



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, January 24, 2024
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

PUBLIC PARTICIPATION

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

WORK SESSION AGENDA

6:00 p.m.

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

No Work Session

FORMAL MEETING AGENDA

7:00 p.m.

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

- 1) CALL TO ORDER**
- 2) PLEDGE OF ALLEGIANCE**
- 3) NEW BOARD MEMBER OATH OF OFFICE**
 - A) Brian Malo, Greenwood
- 4) ROLL CALL**
- 5) APPROVAL OF AGENDA**

6) CHAIR ANNOUNCEMENTS

- A) Rep. Patty Acomb
- B) February Meetings
- C) Prosecuting Attorney Update

7) APPROVAL OF MINUTES (12/13/2023 LMCD Regular Board Meeting)

8) APPROVAL OF CONSENT AGENDA

- A) Audit of Vouchers (01/01/2024 – 01/15/2024) & (01/16/2024 – 01/31/2024)
- B) Resolution #260 Accepting Save the Lake Contributions (01/08/2024 – 01/17/2024)
- C) Braun Intertec Findings of Fact
- D) Watercraft for Hire Changes to Code

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

10) PUBLIC HEARING

11) OTHER BUSINESS

12) OLD BUSINESS

- A) Report from Nominating Committee
- B) Rental Boats (Memo from WFH Chair provided before the meeting)

13) NEW BUSINESS

- A) Consulting Agreement with HueLife
- B) Minnesota Powerboat Championships Presentation

14) TREASURER REPORT

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

15) EXECUTIVE DIRECTOR UPDATE

- A) LMCD Annual Calendar 2024

16) ADJOURNMENT

CLOSED SESSION AGENDA

Item 7

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

7:00 P.M., December 13, 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 Reardon, Office and Finance Manager; Raina Arnston, Executive Assistant Code Enforcement and Operations; and Interim Executive Director Jim Brimeyer.

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

Persons in audience: Greg Steinhafel, Dennis Steinhafel, Lieutenant Richard Rehman, Jay Soule, Major Shane Magnuson.

4. APPROVAL OF AGENDA

MOTION: Walesch moved, Stone seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

A) Director Evaluation Work Session January 10th

Chair Hoelscher commented that this item is scheduled for the next meeting date to review the performance of the Executive Director. She noted that she would be emailing three questions to each member of the Board to answer, and she would tabulate those results for discussion at the work session.

B) Other

Chair Hoelscher commented that Representative Andrew Myers recently attended a Board meeting and has since reached out to her stating that he would like to propose a Lake Minnetonka license plate in collaboration with the LMCD. She noted that a portion of the proceeds would be allocated to an LMCD fund to be used for boater safety.

C) Rep. Patty Acomb

Chair Hoelscher commented

6. APPROVAL OF MINUTES- 11/08/2023 LMCD Regular Board Meeting

MOTION: Kroll moved; Walesch seconded to approve the 11/08/2023 LMCD Regular Board Meeting minutes as submitted.

VOTE: Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

Tully provided clarification on Item 7D, noting that there were inconsistencies with the previous findings of fact within the packet and advised that those have been changed and updated to follow what was in the minutes related to dock width and setbacks.

MOTION: Walesch moved; Anderson seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (11/16/2023 – 11/30/2023); **7B)** Audit of Vouchers (12/01/2023 – 12/25/2023); **7C)** Resolution Accepting Save the Lake Contributions (10/03/2023 – 12/08/2023); **7D)** Norton Homes, LLC Variance Findings of Fact; **7E)** 2024 Contract for Professional Services – Video on Demand Services, Minute Taking Services, Producer Services, and Rental Agreement; and **7F)** 2024 Appointment of Legal Services, Auditing Services, Bank Depository, and Newspaper Designation.

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. PUBLIC HEARING

A) WFH Code Amendment Public Hearing

Walesch provided a brief background related to watercraft for hire (WFH) and the intent of the updates to the Code. He stated that changes were made to address WFH that do not plan to serve alcohol, storage of WFH, and an ability for exemption for WFH with six passengers or less. He provided a brief overview of the proposed changes to Code related to WFH. He stated that grammatical and formatting changes are still to be made.

Hoelscher thanked Walesch and the work group for the work that they have done on this topic.

Kirkwood referenced a previous discussion related to the challenge Water Patrol was having with people camping on the dock or within the County parking lots.

Walesch stated that would be more of a rental issue. He stated that the provision for WFH boats limits the time a boat can be at the dock for no more than two hours. He stated that the issue was more related to rental boats and that will be the next topic to tackle after the WFH is wrapped.

Newell stated that he has a 93-year-old boat that he has offered for charity use, explaining that he will offer a cruise on the lake as a live auction item and has been able to raise a few hundred thousand dollars for charities. He stated that he never has more than six people but his boat is 36 feet, and he does provide wine and cheese and crackers. He asked how this would impact that.

Walesch stated that would seem to be a private charter as it is not being paid as a charter service and therefore this would not apply as it would be similar to just taking friends out on a boat.

Anderson stated that they discussed two staff provided training sessions, but that language seemed vague.

Walesch stated that typically they do not write the Code in a way that would limit the ability of the LMCD and therefore would prefer the language as written.

Hoelscher stated that the point is that there will be scheduled trainings and therefore an applicant cannot demand their own training session. She stated that applicants would need to apply by a certain date and then register and attend the trainings.

Newell commented that he was not aware that the LMCD was conducting training for charters and asked how that is done.

Walesch stated that there was training for the alcoholic beverage license and those not serving alcoholic beverages would also be required to attend the training.

Tully provided additional details on the training that has been conducted. He noted that inspections are also done at that time.

