



# LAKE MINNETONKA CONSERVATION DISTRICT

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

**AGENDA**  
**LAKE MINNETONKA CONSERVATION DISTRICT**  
**Wednesday, October 25, 2023**  
**Wayzata City Hall**  
**600 Rice Street, Wayzata, MN 55391**

## **PUBLIC PARTICIPATION**

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

## **WORK SESSION AGENDA**

**6:00 p.m.**

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

**No Work Session**

## **FORMAL MEETING AGENDA**

**7:00 p.m.**

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

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

**7) APPROVAL OF CONSENT AGENDA**

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

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

**9) PUBLIC HEARING**

- A) Wayzata Panoway Length
- B) Back Channel

**10) OTHER BUSINESS**

**11) OLD BUSINESS**

- A) Resolution 258 - Special Events Permits

**12) NEW BUSINESS**

- A) 2024 Board Appointments for Cities

**13) TREASURER REPORT**

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

**14) EXECUTIVE DIRECTOR UPDATE**

- A) WFH Moratorium

**15) ADJOURNMENT**

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

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

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

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

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

**Persons in Audience:** Sgt. Troy Kostohryz.

**4. APPROVAL OF AGENDA**

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

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

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

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

**VOTE:** Motion carried unanimously.

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

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

There were no Chair announcements.

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

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

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

**7. APPROVAL OF CONSENT AGENDA**

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

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

**VOTE:** Motion carried unanimously.

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

There were no public comments.

**9. PRESENTATIONS**

**10. PUBLIC HEARING**

~~A) Wayzata Panoway Length~~

**11. OTHER BUSINESS**

There was no other business.

**12. OLD BUSINESS**

There was no old business.

**13. NEW BUSINESS**

**A)** Employee Benefits Selection

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



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

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

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

**VOTE:** Motion carried unanimously.

#### 14. TREASURER REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Walesch suggested voting on the motion and moving on.

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

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

**VOTE:** Motion carried unanimously.

## 15. EXECUTIVE DIRECTOR UPDATE

**A) LMCD Organizational Chart**

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

**B) Watercraft for Hire Workgroup Update**

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

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

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

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

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

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

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

necessary to address the issue.

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

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

Hoelscher suggested that Anderson follow up with staff.

## 16. ADJOURNMENT

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

**VOTE:** Motion carried unanimously.

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Ann Hoelscher, Chair

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Michael Kirkwood, Secretary

2:52 PM  
10/18/23

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

ITEM 7A

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

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

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

**RESOLUTION 257****A RESOLUTION ACCEPTING CONTRIBUTION(S) TO THE LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)**

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

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

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

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

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

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

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

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

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

RESOLUTION #254

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

Adopted by the Board on this 25<sup>th</sup> day of October 2023.

ATTEST:

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Ann Hoelscher, Chair

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Michael Kirkwood, Secretary

DRAFT



Lake Minnetonka Conservation District  
Transaction Detail By Account  
August 1 through October 2, 2023

Resolution #257 - Save the Lake Contributions

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



## LAKE MINNETONKA CONSERVATION DISTRICT

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

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

### **ACTION**

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

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

#### Approval

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

#### Denial

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

### **APPLICATION SUMMARY**

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

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

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

## **APPLICATION BACKGROUND**

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

### **APPLICATION REVIEW**

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

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

### **ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) DETERMINATION**

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

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

### **PUBLIC COMMENTS**

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

- None

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

- None

### **PUBLIC HEARING**

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

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

**RECOMMENDATION**

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

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

**BUDGET**

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N/A

**STRATEGIC PRIORITIES**

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

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

# ITEM ATTACHMENT 1

## ATTACHMENT: LMCD Code Excerpts for Reference

City of Wayzata

New Variance Application



### **Section 1-3.01. Definitions.**

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

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

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

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

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

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

Subd. 3. Review Criteria. In exercising its discretion in granting or denying licenses, the Board shall consider, together with any other factors it determines are relevant, the following:

- (a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria;
- (b) Whether the proposed structure will be structurally safe for use by the intended users;
- (c) Whether the structure will comply with the regulations contained in this Code;
- (d) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;

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

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

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

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

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

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



# FIGURE 2: PHASE 2A BOARDWALK

## Volume of Water Displacement:

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

## Lake Bottom Disturbance:

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

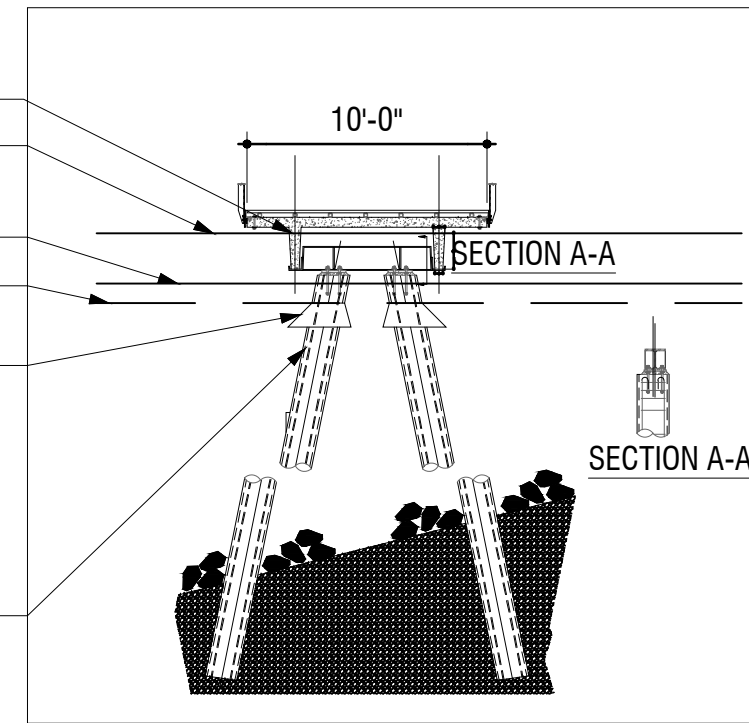
## Floodplain Storage Displacement (Refer to Detail 2):

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

Total Volume Floodplain Storage Displacement = 1509.1 cu ft

PRECAST DOUBLE 'T'  
 100-YR FLOODPLAIN  
 ELEVATION 931.5  
 O.H.W.L 929.4  
 WINTER ICE LEVEL  
 928.6  
 CONE SHAPED ICE SHIELD  
 WITH 45 DEGREE ANGLE

PAIR OF BATTERED  
 STEEL PILES,  
 16" DIA,  
 CONCRETE FILLED

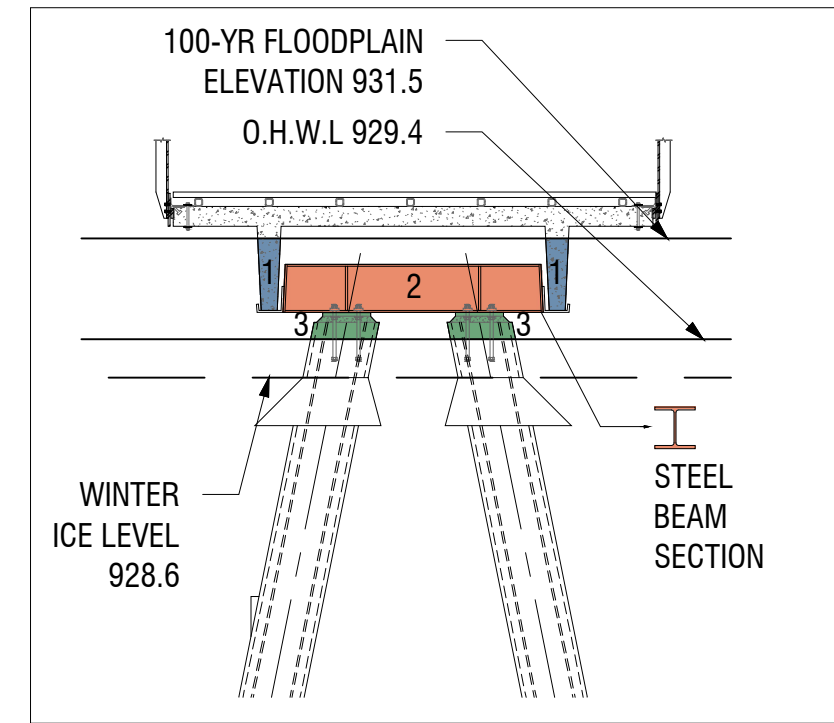


1 TYPICAL PIER DETAIL  
 SCALE: 1/8" = 1'-0"

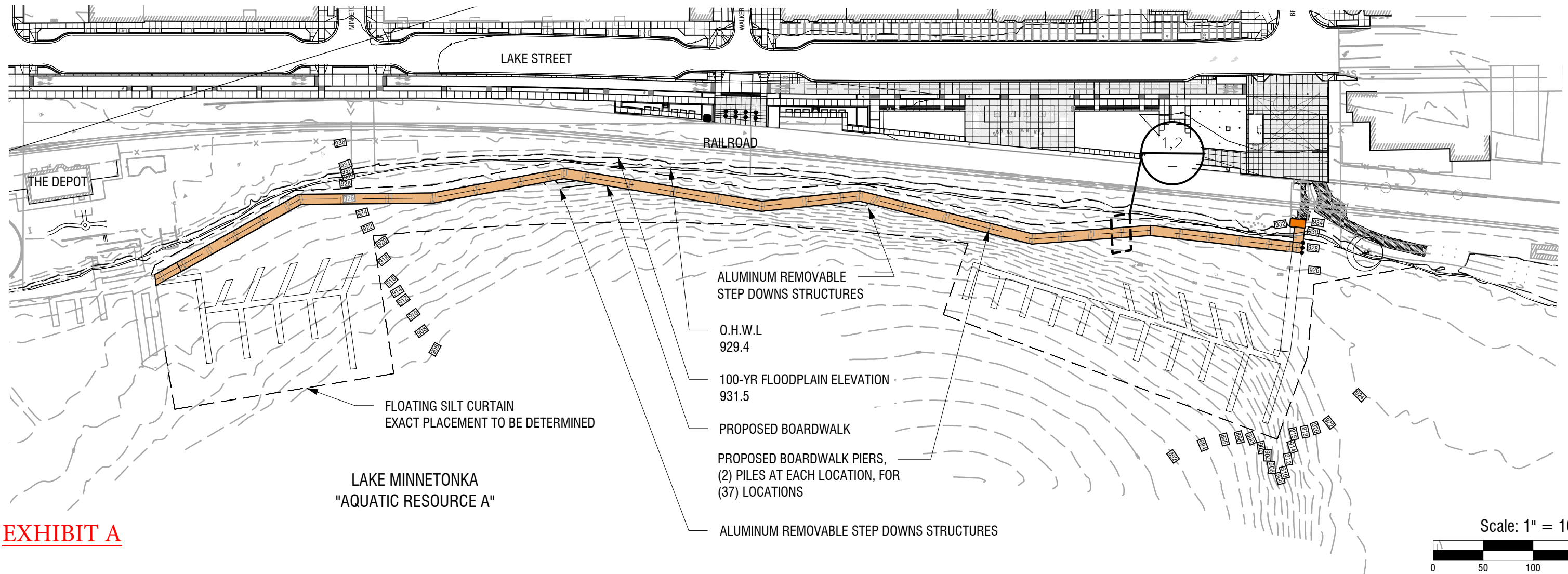
100-YR FLOODPLAIN  
 ELEVATION 931.5  
 O.H.W.L 929.4

WINTER  
 ICE LEVEL  
 928.6

STEEL  
 BEAM  
 SECTION

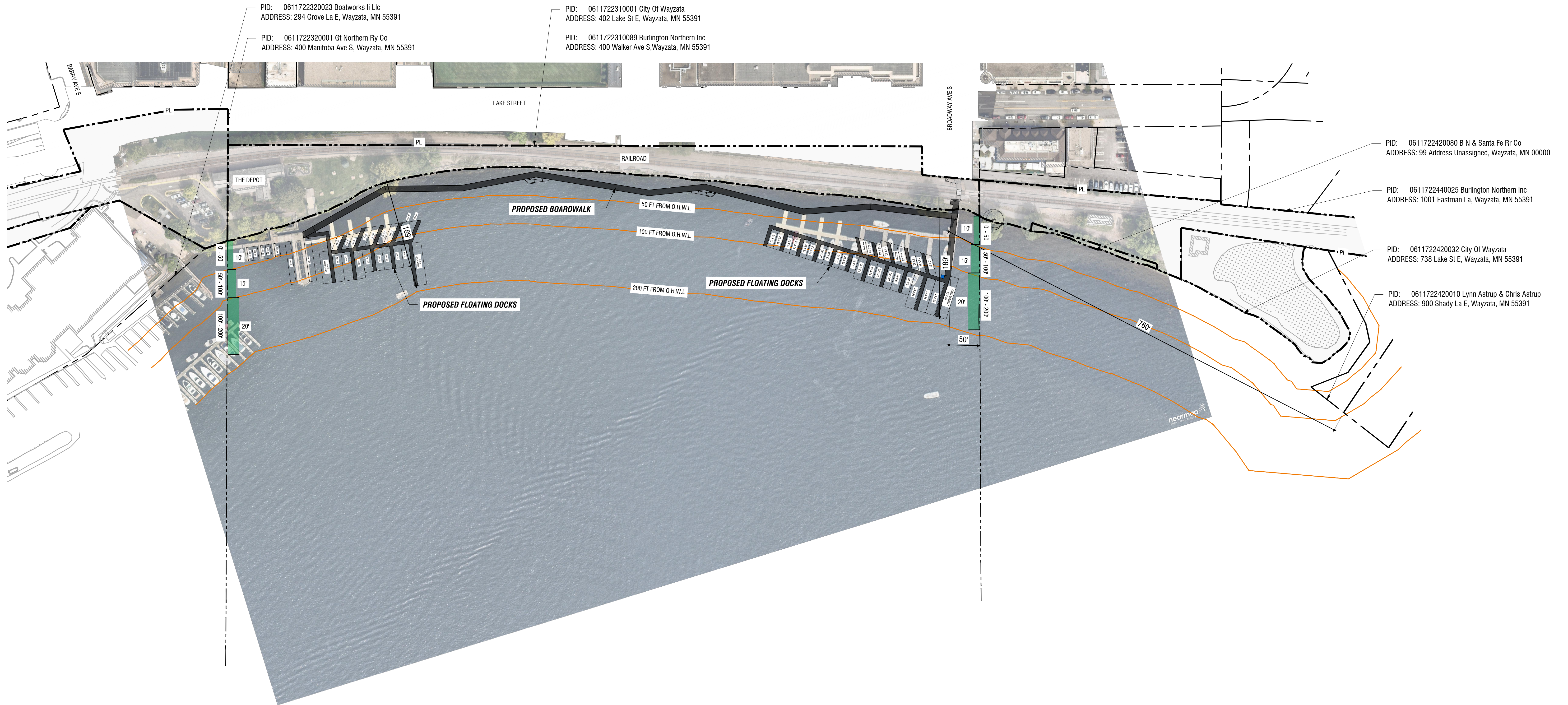


2 TYPICAL PIER WATER DISPLACEMENT AREAS  
 SCALE: 1/4" = 1'-0"



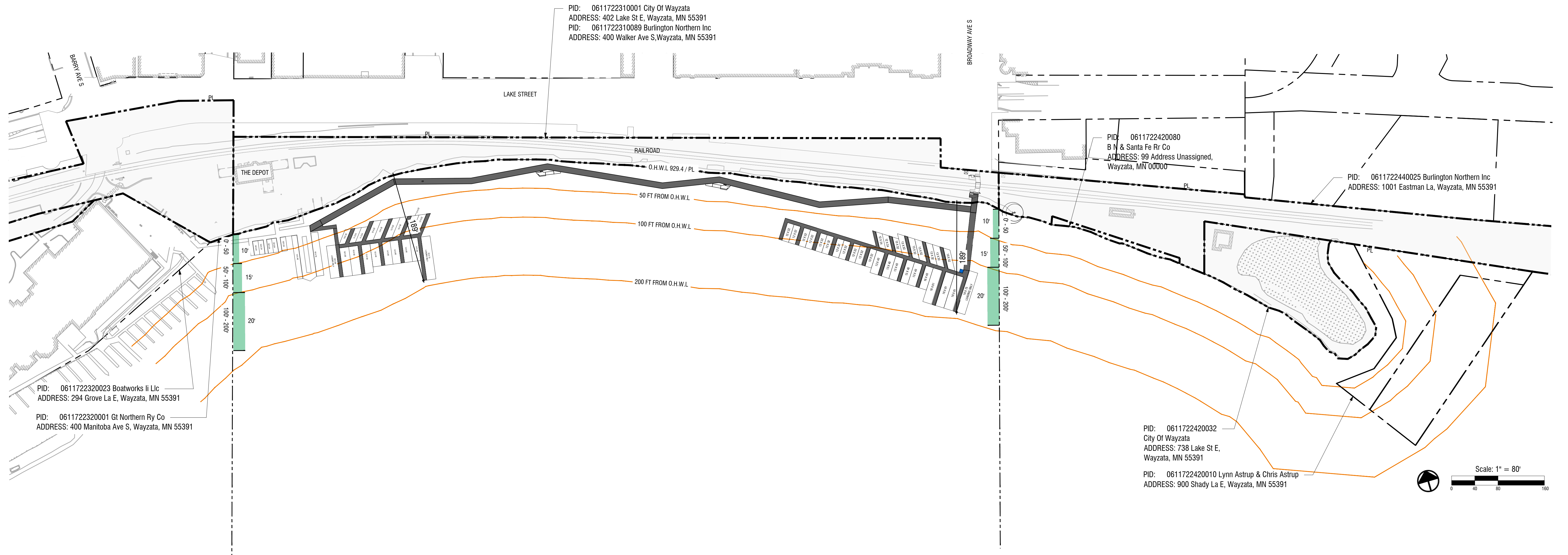


# EXHIBIT 1: PROPERTY LINE SETBACKS





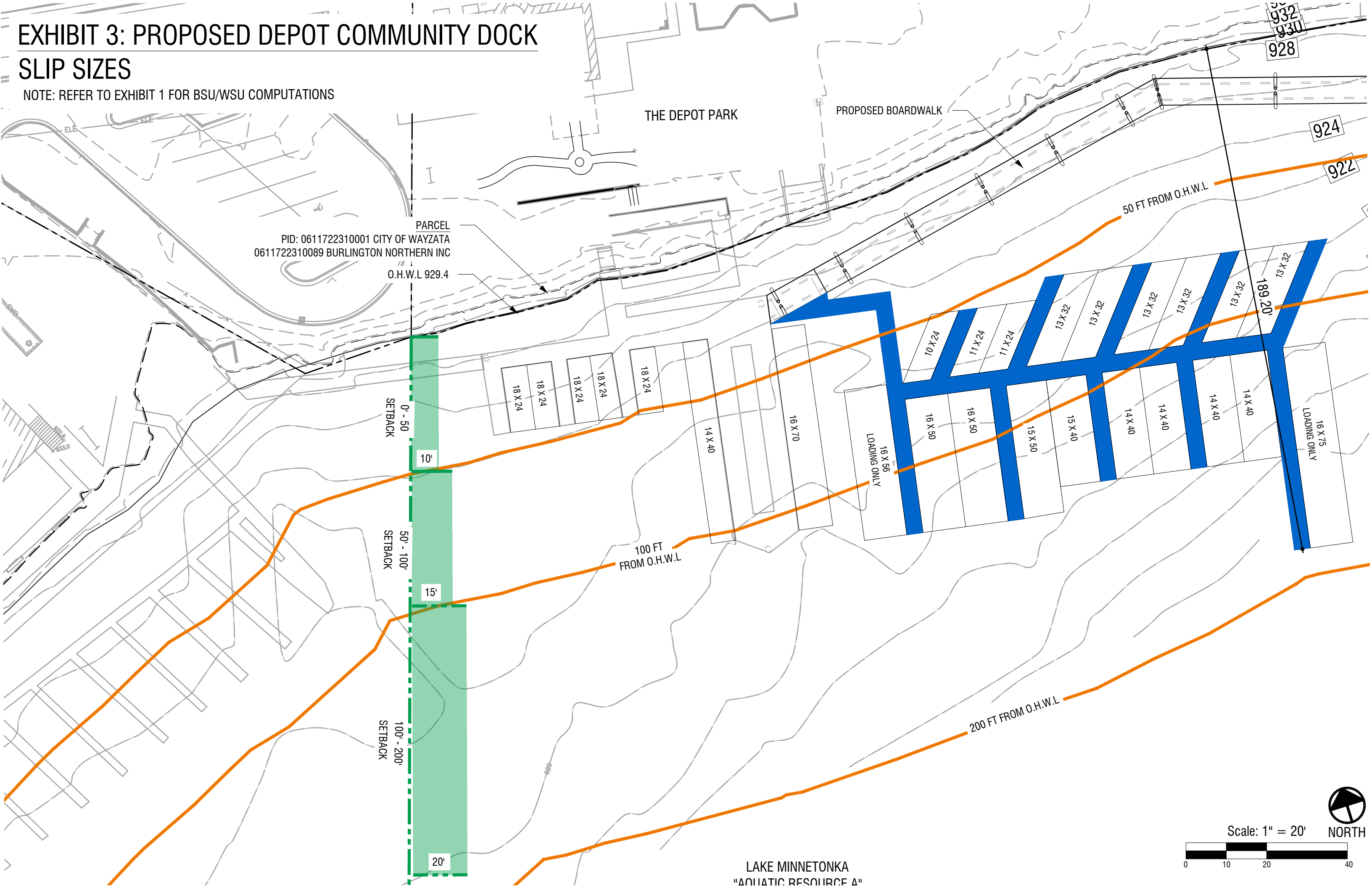
# EXHIBIT 2: PARCEL MAP & ADDRESSES



# EXHIBIT 3: PROPOSED DEPOT COMMUNITY DOCK

## SLIP SIZES

NOTE: REFER TO EXHIBIT 1 FOR BSU/WSU COMPUTATIONS



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

0' - 50'  
SETBACK

50' - 100'  
SETBACK

100' - 200'  
SETBACK

10'

15'

20'

THE DEPOT PARK

PROPOSED BOARDWALK

50 FT FROM O.H.W.L

100 FT FROM O.H.W.L

200 FT FROM O.H.W.L

LAKE MINNETONKA  
"AQUATIC RESOURCE A"

Scale: 1" = 20'





# EXHIBIT 4: PROPOSED BROADWAY COMMUNITY DOCKS

## SLIP SIZES

NOTE: REFER TO EXHIBIT 1 FOR BSU/WSU COMPUTATIONS

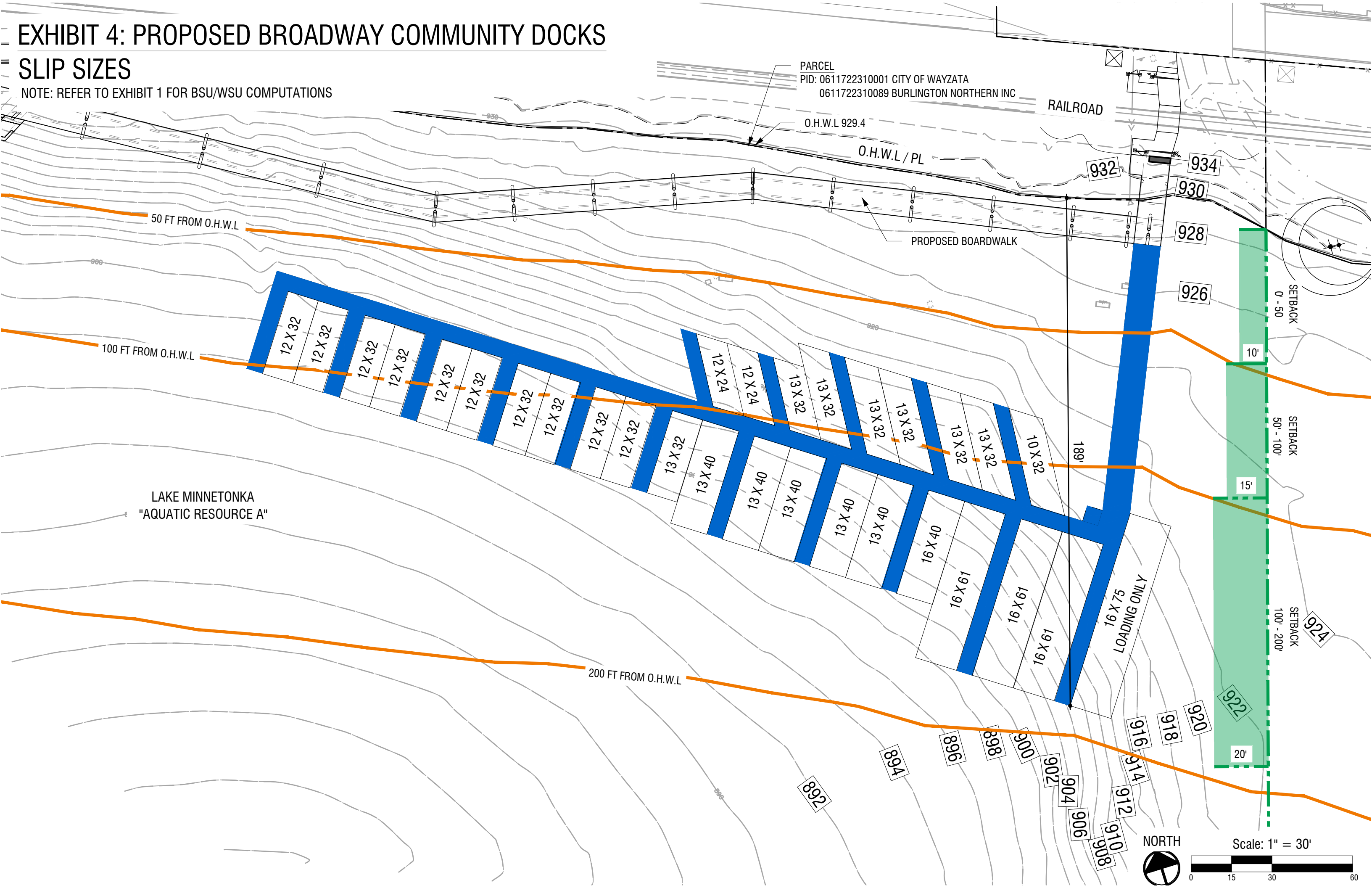




FIGURE 1A: SITE LOCATION



3603 ft

Google Earth



NORTH





# VARIANCE APPLICATION

LAKE MINNETONKA CONSERVATION DISTRICT

For LMCD use:  
Fee Amount: \_\_\_\_\_ Check # \_\_\_\_\_ Date Received: \_\_\_\_\_

## 1. CONTACT INFORMATION

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

## 2. PROPERTY INFORMATION

Site Address: \_\_\_\_\_  
Abutting Lakeshore Property Owners (Name and Mailing Address)  
*North or West:* \_\_\_\_\_  
\_\_\_\_\_  
*South or East:* \_\_\_\_\_  
\_\_\_\_\_  
*Other affected parties:* \_\_\_\_\_  
\_\_\_\_\_

## 3. PROPOSED VARIANCE

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

#### 4. ATTACHMENTS

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

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

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

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

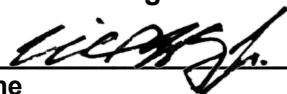
#### 5. FEES

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

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

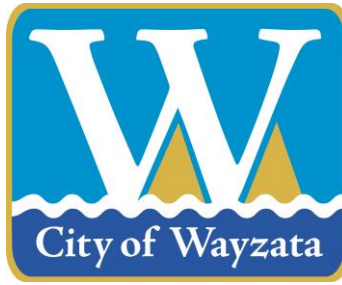
I agree to submit a certified, as-built survey upon completion of the docks.

**Applicant's Signature:**

  
 \_\_\_\_\_  
 Name Title Date

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





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

**City Manager**  
Jeffrey Dahl

October 19, 2023

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

**RE: Dock Variance Request**

Dear Mr. Brimeyer

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

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

**Summary of Rationale**

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

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

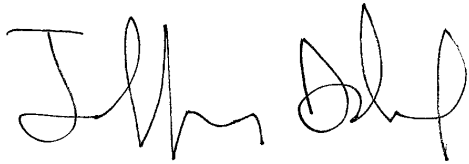
- *ADA Compliance*---allowing adequate length to ensure the walkways from the shore to the docks are ADA compliant. Keeping the current number of slips constant, the main walkway would not be ADA compliant if the length was shortened to meet the 150-foot requirement.
- *Water Depth*---the dock area is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

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

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

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

Yours Truly,

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

Jeff Dahl  
City Manager  
(952) 404-5303  
[jdahl@wayzata.org](mailto:jdahl@wayzata.org)

October 16, 2023

## **RE: Panoway Dock Design Considerations**

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

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

### **Dock Working Group Members**

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

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

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

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

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

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

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

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

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

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

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

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

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

**1. Minimize impacts to the shoreline**

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

**2. Minimize impacts of ice aeration**

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

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

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

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

Our research showed:

- Vessels longer than 45’ in length - 59 total (9% of total vessels on Lake Minnetonka)
- Vessels 35’-45’ in length – 142 total (20% of total vessels on Lake Minnetonka)
- Vessels 25’-35’ in length – 242 total (35% of total vessels on Lake Minnetonka)
- Vessels less than 25’ – 250 total (36% of total vessels on Lake Minnetonka)

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

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

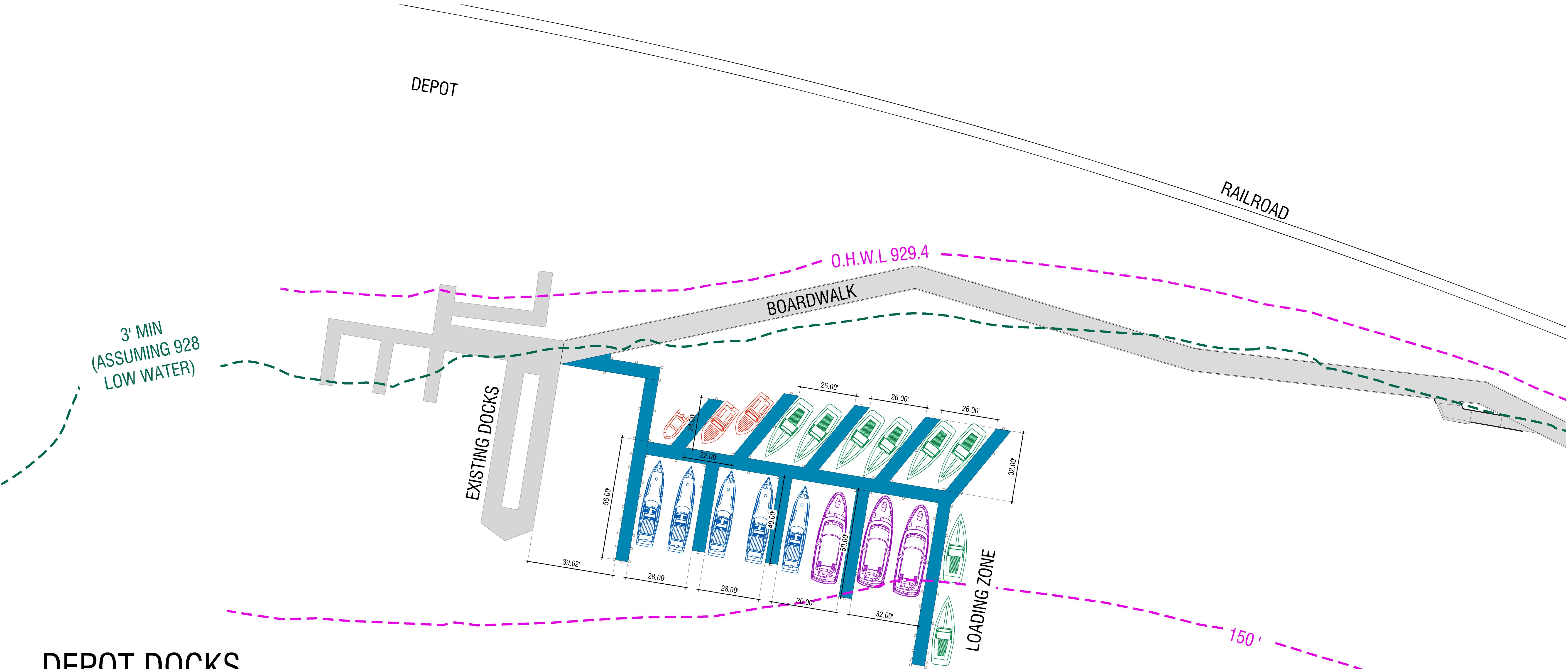
Through consultation with a variety of commercial vessel operators who provide lake access to non-boat owners, the dock layout and design were developed to safely accommodate a variety of commercial vessel sizes including the historic Minnehaha Streetcar Boat, if it is to get back up and running. As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

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

**3. Vessel navigation and slip allocations**

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

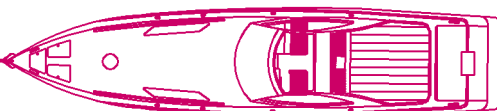
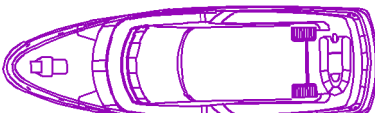

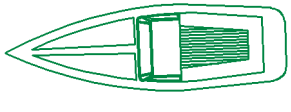





# DEPOT DOCKS

STEEL OR WOOD PILES

TOTAL 17 BOATS + 3 LOADING ZONE = 20 BOATS

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



EXISTING TEMPORARY DOCKS

RAILROAD

BROADWAY PLAZA

EXISTING DOCKS

LOADING ZONE

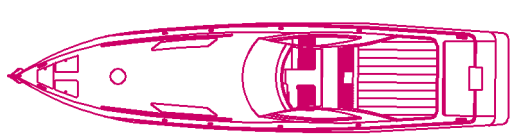
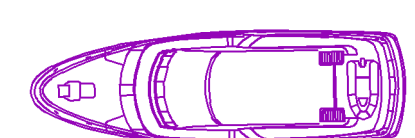
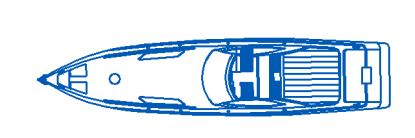
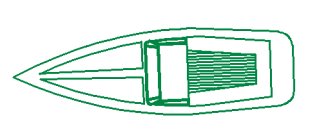
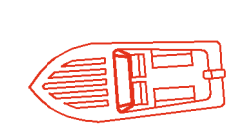
O.H.W.L 929.4

(ASSUMING 3' MIN  
928 LOW WATER)

# BROADWAY DOCKS

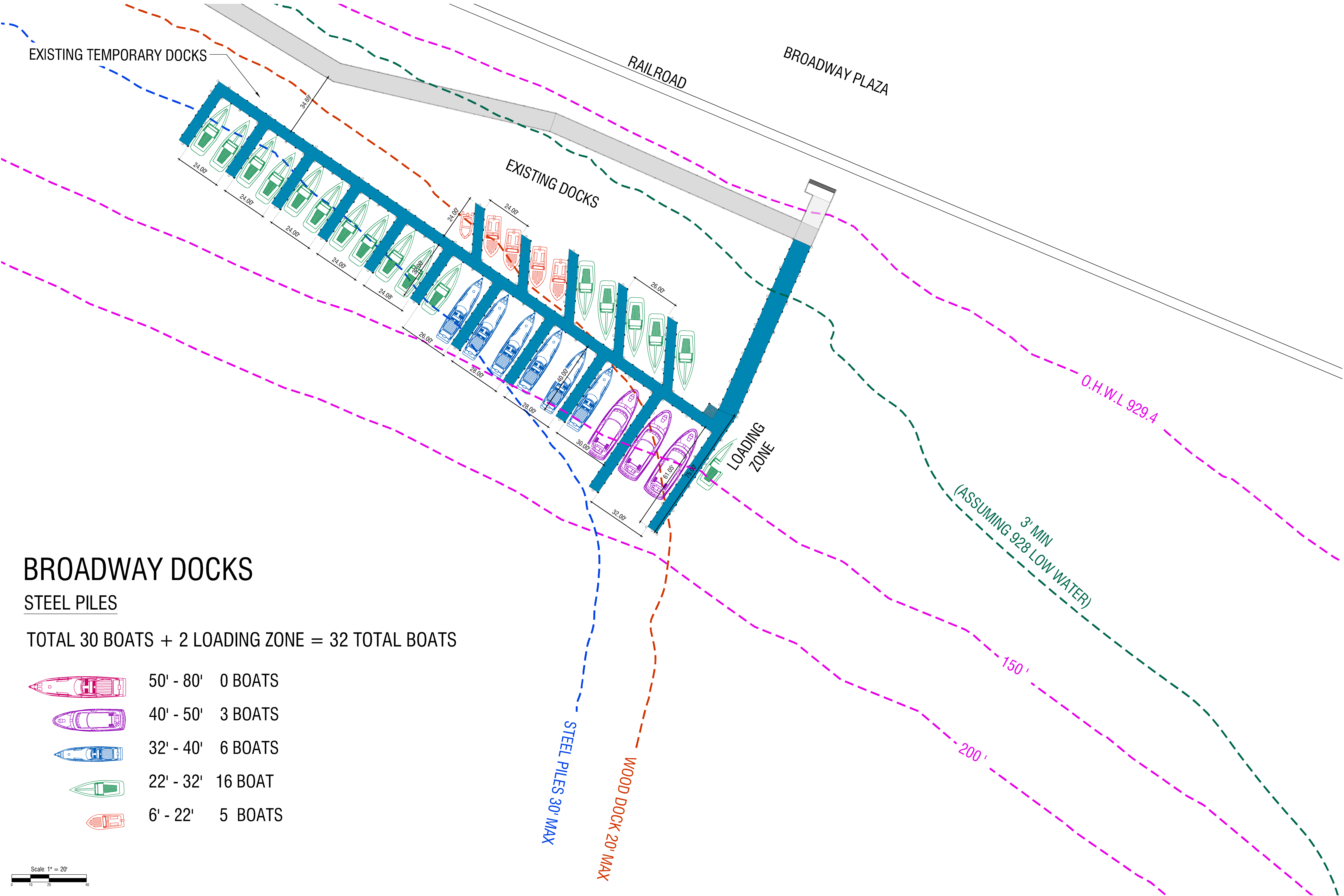
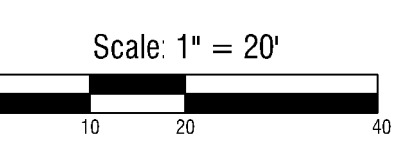
## STEEL PILES

TOTAL 30 BOATS + 2 LOADING ZONE = 32 TOTAL BOATS

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

STEEL PILES 30' MAX

WOOD DOCK 20' MAX





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

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

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

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

Published in the  
Sun Sailor  
September 28, 2023  
1343644



# LAKE MINNETONKA CONSERVATION DISTRICT

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

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

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

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

The Applicant is proposing to lengthen the dock structure from 150 feet to approximately 190 feet located at both the boardwalk and depot. No adjustments are being proposed to the Applicants side setbacks. An aerial image and proposed site plan are enclosed for your reference.

### Public Hearing Information

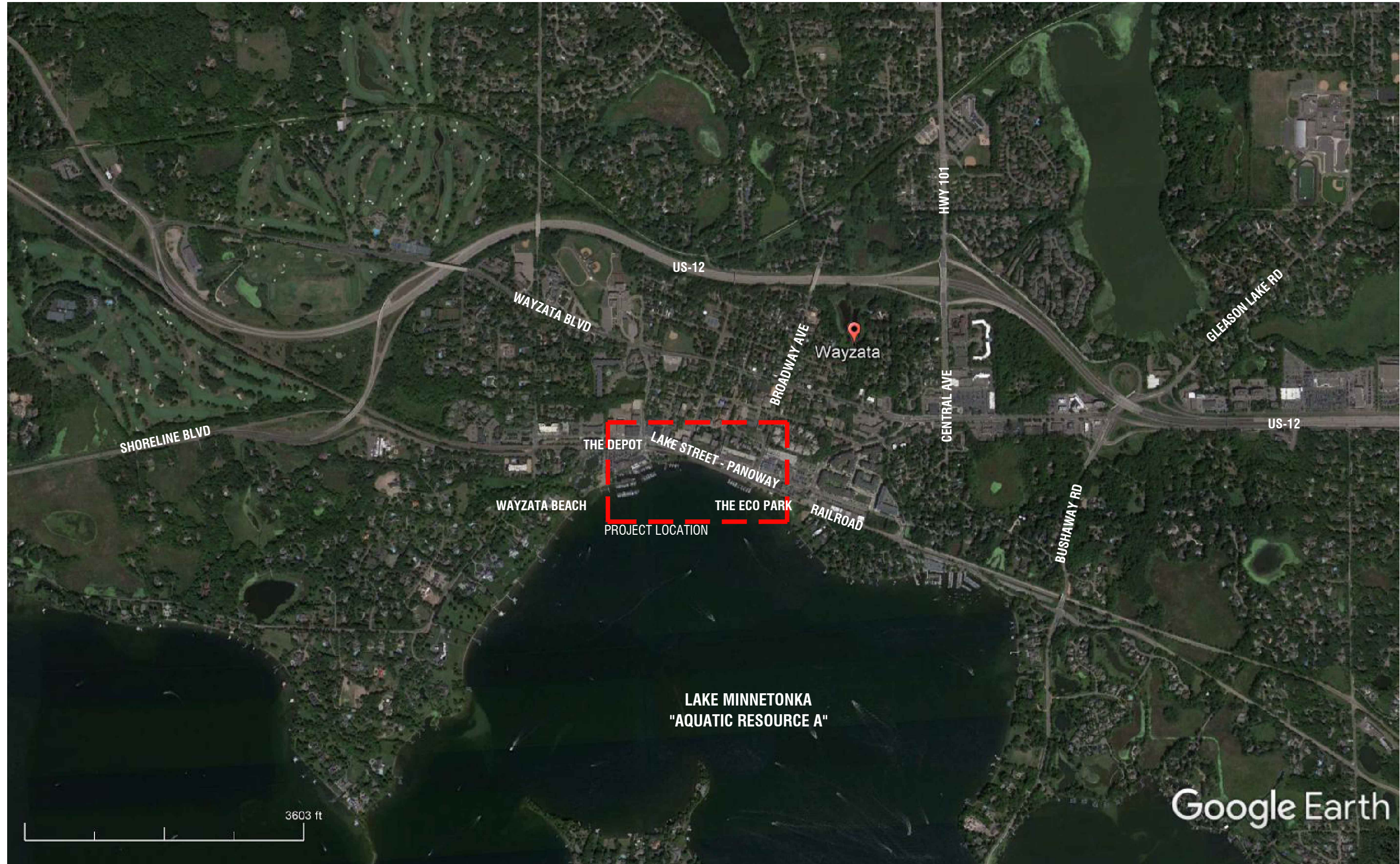
A public hearing will be held at 7:00 PM, October 11, 2023. The items detailed above will be reviewed and considered for approval. All interested persons will be given an opportunity to comment. Alternatively, please submit comments in writing to the LMCD (address below) or by using the “Contact Us” form at [lmcd.org](http://lmcd.org).

Those desiring to participate in the hearing may also email the Manager of Code Enforcement at [tully@lmcd.org](mailto:tully@lmcd.org) for information. The meeting place is Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. Information about meeting logistics will be available on the LMCD website, [www.lmcd.org](http://www.lmcd.org).

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



FIGURE 1A: SITE LOCATION



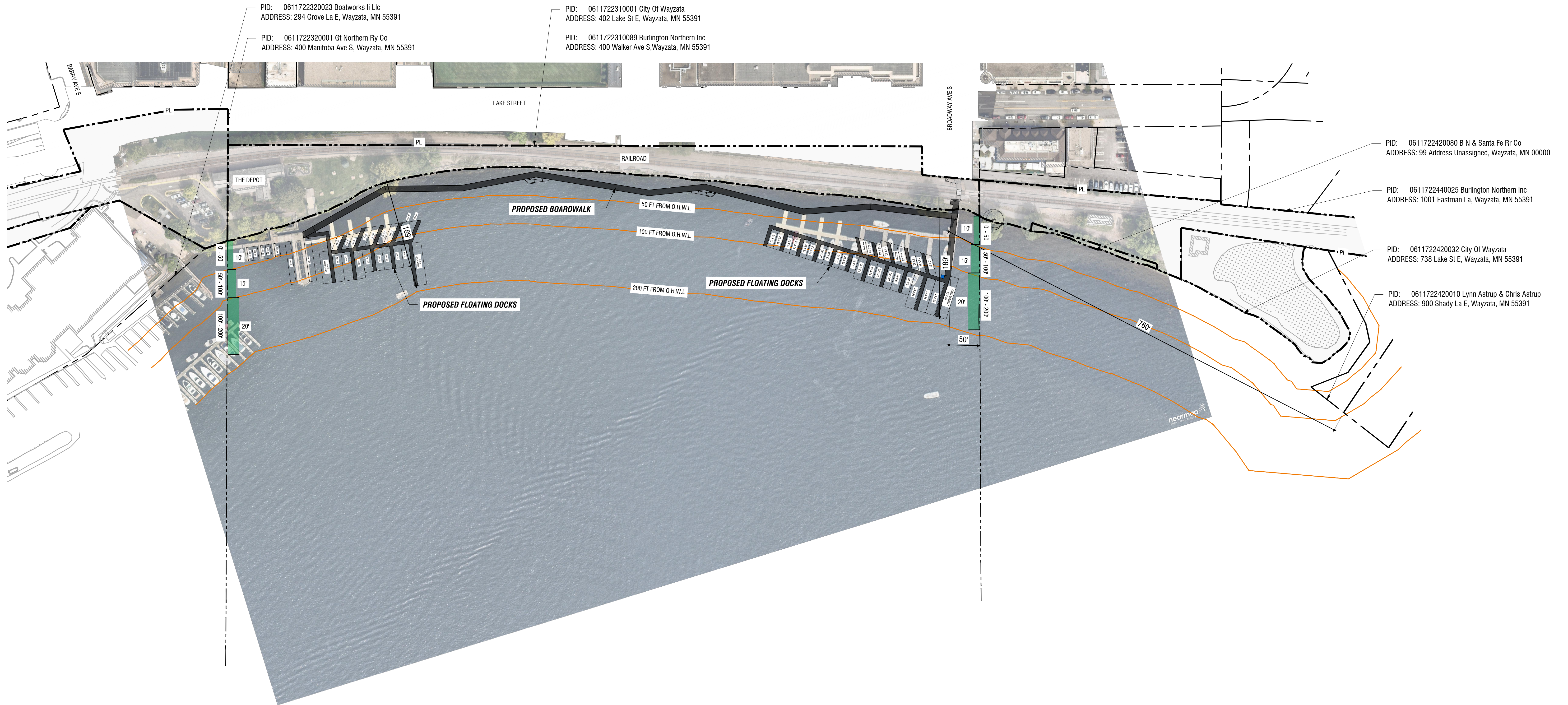
3603 ft

Google Earth



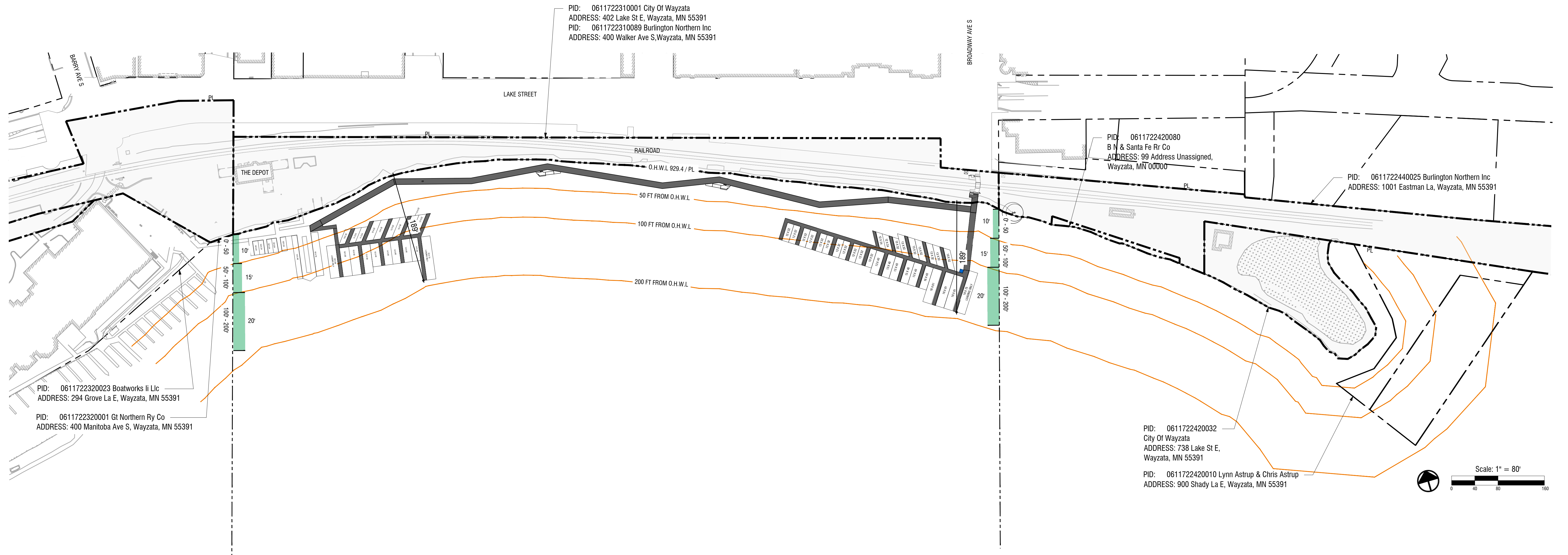


# EXHIBIT 1: PROPERTY LINE SETBACKS





# EXHIBIT 2: PARCEL MAP & ADDRESSES



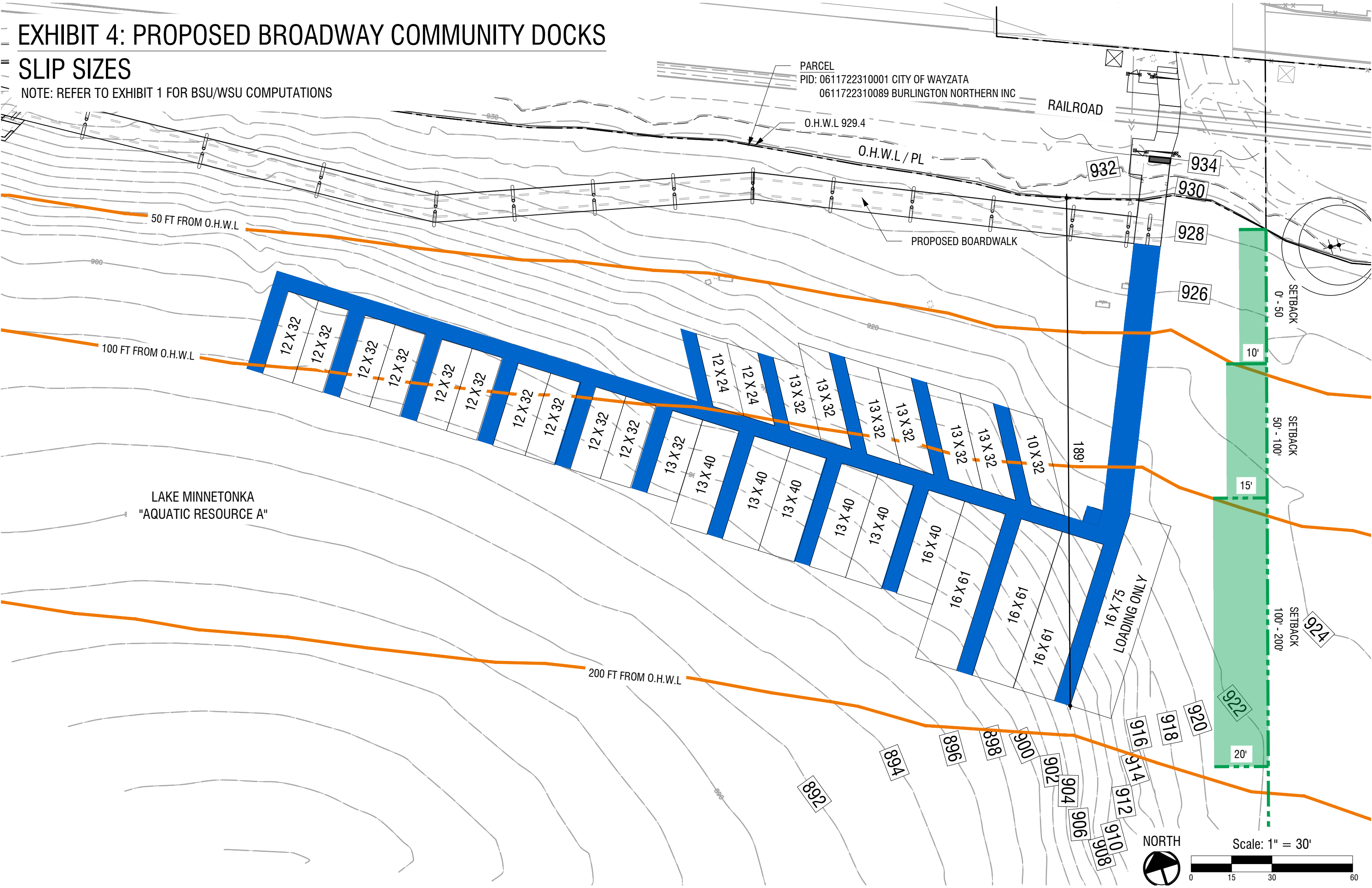




# EXHIBIT 4: PROPOSED BROADWAY COMMUNITY DOCKS

## SLIP SIZES

NOTE: REFER TO EXHIBIT 1 FOR BSU/WSU COMPUTATIONS



PARCEL  
PID: 0611722310001 CITY OF WAYZATA  
0611722310089 BURLINGTON NORTHERN INC

RAILROAD

O.H.W.L 929.4

O.H.W.L / PL

PROPOSED BOARDWALK

50 FT FROM O.H.W.L

100 FT FROM O.H.W.L

LAKE MINNETONKA  
"AQUATIC RESOURCE A"

200 FT FROM O.H.W.L

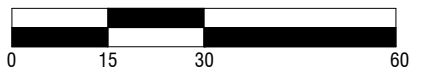
SETBACK  
0 - 50

SETBACK  
50 - 100

SETBACK  
100 - 200

NORTH

Scale: 1" = 30'





*To preserve and enhance the "Lake Minnetonka experience"*

**CITY OF WAYZATA MDL  
402 LAKE STREET EAST, WAYZATA  
VARIANCE APPLICATION**

**Lake Minnetonka Conservation District  
Board Meeting  
October 25, 2023**

Presented by: Thomas Tully, Environmental Administrative Technician



# OVERVIEW

- Action
- Background
- Application Summery
- Recommendation
- Hold Public Hearing
- Questions

# ACTION

- Consideration of Multiple Dock License Application for City of Wayzata
- Options
  - **Approve**
    - I make a motion to direct LMCD staff and legal counsel to prepare Findings of Fact and Order approving the City of Wayzata, New Length Variance application for the property located at 402 Lake Street East in Wayzata as the draft conditions are presented <subject to the following changes...> for final Approval at the November 8, 2023 Board meeting.
  - **Deny**
    - I make a motion to direct LMCD staff and legal counsel to prepare Findings of Fact and Order denying the City of Wayzata, New Length Variance application for the property located at 402 Lake Street East in Wayzata as the draft conditions are presented <subject to the following changes...> for final Denial at the November 8, 2023 Board meeting.

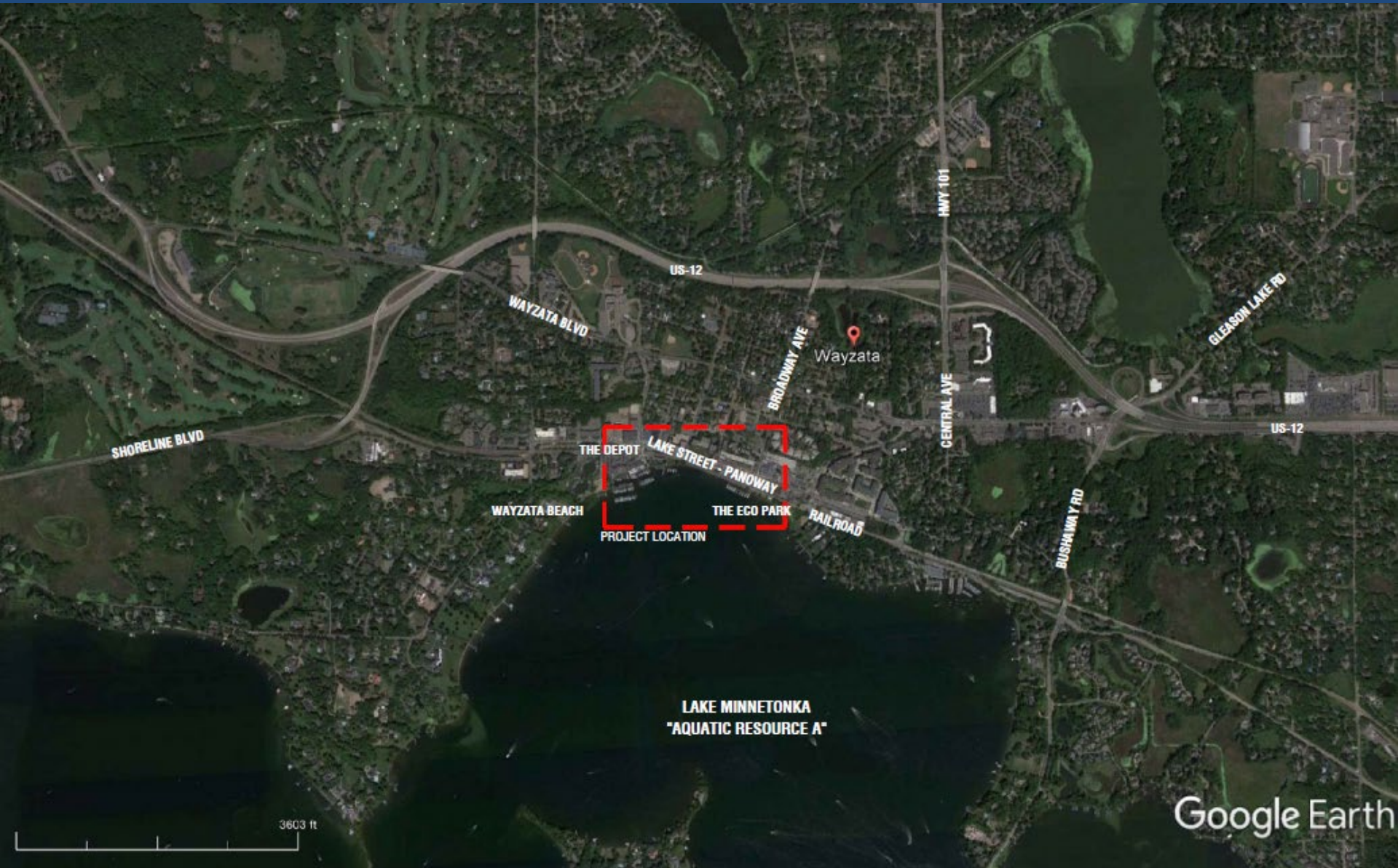
# APPLICATION BACKGROUND

- The Applicant, City of Wayzata, (“Applicant”) has submitted a application for a New Length Variance for the City of Wayzata’s Municipal Multiple Dock License
- The Applicant originally came before the board on April 26, 2023 for a New Multiple Dock License.
- As part of the original proposal the Applicant asked to extend the dock structure out to 200 feet to accommodate larger Charter Boats with transient slips but was limited to 150 feet due to LMCD Code regarding Municipal MDLs
- Currently the Dock configuration at the site consists of 153 BSUs and two separate docking locations.
  - 100 of the BSUs are for rent and are located in a lagoon to the west of the Site.
  - 53 BSUs are transient and are located along the two (2) dock structures on either side of the Site (Depo and Broadway docks).

# APPLICATION CONTENTS

- The Applicant, City of Wayzata, (“Applicant”) has submitted a application for a New Length Variance for the City of Wayzata’s Municipal Multiple Dock License
  - Extension of the dock structure at both the Depo and Broadway dock structure from 150 feet to approximately 190 feet to allow for larger transient slips
  - The proposed dock structure extension would be meant for 9 transient BSUs currently approved for the Site, 6 of which are located on the eastern dock structure, and 3 on the western dock structure.
  - The current approved dimensions:
    - 1 BSU measuring 16 by 75 feet, 3 BSUs measuring 16 feet by 61 feet, 1 BSU measuring 16 feet by 40, and 1 BSU measuring 13 feet by 40 by 40 feet on the eastern dock structure .
    - 1 BSU measuring 16 feet by 75 feet, 2 BSUs measuring 14 feet by 40 feet in on the western dock structure.
  - The applicant would also like to reaffirm the existing variances on the site(s).

# 402 LAKE STREET EAST, WAYZATA





# 402 LAKE STREET EAST, WAYZATA



# CURRENT APPROVED SITE PLAN

**FIGURE 2: PHASE 2A BOARDWALK**

Volume of Water Displacement:

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

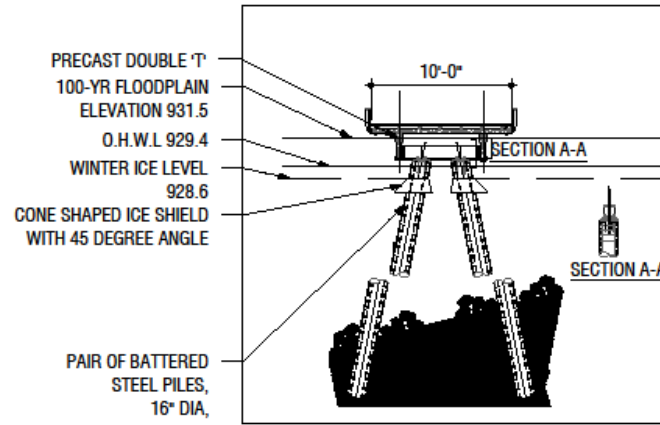
Lake Bottom Disturbance:

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

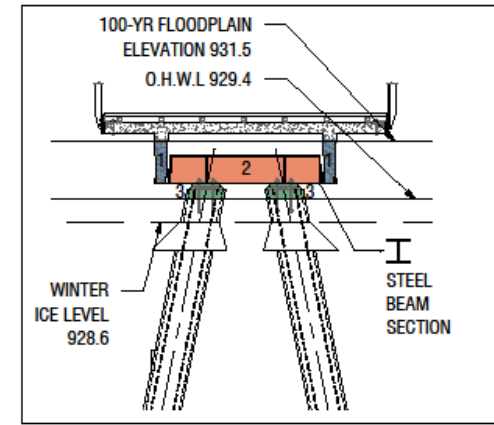
Floodplain Storage Displacement (Refer to Detail 2):

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

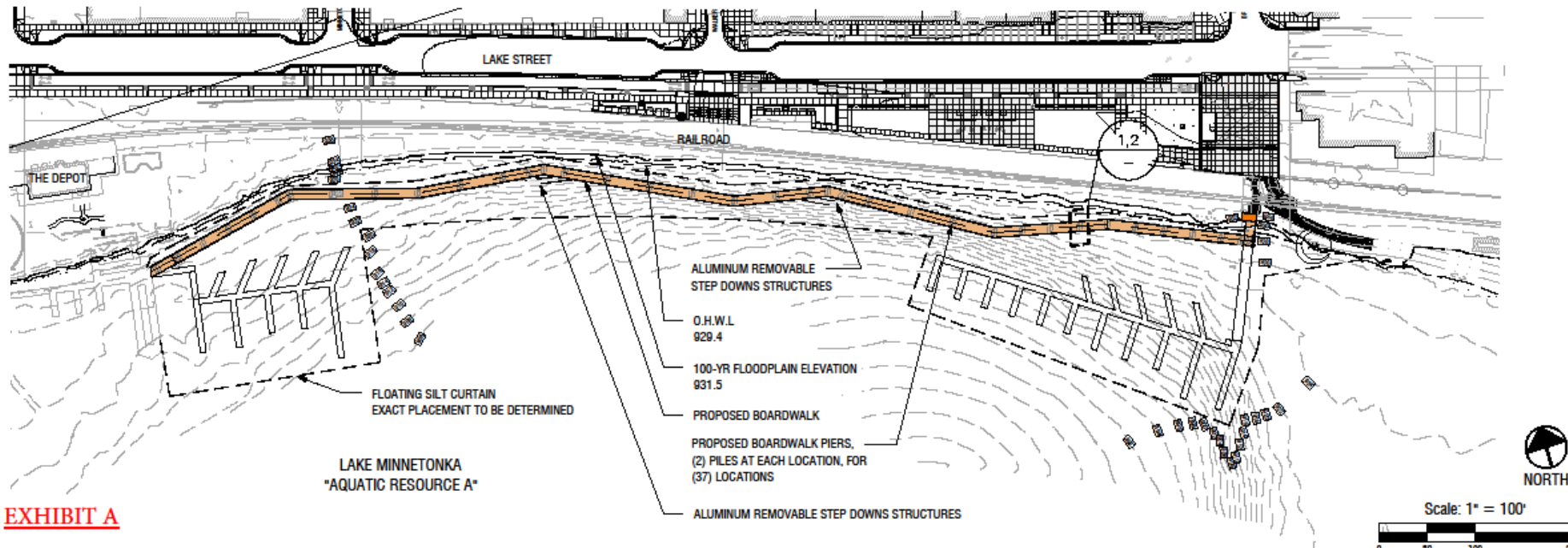
Total Volume Floodplain Storage Displacement = 1509.1 cu ft



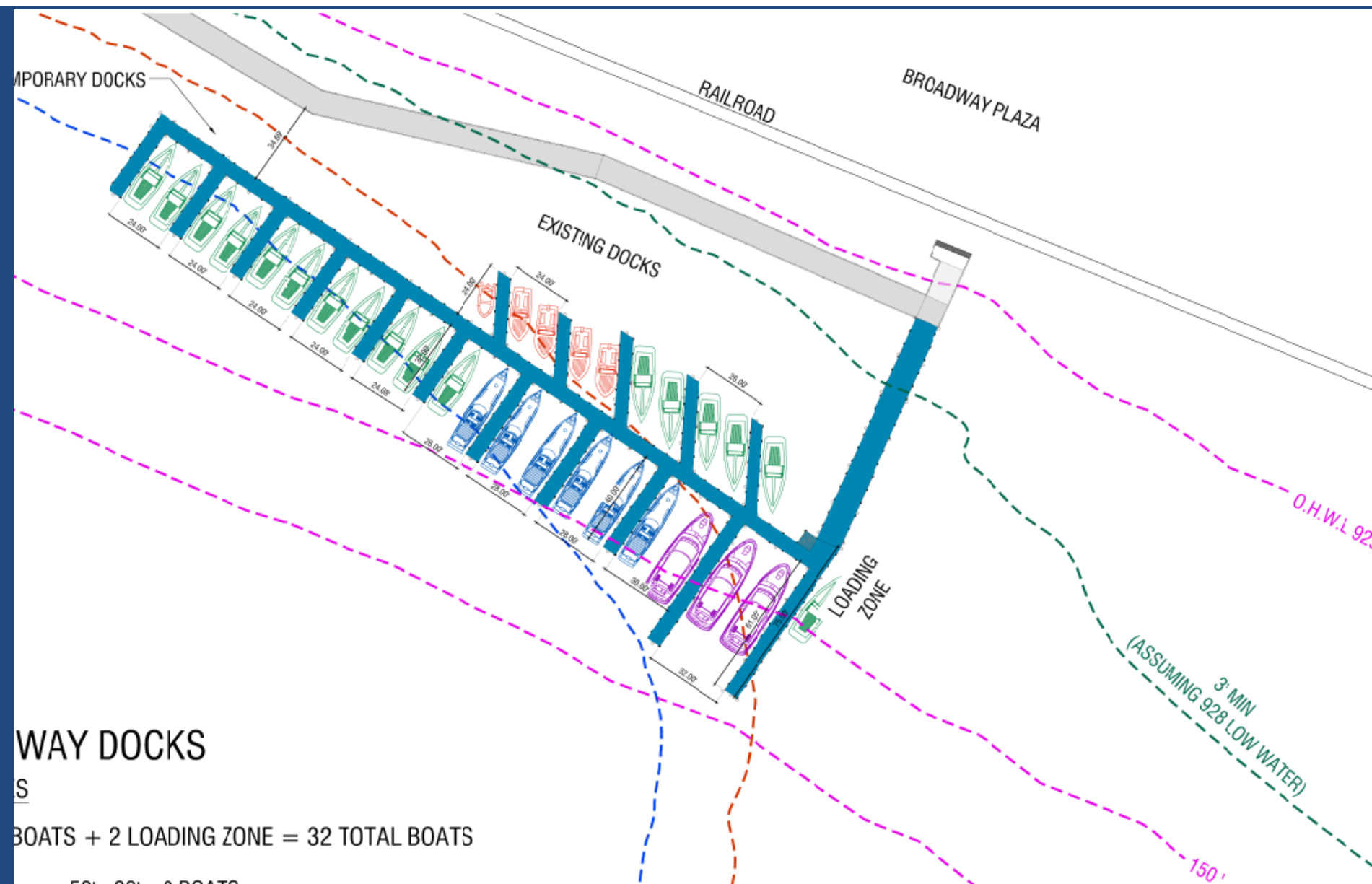
**1** TYPICAL PIER DETAIL  
SCALE: 1/8" = 1'-0"



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



# PROPOSED SITE PLAN- BROADWAY DOCKS



## PROPOSED DOCKS

30 BOATS + 2 LOADING ZONE = 32 TOTAL BOATS

50' x 20' = 2 BOATS





# APPLICANTS NARRATIVE

- The Applicant provided LMCD Staff a narrative to support why they are requesting a Length Variance. The applicant has summarized what they believe to be hardships, they are as follow;
- *ADA Compliance*- allowing adequate length to ensure the walkways from the shore to the docks are ADA compliant. Keeping the current number of slips constant, the main walkway would not be ADA compliant if the length was shortened to meet the 150-foot requirement.
- *Water Depth*---the dock area is pigeon-holed between very shallow and very deep water depth. An extension beyond the 150-foot requirement is needed to ensure all slips are navigable.

# APPLICANTS REASONING

- **The Applicant provided LMCD Staff a narrative to support why they are requesting a Length Variance. LMCD Staff have summarized the Applicants reasoning for this variance.**
- Minimize impacts to the shoreline
- Minimize impacts of ice aeration (Deicing)
- Accommodate the diversity of vessel sizes that exist on Lake Minnetonka
- Accommodate Commercial Vessels to ensure access to community members who do not live on the Lake or own their own vessels.
- Vessel navigation and slip allocations

# APPLICATION REVIEW

## General Site Overview

- Boat Density. Shoreline measurements (929.4' NGVD elevation contour) and boat density for the sites are as follows:
  - Current BSU: 153 - Proposed BSUs: 153
  - Shoreline: 3460 feet of OWHL Shoreline
  - Current boat density 1:22 - Proposed boat density: 1:22
  - Increasing the dock length of 9 BSU's to extend over the 150 foot contour line
- Dock Length. Varies along site,
  - Applicant asking for approximant increase to approximately 190 feet although the exact length would vary
  - LMCD Code restricts Municipality's to 150 foot contour
- Setbacks
  - All setbacks are being met

# DOCK STRUCTURE

- **Dock Structure.**

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

# EAW

- The proposal at the site would increase the size of the dock structure by approximately 424 square feet. The Applicant underwent a EAW in 2018 for a New Multiple Dock License which was granted on May 10, 2023. This New Multiple Dock License and variance would not require a new EAW.

# COMMENTS

## Public Agencies

- No Agencies provided comment as of October 19, 2023

## Public Comments

- No Public comments have been received as of October 19, 2023

# RECOMMENDATIONS

- Based on information available at the time of this report, LMCD staff recommends Board denial for the reasons listed below. The recommendation may change based on information reviewed or presented as part of the public hearing process.
- 1. Expansion of dock structure past 150 feet is not permitted for a Municipal Multiple Dock per LMCD Code Section 6-3.01, Subd. 4 (d)
- 2. Expansion of Authorized Dock Use Area past 150 feet is not permitted for a Municipal Multiple Dock per LMCD Code Section 6-3.01, Subd. 5 (b) (3).



# RECOMMENDATIONS CONT.

- 3. LMCD Staff have determined that there is not enough evidence which would indicate practical difficulties as described in LMCD Code Section 1-3.01, Subd. 76
- 4. Due to the size of the proposed dock structure and associated watercraft storage, a length variance and adjusted dock use area for the proposed structure may adversely affect: the purpose of the LMCD Code; public health, safety, and welfare; and/or reasonable access to or use of the Lake by the public or nearby riparian owners.

# PUBLIC HEARING

- Legal requirement with established process
- Provides opportunity for interested individuals to present their views to the Board for consideration
- Important part of reviewing impact of a project
- Only items under the LMCD Code and Board authority may be considered as part of any approval or denial decision
- Legal Notification
  - Published in *September 28, 2023* edition of official newspaper Sun Sailor and *September 30, 2023* edition of Laker Pioneer
  - Mailed to residents and owners of property within 350 feet of site on *September 27, 2023*.
  - Posted online



*To preserve and enhance the "Lake Minnetonka experience"*

# QUESTIONS & DIRECTION

*THANK YOU*

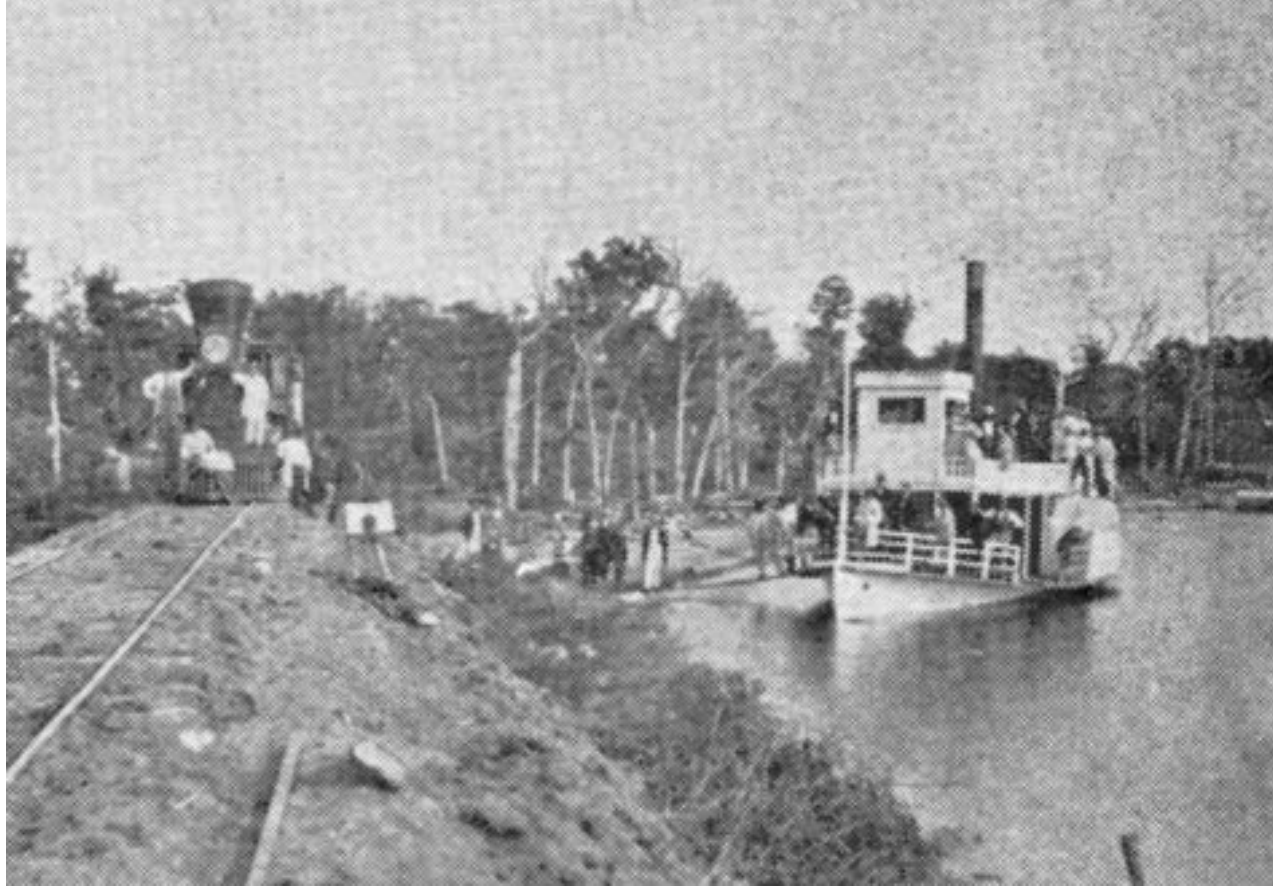
The community articulated many value statements, to protect its vision:

- Be Wayzata
- **Embrace the Lake**
- Thoughtful Economic Growth
- Engaged Community
- Reimagine the Railroad
- **Access for All**
- Lively, but Not Rowdy
- Design Matters
- **Environmental Stewardship**

As Wayzata residents became more involved, community priorities emerged to enhance the lakefront.

- Lakewalk
- **Lake Access**
- Connectivity
- Enhancing Lakefront Venues
- Parking and Circulation
- Purposeful Public Investment

In 1867, the Wayzata shoreline looked like this!









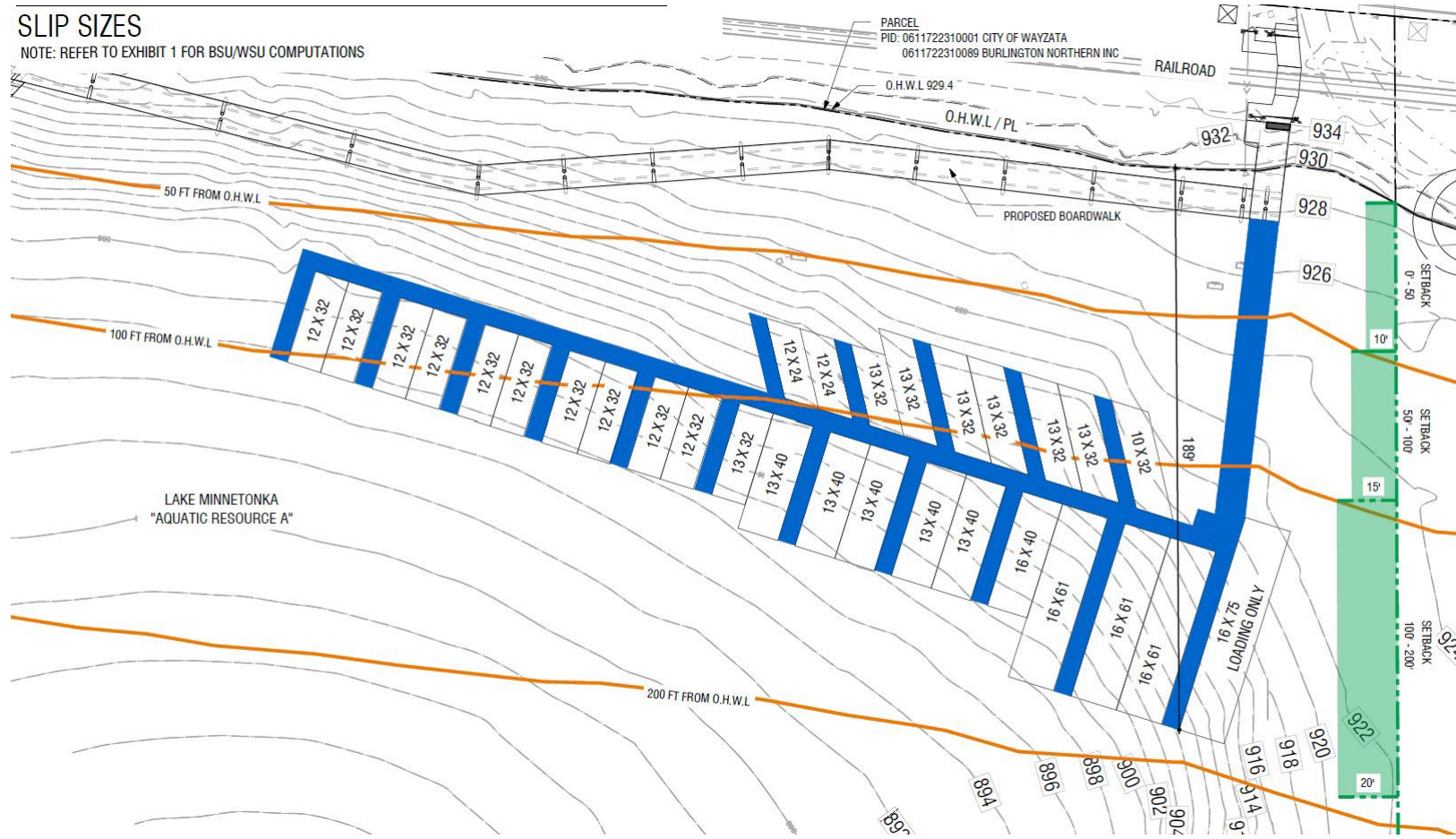




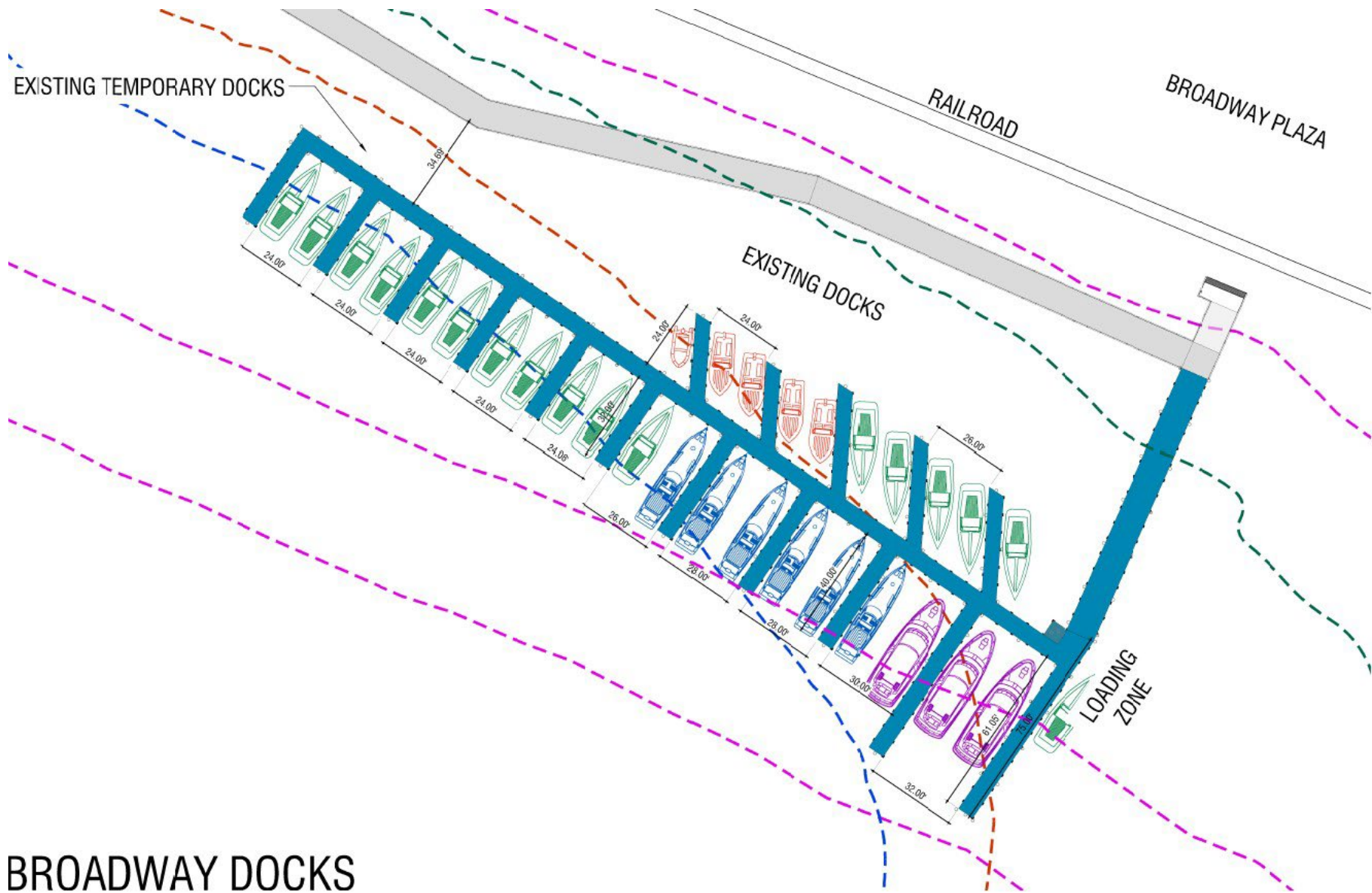


# SLIP SIZES

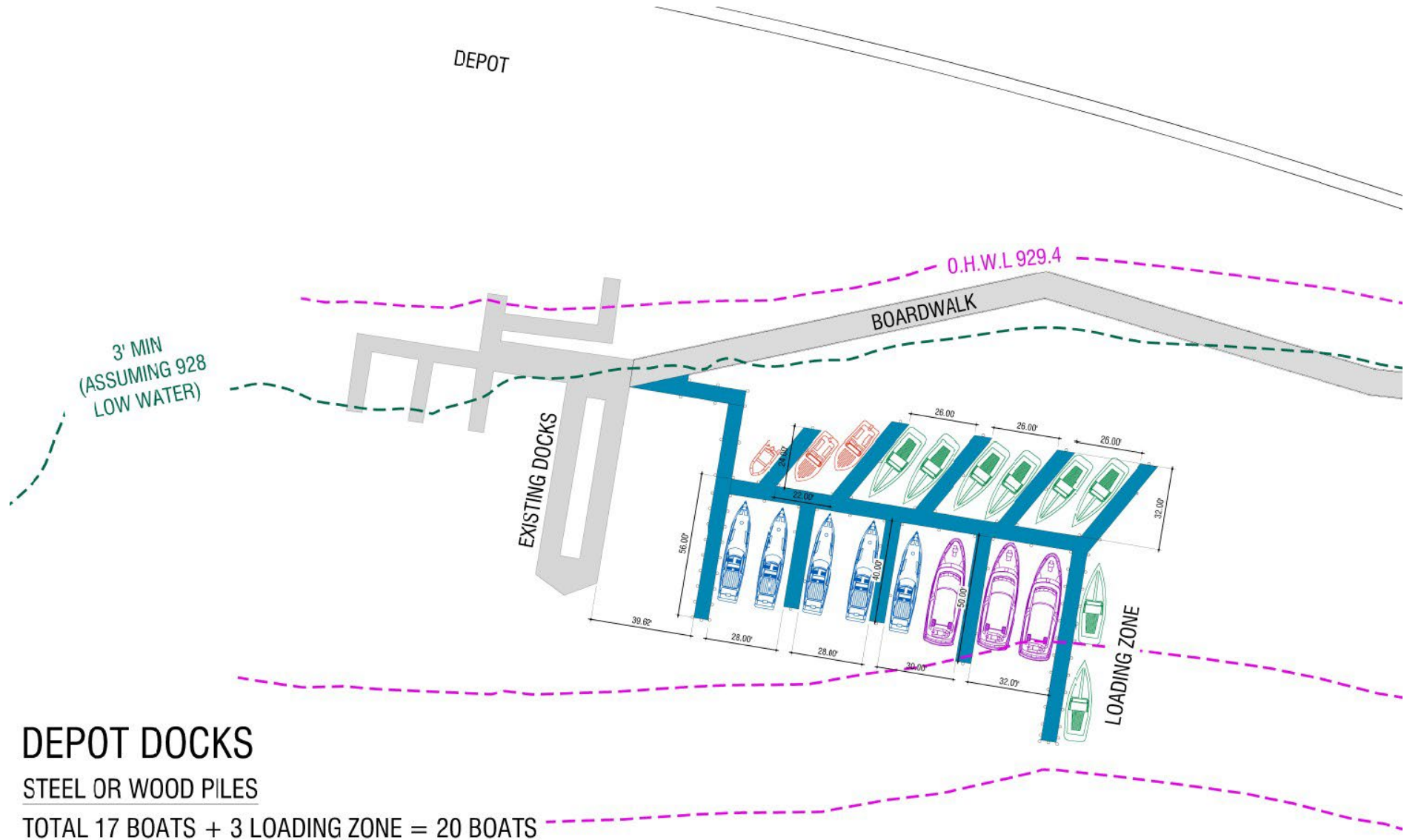
NOTE: REFER TO EXHIBIT 1 FOR BSU/WSU COMPUTATIONS







BROADWAY DOCKS



**DEPOT DOCKS**

STEEL OR WOOD PILES

TOTAL 17 BOATS + 3 LOADING ZONE = 20 BOATS







Deteriorating Community docks at the Depot and Broadway will be replaced with modern handsome floating docks maintaining the look and feel of historic docks built over 25 years ago.

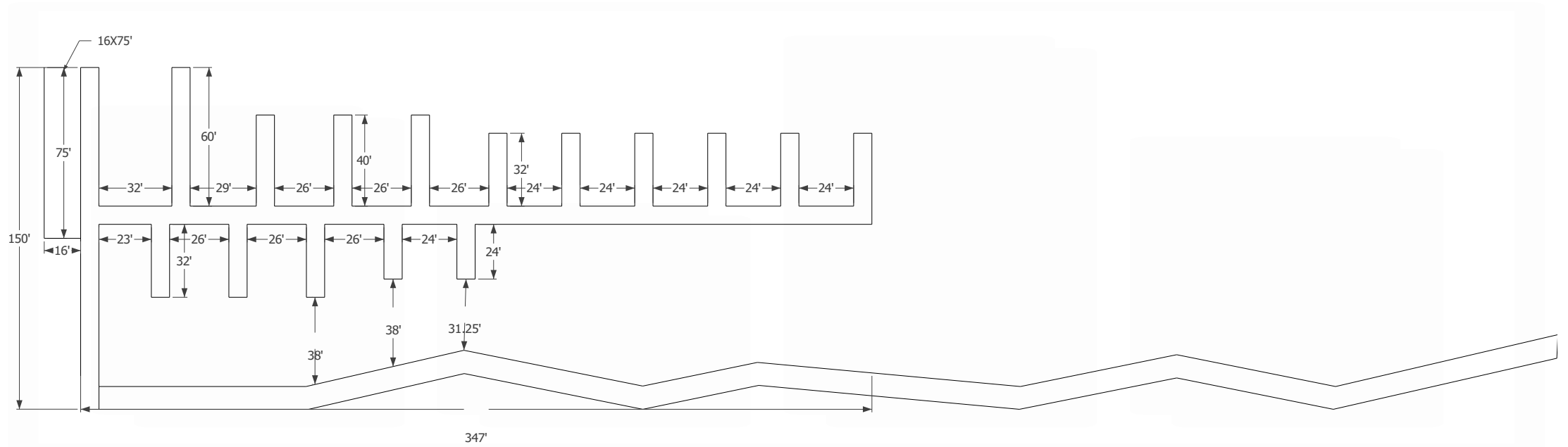






A new Eco Park surrounding the Section Foreman house will restore shoreline marsh and improve water quality.

# EAST DOCK @ 150' SAME # SAME SIZE BSU'S



EXCELSIOR'S REQUEST TO GO TO 200'  
VIA THE CODE APPROVED  
PUD ROUTE IN 2017



# EXCELSIOR 200' facts and findings

- On January 11, 2017 (facts and findings abbreviated)
- Application of the City of Excelsior for a multiple dock **municipal planned unit development** and special density license for the property located at
- The Commons Area and 399 Lake Street

## PUD CODE

- **j. Section 2.14 of the LMCD Code authorizes the LMCD to issue a new Multiple Dock Municipal Planned Unit Development License to a city for a dock length extension up to 200 feet out from shore and to cluster the watercraft storage if the facility provides for a dock use area divided nearly in half, of shoreline to remain in its natural state, with a minimum of 200 feet.**

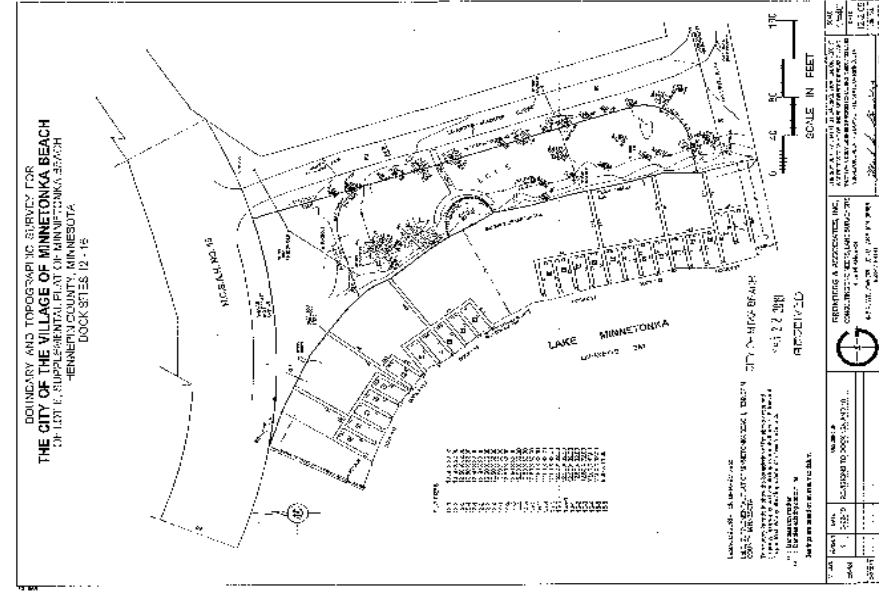
## Final forfeit of shoreline for buffer

- k. Site 1 contains 2663 feet of shoreline. The structures related to the City's proposal will cover 714 feet of total shoreline, leaving **1,949 feet of shoreline buffer footage.**



# EXAMPLE OF WHO'S NEXT MTKA BEACH CITY DOCKS TO 200'

APPROVED 5/8/19



## MY BOAT CLUB LMCD LAWSUIT:

The court seemed frustrated with the LMCD enforces their rules. It stated the, ***“LMCD is not permitted to choose whichever standard it wishes when considering a particular application for a variance, because such flexibility”***—as LMCD expresses the matter in its brief—would be arbitrary.” The court clearly disagreed with the LMCD brief where they claimed, “LMCD does not have to apply the hardship standard” and that LMCD has “the freedom” to choose among the standards. The argument apparently is that LMCD can simply list every standard in its Code and then choose whichever standard it wishes to apply to each variance application. This is a recipe for favoritism and for arbitrary and capricious decision-making.”

*Subd. 76 of the LMCD Code defines “practical difficulties” as follows: “Practical difficulties” mean one or more unique conditions of a property that prevent the property owner from using the Lake in a reasonable manner permitted by the Code and that serve as a basis for the property owner to request a variance from the strict application of the provisions of the Code. Practical difficulties only exist with respect to a particular property if the conditions preventing the proposed reasonable use of the property are unique to the property, were not created by the property owner, and are not based solely on economic considerations.”*

To be eligible of a variance the applicant must prove a practical difficulty. A practical difficulty **must satisfy all three** of the following factors:

- 1. *Reasonableness* - The first factor is that the property owner proposes to use the property in a reasonable manner. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application may not meet the reasonability factor if the variance is for a boat too big for the location – the applicant may need consider a smaller boat. It is important to note, the LMCD has found it is “reasonable” to issue a variance for up to 38’ boat. The Board has found that boats 38’ or smaller are common on Lake Minnetonka and should be accommodated.**



**2. *Uniqueness* - The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a dock to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as shoreland or lot shape, topography or other natural features like wetlands or protected vegetation.**

**3. *Essential character* - The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular structure will look closer to a lot line and if that fits in with the character of the area.**

**Economic considerations: State statute specifically notes that economic considerations alone cannot create practical difficulties ([Minn. Stat. § 462.357, subd. 6](#)). Rather, practical difficulties exist only when the three aforementioned statutory factors are met.**

**While the LMCD claims they are not subject to municipal zoning statutes, the Appeals Court has referenced municipal law in two recent lawsuits involving the LMCD (Schussler and My Boat Club). So whether or not the LMCD believes municipal zoning laws do not apply to them – the courts do. So the board should use discretion before straying too far from statutes/case law governing zoning. (See <https://www.lmc.org/resources/land-use-variances/> ).**

## PROPOSED VARIANCE:

- **PROPOSED DOCK TO BE AS CLOSE TO LAKE WALK AND STILL ALLOW SAFE MANEUVERING OF BOATS TO THE NORTH.... THE 150' DOCK SUGGESTION HAS SAME IF NOT BETTER MANEUVARABILITY....**
- **DUE TO THE TOPOGRAPHY OF THE BOTTOM, WAYZATA FEELS THIS IS THE BEST AND SAFEST CONFIGURATION.... WE DON'T KNOW THAT!!**
- **WATER DEPTH, WE HAVE NO NUMBERS, BUT CLEARLY IF THE BOATS GOT TO THE NORTH SIDE FINGERS BEFORE, THEY WILL CLEARLY BE ABLE TO NOW**
- **THE NEW DOCK DESIGN WILL ACCOMMODATE GREATER DIVERSITY OF BOATS MY DRAWING HAS THE EXACT SAME NUMBER AND SIZE BSU'S AND IS DONE AT 150'....**
  - **PRESERVATION OF LAKE EDGE.... SAME AT 150' DRAWING SHOWN AS PROPOSED IN THE 190' APPLICATION....**
  - **ADA COMPLIANT.... WHAT IS THE RISE?**



LAKE MINNETONKA CONSERVATION DISTRICT

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

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

**TO:** LMCD Board of Directors

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

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

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

**ACTION**

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

Approval

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

Denial

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

**APPLICATION HISTORY**

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



## Multiple Dock License

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

LMCD Board Meeting

October 25, 2023

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

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

## **APPLICATION SUMMARY**

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

## Multiple Dock License

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

LMCD Board Meeting

October 25, 2023

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

If a qualified commercial use proposes to increase the number of boat storage units beyond what it is otherwise allowed, or to extend any portion of the structure further into the Lake than 100 feet, the Board will need to consider issuing a new variance which the applicant is asking for as part of the new MDL license.

## **PUBLIC COMMENTS**

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

- No comments received

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

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

## **PUBLIC HEARING**

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

A hearing notice was published in the September 28, 2023 edition of the Sun Sailor (official LMCD newspaper) and the September 30, 2023 edition of the Laker Pioneer. On September 27, 2023, a public hearing notice was mailed to persons who reside upon or are owners of property within 350 feet of the Site. In addition, the Board packet was posted online and the agenda was posted on the LMCD bulletin board.

## **RECOMMENDATION**

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

Multiple Dock License

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

LMCD Board Meeting

October 25, 2023

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

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

**BUDGET**

N/A

**STRATEGIC PRIORITIES**

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

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

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

## LMCD CODE EXCERPTS



### **SUMMARY OF CODE CONSIDERATIONS**

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

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

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

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

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

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

Subd. 1. General Rule – May 3, 1978. Up to one restricted watercraft may be moored or docked at a qualified commercial use on any site for each 10 feet of continuous shoreline in existence on May 3, 1978. When calculation of the number of restricted watercraft allowed results in a fractional restricted watercraft, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be counted as one additional watercraft.

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

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

(a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;

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

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

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



Multiple Dock License

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LMCD Board Meeting

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

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

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

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

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

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

(e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;

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

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

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

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

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

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

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

(i) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;

## Multiple Dock License

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LMCD Board Meeting

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

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

- *N/A*

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

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

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

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

(m) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.09, subdivision 4(a).

**Subd. 4. Qualified Commercial Uses.** If a qualified commercial use proposes to increase the number of boat storage units beyond what it is otherwise allowed, or to extend any portion of the structure further into the Lake than 100 feet, the Board shall consider the following additional limitations when reviewing the request:

(a) No license will be granted for a facility with an existing variance unless a new variance for the proposed facility is granted by the Board;

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

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

- *The applicant's dock use area does not overlap the dock use area of another site.*

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

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

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

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

Multiple Dock License

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**VARIANCE STANDARDS**

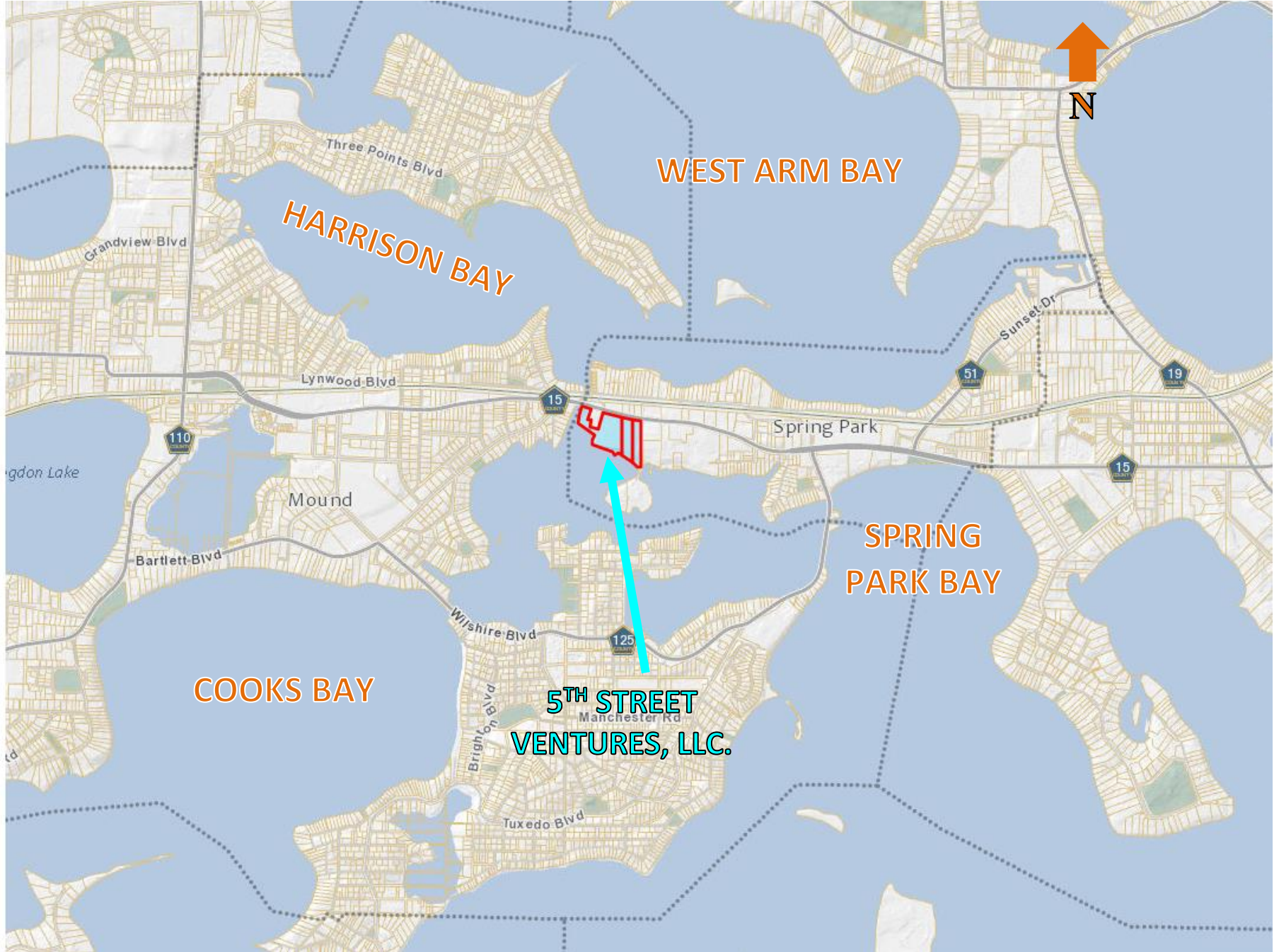
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The following items need to be considered when considering granting a variance:

1. Has the Applicant sufficiently demonstrated practical difficulties exist such that each of following are true?
  - a. Strict application of code prohibits property owner from using Lake in reasonable manner that is otherwise permitted by the code.
    - a. Granting a variance is within spirit and intent of the Code.
    - b. Plight of property owner is due to circumstances:
      - (1) Unique to property;
      - (2) Not created by property owner; and
      - (3) Not based solely on economic considerations.
    - c. Granting a variance does not alter essential character of the area.
2. Is the Applicant proposing a use not allowed under the code?
3. Would variance, if granted and with conditions imposed, adversely affect:
  - a. Purpose of Code?
  - b. Public health, safety, and welfare?
  - c. Reasonable access to or use of the Lake by public or riparian owners?

5<sup>th</sup> Street Ventures, LLC. | Multiple Dock License and Variance Requests

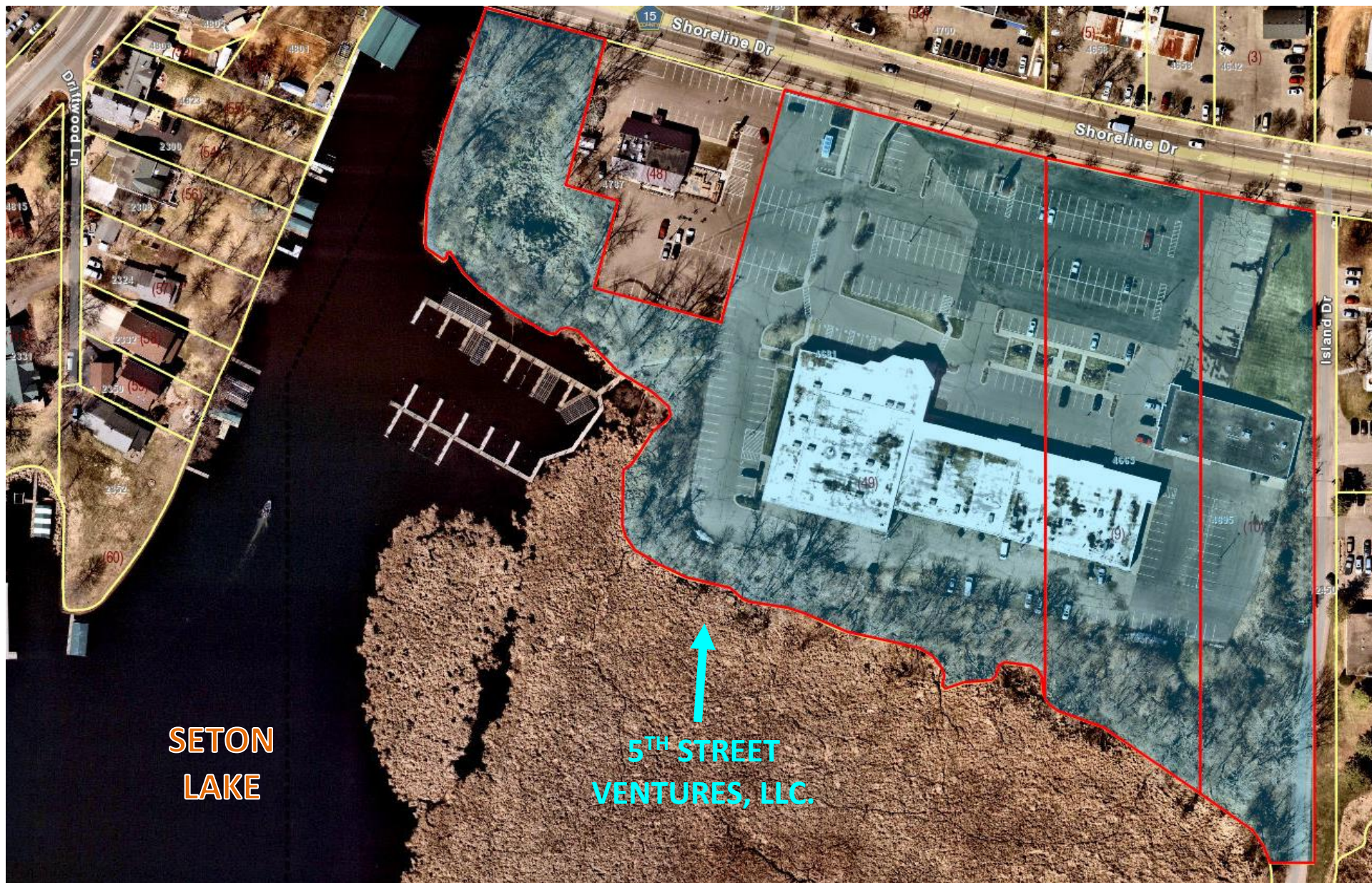
For illustrative purposes only. Aerial imagery from 2020. Created using Hennepin County Locate & Notify Map 04/27/2021.





5<sup>th</sup> Street Ventures, LLC. | Multiple Dock License and Variance Requests

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





**DESCRIPTION OF PROPERTY SURVEYED**

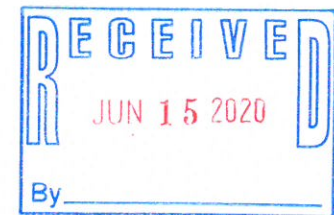
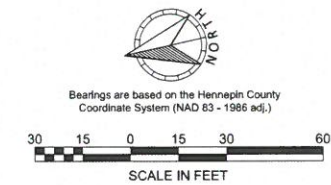
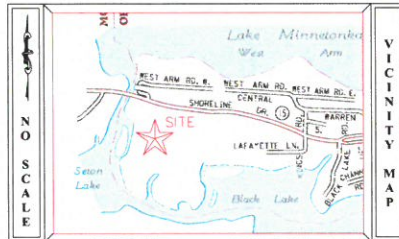
Tract B, Registered Land Survey No. 1488, Except Road, Hennepin County, Minnesota.

**GENERAL NOTES**

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

**SURVEY LEGEND**

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



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

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

Dated this 28th day of April, 2020.

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

**ENGINEERS SURVEYORS**  
**DESIGNERS PLANNERS**

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

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

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

FILE NO. 21115-006
1
1



DESCRIPTION OF PROPERTY SURVEYED

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

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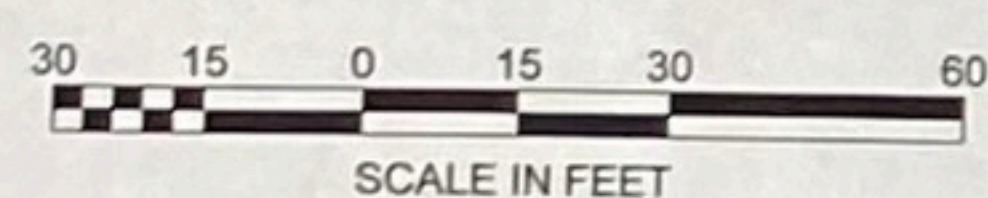
Adjoining property to the east and south: R-3 High Density Residential  
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SURVEY LEGEND

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



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



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

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

ENGINEERS SURVEYORS DESIGNERS PLANNERS

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

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

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

FILE NO.  
 21115-006  
 1  
 1







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Hello,

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

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

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

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

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

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



**LAKE MINNETONKA CONSERVATION DISTRICT**  
**APPLICANT REQUEST FOR TIME LIMIT EXTENSION**

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

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

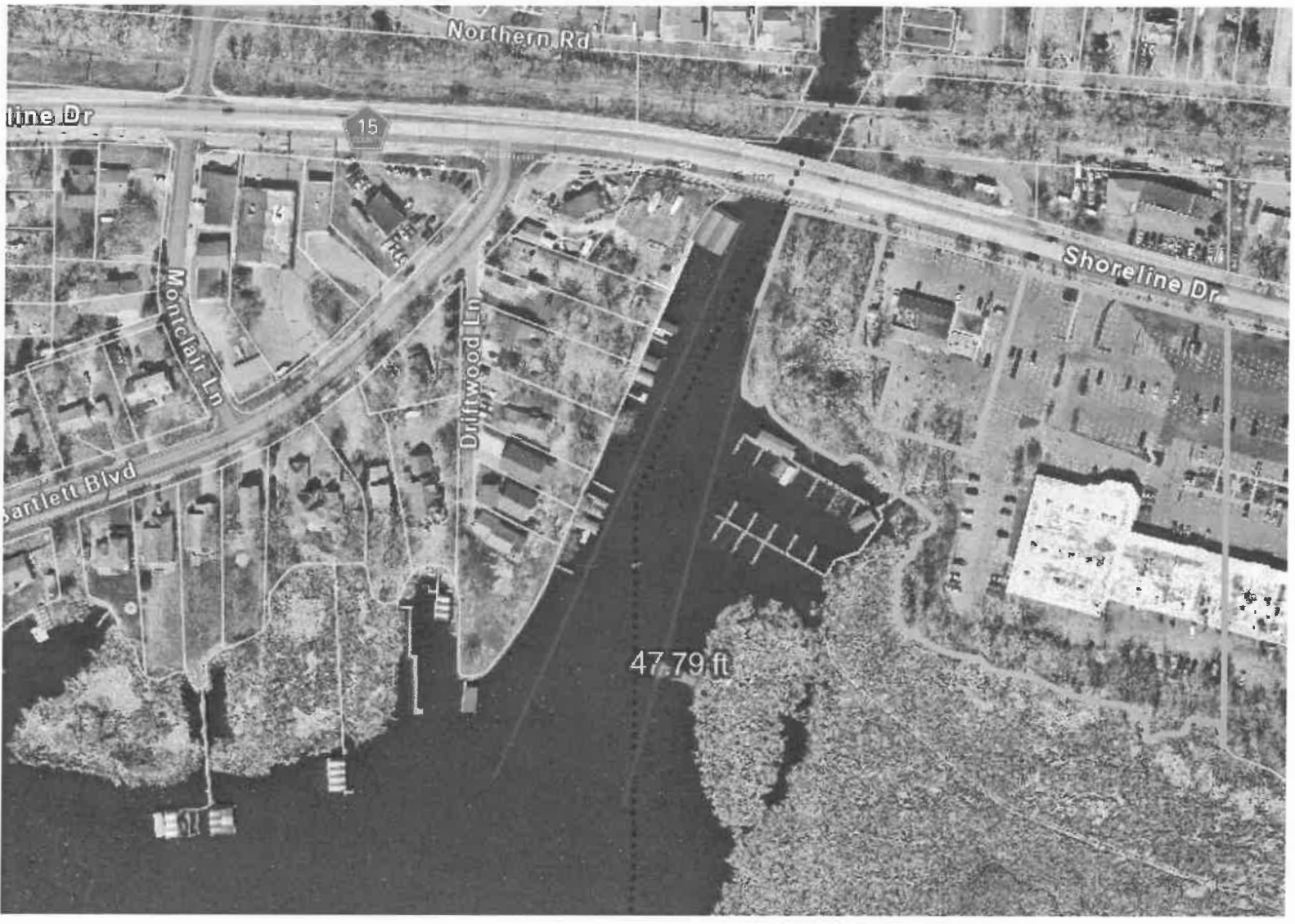
Applicant understands and agrees the deadline imposed under the Act is suspended until at least the Requested Extended Deadline listed above. Upon that date, or upon written notice to proceed if the extension is indefinite, the LMCD Board will have the until the remaining period provided under the Act,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

Date: 11/31/23

APPLICANT:

  
 \_\_\_\_\_  
 Signature(s)

Josh Leddy  
 \_\_\_\_\_  
 Print Name(s)







MULTIPLE DOCK
NEW LICENSE APPLICATION
LAKE MINNETONKA CONSERVATION DISTRICT



For LMCD Use
Fee Amount: Check # Date Received

1. CONTACT INFORMATION

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

2. SITE INFORMATION

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

Facility Use Classification (Check all that apply)

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

Facility Type

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

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

Existing Boat Storage Unit Density: 62.5 Requested Boat Storage Unit Density: [crossed out]

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

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

Facilities & Services

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

3. ATTACHMENTS

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

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

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

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


4. FEES

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

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

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

**Applicant's Signature:**


Owner/Authorized Agent
4/11/23

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**Return to:**

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



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

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

Total square footage of new or additional dock area and maneuvering space = 11,520 sq. ft.

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

**Boat Storage Units (BSU) Computation**

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

**Qualified Facility Applications:** Lakeshore Frontage 1,421 feet divided by 10 = 142 BSUs potential under the 1 boat per 10-foot rule.

Other code provisions regarding density may apply. \_\_\_\_\_ BSUs.

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

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

**Watercraft Storage Units (WSU) Computation**

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

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

## RE: Marina expansion question

Joel Buttenhoff <joel@cornerstone-mn.com>

Tue 10/18/2022 8:52 AM

To: Josh Leddy <josh@backchannelbrewing.com>

To whom it may concern,

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

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

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

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

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

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

Hey Joel,

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

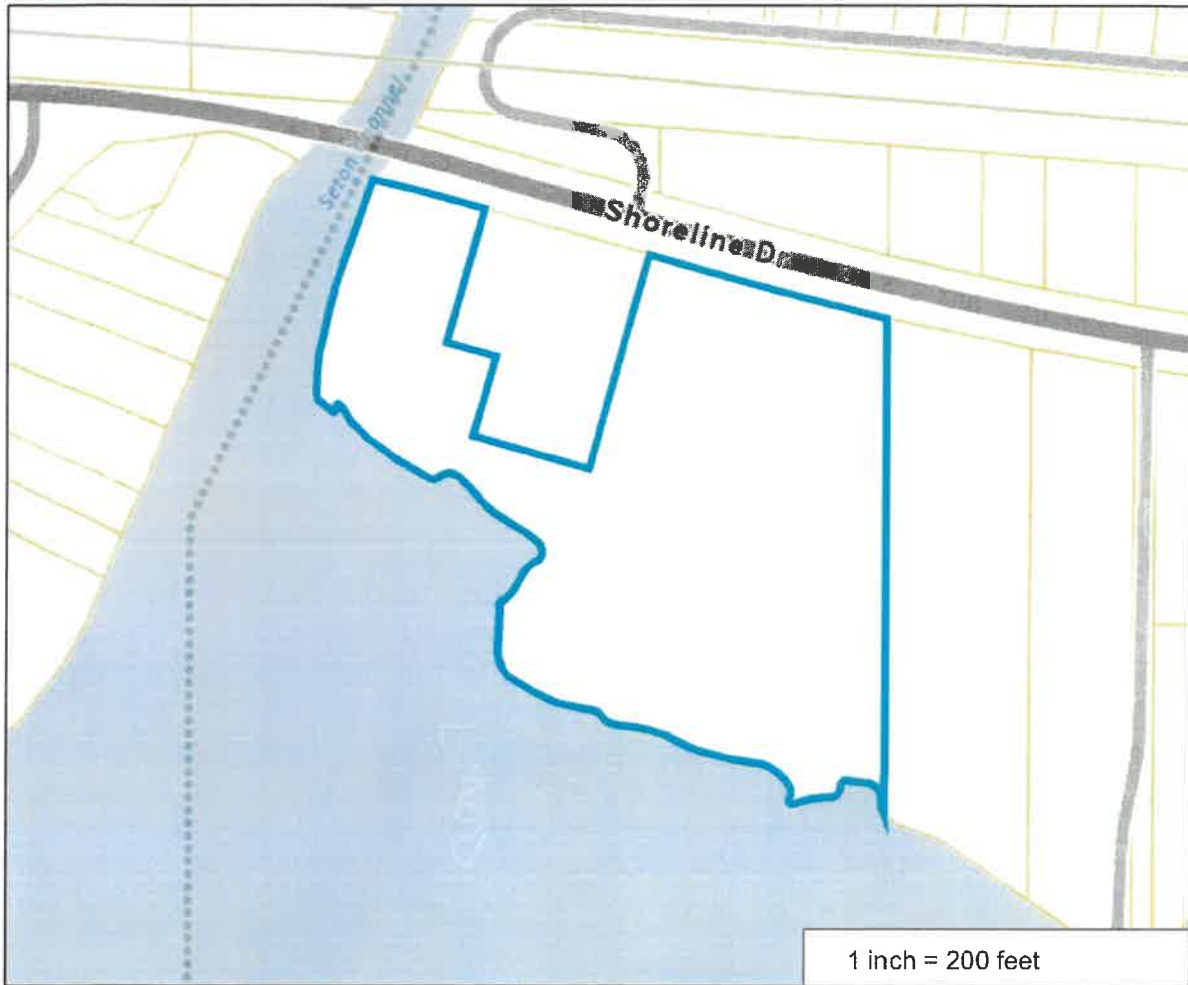
Josh





# Hennepin County Property Map

Date: 10/17/2022



PARCEL ID: 1811723330049

OWNER NAME: 5Th Street Ventures Llc

PARCEL ADDRESS: 4681 Shoreline Dr, Spring Park MN 55384

PARCEL AREA: 5.21 acres, 226,834 sq ft

A-T-B: Torrens

SALE PRICE: \$1,750,000

SALE DATE: 08/2002

SALE CODE: Sale Includes More Than One Parcel

ASSESSED 2021, PAYABLE 2022

PROPERTY TYPE: Commercial-Non Preferred

HOMESTEAD: Non-Homestead

MARKET VALUE: \$5,048,000

TAX TOTAL: \$151,535.28

ASSESSED 2022, PAYABLE 2023

PROPERTY TYPE: Commercial

HOMESTEAD: Non-Homestead

MARKET VALUE: \$5,144,000

### Comments:

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

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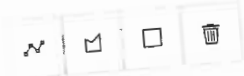
Selected [Clear All](#)

Address 4681  
SHORELINE  
DR, SPRING  
PARK 55384

Properties 48  
Selected

[Zoom to selected](#)

Draw Geometry



Buffer

Buffer  
distance  
feet

Buffer

Clear

Print

[Mail Labels](#) Mail List

Create Avery 5160  
Mailing Labels for:

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





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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## BOAT STORAGE UNIT SIZE SHEET

Facility: Back Channel Marina

Date: 4/4/2023

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

# Site Square Footage

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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



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

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

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

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

Published in the  
Sun Sailor  
September 28, 2023  
1343650



LAKE MINNETONKA CONSERVATION DISTRICT

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

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

TO: LMCD Board of Directors

FROM: Jim Brimeyer, Interim Executive Director

SUBJECT: Special Events Resolution

ACTION: None

BACKGROUND

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

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

The resolution repeals Resolution No. 124.

STRATEGIC PRIORITIES

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

ATTACHMENT

RESOLUTION 258 – SPECIAL EVENTS PERMITS



## LMCD RESOLUTION No. 258

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

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

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

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

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

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

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

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

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Ann Hoelscher, Chair

ATTEST:

---

Mike Kirkwood, Secretary





LAKE MINNETONKA CONSERVATION DISTRICT

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

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

ACTION

NONE

BACKGROUND

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

STRATEGIC PRIORITIES

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

ATTACHMENT

CURRENT BOARD MEMBERS & TERMS



# LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** October 25, 2023

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

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

**RE:** 2024 City Appointments of LMCD Board Members

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

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

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

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

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



**LMCD Board Member Appointments**

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



LAKE MINNETONKA CONSERVATION DISTRICT

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

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

TO: LMCD Board of Directors

FROM: Jim Brimeyer, Interim Executive Director

SUBJECT: Watercraft for Hire Moratorium

ACTION \_\_\_\_\_

BACKGROUND \_\_\_\_\_

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

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

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

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

STRATEGIC PRIORITIES

Form with checkboxes for Docks, Applications, Licenses, Surface Water Management; Lake Use, Safety; Lake Protection; Operational Effectiveness; and Other.

ATTACHMENT \_\_\_\_\_