



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, April 12, 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 Mike Kirkwood (Minnetrista), Mark Kroll (Excelsior), and Jake Walesch (Deephaven).
 - B) Letter to Rep Myers – re: Winter Trash Cleanup Regulation
- 6) APPROVAL OF MINUTES** (03/08/2023 LMCD Regular Board Meeting)

7) APPROVAL OF CONSENT AGENDA

- A) Audit of Vouchers (03/16/2023 – 03/31/2023 and 04/01/2023 – 04/15/2023)
- B) Resolution Accepting Save the Lake Contributions (02/14/2023 – 03/24/2023)

8) PUBLIC COMMENTS – *Provides an opportunity for the public to address the board on items that are not on the agenda. Public comments are limited to 5 minutes 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.*

9) PRESENTATIONS

10) PUBLIC HEARING

- A) Variance for Adjusted Dock Use Area and Length, 5310 Elmridge Circle, Shorewood, MN, 55331, East Upper Lake

11) OTHER BUSINESS

12) OLD BUSINESS

- A) LMCD Strategic Plan Workshop May 24, 2023

13) NEW BUSINESS

- A) Hennepin County Sheriff's Office Funding Request for Water Patrol Deputies
- B) Update on Wayzata Panoway Project

14) TREASURER REPORT

- A) February Financials - Income and Expense Reports
- B) Balance Sheet

15) EXECUTIVE DIRECTOR UPDATE

16) STANDING LMCD COMMITTEE/WORKGROUP UPDATE

- Aquatic Invasive Species
- Communications
- Executive Director Selection
- Finance
- Operations
- Save the Lake
 - Save the Lake Contribution Recognitions

17) ADJOURNMENT



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • PH: (952) 745-0789

April 13, 2023

Dear Representative Andrew Myers,

Please receive this letter as an endorsement of HF # 2745/SF 2789 which is intended to enforce cleanup of Minnesota lakes at the conclusion of winter activities on Minnesota waters.

This legislation is of utmost importance to the Lake Minnetonka Conservation District as the agency responsible for the protection and enhancement of Lake Minnetonka. The LMCD, since inception, continues to be responsible for the safe and recreational use of one of the most important amenities in the Twin Cities metropolitan area.

During the summer season, the lake use is intense and frequent and the LMCD is responsible for issuing summer rules and working with the Hennepin County Water Patrol on enforcement activities. During the winter season, the lake use is not as intense, but winter use can impact water quality and the future use of this body of water.

The LMCD supports your legislative proposal and urges the continued use of the Department of Natural Resources (DNR) as the enforcement agency. As you know, the LMCD has neither the staff nor the resources to provide the enforcement services.

Thank you for your effort and support in the Legislature.

Sincerely,

Ann Hoelscher

LMCD Board Chair

Lake Minnetonka Conservation District

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS
7:00 P.M., March 8, 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; Gabriel Jabbour, Spring Park; Dennis Klohs, Minnetonka Beach; Ryan Nellis, Tonka Bay; Denny Newell, Woodland; Nicole Stone, Minnetonka; and, Deborah Zorn, Shorewood. Also present: Joe Langel, LMCD Legal Counsel; Maisyn Reardan, Administrative Coordinator; and Interim Executive Director Jim Brimeyer.

Members absent: Michael Kirkwood, Minnetrista; Mark Kroll, Excelsior; and Jake Walesch, Deephaven.

Persons in Audience: Dan Gustafson, Soren Mattick, Gregg Thomas, Marc Simpson, Matt Johnson, Sgt. Rick Waldon, and Sgt. Troy Kostohryz.

4. APPROVAL OF AGENDA

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

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

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)

Langel administered the Oath of Office to Nellis, Anderson, Cook, Hoelscher, Newell, and Zorn.

Hoelscher introduced Nellis, the newest member of the Board representing Tonka Bay.

Nellis introduced himself.

B) Gregg Thomas Acknowledgement

Hoelscher invited Thomas to come forward and read a statement of recognition for his service on the Board and as Chair. The Board expressed its thanks to Thomas.

6. APPROVAL OF MINUTES- 01/25/2023 LMCD Regular Board Meeting

MOTION: Baasen moved, Brandt seconded to approve the 01/25/2023 LMCD Regular Board Meeting minutes as submitted.

VOTE: Ayes (9), Abstained (2), (Jabbour and Nellis). Motion carried.

7. APPROVAL OF CONSENT AGENDA

Hoelscher noted that she will be removing Item D from the consent agenda for additional discussion.

MOTION: Jabbour moved, Stone seconded to approve the consent agenda as amended, making the change noted by Hoelscher above. Motion carried unanimously. Items so approved included: **7A)** Audit of Vouchers (02/01/2023 – 02/15/2023), (02/16/2023 – 02/28/2023), and (03/01/2023 – 03/15/2023); **7B)** Resolution Accepting Save the Lake Contributions (02/07/2023 – 02/13/2023); **7C)** Pay Equity Report; and **7D)** 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.

VOTE: Motion carried unanimously.

7D) 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.

Hoelscher stated that the finding were provided in the packet and the issue would be that the minutes do not reflect the motion of Walesch, seconded by Zorn. She stated that the motion was to deny the application based on the issue of ownership or riparian rights. She stated that in those findings other topics were included and would suggest that the findings be amended by deleting A and C through S, only keeping B and T, removing the word additionally from T. She noted that the remainder following T would be fine to keep as well.

Jabbour stated that it was mentioned that the minutes did not reflect those items but clarified that it was actually the findings that were not accurate.

Hoelscher confirmed that the minutes were accurate, and the findings were inaccurate.

Zorn stated that she would like to see this delayed and come back when Walesch is present as he made the motion.

Hoelscher stated that Walesch submitted a letter and believed that this revision completes the action requested by Walesch.

Zorn stated that she would still prefer to defer action until Walesch is present.

Langel stated that there is a 60-day review timeline and action needs to be taken tonight. He stated that he spoke with Walesch, and it was his understanding that Walesch prefers that the findings be focused only on the issue of riparian rights.

Hoelscher invited the applicant to speak only to the issue of the findings.

Dan Gustafson, applicant, stated that he is confused that the action would be to amend the findings of fact that were included in the last motion. He stated that he has an issue with the proposed action of the Board, the minutes and proposed action. He suggested that this meeting be paused in order to review the tape from the last meeting. He stated that it is unclear to him as to what he is supposed to be speaking about. He stated that the process of this application has been not great, from his point of view as an applicant. He stated that there have been nine packets for the four times he has appeared before this body. He stated that this would now propose to amend what was included in the packet, which prevents him from addressing that. He believed that this meeting should adjourn to watch the recording of the previous meeting. He commented that this is not the only bad advice that Langel has provided this group. He asked that his presentation be loaded.

Hoelscher stated that the hearing is not being reopened, this was an opportunity for the applicant to address the proposed amendments to the findings of fact.

Gustafson read his statement into the record related to applications that the Board has previously considered which involved land use rights. He noted that in that case, the Board approved the application and let the issue of land rights be played out in another arena. He stated that the Board must object to the advice of Langel and follow previous precedent by former legal counsel. He stated that if the LMCD denies this application, it will be pulled into the legal battle that will follow rather than the City or Orono and private resident.

Hoelscher asked for input from legal counsel. She noted that the Board decided after listening to all the information available, not just by a resident but provided by three different attorneys providing different ownership interests. She commented that she agreed to deny the application based on the threshold of ownership, which was not met. She believed that the findings supported that action but were not accurate in their description and therefore is requesting that those be amended to only focus on the issue of ownership.

Langel commented that he saw nothing in the document referenced by the applicant that would change his decision. He stated that in that case there was an assumption of ownership. He stated that it is the threshold of the application for the applicant to prove ownership and that was not done in this case. He recommended that the Board continue to deny this application.

Hoelscher asked Gustafson to take his seat before reviewing the proposed amendments once more as he requested. She noted that he was already provided the opportunity to speak.

Gustafson commented that it is clear what is going on and the Board is choosing to get into a fight.

Hoelscher again reviewed the proposed amendments as she read above.

Jabbour commented that the only thing the Board is dealing with is the Findings of Fact document.

Gustafson commented that intention is not the same as what was done. He stated that the Board can arrest him and remove him from the meeting if they want.

Jabbour commented that this a fluid process based on the first presentation to now. He stated that he would not even make the same decision he did the first time. He commented that this is an accurate description of what happened.

Anderson commented that Gustafson sent out a FOIA request to the City of Orono and LMCD and wanted to ensure that everything requested was provided.

Hoelscher stated that she would like to keep the discussion on track and the focus be on the findings of fact.

Anderson stated that he would like to see the findings of fact as proposed for amendment written out.

Hoelscher stated that she did rewatch the video and reviewed the minutes before the Board voted on them tonight. She reread the motion that was made by Walesch and seconded by Zorn as well as further discussion that was had. She stated that they are voting on the findings of fact and order based on the threshold issue of riparian ownership. She stated that the applicant would be entitled to come back with a new application once that threshold of ownership is reached. She stated that the 60-day review period does not allow this to be continued.

Anderson stated that he would like clarification on the FOIA request.

Hoelscher stated that could be answered by the applicant once the vote is completed.

Stone noted that is not relevant to this question.

Gustafson stated that he requested that on January 26th and did not receive that response.

MOTION: Hoelscher moved, Cook seconded to approve the 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, amending the Findings of Fact to delete A, keep B, delete C-S, keep T (removing the word additional), and keep the remainder of the document.

VOTE: Ayes (10), Nays (1), (Anderson). Motion carried.

8. RECOGNITIONS

Baasen recognized the great success the group had with contributions in 2022 and are off to a good start in 2023. He 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. PUBLIC HEARING

There were no public hearings.

11. OTHER BUSINESS

There was no other business.

12. OLD BUSINESS

A) Review of LMCD Strategic Plan

Hoelscher stated that a copy of the Strategic Plan was included in the packet and asked that the Board review this to prepare for future discussions.

13. NEW BUSINESS

A) Nomination and Election of 2023 LMCD Board Officers

Zorn provided an overview of the process followed by the Nominations Committee to make a recommendation on the slate of Officers for the year. She stated that the committee had unanimous agreement on the slate of Officers recommended with Hoelscher proposed for Chair, Walesch for Vice Chair, Kirkwood for Secretary, and Anderson as Treasurer. She provided additional background information on how the committee based its decisions and the process it followed to come to that recommendation. She also provided a list of recommendations the committee would request be of focus to the Officers. She noted that if there were any other nominations at this time, they could not be self-nominated.

Hoelscher asked if there were any other nominations.

There were no other nominations.

MOTION: Cook moved, Newell seconded to appoint Ann Hoelscher as Chair, Jake Walesch as Vice Chair, Mike Kirkwood as Secretary, and Rich Anderson as Treasurer.

VOTE: Motion carried unanimously.

Hoelscher stated that she looks forward to serving with the other Officers and welcomed feedback as to how she can best serve in the role of Chair.

B) Update Regarding Executive Director Selection Process

Brimeyer stated that an update was provided to the Executive Committee and recommended that the Board move forward in this process.

Hoelscher stated that in the past the Board has utilized a work group for this type of recruitment and provided an overview of the responsibility of the work group noting that five members would be ideal. She asked for members that might be interested in serving on this type of group.

Jabbour stated that last time they asked the Interim Director for advice on using a firm to narrow the candidates. He commented that if they are not using that type of process, he would want to ensure that the people on the work group have experience in HR. He noted that Zorn has this type of expertise.

Zorn confirmed that she would be interested in serving in that capacity.

Hoelscher, Cook, Jabbour, Brandt, Stone, and Zorn were chosen to act as the work group in this process.

C) Update Regarding Goff Communications

Hoelscher stated that within the packet is the education campaign plan as drafted by Goff, which includes a timeline and focuses on the 300 feet from shore rule change. She noted that this was provided for informational purposes.

Newell advised of an app that could be used that provides maps for hiking and biking. He noted that perhaps a similar map could be created that identifies the 300-foot areas. He confirmed that he would be willing to investigate that further.

Hoelscher confirmed that the summer rules will also be worked on following the format that was used for the winter rules. She stated that the main difference from the previous year would be that they propose to mail these summer rules to lakeshore residents in place of the spring newsletter.

Jabbour commented that if there is a single message, it is more clearly communicated through a postcard mailing rather than a newsletter. He referenced the reactive message and stated that he would not want to present that in a manner which states that the LMCD reacted to complaints.

Hoelscher stated that this information would not be sent out but will be provided to the Board to ensure that they are providing a consistent message.

Jabbour stated that he would prefer to focus on the facts that the ordinance was created in the 1980s when the boat size was much different rather than presenting it in a manner which suggests the Board reacted to complaints. He asked if input was received from Water Patrol on what the LMCD could do to assist in enforcement and to make their job easier.

Hoelscher stated that part of the plan is to engage those stakeholders to determine the best way to get the message across.

Zorn offered an edit to the bulleted document that capture the intent in a succinct way.

Hoelscher agreed with those edits and asked that Zorn type that up and provide it to staff.

Cook provided another bullet suggestion and confirmed that he could send that to staff.

Newell agreed that this should be kept simple, noting that the regulations were updated to address boating technology that did not exist in the 1980s.

Hoelscher recognized that the members of the Board each have their own take on this which is why this was developed, to ensure the Board is providing a consistent message. She stated that the goal with the summer rules would be to mail them the first week in April. She recognized that there are some typos to be corrected. She asked that the Board review the draft rules and submit any changes to Brimeyer prior to 3 p.m. the following day.

Anderson asked the number of pages and mailing costs.

Brimeyer stated that he has asked Goff for an estimate of the cost.

Hoelscher asked if printing and mailing would come from the communications budget or administrative.

Anderson commented that he would suggest that be funded through administrative.

Nellis commented that he likes the idea of the app and noted that if that is possible, the link could be provided in the summer rules mailing.

Hoelscher stated that one of the communication goals is to drive traffic to the LMCD website, where up to date information is posted.

Anderson stated that he has the addresses on Crystal Bay and if this moves forward he would volunteer to mail those copies of the summer rules at his expense.

Baasen commented that there are about 10,000 slips on the lake but about 70,000 launches onto the lake. He asked how that information would be made available.

Hoelscher stated that Water Patrol would have copies and the information would also be posted at the launches.

Sgt. Kostohryz, Water Patrol suggested placing QR codes at the launches.

MOTION: Anderson moved, Cook seconded to delegate authority to accept the final draft of the summer rules to the Communications Committee and Interim Director Brimeyer.

VOTE: Motion carried unanimously.

14. TREASURER REPORT

A) January Financials – Income and Expense Reports

B) Balance Sheet

Anderson referenced the 2022 profit and loss statement, highlighting certain elements and comparing the actual numbers to those that had been budgeted.

Baasen commented that the marina owners and stakeholder contributed \$78,000 for 2022 for the purpose of funding Water Patrol. He noted that was transferred to the reserves and he did not see that moving back.

Anderson confirmed that those funds that were not used in 2022 were transferred into the reserves and would be applied in 2023 for Water Patrol services.

Jabbour stated that they should attempt to determine if there will be a contract for extra deputies this year, as the Sheriff's Department needs time to hire and schedule their staff as well.

Anderson stated that the 2023 budget includes funding of \$84,000 for Water Patrol. He commented on the balance in both checking and savings at the end of 2022 and stated that after the audit is completed, he would like to investigate options for a better interest rate for the accounts.

15. EXECUTIVE DIRECTOR UPDATE

Brimeyer provided the following information:

- Potential digitalizing of documents and update on the process to receive an estimate
- Updated office hours for Brimeyer

Jabbour noted that he will be coming in to assist in setting up some equipment in the office.

Nellis stated that he has experience with document scanning companies and could provide some of that contact information to staff to assist in checking pricing.

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt stated that a letter of support was sent for the West Tonka Carp project, noting that does not commit the LMCD to any funding but strengthened the application from Harrison's Bay for funding.

Communications: No report.

Finance: No report.

Nominating: No report.

Operations: No report.

Save the Lake: Baasen provided an overview of the contribution activity in 2022 noting the significant increase in the size of donations received in 2022 and a ten percent increase in new donors.

Other: Hoelscher stated that the next meeting is scheduled for March 22nd and asked if there were conflicts on members that could attend in order to confirm that a quorum could be present. She noted topics that she would like to consider at upcoming meetings including watercraft for hire.

Jabbour commented that he believes that zoning has an impact on what the LMCD can do. He noted that if the zoning would not allow something, or the location is not safe, that should be a consideration for berthing locations.

Hoelscher agreed that would need to be discussed but a legal review of the code would be necessary prior to that discussion. She asked that be added to the list for legal counsel but noted that it does not need to occur at the next meeting.

Hoelscher suggested canceling the March 22nd meeting but noted that staff will review to ensure there is nothing that requires action within that timeline. She stated that a notice would be provided to the Board early next week.

17. ADJOURNMENT

MOTION: Cook moved, Zorn seconded to adjourn the meeting at 8:42 p.m.

VOTE: Motion carried unanimously.

Ann Hoelscher, Acting Chair

Dan Baasen, Secretary

11:46 AM
03/15/23

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

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
03/23/2023	EFT-23-24	ADP Service Fee		Alerus Checking		
			Payroll 3/31/23	4180M10 · Professional Services - A...	Admin.	-89.62
TOTAL						-89.62
03/23/2023	EFT-23-25	Health Partners		Alerus Checking		
			Dental Insurance February 2023 (Cobra - Schleuning)	4380M10 · Employee Benefits - Admin.	Admin.	-60.91
			Dental Insurance February 2023 (Duncan)	4380M10 · Employee Benefits - Admin.	Admin.	-60.91
			Dental Insurance February 2023 (Tully)	4380M10 · Employee Benefits - Admin.	Admin.	-60.91
TOTAL						-182.73
03/23/2023	EFT-23-26	Medica		Alerus Checking		
			Health Insurance, March 2023 (Cobra - Vickie Schleuning)	4380M10 · Employee Benefits - Admin.	Admin.	-757.58
			Health Insurance, March 2023 (Tammy Duncan)	4380M10 · Employee Benefits - Admin.	Admin.	-757.58
			Health Insurance, March 2023 (Thomas Tully)	4380M10 · Employee Benefits - Admin.	Admin.	-757.58
TOTAL						-2,272.74
03/30/2023	EFT-23-27	WEX Health, Inc. Service Fee		Alerus Checking		
			HSA Svc Fee February 2023 (Tully)	4380M10 · Employee Benefits - Admin.	Admin.	-2.75
			HSA Svc Fee February 2023 (Duncan)	4380M10 · Employee Benefits - Admin.	Admin.	-2.75
TOTAL						-5.50
03/23/2023	EFT-23-28	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-5,676.77
			P.E.R.A	2020 · Payroll Liabilities -	Admin.	790.92
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-423.71
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/...	Admin.	-432.20
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	27.12
			Brimeyer 2/28/23 - 3/10/23	4024 · Contract Labor	Admin.	-1,560.00
TOTAL						-7,274.64
03/23/2023	22314	City of Mound		Alerus Checking		
03/11/2023	April 2023		Rent, April 2023	4320M10 · Office Rent - Admin.	Admin.	-1,733.48
TOTAL						-1,733.48

11:46 AM

03/15/23

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

Date	Num	Name	Memo	Account	Class	Paid Amount
03/23/2023	22315	ECM Publishers, Inc.		Alerus Checking		
03/11/2023	Inv.#937301, 937110		Laker Pioneer - PH Zurcher Dock Sun Sailor - PH Zurcher Dock	4110M10 · Public Info Legal Fees- A... 4110M10 · Public Info Legal Fees- A...	Admin. Admin.	-45.38 -70.40
TOTAL						-115.78
03/23/2023	22316	ECM Publishers, Inc.	VOID: VOID	Alerus Checking		
TOTAL						0.00
03/23/2023	22317	Innovative Office Solutions LLC		Alerus Checking		
03/02/2023	Inv.#IN4111575		Business Cards for Jim Brimeyer	4220M10 · Office Supplies -Admin.	Admin.	-73.01
TOTAL						-73.01
03/23/2023	22318	MN Lakes & Rivers		Alerus Checking		
03/06/2023	Invoice Mbr 20741		2023 Membership	4360M10 · Subs/Memberships - Adm...	Admin.	-200.00
TOTAL						-200.00
03/23/2023	22319	LMCC		Alerus Checking		
03/09/2023	Inv.#1536		VOD Services for Meeting 3/8/23	4182M10 · Media (Cable/Internet) - A...	Admin.	-200.00
TOTAL						-200.00
03/23/2023	22320	Steven M. Tallen Attorney At Law		Alerus Checking		
03/01/2023	February 2023		Prosecution Cost February 2023	4640M10 · Prosecution Legal Fees - ...	Admin.	-4,737.97
TOTAL						-4,737.97
03/23/2023	22321	Your Computer Hero		Alerus Checking		
03/02/2023	Inv.#7629		Hero Remote Support, Ticket Work, Darrell 2/8/23	4181M10 · Professional Comp. Serv....	Admin.	-120.00
TOTAL						-120.00
03/23/2023	22322	Phone Guys Inc.		Alerus Checking		
03/23/2023	Inv.#20460		Desi Labels printed for all phones	4182M10 · Media (Cable/Internet) - A...	Admin.	-44.10
TOTAL						-44.10

2:50 PM
04/04/23

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

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
04/14/2023	EFT-23-31	ADP Service Fee		Alerus Checking		
			Payroll 4/14/23	4180M10 · Professional Service...	Admin.	-89.62
TOTAL						-89.62
04/14/2023	EFT-23-32	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-6,199.75
			P.E.R.A	2020 · Payroll Liabilities -	Admin.	864.14
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-462.93
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin F...	Admin.	-472.21
			Long Term Disability	2020-LT · Payroll Liabilities - UN...	Admin.	27.12
			Brimeyer 4/1/23 - 4/15/23	4024 · Contract Labor	Admin.	-2,160.00
TOTAL						-8,403.63
04/13/2023	EFT-23-33	P.E.R.A		Alerus Checking		
			Payroll 4/1/23 - 4/15/23	2020 · Payroll Liabilities -	Admin.	-858.71
TOTAL						-858.71
04/13/2023	EFT-23-34	Unum Life Insurance		Alerus Checking		
			Long Term Disability - April 2023	2020-LT · Payroll Liabilities - UN...	Admin.	-54.23
TOTAL						-54.23
04/01/2023	EFT-23-35	WEX Health, Inc.		Alerus Checking		
			HSA Contribution April 2023 (Tully)	4380M10 · Employee Benefits - ...	Admin.	-125.00
			HSA Contribution April 2023 (Duncan)	4380M10 · Employee Benefits - ...	Admin.	-125.00
TOTAL						-250.00
04/13/2023	22323	AIS Advanced Imaging Solutions		Alerus Checking		
04/13/2023	Inv.#497603...		Copier Contract 3/20/23 - 4/20/23	4140M10 · Office Equipment R&...	Admin.	-447.95
			Black & White Overage 12/20/22 - 3/20/23	4140M10 · Office Equipment R&...	Admin.	-28.02
TOTAL						-475.97

2:50 PM
04/04/23

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

Date	Num	Name	Memo	Account	Class	Paid Amount
04/13/2023	22324	Chuck Struck		Alerus Checking		
03/29/2023	Inv.#INV0038		March 8th Retreat (3 Hrs) Board Meeting March 8, 2023	4182M10 · Media (Cable/Internet... 4182M10 · Media (Cable/Internet...	Admin. Admin.	-130.00 -90.00
TOTAL						-220.00
04/13/2023	22325	HueLife, LLC		Alerus Checking		
04/04/2023	Inv.#2742		Organization Development Consulting Meeting Works...	4180M10 · Professional Service...	Admin.	-5,500.00
TOTAL						-5,500.00
04/13/2023	22326	Minnesota Trophies		Alerus Checking		
03/17/2023	Inv.#34403		Name Plate for Ann, Jake, Mike, Dan, and Ryan	4230M10 · Meeting Exp. - Admin.	Admin.	-66.13
TOTAL						-66.13
04/13/2023	22327	NCPERS Group Life Insurance		Alerus Checking		
03/01/2023	April, 2023		Life Insurance, April 2023 (Credit VS Feb & Mar)	4380M10 · Employee Benefits - ...	Admin.	-16.00
TOTAL						-16.00
04/13/2023	22328	Ratwik, Roszak & Maloney, P.A.		Alerus Checking		
03/01/2023	February 2023		Civil Legal Fees, February 2023	4620M10 · Civil Legal Fees - Ad...	Admin.	-1,854.00
TOTAL						-1,854.00
04/13/2023	22329	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
03/14/2023	Inv.#M28066		Board Minutes 3/8/23	4230M10 · Meeting Exp. - Admin.	Admin.	-234.50
TOTAL						-234.50
04/13/2023	22330	Your Computer Hero		Alerus Checking		
03/02/2023	Inv.#7629		Computer Maint, Install Printer Drivers, updates etc.	4181M10 · Professional Comp. ...	Admin.	-930.00
TOTAL						-930.00

ITEM 7B



RESOLUTION 251

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 #251

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 12th day of April 2023.

ATTEST:

Ann Hoelscher, Chair

Michael Kirkwood, Secretary

Lake Minnetonka Conservation District
Transaction Detail By Account
February 14 through March 24, 2023

Resolution #251 - Save the Lake Contributions

Date	Num	Name	Memo	Amount
Contributions				
3001M20 - Donations (General) - S/L				
02/21/2023	5048	Robin Bachmann	STL Donation (General)	25.00
02/21/2023	21833	James & Georgia Thompson	STL Donation (General)	500.00
02/21/2023	6431	Dan & Kara Johnston	STL Donation (General)	50.00
02/21/2023	13123637	Steve & Sandy Perkins	STL Donation (General)	500.00
02/21/2023	PayPal	Philip Styrlund	Transfer from PayPal (1000.00)	970.61
03/01/2023	8108256	Tom & Renee Keller	STL Donation (General)	1,000.00
03/20/2023	5859	Steve Erdahl	STL Donation (General)	100.00
Total 3001M20 - Donations (General) - S/L				3,145.61



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: April 12, 2023 (Prepared April 5, 2023)
TO: LMCD Board of Directors
FROM: Thomas Tully, Environmental Administrative Technician
CC: Jim Brimeyer, Interim Executive Director
SUBJECT: Variance for Adjusted Dock Use Area and Length, 5310 Elmridge Circle, Shorewood, MN, 55331, East Upper Lake

A handwritten signature in black ink, appearing to read 'Thomas Tully', is written over the 'FROM:' line of the memo.

ACTION

Board consideration of a variance for an adjusted dock use area and length allowance for 5310 Elmridge Circle on East Upper Lake in the City of Shorewood (PID 29-117-23-34-0008) and receive public input during the public hearing.

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

Approval

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order approving the variance application from Mark Zurcher for the property located at 5310 Elmridge Circle in for final approval at the April 26, 2023, LMCD Board meeting <subject to the following conditions>...

Denial

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order denying the variance application from Mark Zurcher for the property located at 5310 Elmridge Circle in Shorewood for a final vote at the April 27, 2023, LMCD Board meeting based on...

APPLICATION SUMMARY

The applicant, Mark Zurcher (“Applicant”) has submitted a variance application to adjust the dock use area and allowed length of the dock structure for 5310 Elmridge Circle in Shorewood; (“Site”). The Applicant’s parcel has approximately 173 feet of 929.4 feet OHW shoreline. The variance application was submitted in an effort to resolve the issue of water depth located at the site due to abnormal site conditions.

Site Background

The Applicants current dock does not meet the standard LMCD Code requirements. A dock has existed at this location for many years, with some reconfiguration to allow for access to more navigable waters. The Applicant’s parcel has approximately 173 feet of 929.4 feet OHW

shoreline. The site is located on the southern shore of the East Upper Lake on what appears to be a large sand bar. This variance would allow for the Applicant to extend the dock structure at the site to a length of 200 feet to reach a water depth of approximately 4.5 feet, the Applicants proposal would meet all LMCD setbacks.

The Applicant proposes to install a dock structure with two Boat Storage Units (BSU) the first being 14.0 feet wide by 30 feet in length, the second being a personal watercraft (PWC) slip tucked behind the first BSU. The walkways of the dock structure are 4 feet wide, and there is a platform 8 feet wide by 20 feet long on the northwestern end.

The current dock structure for the site is roughly 125 feet. LMCD Code allows properties with shorelines greater than 60 feet to extend their dock structure out a distance into the lake equal to the length of their shoreline, but not more than 100 feet. Meaning that at the current placement the applicants dock does not meet LMCD code. The applicant has chosen to come into compliance in addition to asking for a variance to reach a more navigable depth.

Additionally, there is a 15-foot setback for dock structure extending into the lake 50 to 100 feet, and a 20-foot setback for dock structure extending 100-200 feet. This dock structure also has a canopy which requires a 20-foot setback regardless of where it is located along the dock structure. Currently the Applicant has encroached over into the dock use area of the neighboring property to the east and will need to meet the standard LMCD setbacks.

Water depths were provided by the Applicant for review. The applicant is requesting this variance due to issues with water depth. At 100 feet from the 929.4 OWHL the water depth for the site is approximately 3.6 feet on the western most side, and 4.1 feet on the eastern most side. At 200 feet the average water depth for the property would be roughly 4.1 feet on the western most side and 4.6 feet on the eastern most side. Extending out from there, the Applicants water depth only increases approximately another 1 foot over 200 feet.

The applicant would most likely need to dredge to reach a deeper water depth level as they progress further. When referencing aerial photos it is apparent that most sites in the area have needed dredging. Staff would strongly oppose the dock structure going past 200 feet due to most commercial structures being limited to a maximum of 200 feet, and for public safety.

CONSIDERATIONS OF VARIANCE

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

1. Has the Applicant sufficiently demonstrated practical difficulties exist such that each of following are true?
 - a. Strict application of code prohibits property owner from using Lake in reasonable manner that is otherwise permitted by the code.
 - b. Granting a variance is within spirit and intent of the Code.
 - c. Plight of property owner is due to circumstances:
 - (1) Unique to property;
 - (2) Not created by property owner; and
 - (3) Not based solely on economic considerations.

- d. Granting a variance does not alter essential character of the area.
2. Is the Applicant proposing a use not allowed under the code?
 3. Would variance, if granted and with conditions imposed, adversely affect:
 - a. Purpose of Code?
 - b. Public health, safety, and welfare?
 - c. Reasonable access to or use of the Lake by public or riparian owners?

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, the City of Shorewood, and the general public were provided information regarding the application on March 29, 2023. City and agency comments were due by April 9, 2023. Comments received as of April 6, 2023, are summarized below. Any comments received after April 6, 2023, will be provided at the Board meeting for review.

- There have been no agency comments regarding the application.

As of April 6, comments received by LMCD staff from the general public are summarized below:

- The LMCD Office has received no general public comments regarding the application.

PUBLIC HEARING

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

The public hearing notice was published in the March 22, 2023, edition of the Sun Sailor (official newspaper) and the March 24, 2023, edition of the Laker Pioneer. On March 30, 2022, a public hearing notice was mailed to persons who reside upon or are owners of property within 350 feet of the Site. In addition, the Board packet was posted online and the agenda was posted on the LMCD bulletin board.

RECOMMENDATION

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

1. Ensure all watercrafts (2) are contained within the BSU located at the site.
2. For the Western side setbacks, maintain a minimum 20 foot-setback from shore as it extends into the lake as indicated on the site plan.
3. For the Eastern side setbacks, maintain a minimum 135 foot setback from the end of the dock structure located at the site.

4. The length of the dock structure and storage should be no longer than the proposed 200 feet from the 929.4 feet OHW since water levels would be sufficient during normal OHW.
5. Allow up to two (2) BSUs for the Site.
6. Ensure that the end of the dock structure is equipped with reflectorized material so as to ensure public safety.
7. Provide an updated site plan with final configuration and measurements as approved by the Board.
8. Apply standard variance conditions reflecting environmental, nuisances, maintenance, etc.

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. Basic Site Overlay
5. Variance Application & Submitted Documents
6. Public Hearing Notice (Sun Sailor and Laker Pioneer)
7. Public Hearing Notice Mailing
8. LMCD 60 Day Extension

ITEM 10A Attachment

Application for Variance at 5310 Elmridge Circle, Shorewood
LMCD Board Meeting
April 12, 2023

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.
- (b) Commercial Structures – August 30, 1978. The authorized dock use area for sites with commercial uses that have a commercial structure that was in existence on August 30, 1978 shall extend into the Lake a distance of 200 feet. The lakeward extension of the authorized dock use area more than 100 feet from the shoreline shall be limited to the distance from shore of the docks in existence on said date and that portion of said docks more than 100 feet from the shoreline may not be altered or expanded.
- (c) Qualified Commercial Uses. The authorized dock use area for qualified commercial marinas, qualified sailing school, and qualified yacht clubs extends into the Lake a distance of 200 feet.
- (d) Existing Site – February 5, 1970. The authorized dock use area for a site in existence on February 5, 1970 shall be determined as follows:
 - (1) Over 40 feet of Frontage. If the site has a Lake frontage of 40 feet or more, but less than 60 feet, the authorized dock use area extends into the Lake a distance of 60 feet.
 - (2) Under 40 feet of Frontage. If the site has a Lake frontage of less than 40 feet, the authorized dock use area extends into the Lake to the point necessary to reach a water depth of four feet, measured from 929.4 NGVD, except that no such dock shall be located or extended more than 60 feet into the Lake. Side setbacks requirements shall be observed unless the Board issues a setback variance under Section 6-5.01.

- (e) Public Safety Docks. The authorized dock use area for dock facilities owned and operated by state agencies, Hennepin County, the LMCD, or municipalities bordering on the Lake and used exclusively for law enforcement, public safety, or LMCD purposes extends into the Lake a distance of 125 feet.

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.
- (c) Sites with 50 feet of Width or Less – February 2, 1970. For a site in existence on February 2, 1970 with a width of 50 feet or less, the authorized dock use area may be expanded to a side setback limitation of five feet, provided that such setback in no way impair access to neighboring docks.
- (d) Canopies. Canopies must be setback from side site lines a minimum distance of 20 feet.

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,

Application for Variance at 135 Mound Ave, Tonka Bay

LMCD Board Meeting

October 26, 2022

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.

Subd. 3. Compliance with Density. No docks or mooring areas shall be constructed, established or maintained that provide space for, or are used for, mooring or docking a greater number of restricted watercraft than is allowed under this Section unless authorized to do so by special density license issued in accordance with Sections 2-4.11 and 6-2.13.

Section 2-4.09. Special Density Rules.

The number of restricted watercraft stored at a site under the general density rules may be increased as provided in this Section. With respect to residential sites, the homestead or non-homestead status of property for ad valorem real estate tax purposes has no bearing on or application to this Section.

Subd. 1. Additional Watercraft Density. Unless a greater number is authorized under this Section, up to four restricted watercraft may be moored or docked at a dock or mooring area located on any site if all of the conditions of this subdivision are met.

(a) There must be one, and no more than one, single-family residential structure on the site. If there is no residential structure on a site, any one off-lake lot, parcel, or other piece of property may be designated to be a part of one site by the owner for purposes of this subdivision if it:

- (1) Is legally subdivided and recorded in the office of the County Recorder;
- (2) Adjoins the site or is separated from the site only by a public right-of-way;
- (3) Is under common ownership and unified use with the site; and
- (4) Is occupied by one single-family residential structure.

(b) The dockage rights at the site are owned exclusively by the owners of the lot parcel or other piece of property on which the residential structure referred to in paragraph (a) of this subdivision is located.

(c) All of the restricted watercraft moored or docked at a dock or mooring at the site must be owned by and registered to persons who live in the one residential structure referred to in paragraph (a) of this subdivision.

Subd. 2. Sites in Existence on August 30, 1978. Unless a greater number is authorized by the provisions of this Section, up to two restricted watercraft may be moored or docked at any dock or mooring facility that is located on a site that was in existence on August 30, 1978.

Section 6-5.01. Variances.

Subd. 1. Authorized. Where practical difficulties occur or where necessary to provide access to persons with disabilities, the Board may permit a variance from the requirements of this Code or may require a variance from what is otherwise permitted by this Code, provided that such variance with whatever conditions are deemed necessary by the Board, does not adversely affect the purposes of this Code, the public health, safety, and welfare, and reasonable access to or use of the Lake by the public or riparian owners. Except as otherwise provided in this Code, all

Application for Variance at 135 Mound Ave, Tonka Bay

LMCD Board Meeting

October 26, 2022

variances granted by the LMCD shall be governed by the provisions of this Section.

Subd. 2. Unusual Configurations. Where the provisions of this Code would cause the authorized dock use area of two or more sites to overlap, or where there is any other unusual configuration of shoreline or extended lot lines, which causes a conflict between the owners of two or more adjacent or nearby sites as the use of the same area of the Lake for docks, mooring areas or other structures or for reasonable access thereto, the owner of any of the affected sites may apply to the Board for a variance. A variance may be to permit the Applicant to locate a dock, mooring area, or other structure in a location different from that permitted by this Code or to permit or require the owner of any adjacent or nearby site to do so.

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

Subd. 6. Criteria. The Board may grant a variance from the literal provisions of this Code in instances where the property owner can show practical difficulties exist by virtue of circumstances which are unique to the individual property or properties under consideration or to provide access to persons with disabilities. The Board may only grant a variance if the property owner is able to demonstrate that granting the variance will be in keeping with the spirit and intent of this Code, the plight of the property owner is due to circumstances unique to the property that were not created by the property owner, the proposed use is reasonable under the circumstances, and the variance, if granted, would not alter the essential character of the area. No variance may be granted to allow a use that is not permitted under this Code. The Board may impose conditions in the granting of variances to ensure compliance and to protect other riparian owners and users of the Lake. No variance for access for persons with disabilities shall be granted which allows or provides for the storage of a greater number of watercraft than otherwise would be permitted under this Code.

ITEM 10A Attachment

Variance Application for Adjusted Dock Length

Property: 5310 Elmridge Circle, Shorewood, 55331 (Applicant: Mark Zurcher)

For illustrative purposes only. Source: Hennepin County Interactive Property Map, 03/20/2023



Variance Application for Adjusted Dock Length

Property: 5310 Elmridge Circle, Shorewood, 55331 (Applicant: Mark Zurcher)

For illustrative purposes only. Source: Hennepin County Interactive Property Map, 03/20/2023

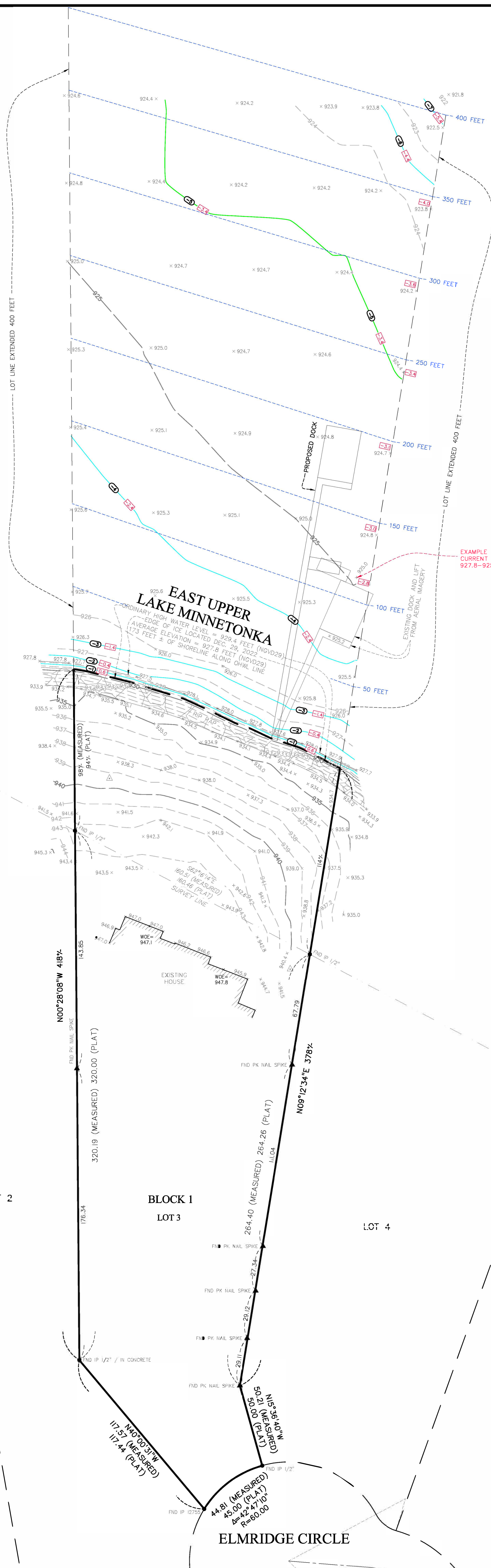


Variance Application for Adjusted Dock Length

Property: 5310 Elmridge Circle, Shorewood, 55331 (Applicant: Mark Zurcher)

For illustrative purposes only. Source: Hennepin County Interactive Property Map, 03/20/2023





DESCRIPTION OF PROPERTY SURVEYED

Lot 3, Block 1, ELMRIDGE according to the recorded plat thereof, Hennepin County, Minnesota.

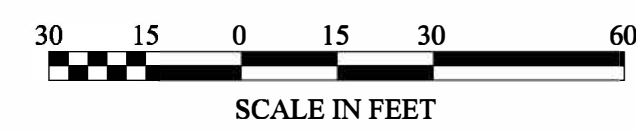
STANDARD NOTES

Site Address: 5310 Elmrige Circle, Shorewood, Minnesota 55331

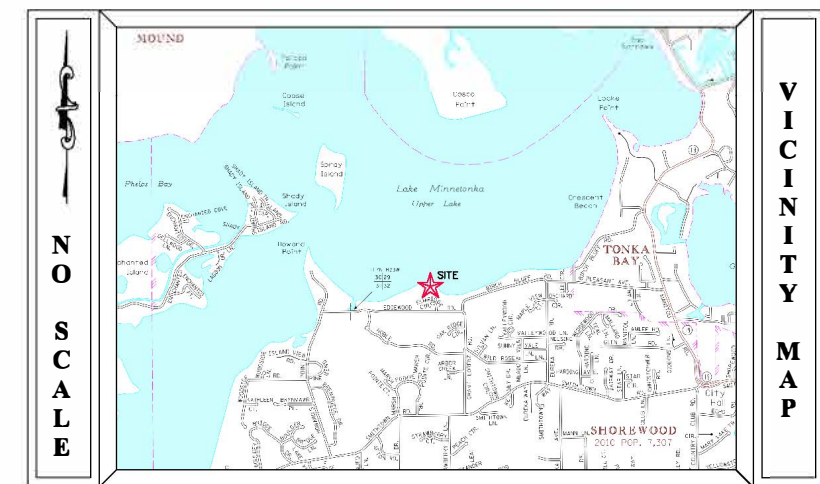
Benchmark: Elevations are based on the Lake Minnetonka Benchmark, Brass disk in concrete curb at exit of Grays Bay Dam area. Benchmark elevation = 932.7 feet (NGVD 29)

SURVEY LEGEND

- 96.0 CONTOUR EXISTING
- LAKE CONTOUR BELOW OHWL ELEVATION 929.4 FEET (NGVD29)
- LAKE DEPTH BELOW CURRENT AVERAGE ICE ELEVATION 927.8 FEET (NGVD29)
- IRON PIPE MONUMENT FOUND
- PK NAIL MONUMENT FOUND
- SURVEY CONTROL POINT



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



FIELD CREW	NO.	BY	DATE	REVISION
DM				
DRAWN				
JPR				
CHECKED				
DLS				
DATE				
12/22/22				

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TWP.117-RGE.23-SEC.29
 Hennepin County
SHOREWOOD, MINNESOTA

LAKE DEPTH EXHIBIT
 PREPARED FOR:
MARK ZURCHER

FILE NO.	99775-001
1	1





ITEM 10A Attachment
VARIANCE APPLICATION
LAKE MINNETONKA CONSERVATION DISTRICT

For LMCD use: Fee Amount: 500 Check # 0429 Date Received 02/2/23

1. CONTACT INFORMATION

Applicant: Mark Zurcher Title (Owner, Authorized Agent, etc.): Owner
Address: 5350 Elmridge Circle
City, State, Zip: Shorewood MN 55331
Phone: 312-961-1218 Email: mark.zurcher@blueopspartners.com
Property Owner (if different from applicant): N/A
Relationship to Property Owner: N/A
Address: same as above
City, State, Zip: _____
Phone: _____ Email: _____

2. PROPERTY INFORMATION

Site Address: 5310 Elmridge Circle Shorewood MN 55331
Abutting Lakeshore Property Owners (Name and Mailing Address)
North or West: 5305 Elmridge Circle
South or East: 5320 Elmridge Circle
Other affected parties: _____

3. PROPOSED VARIANCE

Type of Variance: Length
State practical difficulties causing the variance to be required: water depth

4. ATTACHMENTS

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

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

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

Several of the required attachments can be combined into a single document. Absence of requested data may result in a processing delay or the application may be deemed incomplete.

5. FEES

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

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

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

Applicant's Signature: 

 Name Title *N/A* Date *02/02/23*

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

**LAKE MINNETONKA
CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, MARCH 22, 2023**

**MARK ZURCHER
5310 ELMRIDGE CIRCLE,
SHOREWOOD, MN 55331
EAST UPPER LAKE,
LAKE MINNETONKA**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a variance application from Mark Zurcher of 5310 Elmridge Circle, Shorewood to adjust the allowed length of a residential single dock. The applicant proposes to install a dock structure that would extend out from the OHW shoreline up to 200 feet. No adjustments are being proposed to the Applicants dock use area, or side setbacks. All interested persons will be given an opportunity to comment. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

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

Published in the
Sun Sailor
March 9, 2023
1297754



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: March 30, 2023

TO: Property Owner

FROM: Thomas Tully, Environmental Administrative Technician

SUBJECT: Public Hearing Notice- Length Variance 5310 Elmridge Circle, Shorewood, Lower Lake South

You are receiving this notice since Hennepin County property records indicate you own or reside upon property within 350 feet of a site being considered for a variance for an adjusted dock use area including side setback and length adjustments. The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the variance application. The site is located at 5310 Elmridge Circle in Shorewood and has a shoreline on Lower Lake South. The applicant is Mark Zurcher of 5310 Elmridge Circle, 55331.

The Applicant is proposing to adjust the residential site's dock structure. The applicant proposes to install a dock structure that extends off the 929.4 original high water line 200 feet into the lake. All interested persons will be given an opportunity to comment. An aerial image and proposed site plan are enclosed for your reference.

Public Hearing Information

A public hearing will be held at 7:00 PM, April 12, 2023. The items detailed above will be reviewed and considered for approval. All interested persons will be given an opportunity to comment. Alternatively, please submit comments in writing to the LMCD (address below) or by emailing staff at lmcd@lmcd.org.

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

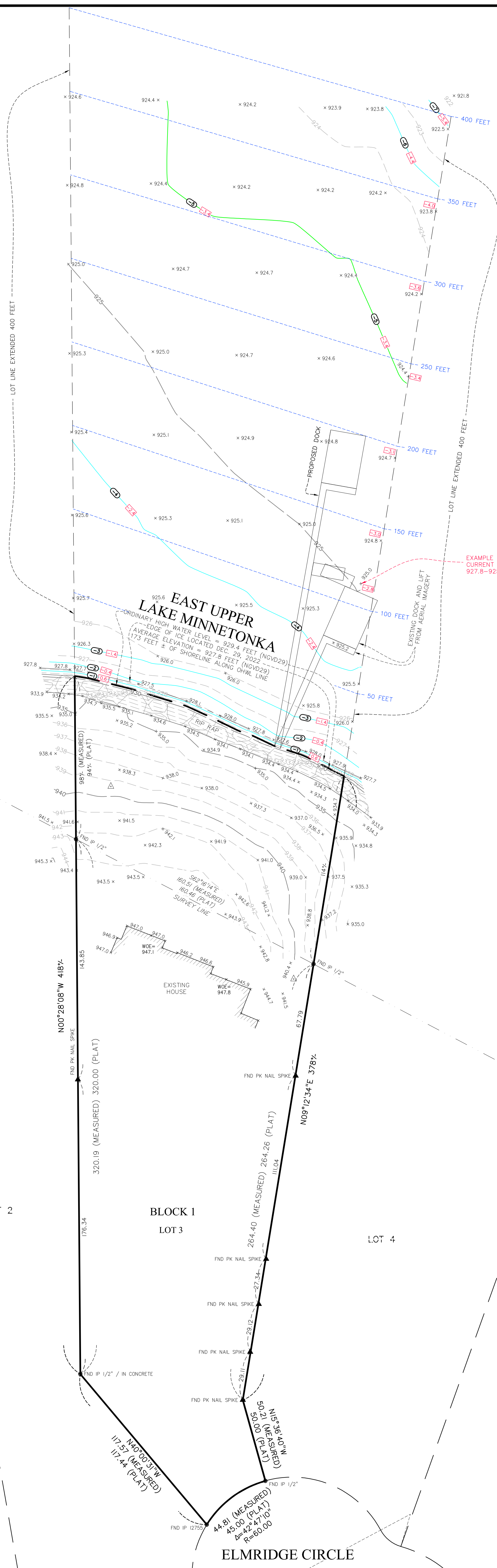
Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

Variance Application for Adjusted Dock Length

Property: 5310 Elmridge Circle, Shorewood, 55331 (Applicant: Mark Zurcher)

For illustrative purposes only. Source: Hennepin County Interactive Property Map, 03/20/2023





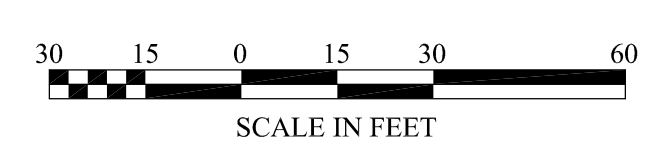
DESCRIPTION OF PROPERTY SURVEYED
 Lot 3, Block 1, ELMRIDGE according to the recorded plat thereof, Hennepin County, Minnesota.

STANDARD NOTES

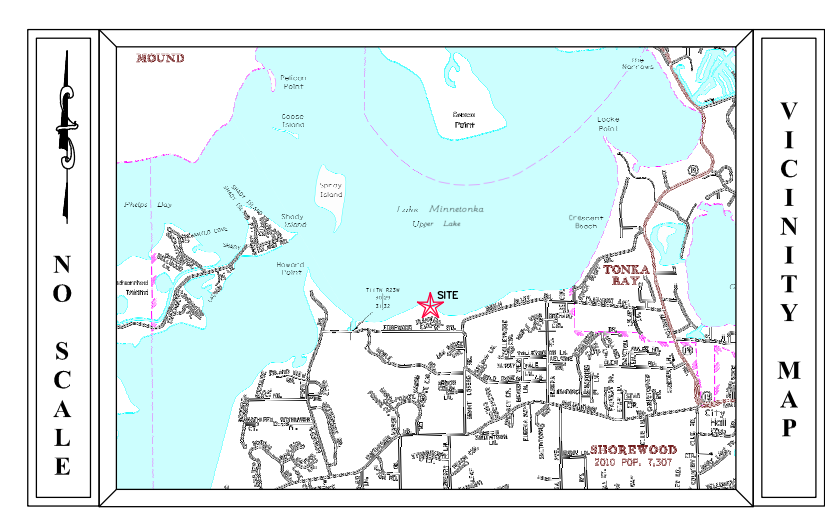
Site Address: 5310 ElmrIDGE Circle, Shorewood, Minnesota 55331
 Benchmark: Elevations are based on the Lake Minnetonka Benchmark, Brass disk in concrete curb at exit of Grays Bay Dam area. Benchmark elevation = 932.7 feet (NGVD29)

SURVEY LEGEND

- CONTOUR EXISTING
- LAKE CONTOUR BELOW OHWL ELEVATION 929.4 FEET (NGVD29)
- LAKE DEPTH BELOW CURRENT AVERAGE ICE ELEVATION 927.8 FEET (NGVD29)
- IRON PIPE MONUMENT FOUND
- PK NAIL MONUMENT FOUND
- SURVEY CONTROL POINT



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



FIELD CREW	NO.	BY	DATE	REVISION
DM				
DRAWN				
JPR				
CHECKED				
DLS				
DATE				
12/22/22				

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TWP.117-RGE.23-SEC.29
 Hennepin County
SHOREWOOD, MINNESOTA

LAKE DEPTH EXHIBIT
 PREPARED FOR:
MARK ZURCHER

FILE NO.
 99775-001
1
1



LAKE MINNETONKA CONSERVATION DISTRICT

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

March 15, 2023

Mark Zurcher,
5310 Elmridge Circle,
Shorewood, MN 55331

Emailed: Mark.zurcher@blueopspartners.com

Re: Length Variance Application for PID 29-117-23-34-0008 in the City of Shorewood MN 55331, South Lower Lake

Dear Mr. Zurcher:

On February 2, 2023, our office received your application requesting a license for a new Length Variance Application for PID 29-117-23-34-0008 in the City of Shorewood MN 55331. Staff determined the application complete and processed it in accordance with the LMCD Code.

On March 9, 2023, a public hearing notice for the Length Variance Application was posted in the official Sun Sailor News Paper.

On March 15, 2023, LMCD staff received Notice from the LMCD Board that the public hearing scheduled for March 22, 2023 would be cancelled due to time issues and potential for lack of quorum. Due to the short time frame between the end of the original 60-day timeframe and the next Board meeting which will now occur on April 12, 2023 LMCD Board meeting, the Lake Minnetonka Conservation District is exercising its option under Minnesota Statutes, section 15.99 to extend the period it has to take final action on your application by an additional 60 days. With the 60-day extension provided for in this notice, the Board will now need to take final action on your application by June 1, 2023. Again, the reason for this extension is to make sure the LMCD has adequate time to process this application.

Please note, the application requesting a Length Variance Application for PID 29-117-23-34-0008 in the City of Shorewood MN 55331 located on South Lower Lake is now scheduled for the April 12, 2023 LMCD Board Meeting.

Mark Zurcher, 5310 Elmridge Circle
March 15, 2023
Page 2

Please contact Thomas Tully, Environmental Administrative Technician, at 952-745-0789 or by email at ttully@lmcd.org if you have questions or need clarification regarding this letter or the application process. Thank you.

Sincerely,

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

Thomas Tully,
Environmental Administrative Technician



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: April 12, 2023 (Prepared April 3, 2023)
TO: LMCD Board of Directors
FROM: Maisyn Pruetter, Administrative Coordinator
Maisyn Pruetter
THROUGH: Jim Brimeyer, Interim Executive Director
James J. Brimeyer
SUBJECT: Hennepin County Sheriff's Office Funding Request

ACTION

Board consideration of a request from Hennepin County Sheriff's Office (HCSO) for \$87,000 in funding to support dedicated Water Patrol Services for Lake Minnetonka. The following motions are offered depending on whether the Board wishes to approve or deny the request.

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

Approval

I make a motion to approve the Hennepin County Sheriff's Office funding request in the amount of \$87,000 from LMCD Save the Lake funds to provide dedicated patrol services to Lake Minnetonka during peak boating times and authorize staff to enter into and execute an agreement for these law enforcement and boater safety services.

OR

I make a motion to approve \$87,000 from LMCD Save the Lake funds to provide dedicated patrol services to Lake Minnetonka during peak boating times and authorize staff to enter into and execute an agreement for these law enforcement and boater safety services.

Denial

I make a motion to deny the Hennepin County Sheriff's Office funding request for dedicated patrol services to Lake Minnetonka during peak boating times.

BACKGROUND

Save the Lake (STL) funds have been used to supplement water patrol services for Lake Minnetonka and ensure resolute personnel are available during peak boating times. The Board has recognized the need to provide a dedicated level of emergency and public safety services for the highly used Lake. This is similar to concepts used by cities, businesses, and associations to provide or supplement public safety services for routine, special events,

HCSO Water Patrol Funding Request
LMCD Board Meeting
April 12, 2023

emergency services, etc. The basis of their request is the increased use of the lake and staffing issues including the decline of volunteer special deputies.

The amounts of STL funds allocated to the HCSO by the LMCD for similar requests in past years are as follows:

- 2022 - 84,000
- 2021 - 84,000
- 2020 - \$42,000 (\$38,000 original funding, with an addendum of \$4,000 additional funding through earmarked STL contributions
- 2019 - \$30,000
- 2018 - \$25,000
- 2017 - \$30,000
- 2016 - \$29,000

If the Board chooses to provide funding, an agreement will be executed with the HCSO. More details are provided in the attached funding request. Last year's services agreement is attached for reference, noting that it will need to be modified based on board direction and working with the agency.

CONSIDERATIONS

1. Are funds available from Save the Lake contributions or other LMCD funds?
2. Does the funding of this position align with the LMCD mission and goals?
3. Has the funding achieved results that provide a safer and enhanced Lake Minnetonka experience?
4. What, if any, suggestions does the Board have related to patrol activities, e.g., reporting, wakes enforcement, etc.?
5. Is this an appropriate and desirable use of 1) general or 2) contribution funds?

STRATEGIC PRIORITIES

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

- 2023 HCSO Funding Request
- 2022 Hennepin County Sheriff Water Patrol Service Agreement

ITEM 13A Attachment



SHERIFF DAWANNA S. WITT

Hennepin County Sheriff's Office, 350 South Fifth Street, Room 6, Minneapolis, MN 55415
(612) 348-3744 • hennepinsheriff.org

Applicant: Hennepin County Sheriff's Office

Contact:

Major Shane Magnuson
350 S. 5th Street, Room 6
Minneapolis, MN 55415
Phone: 612-685-0588
Fax: 612.348.4208
Email: shane.magnuson@hennepin.us

Executive Summary:

The Hennepin County Sheriff's Office requests \$87,000 to support dedicated Water Patrol on Lake Minnetonka during peak boating periods. This is for the HCSO to with two deputies to be dedicated to Lake Minnetonka during the Summer of 2023. HCSO has been requested by the Lake Minnetonka Conservation District (LMCD) to develop a program to provide additional boating safety patrol hours on Lake Minnetonka. The program is designed to add hours: 1) to focus patrol of Lake Minnetonka; 2) during times when use is highest; and 3) during nighttime hours when accidents may occur. The grant period will start in mid-May and end on Labor Day.

From 2019-2021, Lake Minnetonka received 8,168 average hours of Patrol coverage each year. In 2022 the lake hours went up to 8,873. These hours included two additional, dedicated Water Patrol Deputy funded by the LMCD grant. Our volunteer special deputy numbers have also steadily declined. With the two dedicated Lake Minnetonka deputies, we will add approximately an additional 700 dedicated hours of patrol to Lake Minnetonka (May 23rd to Labor Day) during the program instead of 350.

Project Description, Goals, Objectives, and Activities:

The Hennepin County Sheriff's Office is a full-service Sheriff's Office with county-wide jurisdiction and statutory mandates. The Sheriff's Office has nearly 250 deputies in eight lines of business, and 12 special deputy volunteers that help to provide statutorily required water safety and rescue on 104 lakes and 3 rivers across Hennepin County.



SHERIFF DAWANNA S. WITT

Hennepin County Sheriff's Office, 350 South Fifth Street, Room 6, Minneapolis, MN 55415
(612) 348-3744 • hennepinsheriff.org

Project timeline:

This funding request would allow for a specific commitment of personnel to Lake Minnetonka during peak boating times of 2 p.m. - 12 a.m. (Monday thru Friday, weekends, and holidays) from Memorial Day weekend through Labor Day. Specific breakdown is below:

- April 2023, continued partnership funding request through the LMCD
- April 2023, grant funding announced
- April 2023, staffing plan for Lake Minnetonka coverage for summer boating season finalized
- May 7th, 2023, dedicated staffing begins
- July 17th, 2023, report made to LMCD on previous month staffing
- August 21st, 2023, report made to LMCD on previous month staffing
- September 4th, 2023, Labor Day, last day of dedicated staffing funded by grant
- October 20th, 2023, grant close out report made to LMCD

Project Evaluation - Explain how the effectiveness and the success of the project will be measured:

The primary goals and objectives for the project will be an increased presence of the Hennepin County Sheriff's Office Water Patrol unit on Lake Minnetonka during peak boating hours. This will be measured by Hennepin County Sheriff's Office providing regular written reports to the LMCD outlining the personnel assigned to the lake, and dates & times of service. The goal is to increase the number of hours the Sheriffs' Office devotes to Lake Minnetonka and decrease response times to critical incidents.

The success of the project will be measured by an increased number of monthly Water Patrol hours spent on Lake Minnetonka, mid-May through Labor Day, using 5-year average base for comparison.

The project success will also be measured by greater visibility during emergency ordinance declarations, such as high water or high-volume events such as the 4th of July or Folds of Honor.

Project Administrator:

Lt. Bret Cline will be the project manager for this grant. Lt. Cline has been with The Hennepin County Sheriff's Office for 15 years. Lt. Cline will assign staff for this duty, ensure all grant requirements are met, and attend regular meetings of LMCD to report out activity.

AGREEMENT

THIS AGREEMENT is made the 13th day of April, 2022, by and between the Lake Minnetonka Conservation District, a Minnesota political subdivision, (hereinafter "LMCD") and Hennepin County, on behalf of the Hennepin County Sheriff's Office (hereinafter "Grantee"). The LMCD and the Grantee may hereinafter be referred to individually as a "Party" or collectively as the "Parties".

1. BACKGROUND

- 1.1. Grantee has applied to the LMCD for an allocation from the LMCD's Save the Lake Fund as a grant to pay expenses for law enforcement and boating safety patrol services as described herein.
- 1.2. The LMCD is willing to fund the activities pursuant to the terms of this Agreement.

2. SERVICES

- 2.1. Services. Pursuant to the terms herein, Grantee shall increase and enhance water patrol services on Lake Minnetonka as described in Grantee's application, generally the hours between 2:00 p.m. and 2:00 a.m. Thursdays, Fridays, weekends and holidays, from Memorial Day weekend through Labor Day ("Services") of 2022. Grantee may alter the days and hours as it determines is appropriate to effectively provide the Services, provided there is no reduction in the minimum number of hours of Services. Grantee shall perform Services in the manner and means determined by Grantee. Grantee reserves the right, in Grantee's sole discretion, to perform or not perform Services.
- 2.2. Reports. Following completion of the Services, but not more often than once per calendar month, Grantee will submit an invoice and, subject to applicable laws (including the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 ("MGDPA")), a final report to the LMCD describing the activity, the outcome and results of the activity, how the outcome matched the goals and objectives described in the Grantee's application, and any anticipated continuing impacts from the activity.

3. PAYMENT OF GRANT

- 3.1. Payments. LMCD shall pay Grantee for the hours of Services performed by Grantee's personnel under this Agreement. Grantee shall invoice, and LMCD shall pay, for hours of Services performed by Grantee personnel at the rate of seventy-four dollars (\$74.00) per hour. The maximum amount that LMCD shall be obligated to pay hereunder shall be eighty-four thousand dollars (\$84,000). Grantee shall provide a list of invoiced reimbursable expenses and, as applicable, receipts or copies of receipts therefor. Only those expenses directly related to providing the Services, as determined by the LMCD, are eligible for reimbursement under this Agreement. The LMCD will not be liable or responsible for paying any amounts, or reimbursing any expenses, that exceed the scope of this Agreement or that are not otherwise eligible for payment under this Agreement. The LMCD will pay invoices submitted by Grantee within 30 days of receipt of such invoices.

4. GENERAL TERMS

- 4.1. **Term.** This Agreement will commence on April 13, 2022 and will expire when the Services are completed, a final report submitted, all invoices have been submitted and paid. LMCD's obligation to pay Grantee is limited to Services performed from Memorial Day week-end through Labor Day. The parties shall exercise reasonable efforts to complete performance obligations and invoice herein prior to December 31, 2022.
- 4.2. **Termination of Agreement.** Either Party may terminate this Agreement for any reason upon 30 days' written notice to the other Party. Also, either Party may terminate this Agreement by giving written notice to the other Party in the event the other Party is in material breach of this Agreement and has failed to cure such breach within 10 days of receipt of written notice from the other Party.
- 4.3. **Independent Contractor.** Grantee will act in all respects as an independent contractor under this Agreement and will be solely responsible for performance of Services required hereunder as well as the means and manner of performance thereof. The LMCD will not be an employer, partner, or co-venturer with Grantee for any purpose. Nothing herein authorizes Grantee to act as an agent or representative of the LMCD for any purpose whatsoever.
- 4.4. **Contact.** Major Jeffrey Storms, Jeffrey.storms@hennepin.us or his designee shall serve as Grantee's contact throughout the term of this Agreement. The LMCD Executive Director Vickie Schleuning, vschleuning@lmcd.org shall serve as the contact for the LMCD.
- 4.5. **Mutual Indemnification Obligation.** Each Party will indemnify and hold harmless the other Party and its representatives from all claims that may be asserted against the other Party that result from the negligent acts or omissions of the indemnifying Party related to the performance of this Agreement. Such right of indemnification will remain in full force and effect after this Agreement terminates. Nothing in this Agreement shall be construed as waiving any exceptions or limitations on liability available to either Party under law.
- 4.6. **Data Practices.** All of the data created, collected, received, stored, used, maintained, or disseminated by Grantee in performing the Services are subject to the requirements of the Minnesota Government Data Practices Act ("Act"), Minnesota Statutes, chapter 13 and shall be maintained and released in accordance with the Act.
- 4.7. **Representations.** LMCD represents and warrants that this Agreement and the rights granted herein shall not conflict with the terms of any other agreement, grant or obligations imposed by a third-party funding source on the LMCD. To the extent a claim is made against Grantee demanding forfeiture or other repayment of amounts due, payable, or paid hereunder, LMCD shall defend, indemnify, and hold harmless Grantee from any such claims, repayment obligation, cost, expense, or liability related directly or indirectly thereto. Grantee represents and warrants it has and can provide licensed and trained personnel, as well as sufficient equipment, to enable it to provide the Services required under this Agreement.

LMCD APPROVAL

LMCD warrants that the person who executed this Agreement is authorized to do so on behalf of LMCD as required by applicable articles, bylaws, resolutions or ordinances.

By: 

Printed Name: Vickie Schleuning

Printed Title: Executive Director

Date: June 27, 2022

COUNTY ADMINISTRATOR APPROVAL

Reviewed by the County
Attorney's Office

Mike Bernard

COUNTY OF HENNEPIN
STATE OF MINNESOTA

By: *Jodi Wentland*

Assistant/Deputy/County Administrator

Department Director of Hennepin County Health & Human Services

Date: Aug 1, 2022

Date: 07/19/2022

HENNEPIN COUNTY SHERIFF'S OFFICE CONTRACTOR

Tracy Martin

Tracy Martin
Chief Deputy
Hennepin County Sheriff's Office

Date: 7/20/2022

COUNTY BOARD AUTHORIZATION

COUNTY OF HENNEPIN

STATE OF MINNESOTA



By: _____

Marion Greene
Chair of It's County Board

Date: **Sep 19, 2022** _____



ATTEST: _____

Karen Keller
Deputy Clerk of County Board

Date: **Sep 19, 2022** _____

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

	Jan - Feb 23	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Grants & Other Income				
3080M10 · Interest - Gen	995.92	2,600.00	-1,604.08	38.3%
3260M10 · Court Fines - Admin.	15,695.00	60,000.00	-44,305.00	26.2%
3300M10 · Other Income - Admin.	0.00	6,190.00	-6,190.00	0.0%
Total Grants & Other Income	16,690.92	68,790.00	-52,099.08	24.3%
Licenses/Permits				
3110M10 · Multiple/Perm. Dock Lic -Admin.	67,891.76	85,200.00	-17,308.24	79.7%
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.	1,200.00	3,200.00	-2,000.00	37.5%
3280M10 · Liquor/Beer/Wine License-Admin.	9,400.00	19,000.00	-9,600.00	49.5%
Total Licenses/Permits	81,941.76	127,000.00	-45,058.24	64.5%
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	162,383.18	575,790.00	-413,406.82	28.2%
Gross Profit	162,383.18	575,790.00	-413,406.82	28.2%
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	614.50	3,500.00	-2,885.50	17.6%
4070M10 · Webpage & Digital	3,500.00	590.00	2,910.00	593.2%
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	4,114.50	12,840.00	-8,725.50	32.0%
Legal				
4110M10 · Public Info Legal Fees- Admin.	0.00	1,750.00	-1,750.00	0.0%
4620M10 · Civil Legal Fees - Admin.	7,872.23	31,325.00	-23,452.77	25.1%
4640M10 · Prosecution Legal Fees - Admin.	4,673.09	30,000.00	-25,326.91	15.6%
Total Legal	12,545.32	63,075.00	-50,529.68	19.9%
Office, Supplies, Equip				
4080 · Postage	422.24	3,000.00	-2,577.76	14.1%
4100M10 · Printing - Admin.	475.10	1,260.00	-784.90	37.7%
4140M10 · Office Equipment R&M - Admin.	1,355.41	6,000.00	-4,644.59	22.6%
4160M10 · Watercraft/Vehicle Maint	0.00	1,500.00	-1,500.00	0.0%
4220M10 · Office Supplies -Admin.	211.16	1,700.00	-1,488.84	12.4%
4230M10 · Meeting Exp. - Admin.	663.80	12,000.00	-11,336.20	5.5%
4320M10 · Office Rent - Admin.	5,200.44	22,000.00	-16,799.56	23.6%
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	28.5%
4531M30 · Software & Hardware/Training	0.00	500.00	-500.00	0.0%
Total Office, Supplies, Equip	9,328.40	53,125.00	-43,796.60	17.6%

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

	Jan - Feb 23	Budget	\$ Over Budget	% of Budget
Personnel Expenses				
4020M10 · Salaries-002 - Admin	46,000.75	246,050.00	-200,049.25	18.7%
4021M10 · ER Share of Admin FICA/Medicare	3,511.72	17,700.00	-14,188.28	19.8%
4022M10 · ER PERA - Admin	2,527.12	17,500.00	-14,972.88	14.4%
4024 · Contract Labor	5,220.00			
4380M10 · Employee Benefits - Admin.	5,821.44	33,750.00	-27,928.56	17.2%
Total Personnel Expenses	63,081.03	315,000.00	-251,918.97	20.0%
Professional Services- ADM				
4040M10 · Auditing - Admin.	3,500.00	11,500.00	-8,000.00	30.4%
4180M10 · Professional Services - Admin.	780.62	6,000.00	-5,219.38	13.0%
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	32.9%
4183M10 · Prof/ Serv. - Communications	4,353.75	20,000.00	-15,646.25	21.8%
Total Professional Services- ADM	9,784.37	43,500.00	-33,715.63	22.5%
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	98,853.62	575,040.00	-476,186.38	17.2%
Net Ordinary Income	63,529.56	750.00	62,779.56	8,470.6%
Net Income	63,529.56	750.00	62,779.56	8,470.6%

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

	<u>Jan - Feb 23</u>	<u>Budget</u>	<u>\$ Over Bud...</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
Contributions				
3001M20 · Donations (General) - S/L	10,009.42	43,050.00	-33,040.58	23.3%
3012M20 · Donations Carp Removal West Arm	50.00			
Total Contributions	<u>10,059.42</u>	<u>43,050.00</u>	<u>-32,990.58</u>	<u>23.4%</u>
Grants & Other Income				
3300M20 · Other Income - S/L	0.00	750.00	-750.00	0.0%
Total Grants & Other Income	<u>0.00</u>	<u>750.00</u>	<u>-750.00</u>	<u>0.0%</u>
3400M20 · Transfers In - S/L	0.00	42,000.00	-42,000.00	0.0%
Total Income	<u>10,059.42</u>	<u>85,800.00</u>	<u>-75,740.58</u>	<u>11.7%</u>
Gross Profit	10,059.42	85,800.00	-75,740.58	11.7%
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	<u>0.00</u>	<u>1,800.00</u>	<u>-1,800.00</u>	<u>0.0%</u>
Public Education & Safety				
4535M10 · Public Safety HCSO	0.00	84,000.00	-84,000.00	0.0%
Total Public Education & Safety	<u>0.00</u>	<u>84,000.00</u>	<u>-84,000.00</u>	<u>0.0%</u>
Total Expense	<u>0.00</u>	<u>85,800.00</u>	<u>-85,800.00</u>	<u>0.0%</u>
Net Ordinary Income	<u>10,059.42</u>	<u>0.00</u>	<u>10,059.42</u>	<u>100.0%</u>
Net Income	<u><u>10,059.42</u></u>	<u><u>0.00</u></u>	<u><u>10,059.42</u></u>	<u><u>100.0%</u></u>

Lake Minnetonka Conservation District
Balance Sheet
As of February 28, 2023

ITEM 14B

	Feb 28, 23
ASSETS	
Current Assets	
Checking/Savings	
Alerus Checking	24,120.03
1010M10 · Petty Cash	38.60
1090M10 · Alerus Bank - Savings	
1090M50 · Alerus Savings - Equip. Repl	125,652.32
1090M10 · Alerus Bank - Savings - Other	624,948.81
Total 1090M10 · Alerus Bank - Savings	<u>750,601.13</u>
Total Checking/Savings	774,759.76
Accounts Receivable	
1150M10 · Accounts Rec. - Gen	28,309.00
Total Accounts Receivable	<u>28,309.00</u>
Total Current Assets	803,068.76
Fixed Assets	
1640M90 · Fixed Assets	155,233.00
1645M90 · Accumulated Depreciation	-84,819.00
Total Fixed Assets	<u>70,414.00</u>
TOTAL ASSETS	<u><u>873,482.76</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2090 · Accounts Payable	8,759.12
Total Accounts Payable	8,759.12
Credit Cards	
1087M10 · US Bank (Credit Card)	848.70
Total Credit Cards	848.70
Other Current Liabilities	
2020-LT · Payroll Liabilities - UNUM	-115.68
2020 · Payroll Liabilities -	3.22
2020M30 · Accounts Payable - AIS	6,800.00
2050M10 · Accrued Payroll - Gen	5,068.00
2150M90 · Accrued compensated absences	10,593.00
2151M90 · Current portion of comp absences	7,865.93
Total Other Current Liabilities	<u>30,214.47</u>
Total Current Liabilities	<u>39,822.29</u>
Total Liabilities	39,822.29
Equity	
Retained Earnings	951,514.89
2910M10 · Fund Balance - Admin.	48,727.51
2910M20 · Fund Balance - S/L	148,218.17
2910M30 · Fund Balance - EWM	40,088.85
2910M50 · Fund Balance - Equip Repl	79,004.07
2910M90 · Fixed Assets - Conversion Fund	-585,732.00
2911M20 · Fund Balance-S/L/Water Patrol	78,250.00
Net Income	73,588.98
Total Equity	<u>833,660.47</u>
TOTAL LIABILITIES & EQUITY	<u><u>873,482.76</u></u>

OPERATIONS COMMITTEE MINUTES

LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

6pm, November 09, 2022

Wayzata City Hall

1. CALL TO ORDER

Chair Zorn called the meeting to order at 6:06 p.m.

2. ROLL CALL

Members Present: Zorn, Hoelscher, Anderson, Thomas

Also Present Vickie Schleuning, Gabriel Jabbour, Denny Newell, Bill Cook

Members Absent: n/a

3. CHAIR ANNOUNCEMENTS-none

4. APPROVAL OF MINUTES

Committee approved minutes from 10-26-2022

5. AGENDA

A. Welcome new committee members

- n/a

B. Multiple Dock Renewal Letter review

- Committee reviewed draft letter and MDL application and made suggestions. Committee suggested revising application letter including relevant code sections and contacting select MDL licensees to confirm their status as Qualified or special density licensees.

C. Planning and zoning discussion

- Jabbour expressed concern with items on Agenda and information within packets and suggested board member education through League of MN Cities. Cook will provide information on relevant training.
- Cook volunteered to work with staff to improve license and variance application presentations.

D. Elect new Operations committee chair and secretary at December operations meeting

- Bill expressed interest in Chair position.

6. OTHER BUSINESS

None

7. ADJOURNMENT

The meeting was adjourned at 6:49 p.m.

Respectfully Submitted,

Ann Hoelscher

LMCD Operations Committee Secretary

COMMUNICATIONS COMMITTEE MINUTES

LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

January 10, 2023

8:30 AM, LMCD Office meeting

1. CALL TO ORDER

The meeting called to order at 8:36 a.m.

2. ROLL CALL

Members Present: Ann Hoelscher, Mike Kirkwood, Dennis Klohs,

Members Absent: Dan Baasen

3. CHAIR ANNOUNCEMENTS

4. APPROVAL OF MINUTES

- Minutes from 12/13/2022 were approved unanimously.

5. TOPICS DRIVEN FROM STRATEGIC INITIATIVES

A. Reviewed Executive Director Vickie Schleuning's closing out list

B. Reviewed Brandography contract.

6. ADJOURNMENT

- Meeting was adjourned at 9:33 a.m. Secretary of next meeting is TBD.

Respectfully Submitted,

Dennis Klohs

LMCD Communications Committee Secretary



ITEM 16

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: April 12, 2023 (Prepared April 6, 2023)
TO: LMCD Board of Directors
FROM: Ann Hoelscher, Chair & Jim Brimeyer, Interim Executive Director
SUBJECT: Search Process for Executive Director

The Search Work Group was appointed at the March 8th meeting of the Board. The group met on March 22nd and adopted a timetable that projected the position being filled sometime in August, 2023.

Several events/discussions occurred following that decision. The Operations committee had a discussion on reviewing the strategic plan and committee structure of the LMCD. The Search Work Group had a similar discussion on the same two items. Several board privately expressed concerns/questions about proceeding with the search process without a more definitive idea of what is needed in a new Director.

The Interim Director contacted Dr Fursman and asked – if the board had a second session, what would be discussed? The response – the strategic plan and committee structure. This answer was provided without any knowledge of the any LMCD conversations.

The Interim asked Dr Fursman for some open dates. The response was May 24th or June 14th. She was asked to hold the May 24th date. It would be a 3-4 hour session prior to the regular board meeting.

The Search Work Group met again on April 5th to discuss and contemplate next steps. The unanimous conclusion was that the May 24th meeting was necessary to take place prior to proceeding further with the search process.

The revised timetable is attached.

ITEM 16

TIMETABLE FOR EXECUTIVE DIRECTOR SEARCH PROCESS

- | | | |
|---------|---------|---|
| 3.8.23 | | Board meeting
Establish Director Search Group |
| 3.22.23 | 11:30AM | Search Working Group meeting at LMCD offices
Review timetable
Do audits/changes to announcement and position description
Consider using a search firm on a modified basis Approved
Revise timetable
Next meeting April 5th - 10:30 AM |
| 4.5.23 | | Working Group Meeting
Discussion on revised timetable
Support for May 24th board retreat
Recommend board approval of search proposal |
| 4.12.23 | | Regular board meeting
Update board on timetable
Review memo on search process
Approve retention of search firm on a modified basis |
| 5.24.23 | | Board retreat - 3:00-6:00
Regular board meeting |
| 5.31.23 | | Search Work Group discusses options/next steps |
| 6.7.23 | | Search Work Group finalizes process and revised timetable |
| 6.14.23 | | Search Work Group reports to board |
| TBD | | Announce position
Solicit applications
Review applications, select finalists
Schedule interviews |
| TBD | | Director begins position at LMCD |

Proposal to provide assistance in screening and backgrounding for Lake Minnetonka Conservation District

	Jim Brimeyer will conduct advertising and directly receive resumes from candidates. Jim will serve as the point of contact for the LMCD organization and ED position.
Screening of applicants	Jim Brimeyer will deliver resumes/applications to DDA. DDA will review and rank applicants based on job related criteria and select 7 – 8 semifinalists. Jim Brimeyer will review semifinalists prior to forwarding to the Board.
Selection of finalists	<ul style="list-style-type: none"> ▪ Board selects 4 – 5 finalists for interviews. ▪ Jim will notify candidates not selected as finalists. ▪ Jim will coordinate receiving signed authorization and release forms from finalists to begin backgrounding process. DDA will provide blank authorization and release forms to Jim for distribution.
Background check of all finalists	<p>Includes:</p> <ul style="list-style-type: none"> ▪ Criminal background: county, state, national ▪ Sex offender registry ▪ Social Security number verification ▪ Education verification ▪ Credit check <p>(DDA will forward raw data to Jim Brimeyer for his review and direct reporting of the background results to the Board.)</p>
Reference check on all finalists	DDA will conduct reference checks with current and former employers on all finalists. (2 personal references per finalist, two approximately 30-minute conversations with references/per finalist, written narratives of the conversations will be forwarded to Jim.)
Personality Index	<p>DDA will administer a work-related personality index to all semifinalists.</p> <p>(DDA will forward reports to Jim Brimeyer for his review and direct reporting of the results to the Board.)</p>
Intellect profile	DDA will administer an intellect profile measuring verbal reasoning, mathematical and logical reasoning, and overall mental aptitude.
Finalist packet	<p>Jim Brimeyer will provide the Board information including:</p> <ul style="list-style-type: none"> ▪ Summary of references ▪ Results of background checks ▪ Personality Index and Intellect Profile reports ▪ Resumes, etc.
Interviews	Jim Brimeyer will prepare all interview materials and be present at all interviews and other functions.
Decision	Board will select candidate for offer.
Offer and agreement	Jim Brimeyer will negotiate agreement with selected candidate.

The fee for providing assistance for the LMCD process is \$8,000, payable at the completion of the process. This all-inclusive fee covers professional services including selection of semifinalists, personality index, intellectual profile, background checks on all finalists, and personal references.