Hoelscher invited the applicant to address the Board; applicant declined. -or-

Hoelscher opened the public hearing at 7:23 p.m.

Jay Soule, Al and Alma's, thanked the LMCD for its work on this topic. He stated that over the past couple of years it seems that there have been difficulties in enforcement, specifically that the consequence was not strong enough. He asked if the work group considered potential consequences for those that continue to operate without licensure. He stated that perhaps if someone is noncompliant, there is a consequence that the party would not be eligible for a license for a period of time.

Hoelscher asked if there is anything in the Code addressing violations. It was mentioned that was not addressed.

Jabbour stated that they did discuss that but the people that operate without a license will continue to do so. He commented that the fines are not strong enough to push people into compliance. He stated that technically the boat would be out for the season as they would need attend the training session before a license could be issued. He asked if the ticket is given to the driver or the boat.

Lieutenant Rick Raymond replied that would be dependent on where the citation is issued. He stated that if the captain is the owner and operator, the ticket would go to that person. He stated that many times the owner will hire a younger captain and in that instance the ticket would be sent to the owner.

Hoelscher asked if the violation would go to the watercraft as that is meant to be licensed.

Langel replied that the ordinance issues the violation to the owner of the watercraft.

Walesch asked the ability to deny or revoke a license the subsequent year if the criteria are met. He stated that perhaps if a license is revoked, it could not be reissued for a certain length of time.

Langel stated that in this draft there is language that would allow revocation of a license. He stated that if there is a desire to deny an application based on past behavior, that language should be included as well.

Walesch commented that it would be nice to have the ability to not approve a license based on past behavior.

Langel stated that for tobacco and alcohol licensure there are criteria listed that a city could base its decision on to deny a license and that same type of thing could be done here.

Walesch stated that he would like to see that ability to not grant a license based on certain behaviors.

Hoelscher suggested using "may" choose to not issue a license.

Langel commented that would be fine. He noted that consideration would come before the Board with a staff recommendation and presentation of the facts and the decision would be of the Board.

Kirkwood asked if the length of revocation would need to be specified.

Langel replied that typically a license is issued for a term and if revoked, that would be for the same term.

Jabbour commented that the issue is with the boats that are not complying and not applying for licenses.

Hoelscher recognized that separate issue but agreed that the provision being discussed should be included as discussed.

Nellis commented that if there was someone out of compliance that wants to be in compliance, he would not want to make it harder for that person.

Walesch stated that in this scenario someone did have a license and it was revoked for violation, therefore this would provide the ability to deny a future application.

Hoelscher referenced the second issue with someone operating a WFH without a license and the applicable penalty.

Soule commented that he would not want to make it harder for people to come into compliance. He stated that in his experience people are making the choice of asking for forgiveness rather than permission. He stated that people could have a very successful summer or two before they were caught for operating without a license. He stated that it does not seem that some people care if they are operating without a license.

Walesch commented that there is only so much that could be put into Code, as someone operating without a license is already operating outside of the Code. He recognized that the LMCD is limited in what the fines or punishments could be.

Soule commented that the operator has the biggest privilege in the ability to obtain the license to operate, therefore if that is in jeopardy that would seem to be the largest consequence.

Walesch asked if additional language could be put into the Code stating that if someone were caught operating WFH without a license, that could be a reason to deny a future application.

Langel confirmed that he could add that language.

Hoelscher stated that there was previous discussion as to how WFH boats are identified, noting that it is easy to identify large cruise boats and stickers are used for licensed boats. She asked if it would be helpful to have an easier identifier, such as a flag.

Shane Magnuson, Hennepin County Sheriff's Office, commented that visual identification is good. He stated that the problem is not the big charter boat companies, but those dumping their boats or jet skis for rentals. He stated that the bigger operations run a better overall system with required safety elements, while the smaller boats tend to have many more safety issues.

Newell asked the incident rate for this type of violation.

Magnuson commented that the number increases every year and those operating without a license are sneaky, coaching their customers to say that they are just friends of the captain if the boat is pulled over.

Jabour commented that he is on the lake all the time and what is being talked about is different than what happens in the real world. He stated that there is a serious problem with boat rentals versus the traditional WFH issue. He stated that last season he sat at public launches and there are people coming from all over Minnesota, bringing their pontoon and sitting in the parking lot to rent the boat, even camping in the parking lot. He stated that will require action from the cities as well because two thirds of that activity is occurring on

the land. He asked how those people would even know about the LMCD, as this type of entity is rare and not all people are aware of the organization.

Hoelscher suggested focusing on the issue of WFH at this time, recognizing that the issue of boat rentals will still need to be addressed.

Magnuson stated that in the instances that those boat rentals mentioned by Jabbour offer a driver, they do then become WFH. He agreed that it is a huge issue that they are attempting to tackle but must also be out on the water.

No additional comments were offered, and the public hearing was closed at 7:49 p.m.

MOTION: Hoelscher moved, Kroll seconded to approve the document as presented, with the changes as discussed, and set January 10, 2024 for formal adoption.

Further discussion: Kirkwood commented that he feels that penalties are being left undiscussed and would like to have some acknowledgement that will be discussed at some time.

Hoelscher stated that this targets licensed WFH and reviewed the potential consequences that could arise as discussed. She noted that the issue of rentals and those operating outside of licensing will continue to be discussed by the work group.

VOTE: Motion carried unanimously.

Hoelscher thanked all that participated in this process and the members of the work group.

B) Braun Intertec Variance

Tully presented a variance request for the property at 2165 North Shore Drive on Crystal Bay in Orono. He provided the location of the property on the bay and provided background information. He stated that the applicant is proposing to extend the dock structure to a length of 200 feet with four BSU's for private use. He provided details of the proposed dock structure, noting that a minimum 20-foot setback would be maintained from both the northern and southern side site lines. He reviewed the proposed site plan and site characteristics. He stated that one comment was received from the DNR and one from the Minnehaha Creek Watershed District (MCWD), noting that both of those comments were provided to the Board prior to the meeting. He stated that one neighbor to the south reached out to staff with concern but has since rescinded that concern after receiving more information from staff. He stated that staff recommends approval of the variance subject to the additional conditions.

Walesch asked if the contours shown on the map are one-foot contours.

Tully provided more information on the contours shown on the map.

Walesch asked if variances are issued for docks longer than 200 feet.

Tully commented that if Code recommendations and public safety measures are met that could be done, but at some point that becomes too long. He stated that the water depth is fairly consistent until the mouth.

Walesch noted the comments received from the DNR and MCWD and asked if the LMCD has anything to do with dredging.

Tully replied that the LMCD does not have that authority and that was clarified with those agencies.

Zorn referenced the slide with the water depths and asked if there is any overlay of the proposed dock on that map. She asked the distance from the shoreline to the mouth and whether there is concern with erosion.

Tully replied that staff did not take the exact measurement from the mouth to the dock. He stated that they do not currently have a concern with the location as it is one parcel, and the property owner owns the entirety of the cove. He clarified that the parcel is half of the cove, but the applicant also owns the adjacent property.

Hoelscher asked if there has been a request for a dock in this location in the past.

Tully replied that he could not find such a request, believing that is perhaps to water depth.

Klohs asked if the parcel has been recently subdivided.

Tully replied that it has not and to his knowledge this has been two parcels.

Kroll stated that the same property owner owns both parcels and asked why the application is just for the one parcel.

Tully replied that would be a question for the applicant.

Kroll asked if there is a dock for the other parcel.

Tully commented that the other parcel has a dock on the main bay, whereas this would be the water access for this parcel.

Kroll stated that he is not opposed to the variance. He stated that there should be a geometrically sound way to measure shoreland in the future.

Jabbour asked if there is a dock on the northwestern side of the cove.

Tully confirmed that is a dock that has historically existed, but he did not find evidence that has been used for watercraft.

Jabbour commented that he personally docked there in the past and the lagoon is used by fisherman, therefore it is navigable. He believed that the parcels were acquired individually by the applicant as they became available.

Hoelscher opened the public hearing at 8:10 p.m.

Greg Steinhafel, applicant, stated that he and his wife own the majority of the property in what is often referred to as "grandpa bay". He stated that they purchased the property about 21 years ago and when that purchase occurred the property owner split that into two. He noted that there are four properties around the bay. He stated that they purchased their second parcel in 2010. He stated that their main residence is located near the dock that was pointed out. He stated that dock has never had a boat and is just used for enjoyment of the lake to relax. He stated that the bay is very tiny and is navigable for about six weeks after ice out. He stated that after mid-June there is typically only canoe or kayak activity on the bay because of the high levels of silt and lower water levels. He stated that their intention is to reach navigable water and have a dock in a responsible manner that will not damage the vegetation. He stated that this proposed dock location would be least impactful. He stated that they will be looking to secure a dredging permit for navigation purposes. He stated that the 200-foot length would ensure they can go past the cattails and vegetation without impacting other boaters. He stated that currently they own all of the lakeshore around the bay and the one neighbor that could be impacted has docks on the main portion of the lake and therefore would not be.

Newell asked if the water depth would be better at 250 feet.

Steinhafel provided more specific details on the water depth in different areas. He noted that in the record low water level year, the entire surface of the bay was muck. He confirmed that length past 200 feet would not be helpful. He stated that if they were to dredge, they would attempt to go to the main mouth of the channel if allowed. He stated that once there is regular usage that will help to move silt as well. He noted that their plan would be to dispose of the silt on property that they own, providing that the soil passes the MPCA testing requirements.

Zorn asked how the resident would reach the docks.

Steinhafel commented that there is a home on the bluff on that parcel with a family living in it. He stated that there is a path around the shore that he would be able to utilize from his home to the proposed dock.

Zorn asked if the applicant is confident that the dredging would provide access for four slips.

Steinhafel believed that would be successful as there would be regular usage. He stated that the previous owners of the property had an old dock in disrepair, but did not believe a typical boat was used.

No additional comments were offered, and the public hearing was closed at 8:23 p.m.

MOTION: Walesch moved, Klohs seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving the variance application from Braun Intertec for the property located at 2165 North Shore Drive in Orono for final approval at the January 10, 2023 LMCD Board meeting.

Further discussion: Jabbour commented that the Board has found demonstrated hardship and that should be reflected in the findings of fact.

Walesch and Klohs accepted the amendment.

VOTE: Motion carried unanimously.

10. OTHER BUSINESS

A) Save the Lake Update

Hoelscher stated that an updated solicitation letter was provided to the Board that should be sent out in the next week. She commented that it was determined that the solicitation within the winter rules brochure was not effective and therefore a direct mailing will be done in addition.

11. OLD BUSINESS

A) Buoy Workgroup Update

Jabbour stated that the issue of buoys has been a controversy for some time. He stated that the work group worked hard to find the facts and recognize that the authority for buoys is set by State statute to Hennepin County. He suggested that the Sheriff determine the placement and quality of the buoys and the LMCD can provide guidance. He stated that there are some buoys that have been placed at request of individuals over the years. He stated that the work group came to an agreement that there will be more aggressive buoy replacement and they will continue to work on other elements such as reflective tape. He stated that in the data collection process the Sheriff will identify the number of complaints received and will track buoy information. He stated that a thorough evaluation will be done on the placement of buoys. He stated that they also recommend removing the Code language related to a request for quiet water buoys, as that should fall to the Sheriff. He stated that the job of the work group has been completed and the Sheriff's Office will take over, noting that he will provide assistance in terms of the reflective tape. He stated that the lights on the buoys are an LMCD project and are installed by volunteers. He believed that is not sustainable and provided additional details. He stated that they would need to find a better way to connect the lights before replacing them and they would also have to consider whether those lights would meet the requirements of the State law.

Hoelscher thanked Jabbour and the work group for the work that they did.

Anderson stated that his main issue is the lighting, noting that they should do it right or not do it at all. He stated that there is a budget to purchase a set number of lights each year and within three years all the lights

should be replaced. He stated that people like the lights, but no one wants to do the work.

Hoelscher agreed that it is important because people look for the lights and find them helpful. She stated that this is an element of boater safety, and it would seem that they should move full steam ahead, doing this well and right, whatever that may mean. She stated that if anyone on the Board would like to be involved, along with Anderson and staff, they should let staff know.

Anderson stated that in the discussions they have talked about perhaps utilizing a contractor for the lighting, if there are funds in the budget, and that will be discussed.

Hoelscher stated that they talked about contracting for services when appropriate and believed that would be worth looking into. She stated that the budget would support that and believed that the cities would support this type of expenditure.

Newell asked if boaters are using navigational software. He stated that if officers are placing the buoys and have the coordinates of the buoys, that could be shared with navigational software providers to provide accurate locations.

Jabbour commented that during the discussion it was mentioned that the County costs for acquiring and installing the buoys have increased by 40 percent. He stated that it was discussed that perhaps the person placing the buoys could place the lights at the same time.

12. NEW BUSINESS

A) Nominating Committee Appointments

Hoelscher stated that in the past they have stated that those on the Nominating Committee cannot be in the running for an officer position, but noted that she does not feel strongly about that. She asked for volunteers for the committee.

Zorn, Stone, and Walesch volunteered.

Hoelscher stated that the group should hope to elect officers in February, with recommendations from the committee prepared for the second meeting in February.

B) 2024 Public Meeting Calendar

Hoelscher stated that the February 14th meeting will be canceled because of a conflict with the meeting room.

Jabbour commented that they have talked about not meeting just for the sake of meeting. He stated that perhaps the first meeting in January should be canceled.

Hoelscher stated that there are some items that have been discussed for January and therefore she would

prefer to keep the meetings scheduled and will provide notice if a meeting is going to be canceled. She took a poll of those that would not be able to attend the first January meeting and directed staff to review the calendar to determine if that meeting could be canceled.

13. TREASURER REPORT

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

Anderson stated that he and Brimeyer have done some work on cost of employees for next year. He believed the organization is in great shape and provided a brief overview of the financial reports.

Newell asked for more details on the deferred revenue showing as \$49,000.

Anderson replied that he was unsure.

14. EXECUTIVE DIRECTOR UPDATE

Brimeyer commented that perhaps the solar lights become part of a capital budget, along with contracting for that service.

- A) ARC Document Scanning & Data Request

Brimeyer reported that the document scanning is complete and provided details on that process. He also provided details on a data request that was received and has since been forwarded to legal counsel.

- B) Termination of Alerus Bank Accounts

Brimeyer reported that the Alerus bank account has formally been terminated.

- C) Brandography Proposal for ADA Compliance

Brimeyer stated that they have been discussing this issue and legal counsel stated that the additional measures could be taken but would not have to be taken. He stated that after reaching out to city managers around the lake he was referred to the League of Minnesota Cities which provides the specifications for ADA compliance. He believed that the LMCD should purchase the software to complete the updates, noting that this could be reevaluated in the next budget process.

MOTION: Walesch moved, Stone seconded to approve the agreement with Brandography and authorize payment to accessibe in the amount of \$490 per year to purchase software for the LMCD website to maintain compliance with ADA requirements.

Further discussion: Nellis asked if the software would provide an analysis of the compliance issues rather than remedying the issues.

Hoelscher stated that this is a software add-on that would solve the problem.

Brandt referenced an additional cost that would be necessary.

Nellis commented that he supports this but just wanted to ensure the motion was clear.

Brimeyer stated that the motion can be changed to remove the amounts and staff will determine the amount based on the budget.

Walesch suggested moving this forward with the understanding that the software would do the work and there would only be the one-time fee and software cost, and that there would not be an approval for a redesign of the website.

Hoelscher suggested authorizing a cost of up to \$1,000.

Walesch and Stone agreed to the amendment.

VOTE: Motion carried unanimously.

D) Staff Compensation

Brimeyer recapped that they moved from hourly to salary pay, the use of flex time, and listed the expectations for each position earlier this fall. He stated that he committed to completing performance evaluations for those positions using those expectations and to develop work programs. He stated that he is not a fan of once a year evaluations and prefers to meet monthly to keep the lines of communication open. He stated that he completed those evaluations and met with the Treasurer to discuss compensation. He noted that a memorandum was provided to the Board earlier this week, along with comparisons of staff compensation for lake communities. He noted that most cities are doing 3.5 to five percent increases, along with other wage increases in order to attract and retain employees. He stated that the three staff members have done a great job this past year with the huge changes that have occurred in terms of leadership and staffing and reviewed the potential increases proposed.

MOTION: Anderson moved, Kroll seconded to approve the employee compensation plan as presented.

VOTE: Motion carried unanimously.

Hoelscher thanked staff for their excellent work.

15. ADJOURNMENT

MOTION: Kroll moved, Walesch seconded to adjourn the meeting at 9:11 p.m.

VOTE: Motion carried unanimously.

Ann Hoelscher, Chair

Michael Kirkwood, Secretary

DRAFT

Lake Minnetonka Conservation District
Check Detail
January 1 - 15, 2024

| Date | Num | Name | Memo | Account | Paid Amount | Class |
|------------|----------|---------------------|---|---|-------------|--------|
| 01/11/2024 | EFT-24-1 | ADP | | Bridgewater Checking | | |
| | | | Salaries - Admin | 4020M10 · Salaries-002 - Admin | -8,307.66 | Admin. |
| | | | P.E.R.A - Admin | 2020 · Payroll Liabilities - | 1,161.96 | Admin. |
| | | | ER PERA - Admin | 4022M10 · ER PERA - Admin | -622.48 | Admin. |
| | | | ER/FICA/Medicare - Admin | 4021M10 · ER Share of Admin FICA/Medicare | -634.96 | Admin. |
| | | | Long Term Disability | 2020-LT · Payroll Liabilities - UNUM | 7.66 | Admin. |
| | | | Brimeyer 1/1/24 - 1/15/24 | 4024 · Contract Labor | -1,920.00 | Admin. |
| TOTAL | | | | | -10,315.48 | |
| 01/11/2024 | EFT-24-2 | ADP Service Fee | | Bridgewater Checking | | |
| | | | Payroll 1/1/24 - 1/15/24 | 4180M10 · Professional Services - Admin. | -94.10 | Admin. |
| TOTAL | | | | | -94.10 | |
| 01/11/2024 | EFT-24-3 | P.E.R.A | 9236-00 | Bridgewater Checking | | |
| | | | Payroll 1/1/24 - 1/15/24 | 2020 · Payroll Liabilities - | -1,161.96 | Admin. |
| TOTAL | | | | | -1,161.96 | |
| 01/11/2024 | EFT-24-4 | Health Partners | 16962 | Bridgewater Checking | | |
| | | | Dental Insurance January 2024 (Schleuning) | 4380M10 · Employee Benefits - Admin. | -63.83 | Admin. |
| | | | Dental Insurance January 2024 (Tully) | 4380M10 · Employee Benefits - Admin. | -63.83 | Admin. |
| TOTAL | | | | | -127.66 | |
| 01/11/2024 | EFT-24-5 | Medica | | Bridgewater Checking | | |
| | | | Health Insurance January 2024 (Schleuning) | 4380M10 · Employee Benefits - Admin. | -781.82 | Admin. |
| | | | Health Insurance January 2024 (Duncan) | 4380M10 · Employee Benefits - Admin. | -781.82 | Admin. |
| | | | Health Insurance January 2024 (Tully) | 4380M10 · Employee Benefits - Admin. | -781.82 | Admin. |
| | | | Health Insurance January 2024 (Reardan) | 4380M10 · Employee Benefits - Admin. | -781.82 | Admin. |
| TOTAL | | | | | -3,127.28 | |
| 01/11/2024 | EFT-24-6 | Unum Life Insurance | 0510159 | Bridgewater Checking | | |
| | | | Long Term Disability Insurance January 2024 (Tully) | 2020-LT · Payroll Liabilities - UNUM | -8.20 | Admin. |
| | | | Long Term Disability Insurance January 2024 (Reardan) | 2020-LT · Payroll Liabilities - UNUM | -7.13 | Admin. |
| TOTAL | | | | | -15.33 | |
| 01/11/2024 | EFT-24-7 | WEX Health, Inc. | | Bridgewater Checking | | |
| | | | HSA Contribution January 2024 (Tully) | 4380M10 · Employee Benefits - Admin. | -125.00 | Admin. |
| TOTAL | | | | | -125.00 | |

11:37 AM
01/10/24

Lake Minnetonka Conservation District
Check Detail
January 1 - 15, 2024

| Date | Num | Name | Memo | Account | Paid Amount | Class |
|------------|----------------|--------------------------------------|---|---|-------------|--------|
| 01/11/2024 | 23081 | Gregerson, Rosnow, Johnson & ... | | Bridgewater Checking | | |
| 01/11/2024 | 49483 | | Prosecution Costs December 2023 | 4640M10 · Prosecution Legal Fees - Admin. | -3,365.37 | Admin. |
| TOTAL | | | | | -3,365.37 | |
| 01/11/2024 | 23082 | Konica Minolta Business Solutio... | | Bridgewater Checking | | |
| 01/11/2024 | 110012554 | | Fortinet Forticare 24x7 Bundle Annual Renewal | 4530M10 · Comp. Sftwr & Hdwr - Admin. | -586.04 | Admin. |
| TOTAL | | | | | -586.04 | |
| 01/11/2024 | 23083 | NCPERS Group Life Insurance | | Bridgewater Checking | | |
| 01/11/2024 | 923600012024 | | Life Insurance January 2024 (Tully) | 4380M10 · Employee Benefits - Admin. | -16.00 | Admin. |
| TOTAL | | | | | -16.00 | |
| 01/11/2024 | 23084 | Tammy A. Duncan | 07/16/2023 - 07/31/2023 Credit Statement | Bridgewater Checking | | |
| 11/09/2023 | Pera Refund | | 07/16/2023 - 07/31/2023 Credit Statement | 4380M10 · Employee Benefits - Admin. | -483.75 | Admin. |
| TOTAL | | | | | -483.75 | |
| 01/11/2024 | 23085 | Thomas Tully | Reissue Ch No. 22222 | Bridgewater Checking | | |
| 12/31/2023 | Reissue Unc... | | Reissue Ch No. 22222 | Alerus Checking | -77.60 | Admin. |
| TOTAL | | | | | -77.60 | |
| 01/11/2024 | 23086 | Your Computer Hero | | Bridgewater Checking | | |
| 01/11/2024 | 8279 | | Computer Maintenance December 2023 | 4182M10 · Media (Cable/Internet) - Admin. | -600.00 | Admin. |
| TOTAL | | | | | -600.00 | |
| 01/11/2024 | 23087 | TimeSaver Off Site Secretarial, Inc. | | Bridgewater Checking | | |
| 01/11/2024 | M28818 | | 12/13/23 Board Meeting Minutes | 4230M10 · Meeting Exp. - Admin. | -272.25 | Admin. |
| TOTAL | | | | | -272.25 | |
| 01/11/2024 | 23088 | Brandography | | Bridgewater Checking | | |
| 01/11/2024 | 7586 | | accessiBe integration final payment | 4070M10 · Webpage & Digital | -280.00 | Admin. |
| TOTAL | | | | | -280.00 | |

1:25 PM
01/17/24

Lake Minnetonka Conservation District
Check Detail
January 16 - 31, 2024

Item 8A

| Date | Num | Name | Memo | Account | Paid Amount | Class |
|------------|---------------|------------------------------|---|---|-------------|--------|
| 01/25/2024 | EFT-24-8 | US Bank | | Bridgewater Checking | | |
| | | | Credit Card Charges December 2023 | 1087M10 · US Bank (Credit Card) | -649.77 | Admin. |
| TOTAL | | | | | -649.77 | |
| 01/31/2024 | EFT-24-11 | ADP | | Bridgewater Checking | | |
| | | | Salaries - Admin | 4020M10 · Salaries-002 - Admin | -8,307.66 | Admin. |
| | | | P.E.R.A - Admin | 2020 · Payroll Liabilities - | 1,161.96 | Admin. |
| | | | ER PERA - Admin | 4022M10 · ER PERA - Admin | -622.48 | Admin. |
| | | | ER/FICA/Medica - Admin | 4021M10 · ER Share of Admin FICA/Medicare | -634.96 | Admin. |
| | | | Long Term Disability | 2020-LT · Payroll Liabilities - UNUM | 7.66 | Admin. |
| | | | Brimeyer 1/14/24 - 1/27 | 4024 · Contract Labor | -2,140.00 | Admin. |
| TOTAL | | | | | -10,535.48 | |
| 01/25/2024 | EFT-24-12 | ADP Service Fee | | Bridgewater Checking | | |
| | | | Payroll 1/16/24 - 1/31/24 | 4180M10 · Professional Services - Admin. | -94.10 | Admin. |
| TOTAL | | | | | -94.10 | |
| 01/25/2024 | EFT-24-13 | P.E.R.A | 9236-00 | Bridgewater Checking | | |
| | | | Payroll 1/16/24 - 1/31/24 | 2020 · Payroll Liabilities - | -1,161.96 | Admin. |
| TOTAL | | | | | -1,161.96 | |
| 01/25/2024 | EFT-24-14 | WEX Health, Inc. Service Fee | | Bridgewater Checking | | |
| | | | HSA Service Fee | 4380M10 · Employee Benefits - Admin. | -2.75 | Admin. |
| | | | HSA Service Fee | 4380M10 · Employee Benefits - Admin. | -2.75 | Admin. |
| TOTAL | | | | | -5.50 | |
| 01/25/2024 | 23089 | Brandography | | Bridgewater Checking | | |
| 01/25/2024 | 7602 | | Guardography Website Maintenance Annual Renewal | 4070M10 · Webpage & Digital | -3,500.00 | Admin. |
| TOTAL | | | | | -3,500.00 | |
| 01/25/2024 | 23090 | City of Mound | | Bridgewater Checking | | |
| 01/25/2024 | February 2024 | | Rent, February 2024 | 4320M10 · Office Rent - Admin. | -1,820.16 | Admin. |
| TOTAL | | | | | -1,820.16 | |

1:25 PM
01/17/24

Lake Minnetonka Conservation District
Check Detail
January 16 - 31, 2024

| Date | Num | Name | Memo | Account | Paid Amount | Class |
|-------------------|----------------|------------------------------------|---|--|-------------|--------|
| 01/25/2024 | 23091 | ECM Publishers, Inc. | | Bridgewater Checking | | |
| 01/25/2024 | 980807 & 98... | | 1/24/24 Sweeny Variance Public Hearing | 4110M10 · Public Info Legal Fees- Admin. | -64.00 | Admin. |
| | | | 1/24/24 Sweeny Variance Public Hearing | 4110M10 · Public Info Legal Fees- Admin. | -64.00 | Admin. |
| 01/25/2024 | 980991 7 98... | | 1/24/24 Sweeny Dock Variance Public Hearing | 4110M10 · Public Info Legal Fees- Admin. | -41.25 | Admin. |
| | | | 1/24/24 Sweeny Dock Variance Public Hearing | 4110M10 · Public Info Legal Fees- Admin. | -41.25 | Admin. |
| TOTAL | | | | | -210.50 | |
| 01/25/2024 | 23092 | NCPERS Group Life Insurance | | Bridgewater Checking | | |
| 01/25/2024 | 923600022024 | | Life Insurance February 2024 (Tully) | 4380M10 · Employee Benefits - Admin. | -16.00 | Admin. |
| | | | Life Insurance February 2024 (Reardan) | 4380M10 · Employee Benefits - Admin. | -16.00 | Admin. |
| TOTAL | | | | | -32.00 | |



RESOLUTION 260

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 #260

Page 2

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

Adopted by the Board on this 24th day of January.

ATTEST:

Ann Hoelscher, Chair

Michael Kirkwood, Secretary

Lake Minnetonka Conservation District
Transaction Detail By Account
December 5 - 31, 2023
Resolution 260 Accepting Save the Lake Contributions

| <u>Type</u> | <u>Date</u> | <u>Num</u> | <u>Name</u> | <u>Memo</u> | <u>Class</u> | <u>Amount</u> |
|--|-------------|------------|--------------------------|-------------------------------|--------------|-----------------|
| Contributions | | | | | | |
| 3001M20 - Donations (General) - S/L | | | | | | |
| Deposit | 12/11/2023 | 11896 | Mary and Mats Brenner | STL Donation General | STL | 100.00 |
| Deposit | 12/18/2023 | 1036 | Graybrier Foundation | STL Donation General | STL | 250.00 |
| Deposit | 12/28/2023 | 11299 | Lewis Cradit | STL Donation General | STL | 50.00 |
| Deposit | 12/28/2023 | 152682 | A.H. Jackson Fund | STL Donation General | STL | 100.00 |
| Deposit | 12/28/2023 | PayPal | Gerald Walsh | STL Donation General (25.00) | STL | 23.79 |
| Deposit | 12/28/2023 | Paypal | James Segal | STL Donation General (50.00) | STL | 48.06 |
| Deposit | 12/28/2023 | Paypal | Stephanie & Gregg Larsen | STL Donation General (250.00) | STL | 242.28 |
| Deposit | 12/28/2023 | 13667 | Lea Rae Reese | STL Donation General | STL | 50.00 |
| Deposit | 12/28/2023 | 31260 | Dan Baasen | STL Donation General | STL | 300.00 |
| Deposit | 12/28/2023 | PayPal | Edwin Freeman | STL Donation General (50.00) | STL | 48.06 |
| Total Contributions | | | | | | 1,212.19 |

Lake Minnetonka Conservation District Transaction Detail By Account

January 1 - 17, 2024

Resolution 260 Accepting STL Contributions

| Type | Date | Num | Name | Memo | Class | Split | Amount |
|--|------------|--------|-------------------------------------|-------------------------------|-------|----------------------|-----------------|
| Contributions | | | | | | | |
| 3001M20 - Donations (General) - S/L | | | | | | | |
| Deposit | 01/08/2024 | 5096 | Newkirk Family Foundation | STL Donation General | STL | Bridgewater Checking | 1,000.00 |
| Deposit | 01/08/2024 | 1027 | Maplewoods Improvement Assoc., Inc. | STL Donation General | STL | Bridgewater Checking | 1,000.00 |
| Deposit | 01/08/2024 | 3423 | The Caribbean Marina | STL Donation General | STL | Bridgewater Checking | 2,500.00 |
| Deposit | 01/08/2024 | PayPal | Edwin Freeman | STL Donation General (50.00) | STL | Bridgewater Checking | 48.06 |
| Deposit | 01/16/2024 | PayPal | Richard Parsons | STL Donation General (50.00) | STL | Bridgewater Checking | 48.06 |
| Deposit | 01/16/2024 | PayPal | Gerald Walsh | STL Donation General (25.00) | STL | Bridgewater Checking | 23.79 |
| Deposit | 01/16/2024 | PayPal | Gregg Thomas | STL Donation General (500.00) | STL | Bridgewater Checking | 485.06 |
| Deposit | 01/17/2024 | PayPal | Judith Krohn | STL Donation General (50.00) | STL | Bridgewater Checking | 48.06 |
| Total Contributions | | | | | | | 5,153.03 |



ITEM 8C

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 24, 2024 (Prepared January 19, 2024)

TO: LMCD Board of Directors

FROM: Thomas Tully, Environmental Administrative Technician
Thomas Tully

CC: Jim Brimeyer, Interim Executive Director
James J. Brimeyer

SUBJECT: Variance for Adjusted Dock Use Area and Length, 2165 North Shore Drive, Orono, MN, 55391, Crystal Bay

ACTION

Board approval of Findings of Fact and Order for a variance for an adjusted dock use area and length for 2165 North Shore Drive in the City of Orono (PID 15-117-23-22-0001).

BACKGROUND

The LMCD held a public hearing on December 13, 2023 to consider the application of Norton Homes LLC (“Applicant”) for a variance at 2165 North Shore Drive on Crystal Bay in the City of Orono (PID 15-117-23-22-0001) for an adjusted Side setbacks and Length.

On December 13, 2023, the LMCD Board voted to have legal counsel and staff draft Findings of Fact and Order for approval of the variance request with conditions. The draft of the Findings of Fact and Order is attached, as well as the memos and presentations from the hearing.

BUDGET

N/A

STRATEGIC PRIORITIES

Operational Effectiveness
 Clear & Timely Communications
 Effective Governance
 Lake Protection
 Other

ATTACHMENT

1. Findings of Fact and Order
2. Board Memo of December 13, 2023 without attachments
3. Proposed Site Plan

Type: Adjusted Length, and Dock Use Area Variance
Date: January 24, 2024
Applicant: Braun Intertec on behalf of Gregg Steinhafel
PID: 15-117-23-22-0001
Address: 2165 North Shore Drive, Orono, MN, 55391

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

IN RE:

Application of Braun Intertec on behalf of Gress Steinhafel for a Adjusted Dock Length and Dock Use Area Variance for the property located at 2165 North Shore Drive Orono, MN, 55391

**FINDINGS OF FACT
AND ORDER**

The Lake Minnetonka Conservation District (“LMCD”) received an application from Braun Intertec (“Applicant”) for a variance for a permanent dock structure extending into the lake 200 feet, the proposed structure would be meeting the minimum 20-foot setback on both the western side of the dock structure and southern end of the dock structure from the property located at 2165 North Shore Drive, Orono, MN, 55391 and legally described in the attached Exhibit A (“Subject Property”). The LMCD Board of Directors (“Board”) held a public hearing, after due notice having been provided, on the requested variances on December 13, 2023. Based on the proceedings and the record of this matter, the Board hereby makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Subject Property is located in the City of Orono and is on Crystal Bay, which is part of Lake Minnetonka (“Lake”). The Subject Property has historically not had a dock in this location.
2. The Applicant desires to install a dock with sufficient length to reasonably use the associated dock use area. The Applicant is proposing a dock with a total length of approximately 200 feet to reach a more reasonable water depth for the inlet that the Site is associated with as shown on the site plan attached hereto as Exhibit B (“Site Plan”).
3. The Subject Property has approximately 944 feet of 929.4 feet OHW shoreline.
4. The Applicant proposes to have four boat storage units (“BSUs”) enclosed within a dock

structure. The proposed dock structure has two outer BSUs measuring 14 feet wide by 32 feet in length, and two inner BSUs measuring 14 feet wide by 40 feet in length. The walkways of the proposed dock structure on the sides of the BSUs are 3 feet wide. The walkways of the dock structure on the northwestern end are 5 feet wide. The applicant is proposing this dock as a permanent dock and would meet standard LMCD Code requirements.

5. Additional information regarding this matter is provided in the LMCD staff report related to this application dated December 13, 2023, and the presentation made thereon at the meeting (collectively, the “Staff Reports”). The Staff Reports are incorporated herein by reference, except that the approvals and conditions contained in this document shall be controlling to the extent there are any inconsistencies.
6. The Applicant proposes a variance which would allow for the adjustment of Dock Use Area (“DUA”) as established in Section 2-3.01 of the Code to allow a dock with a length of 200 feet with a minimum of 20-foot setbacks on both the western and southern sides in order to allow for reaching deeper water depths, reasonable navigation, and storage of watercraft.
7. Section 6-5.01, Subd. 6 of the Code allows the granting of a variance if the Board determines practical difficulties exists and that granting the variance with whatever conditions it deems are necessary does not adversely affect the purposes of the Code, the public health, safety, welfare, and reasonable access to or use of the Lake by the public or riparian owners.
8. The term “practical difficulties” is defined in Code, Section 1-3.01, Subd. 76 as meaning “one or more unique conditions of a property that prevent the property owner from using the Lake in a reasonable manner permitted by the Code and that serve as a basis for the property owner to request a variance from the strict application of the provisions of the Code. Practical difficulties only exist with respect to a particular property if the conditions preventing the proposed reasonable use of the property are unique to the property, were not created by the property owner and are not based solely on economic considerations.”
9. The proposed use of the Lake to install a dock with sufficient length to allow for the reasonable navigable and watercraft storage of the Subject Property. These conditions are unique that were not created by the Applicant. The variance request is not based solely on economic considerations in that the variance is needed to reach water of sufficient depth to safely operate a watercraft. Under these unique set of circumstances, the Board determines practical difficulties exist and that it is appropriate to grant the requested length variance to enable the reasonable use of the Lake by the riparian owner.
10. Granting the requested variances will not adversely affect the purposes of the Code as the installation and use of a dock and the canopy furthers the purposes of the Code by promoting reasonable access to the Lake. The requested variance is also not contrary to the public health, safety, or welfare in that the dock does not pose a safety or navigation problem on the Lake. The dock will not extend beyond adjacent emergent vegetation and so boats traveling at speed tend to avoid the area in which the dock will be located. Also, this dock is located entirely within the extended sidelines and does not interfere with the navigation of watercraft to or from the neighboring docks.

11. Affected agencies were notified of the application. The City of Orono and the Minnesota Department of Natural Resources had no comment on the application. The Minnehaha Creek Watershed District had no formal comment as well. The LMCD does not enforce the provisions of such declarations from other agencies. The LMCD did receive public comments prior to the public hearing voicing concern of the installation of the dock, but upon review of the proposal these comments were retracted.
12. The Applicant's proposed installation of a dock to access a navigable portion of the Lake is a reasonable use of the Subject Property. The location of the dock is entirely within the extended side site lines of the Subject Property, satisfies applicable side site line setbacks, the dock structure does not cross in front of a neighboring property, and the location of the dock is reasonable given the topography of the Subject Property and the water depths.
13. Practical difficulties exist in this case that support the Board exercising its authority under Section 6-5.01 of the Code to grant a dock length variance for the Subject Property.

ORDER

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

1. Length Variance. A length variance is hereby approved for the Subject Property to allow the installation of a dock with a total length of up to two hundred (200) feet, which extends two hundred (200) feet into the Lake from elevation 929.4 feet NGVD, as shown on the Site Plan attached hereto as Exhibit B, subject to compliance with all of the conditions set out in this Order.
2. Conditions. The variances granted in this Order are subject to compliance with all of the following conditions:
 - a. Ensure the dock structure located at the Site is in strict compliance with the Approved Site plan.
 - b. Walkways of the dock structure are to measure no more than 5 feet in width.
 - c. Ensure watercrafts (4) are contained within the BSU located at the site; two outer BSUs measuring 14 feet wide by 32 feet in length, and two inner BSUs measuring 14 feet wide by 40 feet in length.
 - d. For the Western side maintain a 20-foot setback from the dock structure at the Site and maintain a 20-foot setback for any canopy or canvas wall.
 - e. For the Southern side maintain a 20-foot setback from the dock structure at the Site and maintain a 20-foot setback for any canopy or canvas wall.

- f. The length of the dock structure and storage must be no longer than 200 feet from the 929.4 feet OHWL. Extension of the dock structure is not permitted during low water levels.
- g. Allow up to four (4) personal BSUs for the Site.
- h. