel, LMCD Legal Counsel; Vickie Schleuning, Executive Director; Thomas Tully, Environmental Administrative Technician; and Maisyn Reardan, Administrative Coordinator.

Members absent: Gabriel Jabbour, Spring Park; and Mark Kroll, Excelsior.

Persons in Audience: Jim Brimeyer, Marc Simpson, Soren Mattick, William Dickel, Archelle Georgia Feldshon, David Feldshon, Dan Gustafson.

4. APPROVAL OF AGENDA

MOTION: Hoelscher moved; Cook seconded to amend the agenda to move Item 7C to be considered as 13A.

VOTE: Motion carried unanimously.

MOTION: Walesch moved; Stone seconded to approve the agenda as amended, making the change noted above.

VOTE: Motion carried unanimously.

Director Denny Newell arrived at 7:06 p.m.

5. CHAIR ANNOUNCEMENTS

Acting Chair Hoelscher commented that this is the last meeting for Schleuning who will be resigning from her position with the LMCD at the end of the month. She thanked Schleuning for her service to the LMCD and Lake Minnetonka community. She recognized the progress and leadership that Schleuning has provided in her time with the organization.

6. APPROVAL OF MINUTES- 01/11/2023 LMCD Regular Board Meeting

MOTION: Cook moved; Stone seconded to approve the 01/11/2023 LMCD Regular Board Meeting minutes

as submitted.

VOTE: Ayes (10), Abstained (2), (Brandt and Baasen). Motion carried.

Anderson asked if a member were not present but watched the video and read the minutes, would they still have to abstain.

Hoelscher stated that if a member were to watch the video, it was her understanding that they could vote.

Langel commented that while it could be done that way, most times a person would not vote on the minutes if they were not at the meeting.

7. APPROVAL OF CONSENT AGENDA

MOTION: Zorn moved; Baasen seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (01/16/2023 – 01/31/2023); **7B)** Resolution Accepting Save the Lake Contributions (01/01/2023 – 01/19/2023); **7C)** Approval of New Commercial Multiple Dock License, Dan Gustafson, Lake Minnetonka Real Estate II, LLC; PID 11 117 23 22 0013, Outlot B, Dragonfly Hill, along Shoreline Drive, Orono, 55391, Browns Bay; **7D)** LMCD Executive Director Performance Evaluation; and **7E)** LMCIT Liability Waiver Form.

VOTE: Motion carried unanimously.

8. RECOGNITIONS

A) Save the Lake Contributions

Baasen recognized recent contributions to Save the Lake.

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

There were no public comments.

10. PRESENTATIONS

There were no presentations.

11. PUBLIC HEARING

There were no public hearings.

12. OTHER BUSINESS

There was no other business.

13. OLD BUSINESS

- A) Approval of New Commercial Multiple Dock License, Dan Gustafson, Lake Minnetonka Real Estate II, LLC; PID 11-117-23-22-0013, Outlot B, Dragonfly Hill, along Shoreline Drive, Orono, 55391, Browns Bay

Schleunig stated that staff has received a few different emails in the past few days questioning the riparian rights of the parcel and therefore there are parties present tonight to speak about the riparian rights.

Hoelscher asked that speakers focus on the issue of riparian rights.

Mark Simpson, attorney representing the property owners at 1420 Shoreline Drive in Orono, stated that he would like to address the issue of riparian rights of the parcel identified at Outlot B. He stated that Outlot B is owned in fee title by the City of Orono. He reviewed the history of the outlot and when it was conveyed to the City, noting that the Duffs retained the riparian rights at that time. He stated that his clients and the City of Orono were parties of a Hennepin County District Court case that involved the riparian rights which was filed in 2017. He provided details on the District Court decision dated May 10, 2018 as well as subsequent order from the court related to the decree of descent, and probate findings. He stated that it was determined that the riparian rights were owned by the heirs of the Duffs. He stated that there is a quit claim deed from one of the children dated March 25, 2019 which provides those riparian rights to his clients. He stated that the applicant bases their riparian rights on a document dated April 12, 2021. He referenced documents provided to the LMCD which showed a date of April 7, 2021. He stated that the decree of descent was clear that the riparian rights were transferred to the three children of Ann Duff, which was subject to any prior disposition. He stated that Andrew Duff had previously disposed of his rights to the riparian rights to his clients. He stated that as of the date of the document that the applicant bases their riparian rights on, the estate had nothing to convey and therefore that document does not provide the applicant with any rights. He believed that it was clear that because the applicant does not hold riparian rights or fee title of the property, it would have no basis for pursuing the application and should therefore be denied.

Soren Mattick, representing the City of Orono, commented that the City of Orono does own the subject parcel which is clear in the report. He stated that the LMCD Code requires the property owner to consent and the City of Orono does not consent to this application. He stated that in regard to riparian rights, he agrees with the conclusions of Mr. Simpson. He stated that he handled the litigation on behalf of the City of Orono and noted that the court order does not assign or determine who has those riparian rights. He stated that during that case, the City of Orono as a property owner, also has riparian rights as the lakeshore owner. He stated that as part of the analysis, Orono would have riparian rights of its property. He stated that the City objects to this request as the property owner and a holder of riparian rights. He stated that Orono submitted a letter from Ms. Oakton with other objections related to inconsistency with zoning. He stated that the City of Orono objects as one of the holders of riparian rights and asked that the Board deny this request.

William Dickel, attorney representing the applicant, stated that riparian rights are a legal land right and as the court determined in the lawsuit, the riparian rights were still in possession of the Duffs who had passed away

and therefore the rights were part of the Ann Duff estate. He stated that the riparian rights were never transferred from Ann's estate when her will was initially submitted and therefore the legal rights were still in the possession of the estate. He stated that Ann's daughter submitted an application for special administration in the probate court and the decree stated that all riparian rights were part of the estate and the three legal heirs consented to the application for special administration. He stated that the court appointed one of the children to be the administrator of the estate, Elizabeth Duff, who then negotiated with the applicant the sale of the riparian rights. He stated that as of today, Dan Gustafson is the owner of the riparian rights. He referenced the quit claim deed signed by Andrew Duff in 2019 and recorded this last week, noting that is a conveyance of interest if there were any interest. He stated that there was no interest at that time as the rights were still part of the estate at that time.

Hoelscher referenced a letter from the Lake Minnetonka Association and its President, noting that it will become a part of the record. She asked for input from staff and legal counsel.

Langel stated that there are three attorneys present claiming different riparian rights over the parcel and provided a summary of each claim of riparian rights. He stated that there is a clear dispute over the riparian rights of the property. He stated that a threshold of the application is that the applicant must prove riparian rights and consent from the property owner. He stated that the LMCD does not have the jurisdiction to adjudicate property rights and therefore he does not see how the Board could move forward on the application with this issue looming. He stated that he would suggest a recommendation that staff prepare a motion of denial based on the disagreement of riparian rights. He noted that if the riparian rights are decided upon, and it could be demonstrated that the issue has been resolved, the application could come back for consideration.

Newell commented that he agrees with Langel.

Walesch stated that based upon the recommendation of Langel, he agrees that this is not something the LMCD can resolve as there is a clear dispute. He stated that it appears the riparian rights were sold or transferred twice.

MOTION: Walesch moved, Zorn seconded to deny the current findings of fact that approve the application and direct staff to prepare findings and order denying the application.

Further discussion: Kirkwood asked if the LMCD could ask the City of Orono to speak to their interest and intent on the lakeshore and whether it would allow a dock.

Hoelscher stated that the request has been made and it would be the decision of Orono on whether it wants to reach out and/or work with staff in the future.

Langel noted that the first part of the motion is not necessary and therefore it could simply include the second portion.

Walesch restated his motion as follows:

Walesch moved; Zorn seconded to direct staff to prepare findings and order denying the application.

Zorn confirmed her second.

VOTE: Motion carried unanimously.

B) Discussion of Proposals and Authorization of Facilitator for Board Retreat

Brimeyer stated that at the last meeting he reviewed several timelines that ran January through June. He provided a recap of that timeline. He stated that with the assistance of staff and Hoelscher, he developed an RFQ for proposals and received two responses. He highlighted the differences between the proposals and recommended the HueLife proposal.

MOTION: Anderson moved; Cook seconded to authorize staff to negotiate an agreement with HueLife for facilitation of a Board retreat with Dr. Irina Fursman as the facilitator.

Further discussion: Walesch stated that he read both proposals and believed they would both work but supports using HueLife. He suggested that there be an intro to the Carver model as that may be something the Board chooses not to pursue. He stated that he will be out of town for the second date because of spring break and asked that perhaps a different date is chosen for the second meeting.

Brimeyer asked how many members would anticipate they would not be able to attend the second date. At least four members stated they could not attend the second date. He stated that he will follow up to determine if a different date could be chosen for the second session.

Hoelscher stated that perhaps there is not even a Board meeting that week.

Newell asked if people could attend via Zoom if they were not able to attend in person.

Hoelscher stated that will be discussed later tonight.

Walesch stated that he will be in Mexico and other members may be traveling during that week as well.

Brimeyer commented that he will follow up to determine available dates HueLife would have for a second session.

Hoelscher asked and received consensus that the Board would be open to meeting outside of a regular Board meeting date to hold the second session.

Walesch noted that the Spano proposal included a forum where they would speak with each Board member for feedback, up to 30 minutes. He stated that it would be nice to have that type of contact with the Board, whether that is done via phone or written which would allow the members of the Board to provide direct input outside of the survey.

Brimeyer stated that could be built into the survey.

Newell referenced the language “strong executive role” as it was mentioned in the Carver model.

Brimeyer provided additional details on the Carver model.

Kirkwood asked for input on what the Board would be doing right and wrong in terms of policy and that model.

Brimeyer commented that he will not answer that at this time. He provided additional details on how he would expect to communicate with the Board and staff when he is out of town as well as when he returns. He commented that he will not be able to accomplish the same workload that Schleuning was. He received confirmation that the election of officers would be done at the second meeting date in February as the first meeting in February was canceled.

VOTE: Motion carried unanimously.

B) Update Regarding Board Meetings and Committee Meetings Remote Access

Schleuning stated that staff has been in discussion with the City of Wayzata as the city is planning to do updates to its Council Chambers. She stated that staff and some members of the Board met with Wayzata and LMCC staff recently to discuss potential updates that would allow remote attendance. She stated that they are still waiting to hear if Zoom could be integrated. She stated the School Board and City of Wayzata are not interested in a hybrid model and therefore if the Board were interested, the cost would fall upon the LMCD. She stated that the estimate that was provided was \$10,000. She asked if the Board were interested in moving forward on this item if it is feasible.

Kirkwood asked for details on how someone could attend remote and the obligations they would have to meet the requirements of the law.

Schleuning provided details on how a person could attend via Zoom and related requirements.

Hoelscher asked if the reason for remote attendance could be that the person is out of town.

Langel provided details on the statute language. He stated that someone could state that they are vacation.

Kirkwood stated that this would be different than the Zoom meetings they did during COVID, as there would be an obligation to open your location to the public.

Walesch asked for additional details.

Langel stated that the location has to be detailed enough that a member of the public could join the remote attendee if desired.

Walesch stated that the cost would be money well spent if it meant that people could participate remotely if desired. He asked if Baasen would utilize that option.

Baasen stated that he would have no problem disclosing the location and it would increase his attendance.

Walesch asked if every vote would need to be done via roll call if someone attended virtually.

Langel confirmed that if someone attended remotely, roll call votes would be necessary.

Zorn asked if they would be pursuing two options, the first to work with Wayzata to install equipment at this location as well as installation of the equipment at the LMCD office that was donated by Jabbour.

Hoelscher stated that those would be two separate considerations.

Zorn asked if others would be using the technology paid for by LMCD if it were installed at the City Hall.

Schleuning stated that it could be used by others.

Hoelscher asked the length of commitment with Wayzata for use of the City Hall.

Schleuning replied that the agreement is renewed annually.

Zorn asked if members of the public would be allowed to attend via Zoom.

Schleuning replied that would not be required to be offered for members of the public. She noted that they would not have the capability for that.

Newell stated that he attended the meeting with the City of Wayzata and LMCC staff. He noted that even if the Board supports this, it would take four to six months. He stated that this seems to be a seasonal need for those that spend the winter away and therefore did not see immediacy in making the decision. He stated that the cost would be \$10,000 and the LMCD would own the equipment/software. He commented that it would be clunky on both ends. He stated that perhaps if there were better Board management and less meetings, people could more easily attend, and this would not be necessary.

Kirkwood commented that he misses the people that are not there when they are not there. He stated that he values the input that those members provide, and the members owe it to their cities to attend the meetings when possible. He stated that as good as Zoom was when they were doing it, sometimes the person was simply identified by a phone number rather than video. He did not want to create an opportunity where half the Board would attend virtually.

Walesch stated that if he were on vacation, he would not choose to attend via Zoom. He stated that for the snowbirds, they have worked that out with their cities. He stated that Baasen and Jabbour have stated that

they would use this technology. He recognized that this would be cumbersome, but he would not be against it if people would use it.

Zorn commented that she would utilize it at certain times. She commented that this is a volunteer Board, and this would provide an option to meet people where they are in their life. She also recognized the value of being together. She stated that she could go either way.

Hoelscher stated that everyone got used to Zoom but it was a different way of conducting business and believed that the Board is more functional in person. She had concern with donating equipment to a space that is rented on an annual basis. She stated that perhaps the legislation and requirements will change in the future, following COVID. She stated that it sounds like more work and that it would make meetings harder to run.

Newell commented that Brimeyer participated in the meeting and the concept of a surrogate was discussed. He noted that if a city representative were going to be out of the state for an extended amount of time, the city could appoint a surrogate to act in their place.

Hoelscher confirmed that there have been surrogates on the Board in the past.

Klohs stated that efficient use of staff time should be a priority. He noted that they do not have the luxury of burdening staff.

Hoelscher stated that it seems that this topic should be tabled at this time. She noted that they could revisit this topic in the future.

Brimeyer stated that perhaps they meet with Wayzata a few more times to determine what is developed on the details and technical capacity to determine if a hybrid model could even be supported.

Schleuning stated that it would be an add on piece of equipment that could be added in the future.

Hoelscher stated that the committee meetings have been paused for the time being and they will discuss committee structure at the Board retreat. She asked if the LMCD office conference room could be setup for Zoom attendance.

Schleuning confirmed that could be done.

Hoelscher stated that Jabbour had offered to set that up and asked if staff had been in conversation with him.

Schleuning commented that she had not.

Brimeyer commented that the rotary club allows virtual attendance.

Schleuning stated that the same requirements would apply for committee meetings as Board members.

Hoelscher stated that seems to be a reasonable source of funds or donation through a Board member to setup the conference room at the LMCD office for Zoom meetings.

Anderson stated that he likes the committee structure and received confirmation that the location would need to be disclosed if attending via Zoom. He asked if work groups could function via Zoom.

Walesch stated that there needs to be discussion between committees and work groups.

Hoelscher stated that the title does not matter, the same rules would apply. She asked that topic be deferred to the retreat. She confirmed the consensus of the Board to direct staff to work to setup the allowance for Zoom attendance at the LMCD conference room. She suggested that staff first reach out to Jabbour to determine if he would still want to donate equipment.

C) Update Regarding Document Management and Public Access

Schleuning reviewed the different areas of document management that is being investigated at this time and the potential costs.

Hoelscher asked if this was meant for informational purposes.

Schleuning commented that this will be a big undertaking and she was simply passing on the information as she will not be able to get it done before she leaves.

Baasen asked if it would be possible to streamline the process and identify the length of time records are required to be kept.

Schleuning stated that some things are required to be kept permanently and, but some are not and that will be a part of the document management process.

Newell stated that this would seem to be an issue of digital versus paper-based storage and asked the ratio currently.

Schleuning stated that almost everything is in digital format since she has been at the office and there are some items that have been digitalized, but they are a long ways away from that goal.

Newell asked if the North Shore Marina issue was digital, or paper based in terms of prior records.

Schleuning commented that some of that was paper based.

Newell stated that it would then appear that the organization is mostly paper based and therefore the individual documents would need to be scanned into a system.

Schleuning confirmed that to be true. She estimated a cost of at least \$50,000.

Anderson commented that he experienced a fire that caused document loss and therefore believes that this is something that should be prioritized.

Hoelscher stated that this has been put on the radar and will come back in the next few months for additional consideration. She recognized that it would be a progressive undertaking.

14. NEW BUSINESS

A) Authorization to Enter Agreement for Website Maintenance Services

Schleuning stated that she was asked to identify tasks that could be moved off the plate of staff. She commented that certain things need to be done, which she typically completed outside of her normal work during the day, and there will not be sufficient staff available to do that. She stated that this vendor has a good technical background and has provided the quote for services.

Hoelscher asked who would collaborate with the vendor.

Schleuning commented that she will be working to assign tasks to the available LMCD staff before she leaves.

MOTION: Newell moved; Cook seconded to authorize staff to enter into an agreement with Brandography to provide backend maintenance of the website.

VOTE: Motion carried unanimously.

B) Authorization to Enter Agreement for Computer and Network Technology Services

Schleuning stated that over the years the requirements for cyber security have increased. She provided details on the proposal and recommended that the Board accept the proposal from My Computer Hero with block hours which would have a cost of \$480 per month. She noted that after the security risk is completed, there could be additional consideration.

Newell asked how vulnerable the organization is and whether other similar agencies have had issues.

Schleuning stated that smaller law firms have had issues with ransomware.

Baasen left meeting at 9:48 p.m.

MOTION: Walesch moved; Kirkwood seconded to authorize staff to enter into an agreement with My Computer Hero to provide computer and network technology maintenance services with block hours and further analysis of needs.

VOTE: Motion carried unanimously.

C) Draft Updated Data Practices Policy for Public

Schleuning commented on the data requests that the LMCD receives. She stated that the organization would benefit from some changes to its policy. She stated that an updated draft of the policy was presented in the packet and recommended adoption of the policy tonight. She noted that this would make for more efficient and effective processing of data requests and would also be compliant with state law.

Walesch stated that he read the policy and if staff and legal counsel agree, he would agree as well. He noted a few grammatical issues that he could send to staff.

MOTION: Walesch moved; Stone seconded to approve the updated data practices policy for the public as presented.

VOTE: Motion carried unanimously.

15. TREASURER REPORT

Anderson stated that the year-end P & L was sent tonight before the meeting but noted that he still needs to review that information. He demanded that the P & L be received each month so that he can review that and provide a report. He stated that if it is decided that monthly reporting is not necessary, the bylaws should be amended to require the report quarterly.

Cook commented that he believes there should be a monthly P & L as that is what he was used to. He noted that commentary is not required each month, but the P & L should be updated each month and people would be provided the opportunity to ask questions which would fulfil the requirement.

Schleuning stated that in the past they did the monthly P & L, but the Board requested that not to be done. She stated that they often do not receive the information from vendors until the end of January or even February. She stated that the P & L reports could be provided monthly.

Hoelscher stated that the Treasurer wants that report, so it should be provided monthly.

16. EXECUTIVE DIRECTOR UPDATE

Schleuning thanked everyone for the time they have spent working together. She commented that a lot of progress has been made and recognized that it is not easy to be on the Board. She wished everyone well.

17. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: No report.

Communications: Hoelscher stated that the group has not met. She stated that she and Klohs had a call with the consultant today related to the spring publication related to the distance from shore changes and educational materials.

Kirkwood commented that he really enjoyed the new newsletter that was sent out.

Schleunig stated that staff collaborated with the consultant to develop the template and new format. She noted that good feedback was also received from the Communications Committee. She noted that staff has received positive feedback.

Hoelscher agreed that it was a big improvement.

Finance: Anderson commented that the group has not met. He stated that he met with the auditor via Zoom, along with Hoelscher, Cook and staff. He noted that a meeting has been scheduled with the auditor on March 23rd.

Nominations: Zorn stated that the timeline was pushed into February, and they will work with staff to distribute the updated timeline. She stated that February 3rd is the new deadline for self-nominations.

Operations: No report.

Save the Lake: Newell thanked recent donors.

18. ADJOURNMENT

Being there is no further business, the meeting was adjourned at 8:58 p.m.

Ann Hoelscher, Acting Chair

Dan Baasen, Secretary

9:21 AM
02/02/23

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

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
02/09/2023	EFT-23-7	ADP Service Fee		Alerus Checking		
			Payroll 2/1/23 - 2/15/23	4180M10 · Professional Services - ...	Admin.	-89.62
TOTAL						-89.62
02/09/2023	EFT-23-8	ADP Service Fee		Alerus Checking		
			Adjust Payroll 1/31/22	4180M10 · Professional Services - ...	Admin.	-137.62
TOTAL						-137.62
02/15/2023	EFT-23-9	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-22,149.20
			P.E.R.A	2020 · Payroll Liabilities -	Admin.	928.66
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-497.50
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FIC...	Admin.	1,441.43
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	27.12
			Brimeyer 1/8/23 - 1/31/23	4024 · Contract Labor	Admin.	-3,280.00
TOTAL						-23,529.49
02/15/2023	EFT-23-10	ADP Service Fee		Alerus Checking		
			W-2's & Year End Reports	4180M10 · Professional Services - ...	Admin.	-101.40
TOTAL						-101.40
02/15/2023	EFT-23-11	P.E.R.A		Alerus Checking		
			Payroll 2/1/23 - 2/15/23	2020 · Payroll Liabilities -	Admin.	-928.68
TOTAL						-928.68
02/09/2023	EFT-23-12	Unum Life Insurance		Alerus Checking		
			Long Term Disability - February 2023	2020-LT · Payroll Liabilities - UNUM	Admin.	-169.92
TOTAL						-169.92
02/09/2023	EFT-23-13	WEX Health, Inc.		Alerus Checking		
			HSA Contribution February 2023 (Schleuning)-CR to follow	4380M10 · Employee Benefits - Ad...	Admin.	-125.00
			HSA Contribution February 2023 (Tully)	4380M10 · Employee Benefits - Ad...	Admin.	-125.00
			HSA Contribution February 2023 (Duncan)	4380M10 · Employee Benefits - Ad...	Admin.	-125.00
TOTAL						-375.00

9:21 AM
02/02/23

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

Date	Num	Name	Memo	Account	Class	Paid Amount
02/09/2023	22293	Brandography		Alerus Checking		
01/31/2023	Inv.#6013		Annual Website Maintenance	4070M10 · Webpage & Digital	Admin.	-3,500.00
TOTAL						-3,500.00
02/09/2023	22294	NCPERS Group Life Insurance		Alerus Checking		
01/01/2023	February 2023		Life Insurance, February 2023	4380M10 · Employee Benefits - Ad...	Admin.	-48.00
TOTAL						-48.00
02/09/2023	22295	Ratwik, Roszak & Maloney, P.A.		Alerus Checking		
12/31/2022	December, 2022		Civil Legal Fees, December 2022	4620M10 · Civil Legal Fees - Admin.	Admin.	-776.00
TOTAL						-776.00
02/09/2023	22296	Minnesota Trophies		Alerus Checking		
01/25/2023	48.12		Name Plate for Joseph Langel, Maisyn Reardan, Jim Brimeyer	4230M10 · Meeting Exp. - Admin.	Admin.	-48.12
TOTAL						-48.12
02/09/2023	22297	Lynette M. Rohde Bookkeeping		Alerus Checking		
01/25/2023	Inv.#2023-008		Bookkeeping Services 1/23/2023	4180M10 · Professional Services - ...	Admin.	-161.00
TOTAL						-161.00
02/09/2023	22298	LMCC		Alerus Checking		
01/26/2023	Inv.#1529, 1513,1514		VOD Services for Meeting 1/25/2023 VOD Services for Meetings 10/26/22 and 11/9/22	4182M10 · Media (Cable/Internet) - ... 4182M10 · Media (Cable/Internet) - ...	Admin. Admin.	-200.00 -200.00
TOTAL						-400.00
02/09/2023	22299	DVS Renewal		Alerus Checking		
11/01/2022	2007 Midi Trl		Tabs for 2007 Midi Trl	4099M10 · DMV Admin	Admin.	-20.25
TOTAL						-20.25
02/09/2023	22300	Chuck Struck		Alerus Checking		
01/30/2023	Inv.#INV0035		Board Meeting 1/25/23	4182M10 · Media (Cable/Internet) - ...	Admin.	-90.00
TOTAL						-90.00

9:21 AM
02/02/23

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

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Paid Amount</u>
02/09/2023	22301	AIS Advanced Imaging Solutions		Alerus Checking		
01/27/2023	Inv.#492967856		Copier Contract 1/20/23 - 2/20/23	4140M10 · Office Equipment R&M -...	Admin.	-447.95
TOTAL						-447.95

10:20 AM
02/15/23

Lake Minnetonka Conservation District
Check Detail
February 16 - 28, 2023

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
02/22/2023		US Bank		Alerus Checking		
				1087M10 · US Bank (Credit Card)	Admin.	-1,338.49
TOTAL						-1,338.49
02/28/2023	EFT-23-14	ADP Service Fee		Alerus Checking		
			Payroll 2/28/23	4180M10 · Professional Service...	Admin.	-89.62
TOTAL						-89.62
02/23/2023	EFT-23-15	Health Partners		Alerus Checking		
			February Dental Insurance (Schleuning)	4380M10 · Employee Benefits - ...	Admin.	-60.91
			February Dental Insurance (Duncan)	4380M10 · Employee Benefits - ...	Admin.	-60.91
			February Dental Insurance (Tully)	4380M10 · Employee Benefits - ...	Admin.	-60.91
TOTAL						-182.73
02/23/2023	EFT-23-16	WEX Health, Inc. Service Fee		Alerus Checking		
			HSA Svc Fee February 2022 (Schleuning)	4380M10 · Employee Benefits - ...	Admin.	-2.75
			HSA Svc Fee February 2022 (Tully)	4380M10 · Employee Benefits - ...	Admin.	-2.75
			HSA Svc Fee February 2022 (Duncan)	4380M10 · Employee Benefits - ...	Admin.	-2.75
TOTAL						-8.25
02/23/2023	EFT-23-17	Medica		Alerus Checking		
			Health Insurance, February 2023 (Vickie Schleuning)	4380M10 · Employee Benefits - ...	Admin.	-757.58
			Health Insurance, February 2023 (Tammy Duncan)	4380M10 · Employee Benefits - ...	Admin.	-757.58
			Health Insurance, February 2023 (Thomas Tully)	4380M10 · Employee Benefits - ...	Admin.	-757.58
TOTAL						-2,272.74

10:20 AM
02/15/23

Lake Minnetonka Conservation District
Check Detail
February 16 - 28, 2023

Date	Num	Name	Memo	Account	Class	Paid Amount
02/28/2023	EFT-23-18	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-6,793.81
			P.E.R.A	2020 · Payroll Liabilities -	Admin.	947.30
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-507.48
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin F...	Admin.	517.66
			Long Term Disability	2020-LT · Payroll Liabilities - UN...	Admin.	27.12
			Brimeyer 2/1/23 - 2/14/23	4024 · Contract Labor	Admin.	-1,260.00
				*Uncategorized Expenses	Admin.	-1,035.32
TOTAL						-8,104.53
02/23/2023	EFT-23-19	P.E.R.A		Alerus Checking		
			Payroll 2/16/23 - 2/28/23	2020 · Payroll Liabilities -	Admin.	-944.06
TOTAL						-944.06
02/23/2023	22302	Goff Public		Alerus Checking		
01/31/2023	Inv.#18391		Public Relations, Newsletter web version, winter rules...	4183M10 · Prof/ Serv. - Commu...	Admin.	-4,353.75
TOTAL						-4,353.75
02/23/2023	22303	Innovative Office Solutions LLC		Alerus Checking		
02/02/2023	Inv.#INV408...		Copy Paper	4220M10 · Office Supplies -Adm...	Admin.	-36.99
TOTAL						-36.99
02/23/2023	22304	City of Mound		Alerus Checking		
02/02/2023	March 2023		Rent, March 2023	4320M10 · Office Rent - Admin.	Admin.	-1,733.48
TOTAL						-1,733.48
02/23/2023	22305	Steven M. Tallen Attorney At Law		Alerus Checking		
02/01/2023	January 2023		Prosecution Cost January 2023	4640M10 · Prosecution Legal Fe...	Admin.	-4,673.09
TOTAL						-4,673.09

10:20 AM
02/15/23

Lake Minnetonka Conservation District
Check Detail
February 16 - 28, 2023

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Paid Amount</u>
02/23/2023	22306	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
02/01/2023	Inv.#M27946		Board Minutes 1/11/23 and 1/25/23	4230M10 · Meeting Exp. - Admin.	Admin.	-611.00
TOTAL						-611.00
02/23/2023	22307	Sta-Safe Locksmiths		Alerus Checking		
02/01/2023	Inv.#0007957		Open and adjust Tech Office Door	4220M10 · Office Supplies -Adm...	Admin.	-104.00
TOTAL						-104.00

ITEM 7B



RESOLUTION 250

A RESOLUTION ACCEPTING CONTRIBUTION(S) TO THE LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

WHEREAS, the LMCD is a regional government agency established by Minnesota Statutes Section 103B.605, Subd. 1; and

WHEREAS, contributions to the LMCD "Save the Lake" fund are generally tax deductible to individuals under the IRS Code 26 USC Section 170 (b)(1)(a) because contributions to any political subdivision of any state for exclusively public purposes are deductible; and

WHEREAS, municipalities are generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its stakeholders, and is specifically authorized to accept gifts; and

WHEREAS, LMCD wishes to follow similar requirements as established for municipalities for accepting donations; and

WHEREAS, the attached listed person(s) and entity(ies) have offered to contribute the cash amount(s) set forth with any terms or conditions as outlined in Attachment I to the LMCD; and

WHEREAS, such contribution(s) have been contributed to the LMCD for the benefit of the public, as allowed by law; and

WHEREAS, the LMCD Board of Directors finds that it is appropriate to accept the contribution(s) offered.

NOW THEREFORE, BE IT RESOLVED BY THE LMCD BOARD, STATE OF MINNESOTA AS FOLLOWS:

1. The contribution(s) described with Attachment I is/are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.

RESOLUTION #250

Page 2

2. The executive director is hereby directed to issue receipt(s) acknowledging the LMCD's receipt of the contributor's contribution(s).

Adopted by the Board this 22nd day of February 2023.

ATTEST:

Ann Hoelscher, Acting Chair

Dan Baasen, Secretary

**Lake Minnetonka Conservation District
Transaction Detail By Account
February 7 - 13, 2023**

Resolution #250 - Save the Lake Contributions

Date	Num	Name	Memo	Amount
Contributions				
3001M20 · Donations (General) - S/L				
02/07/2023	9363	Max or Sheryl Daubenberger	STL Donation (In Memory of Bill Weeks)	25.00
02/07/2023	13085931	Thuening Family Fund	STL Donation (In Memory of Bill Weeks)	200.00
02/07/2023	13559	James & Corrine Beck	STL Donation (In Memory of Bill Weeks)	100.00
02/07/2023	6122	Thomas Brossard	STL Donation (General)	100.00
02/07/2023	13095364	Mr. & Mrs. Getchell	STL Donation (General)	250.00
02/07/2023	38934319	Jim Gray	STL Donation (General)	250.00
02/07/2023	4856	Fred Badiyan	STL Donation (General)	50.00
02/07/2023	2511	Gregg Thomas & Carol Downie	STL Donation (General)	500.00
02/07/2023	10958	Jack & Gretchen Norqual	STL Donation (General)	500.00
02/07/2023	16313	Bonnie Engler	STL Donation (General)	100.00
02/07/2023	14774	Henri & Marjorie Heystek	STL Donation (General)	100.00
02/07/2023	1658	Chris Dennis, Lakes Area Realty	STL Donation (General)	500.00
02/07/2023	17897	Sharon Corl	STL Donation (General)	50.00
02/07/2023	6511	Dimitrios & Jennifer Smyrnios	STL Donation (General)	500.00
02/07/2023	9043	Dock & Lift, Inc	STL Donation (General)	2,500.00
02/07/2023	PayPal	Pricilla Diethelm	Transfer from PayPal (50.00) (In Memory of Bill Weeks)	48.06
02/07/2023	PayPal	Robert Dillon	Transfer from PayPal (100.00)	96.62
02/07/2023	PayPal	Stephen Bakke	Transfer from PayPal (50.00)	48.06
Total 3001M20 · Donations (General) - S/L				5,917.74



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: February 22, 2023
TO: LMCD Board of Directors
FROM: Jim Brimeyer, Interim Executive Director
SUBJECT: Approval of 2023 Draft Pay Equity Report

STAFF RECOMMENDED ACTION

Consider approval of the Lake Minnetonka Conservation District's Draft 2023 Pay Equity Report as presented or amended.

BACKGROUND

The Local Government Pay Equity Act (Act), M.S. 471.991-471.999 and Minnesota Rules Chapter 3920 require local government jurisdictions to submit a Pay Equity Report to the State of Minnesota every three years. The previous Lake Minnetonka Conservation District (LMCD) Pay Equity Reports were approved by the Board and submitted to the State in 2020 and 2017. Both reports indicated compliance with the Act. State law requires the Report to be approved by the governing body. A copy of the prepared Pay Equity Report and Public Notice is attached for Board review.

What does Pay Equity mean? "Pay Equity is a method of eliminating discrimination against women who are paid less than men for jobs requiring comparable levels of expertise. This goes beyond the familiar idea of equal pay for equal work where men and women with the same jobs must be paid equally. A policy to establish pay equity usually means: 1) that all jobs will be evaluated and given points according to the level of knowledge and responsibility required to do the job; and 2) that salary adjustments will be made if it is discovered that women are consistently paid less than men for jobs with similar points." ¹ <https://mn.gov/mmb/employee-relations/compensation/laws/local-gov/local-gov-pay-equity/>

REPORT/DUE DATE (January 31, 2023)

Staff confirmed the Report is to document the approved classes (positions) in existence as of the end of the prior year. The point scale for each class is chosen by staff from a State provided Job Match Evaluation system. Because the LMCD has three or fewer male classes, an alternative analysis test and not a statistical analysis test will be used to compare the salaries.

If the report is not submitted by January 31, 2023, the LMCD will be considered out of compliance. After the report is submitted, the State of Minnesota will notify the LMCD whether the status is "in compliance" or "out of compliance". Any additional notifications of non-compliance could result in penalties.

ATTACHMENT – Draft 2023 Pay Equity Report

www.lmcd.org • lmcd@lmcd.org

To preserve and enhance the "Lake Minnetonka experience"

Posting date: February 23, 2023

Jurisdiction Name: Lake Minnetonka Conservation District



NOTICE

2023 Pay Equity Report

This jurisdiction is submitting a pay equity implementation report to Minnesota Management & Budget as required by the Local Government Pay Equity Act, Minnesota Statutes 471.991 to 471.999. The report must be submitted to the department by January 31, 2023.

The report is public data under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13. That means that the report is available to anyone requesting this information.

This notice is being sent to all union representatives (if any) in this jurisdiction. In addition, this notice must remain posted in a prominent location for at least 90 days from the date the report was submitted.

For more information about this jurisdiction's pay equity program, or to request a copy of the implementation report, please contact:

James Brimeyer, Interim Executive Director

Lake Minnetonka Conservation District

5341 Maywood Road, Suite 200
Mound, MN 55364
952-745-0789 (Office)
www.lmcd@lmcd.org (Website)
lmcd@lmcd.org (Email)

For more information about the state pay equity law, you may contact the Pay Equity Office at:

pay.equity@state.mn.us

Pay Equity Office
Minnesota Management & Budget
400 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Minnesota Pay Equity Management System - Lake Minnetonka SWCD(23-Submitted) [Click for ADA Version](#)

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[-->Enter Jobs](#)

ID: 1236 SWCD - Soil
Jurisdiction and Water
Type: Conservation
District

Contact List

Name: Lake Minnetonka SWCD
Address 1: 5341 Maywood Road, Suite 200
Address 2:
City: Mound
State: MN
Zipcode: 55364
Main Phone: 952-745-0789
Fax: 952-745-9085
Next Report Year: 2023

<u>Name</u>	<u>Title</u>	<u>Primary Contact</u>	<u>Email</u>	<u>Phone</u>	<u>Edit</u>	<u>Delete</u>
James Brimeyer	Interim Executive Di	<input type="checkbox"/>	jbrimeyer@lmcd.org	952-745-0789	Edit	Delete
Tammy Duncan	Admin Assist	<input checked="" type="checkbox"/>	lmcd@lmcd.org	952-745-0789	Edit	Delete
						Add

Follow Up Type: Value Not Set
Follow Up Date: Value Not Set

[Modify Jurisdiction](#)

We have worked to ensure this product is accessible and compliant with the standard WCAG 2.0 level AA. We have tested accessibility using the JAWS software from Freedom Scientific. We found it to work correctly for us. If you find errors in accessibility, please let us know at pay.equity@state.mn.us so that we can follow up. Thank you.

Minnesota Pay Equity Management System - Lake Minnetonka SWCD(23-Submitted) [Click for ADA Version](#)

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[Log Out](#)

[<--Jurisdiction Info](#)

[See Results-->](#)

Jurisdiction: ID # 1236 - Lake Minnetonka SWCD

Number of cases found: 8

View/Add	Export	Report Year	Case ID	Case Description	Case Status	Edit	Delete	Revert
View Jobs	Export Jobs	1999	1	1999 DATA	In Compliance			
View Jobs	Export Jobs	2003	2	2003 DATA	In Compliance			
View Jobs	Export Jobs	2008	3	2008 DATA	In Compliance			
View Jobs	Export Jobs	2011	1	2011 DATA	In Compliance			
View Jobs	Export Jobs	2014	1	2013 DATA	In Compliance			
View Jobs	Export Jobs	2017	1	2016 DATA	In Compliance			
View Jobs	Export Jobs	2020	1	2019 DATA	In Compliance			
View Jobs	Export Jobs	2023	1	2022 DATA	Submitted			
Add New Case								

Jurisdiction # 1236 - Lake Minnetonka SWCD || Report Year 2023 || Case # 1 - 2022 DATA

Number of jobs in this case: 4

Job Nbr	Title	Males	Females	Non-Binary	Points	Min Sal	Max Sal	Yrs To Max	Yrs Srv	Exceptional Srv
7	Administrative Coordinator	0	1	0	102	3639.00	3639.00	1.00	0.50	
1	Administrative Assistant	0	1	0	203	3873.00	3873.00	0.00	11.17	
2	Administrative Technician	1	0	0	275	5196.00	5196.00	1.00	0.92	
6	Executive Director	0	1	0	483	8630.00	8630.00	0.00	6.00	

We have worked to ensure this product is accessible and compliant with the standard WCAG 2.0 level AA. We have tested accessibility using the JAWS software from Freedom Scientific. We found it to work correctly for us. If you find errors in accessibility, please let us know at pay.equity@state.mn.us so that we can follow up. Thank you.

Compliance Report

Jurisdiction: Lake Minnetonka SWCD
5341 Maywood Road, Suite 200

Report Year: 2023
Case: 1 - 2022 DATA (Submitted)

Mound, MN 55364

Contact: Tammy Duncan

Phone: (952) 745-0789

E-Mail: lmcd@lmcd.org

The statistical analysis, salary range and exceptional service pay test results are shown below. Part I is general information from your pay equity report data. Parts II, III and IV give you the test results.

For more detail on each test, refer to the Guide to Pay Equity Compliance and Computer Reports.

I. GENERAL JOB CLASS INFORMATION

	Male Classes	Female Classes	Balanced Classes	All Job Classes
# Job Classes	1	3	0	4
# Employees	1	3	0	4
Avg. Max Monthly Pay per employee	5196.00	5380.67		5334.50

II. STATISTICAL ANALYSIS TEST

A. Underpayment Ratio = 0 *

	Male Classes	Female Classes
a. # At or above Predicted Pay	1	3
b. # Below Predicted Pay	0	0
c. TOTAL	1	3
d. % Below Predicted Pay (b divided by c = d)	0.00	0.00

*(Result is % of male classes below predicted pay divided by % of female classes below predicted pay.)

B. T-test Results

Degrees of Freedom (DF) = 2	Value of T = 0.000
-----------------------------	--------------------

a. Avg. diff. in pay from predicted pay for male jobs = 0

b. Avg. diff. in pay from predicted pay for female jobs = 0

III. SALARY RANGE TEST = 100.00 (Result is A divided by B)

A. Avg. # of years to max salary for male jobs = 1.00

B. Avg. # of years to max salary for female jobs = 1.00

IV. EXCEPTIONAL SERVICE PAY TEST = 0.00 (Result is B divided by A)

A. % of male classes receiving ESP = 0.00 *

B. % of female classes receiving ESP = 0.00

*(If 20% or less, test result will be 0.00)



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: February 22, 2023 (Prepared February 15, 2023)
TO: LMCD Board of Directors
FROM: Thomas Tully, Environmental Administrative Technician
CC: Jim Brimeyer, Interim Director

SUBJECT: New Commercial Multiple Dock License, PID 11-117-23-22-0013 Outlot B, Dragonfly Hill, along Shoreline Drive, Browns Bay, Orono, MN 55331

ACTION

Board approval of Findings of Fact and Order for denial of the new commercial multiple dock license application for Dan Gustafson, on behalf of Lake Minnetonka Real Estate II LLC, for the property located at Outlot B, Dragonfly Hill on Browns Bay in the City of Orono (PID 11-117-23-22-0013).

BACKGROUND

The LMCD held a public hearing on January 11, 2023 to consider the application of Dan Gustafson ("Applicant") for a new commercial multiple dock license for the property located at Outlot B, Dragonfly Hill on Browns Bay in the City of Orono (PID 11-117-23-22-0013).

On January 11, 2023, the LMCD Board voted to have legal counsel and staff draft Findings of Fact and Order for approval of the new commercial multiple dock request with conditions. To be brought back for final approval the January 25, 2023 Board meeting.

Additional comments were received prior to and at the Board meeting on January 25, 2023. The final approval was removed from the consent agenda and the new information was presented at the January 25, 2022 Board meeting.

On January 25, 2023 the LMCD Board voted to have legal counsel and staff draft Findings of Fact and Order for denial of the new commercial multiple dock request. The Findings of Fact and Order is attached.

BUDGET

N/A

STRATEGIC PRIORITIES

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

ATTACHMENTS

- 1. Findings of Fact and Order
2. Proposed Site Plan
3. Board Memo of January 11, 2023, without attachments

Type: Denial – Commercial Multiple Dock License
Date: February 22, 2023
Applicant: Daniel G. Gustafson
Lake Minnetonka Real Estate II LLC
Site PID: 11-117-23-22-0013
Address: Outlot B, Dragonfly Hill, along Shoreline Drive, Browns Bay, Orono, MN 55331

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

IN RE:

Application of Daniel G. Gustafson, Lake Minnetonka Real Estate II, LLC, for a Commercial Multiple Dock License for Property Located in the City of Orono

**FINDINGS OF FACT
AND ORDER**

The Lake Minnetonka Conservation District (“LMCD”) received an application from Daniel G. Gustafson, Lake Minnetonka Real Estate II, LLC (“Applicant”) for a commercial multiple dock license for the property (PID 11-117-23-22-0013), Outlot B Dragonfly Hill, along Shoreline Drive, described in EXHIBIT A (“Subject Property”). Fee title to the Subject Property is owned by the City of Orono. The Applicant provided information indicating ownership of all riparian rights. The Applicant requests a new commercial multiple dock license in order to store nine watercraft at the site. The LMCD Board of Directors (“Board”) held a public hearing, after due notice having been provided, on the requested commercial multiple dock license on January 11, 2023. The hearing was originally scheduled for August 24, 2022, but was continued to January 11, 2023, per request of the Applicant. Additional comments were received at the Board meeting on January 25, 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

- a. In 2019, the Legislature reduced the LMCD’s authority for land-based activities at commercial marinas, as reflected in Minn. Stat. § 103B.611, subd. 3(a)(8). The proposed structure would constitute a commercial marina and is across the street from a residential house and is north of an existing commercial multiple dock and is not anticipated to impact current adjacent dock structures. However, given that the proposed structure is adjacent to a heavily traveled County road and the narrow property has no space for parking, safety and parking may be an issue with this location. But, after the 2019 legislative changes, such “land-based marina activities” are not subject to the LMCD’s authority.

- b. The Subject Property is located in the City of Orono, on Browns Bay, which is part of Lake Minnetonka (“Lake”) and includes approximately 428 feet of 929.4 feet OHW shoreline.
- c. The Applicant proposes to install nine boat storage units (“BSUs”) for rent to the public. Each of the nine BSUs would measure 18 feet wide by 48 feet long, with walkways six feet in width.
- d. Storage of five or more watercraft at a site requires a multiple dock license. Applicant proposes to install a seasonal or permanent dock and would be eligible for a deicing license per Section 10-3.03(a) of the LMCD Code of Ordinances (“Code”).
- e. Based on the approximately 428 feet of shoreline, the Subject Property’s BSU density is 1:50.
- f. The dock structure proposed by the Applicant is shown on the site plan attached hereto as Exhibit B (“Proposed Site Plan”).
- g. The proposed dock structure would extend approximately 90 feet into the Lake from the 929.4 OHW.
- h. The layout of the proposed dock structure is approximately 19,950 square feet for combined structures, boat storage, and navigation area, which is below the 20,000 square feet at which a mandatory environmental assessment worksheet (“EAW”) is required. The Board finds no reason to require a discretionary EAW in this case.
- i. Additional information regarding this matter is provided in the LMCD staff report related to this application dated January 11, 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.
- j. An application for a commercial multiple dock is processed and acted on in accordance with Section 6-2.01 of the Code.
- k. The LCMD received no comments on the application from the Minnesota Department of Natural Resources (“MN DNR”) or the Minnehaha Creek Watershed District (“MCWD”).
- l. The City of Orono opposed the application and refused to consent, as fee owner, to the proposed commercial marina. The City stated that a commercial marina is not an allowed use under the current zoning; parking requirements cannot be met; the proposed use is too intense; no vegetation removal was approved on land; and the proposed use is a safety hazard.
- m. The Hennepin County Transportation Department opposes the application because of the lack of parking and likely traffic problems. The County indicated that it would not permit any construction in the County’s right-of-way or any stairway that crosses the right-of-way to the proposed dock. Further the County stated that half of the gravel parking area north of

the site is County right-of-way, half of which is for limited parking and the other half is reserved for City of Orono emergency vehicles.

- n. David Feldshon and his wife Archelle Georgiou Feldshon, 1420 Shoreline Drive, Wayzata, objected to the application because of the lack of parking or sidewalk access and existing heavy traffic, which pose significant safety concerns. They further indicated that the riparian rights were intended for residential use. Their attorney further indicated that the City of Orono did not consent; the application is not consistent with City zoning; there is insufficient road access and parking; the proposed use is inconsistent with the Feldson's residential use across the road; and the Feldson's believe that they own part or all of the riparian rights.
- o. Al and Theresa Lampe, 1395 Orono Lane, Orono, opposed the application on safety grounds due to increased boat activity, the high traffic volume on the County road, and lack of parking.
- p. Bob and Keri Ganz, 1432 Shoreline Drive, Orono, opposed the application on safety grounds due to heavy traffic on the County road with its dangerously narrow shoulders.
- q. Kim Brown, 1300 Shoreline Drive, Orono, opposed the application because boat traffic is an issue, there are no bathrooms or attendant on site, there are parking concerns and safety hazards because of the County road.
- r. The proposed dock structure complies with the Code including Code Section 2-3.01 and 2-3.03 (regarding authorized dock use area), and otherwise does not require the issuance of any variances.
- s. As required by Code Section 6-2.01, the Board considered the applicable criteria in Code Section 6-2.01, Subd. 3 and determines the requested commercial multiple dock license is consistent with the criteria to the extent said criteria are relevant under Minn. Stat. § 103B.611, subd. 3(8). Specifically, the Board finds that the proposed structure:
 - i. Meets density requirements.
 - ii. Meets setback and length requirements.
 - iii. Will be structurally safe, if installed as required.
 - iv. Will generally comply with LMCD regulations.
 - v. Will not create an unsafe volume of traffic in the vicinity.
 - vi. Will be generally compatible with the maintenance of the Lake.
 - vii. Will not significantly affect Lake water quality.
 - viii. Will serve the general public.
- t. Additional Information regarding conflicting ownership of the riparian rights associated with for the property (PID 11-117-23-22-0013), Outlot B Dragonfly Hill, along Shoreline Drive was received by LMCD Staff prior to the January 25, 2023 Board meeting. The proposal was therefor pulled from the consent agenda and moved to Item 13A to allow for the new

information to be presented before the Board. The new information was posed in an amended Board packet and posted online and presented thereon at the meeting.

- u. Mark Simpson, attorney representing the property owners at 1420 Shoreline Drive in Orono, addressed the issue of riparian rights of the Subject Property, stating that Decree of Descent provided by the applicant shows that the Estate of Anne B. Duff had no riparian rights to convey to the applicant, and therefore the applicant has no ownership rights on which to base the multiple dock license application. Mr. Simpson further asserted that his clients own at least part of the riparian rights to the Subject Property and do not consent to the proposed use.
- v. Soren Mattick, representing the City of Orono, stated that the City owns the Subject Property, does not consent to the proposed use as the fee owner, and agrees with the arguments made by Mr. Simpson. Mr. Mattick further stated that as the fee owner of the Subject Property, the City also has riparian rights and, as a riparian rights owner, does not consent to the proposed use.
- w. William Dickel, attorney representing the applicant, stated that the Estate of Ann B. Duff owned the riparian rights to the Subject Property; Elizabeth Duff was duly appointed special administrator of the Estate; and Ms. Duff was authorized to quit claim the riparian rights to the applicant. The applicant, therefore, does have the requisite riparian rights to apply for the multiple dock license. Mr. Dickel further stated that the quit claim deed from Andrew Duff to Feldshon conveyed nothing, as Mr. Duff had no rights to convey.
- x. Ownership of the riparian rights to the Subject Property are in dispute.
- y. The LMCD has no jurisdiction over riparian rights disputes and cannot resolve a legal dispute over whether an applicant has authority to submit an application for a multiple dock license.
- z. The Lake Minnetonka Association sent a letter to the LMCD, which was read into the record.
- aa. Due to the nature of the conflicting arguments regarding ownership of the riparian rights of the Subject Property, the LMCD staff and legal counsel recommended denial of the request. It was suggested that those parties who claim ownership in the Subject Property resolve the ownership issue by whatever means necessary before a new multiple dock license application is submitted.

ORDER

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

1. Denial. The Applicant's Request for a commercial multiple dock license for a total of nine BSUs as shown on the Site Plan attached hereto as Exhibit B, is hereby denied.
2. Authorizations. The LMCD staff is authorized and directed to provide a copy of this Order to the Applicant.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation District this 22nd day of February 2023.

Ann Hoelscher, Acting Chair

ATTEST:

Dan Baasen, Secretary

DRAFT

EXHIBIT A

Subject Property

Outlot B, Dragonfly Hill, according to the recorded plat thereof on file and of record in the office of the Hennepin County Recorder, State of Minnesota.

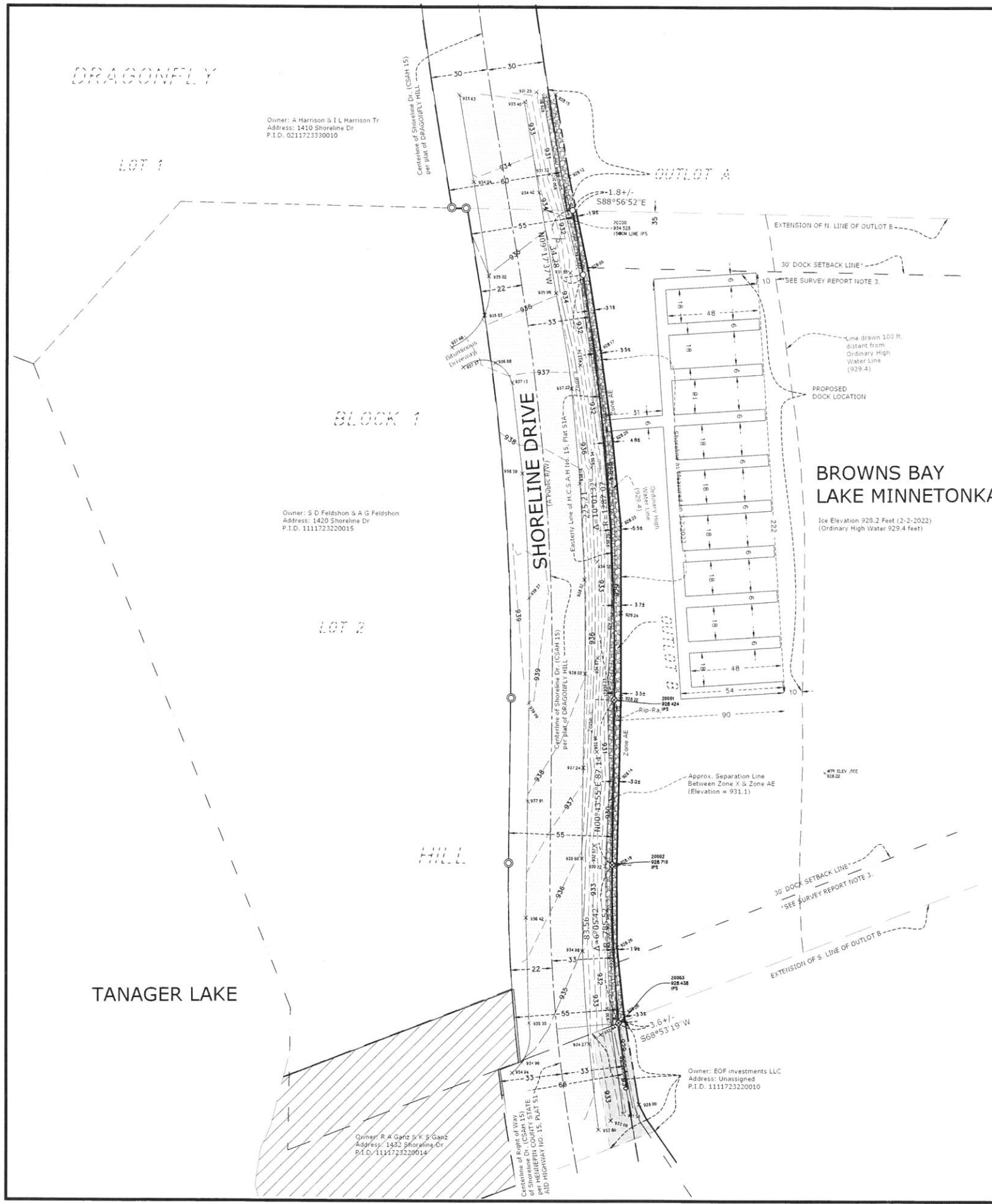
DRAFT

EXHIBIT B

Proposed Site Plan

[attached hereto]

DRAFT



DESCRIPTION OF PROPERTY SURVEYED

Outlot B, Dragonfly Hill, according to the recorded plat thereof on file and of record in the office of the Hennepin County Recorder. Reserving to said Grantors riparian access and docking and boat buoy rights, and the right to install and maintain the same.

GENERAL SURVEY NOTES

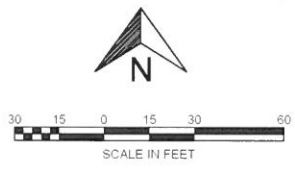
- Bearings are based on the Hennepin County Coordinate System (1986 Adjustment).
- Elevations are based on the NGVD 29 Datum.
- We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, lacking excavation the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property.
- Site Address: Unassigned, Shoreline Drive, Orono, MN 55391 (PID:1111723220013).
- This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) and partially in Zone AE (Special Flood Hazard Areas subject to inundation by 1% annual chance flood with base elevation = 931.1) per Flood Insurance Rate Map, Community Panel No. 27053C0305F, effective date of November 4th, 2016. We have shown hereon the approximate separation line at the 931.1 contour line between Zone X and Zone AE.
- The Gross land area is 1.464 +/- square feet or 0.03 +/- acres.
- The names of the adjoining owners of the platted lands, as shown hereon, are based on information obtained from the Hennepin County Interactive Property Map.

SURVEY REPORT

- This map and report was prepared without the benefit of a Commitment for Title Insurance. The property description shown hereon is per Quit Claim Deed, recorded January 23, 1984, as Document Number 4561621, provided by the client and may not be the latest description of record. There may be easements for other matter of record we are unaware of and thus not shown hereon.
- Properties delineated with hatching are shown per Hennepin County record information and Surveys or Drawings prepared by others which were provided by client.



- 30 Ft. Dock Setback Line is per the LAKE MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES, ARTICLE 2, CHAPTER 3: 2-3.03. Determination of Authorized Dock Use Area, Subd. 3 (a) Setbacks, and Subd. 3 (b) Setbacks Doubled.



Linetype & Symbol Legend

—E—	ELECTRIC LINE (RECORD)	⊠	AIR CONDITIONER	⊠	UTILITY VAULT
—E—	ELECTRIC LINE (RECORD)	⊠	CABLE TV BOX	⊠	UTILITY MANHOLE
—F—	FIBER COMM. LINE (RECORD)	⊠	ELECTRIC MAINHOLE	⊠	ELECTRICAL OUTLET
—F—	FIBER COMM. LINE (RECORD)	⊠	ELECTRIC TRANSFORMER	⊠	WASH HOLE
—G—	GAS MAIN (RECORD)	⊠	ELECTRICAL METER	⊠	BOLLARD
—G—	GAS MAIN (RECORD)	⊠	FIBER/COMM. MAINHOLE	⊠	FLAG POLE
—OH—	OVERHEAD UTILITIES	⊠	POWER POLE	⊠	FUEL TANK
—OH—	OVERHEAD UTILITIES	⊠	GUY WIRE	⊠	HANDICAP SYMBOL
—S—	SANITARY SEWER (RECORD)	⊠	GAS VALVE	⊠	LIGHT POLE
—S—	SANITARY SEWER (RECORD)	⊠	ROOF DRAIN	⊠	MAIL BOX
—S—	SANITARY SEWER (RECORD)	⊠	SEWER CLEAN OUT	⊠	SIGN
—S—	SANITARY SEWER (RECORD)	⊠	SANITARY MAINHOLE	⊠	CONIFEROUS TREE
—S—	SANITARY SEWER (RECORD)	⊠	STORM MAINHOLE	⊠	DECIDUOUS TREE
—S—	SANITARY SEWER (RECORD)	⊠	STORM SEWER (RECORD)	⊠	SOIL BORING
—S—	SANITARY SEWER (RECORD)	⊠	STORM SEWER (RECORD)	⊠	FOUND IRON MONUMENT
—T—	TELEPHONE LINE (RECORD)	⊠	CATCH BASIN	⊠	SET IRON MONUMENT
—T—	TELEPHONE LINE (RECORD)	⊠	FLARED END SECTION	⊠	CAST IRON MONUMENT
—T—	TELEPHONE LINE (RECORD)	⊠	TELEPHONE BOX	⊠	
—T—	TELEPHONE LINE (RECORD)	⊠	TELEPHONE MAINHOLE	⊠	
—T—	TELEPHONE LINE (RECORD)	⊠	WATER MAIN (RECORD)	⊠	
—T—	TELEPHONE LINE (RECORD)	⊠	WATER MAIN (RECORD)	⊠	
—T—	TELEPHONE LINE (RECORD)	⊠	CHAINLINK FENCE LINE	⊠	
—T—	TELEPHONE LINE (RECORD)	⊠	WOODEN FENCE LINE	⊠	
—T—	TELEPHONE LINE (RECORD)	⊠	GUARDRAIL	⊠	
—T—	TELEPHONE LINE (RECORD)	⊠	CONCRETE SURFACE	⊠	
—T—	TELEPHONE LINE (RECORD)	⊠	PAVER SURFACE	⊠	
—T—	TELEPHONE LINE (RECORD)	⊠	BITUMINOUS SURFACE	⊠	
—T—	TELEPHONE LINE (RECORD)	⊠	GRAVEL/LANDSCAPE SURFACE	⊠	

PROJECT
xx Shoreline Dr (PID:111723220013)

Orono, Hennepin County, Minnesota 55391

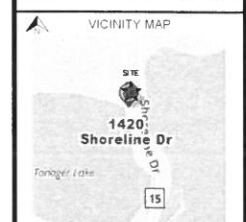
CLIENT
Dan Gustafson
235 East Lake St., Wayzata, MN 55391

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.

RORY L. SYNTELIEU
RORY L. SYNTELIEU
DATE 2-18-2022 LICENSE NO. 44565

QA/QC

FIELD CREW	SW
DRAWN BY	THM
REVIEWED BY	GT
UPDATED BY	TH



REVISION SUMMARY

DATE	DESCRIPTION
3-22-22	CLIENT COMMENTS
4-21-22	CL OF CSAM IS LABEL OUTLOT B
5-18-22	ADDED PROPOSED DOCK
6-20-22	Added dock dimensions
6-20-22	Added as stakeout points
7-5-22	Block setbacks

PROJECT NO. 22020

BOUNDARY & TOPOGRAPHIC SURVEY
V1.0




LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 11, 2023 (Prepared January 4, 2023)

TO: LMCD Board of Directors

FROM: Thomas Tully, Environmental Administrative Technician

THROUGH: Vickie Schleuning,  Executive Director

SUBJECT: Multiple Dock License for Daniel G. Gustafson, Lake Minnetonka Real Estate II (“LMRE”), LLC, PID: 11-117-23-22-0013, Outlot B, Dragonfly Hill, along Shoreline Drive in Orono, Browns Bay

ACTION

Board consideration of the new commercial Multiple Dock License Application, and receive public input as part of the public hearing for the application. This site is located at PID: 11-117-23-22-0013, Outlot B, Dragonfly Hill, along Shoreline Drive in the City of Orono MN 55391, Browns Bay.

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 commercial multiple dock license application for the property located at PID: 11-117-23-22-0013, along Shoreline Drive in Orono for final approval at the January 25, 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 commercial multiple dock license application for the property located at PID: 11-117-23-22-0013, along Shoreline Drive in Orono for final approval at the January 25, 2023 LMCD Board meeting based on...

Continue Hearing

I make a motion to continue the public hearing for the Daniel G. Gustafson, Lake Minnetonka Real Estate II, LLC, for a new Multiple Dock License to the January 25, 2023 Board meeting for further consideration

APPLICATION SUMMARY

The Lake Minnetonka Conservation District (LMCD) received a commercial multiple dock application from Dan Gustafson, Lake Minnetonka Real Estate II, LLC. The Applicant requested

a continuance of the public hearing that was originally scheduled for August 24, 2022. The legal notice and public notification were re-noticed. The proposed dock structure and storage is new for this site. The Applicant's property is located along Shoreline Drive, PID: 11-117-23-22-0013, in Orono MN 55391 with a legal description of Outlot B, Dragonfly Hill. The Applicant's site is currently an undeveloped outlet residing alongside Shoreline Dr. on Browns Bay.

The property is owned by the City of Orono, but LMRE indicates it legally owns the riparian rights on Lake Minnetonka along that shoreline property. The Applicant has submitted information and court documents in support of its position. Documents are attached.

Site Background

The applicant has submitted an application for a new commercial multiple dock license to develop a commercial multiple dock facility. The applicant proposes to construct a dock which would have a total of nine (9) BSUs. No protected species have been noted at this point. Parking is not proposed at this site due to the limited size of the land portion of the site. The survey provided by the applicant stated the approximate locations of underground features were marked using plans obtained from utility companies, however exact locations could not be accurately placed. Excavation may be necessary.

Applicant Proposal

Applicant's property has approximately 428 feet of 929.4 feet OHW shoreline on the eastern portion of the parcel residing along Browns Bay. The Applicant proposes a dock structure of approximately 222 feet in width and up to 100 feet in dock length. Nine (9) boat storage units (BSUs) are proposed. Each of the 9 BSUs would be 18 feet wide by 48 feet long, with walkways six (6) feet in width. The Applicant proposes 9 boat storage units (BSUs), with the majority of the boat slips available for rent by the general public with one slip for use by the owner.

Setbacks. Setbacks meet the double setback requirement of 30 feet with 30 feet on the northern side site line and 138 feet on the southern side site line.

Dock Length. The proposed dock length is up to 100 feet in length, the maximum for the requested commercial multiple dock facility.

Boat Density. The Applicant proposes 9 boat storage units (BSUs). The proposed facility would have a boat density of 1:50. The 1 boat per 50 feet of shoreline would allow 8.56 BSUs. By Code, this fractionalized number is rounded up to 9 BSUs.

EAW

The originally proposed multiple dock facility calculation for structure and navigation would have exceeded the EAW mandatory threshold of 20,000 square feet. Therefore, the Applicant submitted a new configuration approximately 19,950 square feet in structure and navigation, which is minimally below the mandatory threshold of 20,000 square feet. Depending on installation, poles or other structures may exceed the mandatory threshold. The applicant has been advised that installation of permanent dock pilings may result in a mandatory EAW if the

square footage is over the threshold. The Board may consider a discretionary EAW, given this is a new multiple dock facility in this location.

CONSIDERATIONS OF A COMMERCIAL MULTIPLE DOCK LICENSE

The following items should be considered when considering granting a commercial multiple dock license as referenced to the code section below:

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

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the following:

- (a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
 - *The Applicant's proposal meets density requirements (less dense than 1:50).*
- (b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
 - *The Applicant's proposal meets setback and length requirements.*
- (c) Whether the proposed structure will be structurally safe for use by the intended users;
 - *The Applicant is proposing and will be required to install and maintain a structurally safe facility.*
- (d) Whether the structure will comply with the regulations contained in this Code;
 - *The proposal generally appears to comply with regulations of the LMCD Code.*
- (e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;
 - *LMCD staff do not regard this proposal as a significant increase to traffic on the lake in relation to the Code allowances.*
- (f) Whether the proposed structure will be compatible with the adjacent development;
 - *The proposed structure is across the street from a residential house and is north of an existing commercial multiple dock and not anticipated to impact current adjacent dock structures. However, given that the proposed structure is adjacent to a heavily traveled road and the property has no space for parking, safety and parking may be an issue with this location. After 2019 legislative changes to the statute governing the LMCD's jurisdiction, "land-based marina activities" are not subject to the LMCD's authority.*

- (g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
 - *LMCD staff do not regard this proposal as an incompatible with the maintenance of the lake in relation to the Code allowances.*
- (h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;
 - *It does not appear the proposal with significantly affect the water quality in relation to code allowances and other commercial multiple dock facilities.*
- (i) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;
 - *The proposed structure is located directly across the road from a residence. It does not appear the proposed lake use (structure or water storage) would negatively impact the area. See other comments regarding land-based activities.*
- (j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
 - *The Applicant would need to address any activities or lack of facilities if negative impacts occur in or on the lake. See other comments regarding land-based activities.*
- (k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;
 - *The majority of the proposed BSUs at the commercial marina are available for the general public to rent. One BSU is proposed as private ownership.*
- (l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and
 - *The proposal generally meets dock use area Code allowances.*
- (m) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).
 - *N/A*

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Orono were provided information regarding the applications. Agency comments are provided below. General public comments received as of January 5, 2023 are summarized below. Any comments received after January 5, 2023 will be provided at the Board meeting for review.

- The City of Orono provided feedback with concerns for the proposed commercial multiple dock located at PID 11-117-23-22-0013 in Orono on August 18, 2022 as follows:

The City of Orono stated that The City of Orono is the owner of the parcel and does not consent to the proposed use of City owned land. In addition to this the City has following concerns based on City of Orono Regulations:

1. The parcel is zoned LR-1A, Lakeshore Residential District. This zoning district does not identify marinas as an allowed use. A marina would not be permitted according to City Code Sec 78-665.

2. Marinas are only permitted within the B-2, Lakeshore Business District. City Code 94-72 and 78-622. This parcel is not located within the B-2 district.

3. City Code Section 78-668 identifies requirements for off-street parking for marinas. Parking requirements are not being met with this application.

4. Performance and landscaping standards in City Code Section 78-670 and 78-671 outline requirements for site improvement and hours of operations for marinas. The City has concerns with the intense use of a commercial marina on the parcel.

5. No tree removal or intensive vegetation clearing is permitted within the 75 feet of the Ordinary High Water Lever per City Code Section 78-1285. No vegetation alterations have been reviewed or permitted to facilitate access to the proposed dock space.

6. The proposed use would pose a hazard to the area and a safety risk regarding accessibility to the site along the County road with no parking or usable space on the property.

Based on the information provided The City of Orono does not support the proposed commercial multiple dock.

- The City of Orono provided additional feedback on January 4, 2023. The City of Orono stated that the City's position has not changed since our previous correspondence and the City of Orono continues to object to the request based on the reasons stated above.
- Hennepin County Public Works Transportation provided feedback regarding concerns for the proposed commercial multiple dock located at PID 11-117-23-22-0013 on August 17, 2022. Hennepin County stated that the County sees nothing but traffic problems for the dock area. It worries it will become an unofficial drop-off and pick up loading zone, and that there is not enough shoulder of road which would result in a traffic build up. It was also noted that the section of gravel parking area just north of the parcel is a Hennepin County Right of Way (ROW), half of which is marked for limited parking and the other half for use by the City of Orono emergency vehicles only. Hennepin County would not be supportive of this dock placement and would not permit any construction from the County's ROW or any stairway that crosses the ROW to the dock.
- One public comment voicing concern for the proposed commercial multiple dock was received on August 23, 2022 from David Feldshon and Archelle Georgiou Feldshon, who

are the homeowners at 1420 Shoreline Drive in Orono as follows:

The homeowners stated that their property is directly across Shoreline from the proposed dock. They wished to inform the LMCD of a few items:

1. The riparian rights forming the basis of the dock request originally belonged with our property and were intended for residential use.
2. The location in question has no parking or sidewalk access. Thus, the proposed boat slips pose significant safety concerns.
3. There is heavy traffic on Shoreline Drive making access to the proposed dock unsafe.
4. The strip of land between the waterline and Shoreline Drive is owned by the City of Orono. A dock would require approval of the City.

Therefore, they do not support the approval of the proposed commercial multiple dock

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 Applicant had requested a continuance of the public hearing that was originally scheduled for August 24, 2022. Due to the extended time since the original public notification, an additional hearing notice was published in the December 29, 2022 edition of the Sun Sailor (official LMCD newspaper) and December 31, 2022 edition of the Laker. Further, an additional public hearing notice was mailed to persons who reside upon or are owners of property within 350 feet of the Site on December 27, 2022. In addition, the Board packet was posted online and the agenda was posted on the LMCD bulletin board.

RECOMMENDATION

In consultation with LMCD legal counsel, LMCD staff are recommending approval of the new commercial multiple dock classification. After 2019 legislative changes to the statute governing the LMCD's jurisdiction, "land-based marina activities" are not subject to the LMCD's authority. While the legislation may not be in the best interest of the lake or all stakeholders, the LMCD cannot reasonably deny a request solely because the applicant may need to secure further approvals from other entities. In this case, the applicant may need to secure approvals from the City and/or County and can pursue such approval after receiving approval from the LMCD.

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

1. Not exceed 20,000 square feet per the mandatory EAW requirement, which may require further reduction of the structure depending on installation type. Any future expansion will require an EAW. This is recommended if the Board does not choose a discretionary

EAW.

2. All watercraft storage must be contained within the boat slip structure, not extend beyond the boat slip structure.
3. If a permanent dock is installed, appropriate lighting or reflectors at the ends of the dock towards the lake must be provided.
4. The areas of sanitation to prevent pollution of the lake and safe access to the lake such as parking must be addressed.
5. Emphasize the need to work with other agencies for applicable regulations such as zoning.
6. Any license would be contingent on the Applicant retaining riparian rights to the site.
7. Highlight the details of what is being approved.
8. Include standard license provisions.

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. Aerial Imagery of Site
3. Proposed Site Plan
4. Multiple Dock License Application and Submittals
5. Applicant Time Limit Extension Request
6. Public Hearing Notice (Sun Sailor)
7. Public Hearing Notice Mailing
8. Public Comments

ITEM 11A ATTACHMENT

LMCD Code Excerpts



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

Subd. 1. Generally. The dimensions of an authorized dock use area for sites bordering the Lake are determined in accordance with this Section. The authorized dock use area shall be measured from the point which forms the shoreline when the Lake is at elevation 929.4, National Geodetic Vertical Datum of 1929 (“NGVD”). The authorized dock use area includes the area on, under, and over the surface of the Lake.

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

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

Subd. 3. Width. The width of an authorized dock use area is determined in accordance with the provisions of this subdivision.

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

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

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

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

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

Section 2-4.05. General Density Rule.

Subd. 1. How Density is Determined. The number of restricted watercraft that may be stored at a site, which is referred to herein as restricted watercraft density, shall be determined in accordance with this Section and any applicable special density rules set out in Section 2-4.09. The restricted watercraft density for a site may be increased if a special density license is issued as provided in Section 2-4.11. For purposes of this Chapter, a site is considered to be used for mooring or docking more than the permitted number of restricted watercraft if a greater number of restricted watercraft than are allowed by this Chapter are moored, docked, anchored, or secured at the site, for any period of time, on three or more calendar days in any 14-day period.

Subd. 2. General Density Rule. A site is allowed one restricted watercraft density for each 50 feet of continuous shoreline. If the site has continuous shoreline greater than 100 feet and the shoreline measurement would result in the allowance of a fractional restricted watercraft density, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be counted as one additional restricted watercraft density.

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

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the following:

- (n) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
- (o) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
- (p) Whether the proposed structure will be structurally safe for use by the intended users;
- (q) Whether the structure will comply with the regulations contained in this Code;
- (r) 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;

- (s) Whether the proposed structure will be compatible with the adjacent development;
- (t) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
- (u) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;
- (v) 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;
- (w) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
- (x) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;
- (y) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and
- (z) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).

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

- (a) Zoning Districts. No commercial single dock shall extend across the extended zone line between sites zoned differently by a municipality.
- (b) Non-Continuous Shoreline. If the dock use area of the site includes non-continuous shoreline, the limitations in Section 2-4.09, subdivision 4(a) apply.

Subd. 6. As-Built Survey. Upon completion of the dock installation, the licensee shall provide the LMCD an as-built survey of the docks and site indicating the 929.4 NGVD foot shoreline, a line indicating the 100 foot distance from shore, dock dimensions, setbacks from the extended property lines, and witness marks for seasonal docks. The Executive Director or the Board may waive this requirement in writing.



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: February 22, 2023 (Prepared February 16, 2023)

TO: LMCD Board of Directors

FROM: Nominating Committee: Mark Kroll, Nicole Stone, and Deborah Zorn

SUBJECT: Nomination and Election of 2023 LMCD Board Officers

ACTION

Board consideration of the Nominating Committee's recommendations and election of 2023 Board Officers. The following motions are offered depending on whether the Board wishes to approve or deny the request.

Approval:

I make a motion to appoint Ann Hoelscher as Chair, Jake Walesch as Vice Chair, Michael Kirkwood as Secretary, and Rich Anderson as Treasurer <or amend as follows> for 2023.

Denial:

I make a motion to deny the appointment of the 2023 Officers for the following reasons...

BACKGROUND

The Lake Minnetonka Conservation District (LMCD) is required by state statute to annually elect officers from the members of the Board. Further, the LMCD Bylaws indicate the Board is to elect a Chair, Vice Chair, Secretary, and Treasurer annually in February. The Nominating Committee is charged with assisting in the election process by recommending a slate of officers to the Board. This Committee is a temporary committee that will extend until the officers are elected.

On September 14, 2016, the LMCD Board of Directors approved Resolution 150, Approving and Ratifying a Nominating Process for Board Officers (attached). This process was utilized in 2015 at the recommendation of the LMCD legal counsel in which the Board desired to formally approve and ratify the process for the annual selection of its officers.

The following is an update regarding the Nominating Committee process and recommendations for the slate of Officers for the LMCD Board for 2023.

1. Overview of Process

- Received five (5) self-nominations: three (3) incumbent officers + two (2) Directors.
- Conducted interviews on February 8th.
- Unanimous agreement on slate of officers for 2023.
- Note: Timeline shifted later due to cancellation of the 1st Board meeting in February.

2. Recommended Officers for 2023

- Chair: Ann Hoelscher
- Vice Chair: Jake Walesch
- Secretary: Michael Kirkwood
- Treasurer: Rich Anderson

3. Nominating Committee Comments/Advice to Officers

- Recommendation is based on continuity, new leadership involvement (2 incumbent + 2 new) and individual request to be considered for specific officer positions.
- Key highlights and advice for 2023:
 - Increased engagement to ensure recruitment and transition of Executive Director position.
 - Focus energy on Board alignment around mission and purpose.
 - Encourage continued focus on meeting decorum and efficiency.
 - Highly endorse continuing utilizing virtual meetings to maintain Committee involvement and progress across areas of: Operations, Finance, Communications, AIS and Save the Lake.

BUDGET _____

N/A

STRATEGIC PRIORITIES _____

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

- Nominating Committee Procedures
- Resolution 150 – Nominating Committee

ATTACHMENT

RECOMMENDED NOMINATION PROCESS

Nominating Committee

1. The Committee develops a recommended slate of officers for presentation to the full Board.
2. The Committee develops a recommended procedure the Board may use to address any nominations at the meeting.

Nomination Procedures

1. The Board Chair asks the Chair of the Nominations Committee to present the recommended slate of officers.
2. The Chair asks the Board if there are any other nominations for any of the positions.
 - a. The member making the nomination must state the name of the person being nominated and the position to which the person is being nominated.
 - b. Nominations do not require a second.
 - c. No member shall be nominated for more than one position.
 - d. A Board member may not nominate himself or herself.
 - e. A nominated member may reject the nomination by the person announcing he or she does not accept immediately after the nomination is made. A member who does not accept a nomination for a position remains eligible to be nominated for another position.
3. If there are no additional nominations, the Board Chair calls for a motion and a vote on the recommended slate of officers.
4. If there are any additional nominations made “from the floor”, the positions for which there were additional nominations are pulled from the recommended slate and the Board Chair calls for a motion and a vote on the remainder of the recommended slate of officers (if any positions remain unchallenged).
5. The challenged officer positions must be voted on individually, which is conducted by the Board Chair identifying the officer position and announcing the name of the member recommended for the position by the Nominating Committee and the names of those nominated for the position from the floor. Each of the nominated members may be allowed up to three minutes to provide background on themselves and why they are interested in the position.
6. The Board Chair announces that voting will be conducted by a show of hands with each member voting only once for each officer position. The nominated members are eligible to vote. The nominee with the most votes at the end of the voting wins the position. If the vote ends in a tie between the two highest vote getters, another vote shall be conducted between just those two members (any other nominees for the position are dropped from the voting) until a winner is selected.
7. The Board Chair then calls for a vote for the position by calling each of the names and then asking members to raise their hand if voting for that person for the position (“All those in favor of Bill Smith for Secretary raise your hands. [count votes] All those in favor of Cindy Jones for Secretary raise your hand. [count votes]” Etc.)
8. The person with the highest number of votes for the position is then announced as being selected for the position.
9. The Board Chair then moves onto to the next challenged position, announces the nominees, and proceeds with voting in the same manner until all of the positions are filled.



STATE OF MINNESOTA
LAKE MINNETONKA CONSERVATION DISTRICT

RESOLUTION NO. 150

A RESOLUTION APPROVING AND RATIFYING A
NOMINATING PROCESS FOR BOARD OFFICERS

WHEREAS, the Board of Directors (“Board”) of the Lake Minnetonka Conservation District (“LMCD”) is required by Minnesota Statutes, section 103B.615 to annually elect officers from among the Board members;

WHEREAS, Article II, Section 2.4 of the Bylaws of the Lake Minnetonka Conservation District (“Bylaws”) indicates that the Board is to annually elect a Chair, Vice Chair, Secretary, and Treasurer in February;

WHEREAS, the Board has utilized a nominating committee (“Committee”) to assist in the election process by recommending a slate of officers to the Board as is permitted by Section 2.4 of the Bylaws; and

WHEREAS, the Committee, with input from the LMCD civil attorney, created and utilized a nominating process for the 2016 election that the Board desires to formally approve and ratify as the standing nominating process for its elections.


NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves and ratifies the attached nominating process as the official process to be followed by the Committee and the Board in the annual selection of its officers.

BE IT FINALLY RESOLVED, that the Committee and Board members may make recommendations for amendments to the nominating process, but the process may only be amended by resolution adopted by a majority vote of all Board members at least 30 days before the date of the election at which the amended process is to be used.

Adopted this 14th day of September, 2016 upon a majority vote of all members.

BY THE BOARD OF DIRECTORS


James Jay Green, Chairperson

Attest: 
Gregory J. Thomas, Secretary

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

12:13 PM

02/16/2023

Accrual Basis

	Jan 23	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Grants & Other Income				
3080M10 · Interest - Gen	515.88	2,600.00	-2,084.12	19.84%
3260M10 · Court Fines - Admin.	10,000.00	60,000.00	-50,000.00	16.67%
3300M10 · Other Income - Admin.	0.00	6,190.00	-6,190.00	0.0%
Total Grants & Other Income	10,515.88	68,790.00	-58,274.12	15.29%
Licenses/Permits				
3110M10 · Multiple/Perm. Dock Lic -Admin.	64,715.25	85,200.00	-20,484.75	75.96%
3120M10 · DMA license - Admin.	3,450.00	3,000.00	450.00	115.0%
3130M10 · Deicing License - Admin.	0.00	6,000.00	-6,000.00	0.0%
3170M10 · Variances - Admin.	0.00	10,600.00	-10,600.00	0.0%
3240M10 · Charter Boats - Admin.	0.00	3,200.00	-3,200.00	0.0%
3280M10 · Liquor/Beer/Wine License-Admin.	0.00	19,000.00	-19,000.00	0.0%
Total Licenses/Permits	68,165.25	127,000.00	-58,834.75	53.67%
3020M10 · Municipal Dues - Admin.	63,750.50	255,000.00	-191,249.50	25.0%
3400M10 · Transfers In - Admin.	0.00	125,000.00	-125,000.00	0.0%
Total Income	142,431.63	575,790.00	-433,358.37	24.74%
Gross Profit	142,431.63	575,790.00	-433,358.37	24.74%
Expense				
AIS Administration				
4181M30 · Prof. Services	0.00	78,000.00	-78,000.00	0.0%
4221M30 · Office Supplies -AIS Prevention	0.00	2,000.00	-2,000.00	0.0%
Total AIS Administration	0.00	80,000.00	-80,000.00	0.0%
General & Admin Expenses				
4060 · Telephone/Internet	306.68	3,500.00	-3,193.32	8.76%
4070M10 · Webpage & Digital	3,500.00	590.00	2,910.00	593.22%
4090M30 · DMV	0.00	50.00	-50.00	0.0%
4340M10 · Insurance - Admin.	0.00	4,500.00	-4,500.00	0.0%
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.	0.00	2,400.00	-2,400.00	0.0%
Total General & Admin Expenses	3,806.68	12,840.00	-9,033.32	29.65%
Legal				
4110M10 · Public Info Legal Fees- Admin.	0.00	1,750.00	-1,750.00	0.0%
4620M10 · Civil Legal Fees - Admin.	0.00	31,325.00	-31,325.00	0.0%
4640M10 · Prosecution Legal Fees - Admin.	0.00	30,000.00	-30,000.00	0.0%
Total Legal	0.00	63,075.00	-63,075.00	0.0%
Office, Supplies, Equip				
4080 · Postage	31.30	3,000.00	-2,968.70	1.04%
4100M10 · Printing - Admin.	0.00	1,260.00	-1,260.00	0.0%
4140M10 · Office Equipment R&M - Admin.	907.46	6,000.00	-5,092.54	15.12%
4160M10 · Watercraft/Vehicle Maint	0.00	1,500.00	-1,500.00	0.0%

	Jan 23	Budget	\$ Over Budget	% of Budget
4220M10 · Office Supplies -Admin.	4.39	1,700.00	-1,695.61	0.26%
4230M10 · Meeting Exp. - Admin.	52.80	12,000.00	-11,947.20	0.44%
4320M10 · Office Rent - Admin.	3,466.96	22,000.00	-18,533.04	15.76%
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.	1,000.25	3,515.00	-2,514.75	28.46%
4531M30 · Software & Hardware/Training	0.00	500.00	-500.00	0.0%
Total Office, Supplies, Equip	5,463.16	53,125.00	-47,661.84	10.28%
Personnel Expenses				
4020M10 · Salaries-002 - Admin	20,337.74	246,050.00	-225,712.26	8.27%
4021M10 · ER Share of Admin FICA/Medicare	1,552.63	17,700.00	-16,147.37	8.77%
4022M10 · ER PERA - Admin	1,522.14	17,500.00	-15,977.86	8.7%
4380M10 · Employee Benefits - Admin.	2,934.72	33,750.00	-30,815.28	8.7%
Total Personnel Expenses	26,347.23	315,000.00	-288,652.77	8.36%
Professional Services- ADM				
4040M10 · Auditing - Admin.	3,500.00	11,500.00	-8,000.00	30.44%
4180M10 · Professional Services - Admin.	1,037.86	6,000.00	-4,962.14	17.3%
4181M10 · Professional Comp. Serv.-Admin.	0.00	2,500.00	-2,500.00	0.0%
4182M10 · Media (Cable/Internet) - Admin.	1,150.00	3,500.00	-2,350.00	32.86%
4183M10 · Prof/ Serv. - Communications	4,353.75	20,000.00	-15,646.25	21.77%
Total Professional Services- ADM	10,041.61	43,500.00	-33,458.39	23.08%
Public Education & Safety				
4111M20 · Public Service Education	0.00	3,000.00	-3,000.00	0.0%
4160M20 · Public Health/Safety- SL	0.00	4,500.00	-4,500.00	0.0%
Total Public Education & Safety	0.00	7,500.00	-7,500.00	0.0%
Total Expense	45,658.68	575,040.00	-529,381.32	7.94%
Net Ordinary Income	96,772.95	750.00	96,022.95	12,903.06%
Net Income	96,772.95	750.00	96,022.95	12,903.06%

ITEM 15A

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

12:15 PM

02/16/2023

Accrual Basis

	<u>Jan 23</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
Contributions				
3001M20 · Donations (General) - S/L	2,046.07	43,050.00	-41,003.93	4.75%
Total Contributions	2,046.07	43,050.00	-41,003.93	4.75%
Grants & Other Income				
3300M20 · Other Income - S/L	0.00	750.00	-750.00	0.0%
Total Grants & Other Income	0.00	750.00	-750.00	0.0%
3400M20 · Transfers In - S/L	0.00	42,000.00	-42,000.00	0.0%
Total Income	2,046.07	85,800.00	-83,753.93	2.39%
Gross Profit	2,046.07	85,800.00	-83,753.93	2.39%
Expense				
Office, Supplies, Equip STL				
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%
Total Office, Supplies, Equip STL	0.00	1,800.00	-1,800.00	0.0%
Public Education & Safety				
4535M10 · Public Safety HCSO	0.00	84,000.00	-84,000.00	0.0%
Total Public Education & Safety	0.00	84,000.00	-84,000.00	0.0%
Total Expense	0.00	85,800.00	-85,800.00	0.0%
Net Ordinary Income	2,046.07	0.00	2,046.07	100.0%
Net Income	<u>2,046.07</u>	<u>0.00</u>	<u>2,046.07</u>	<u>100.0%</u>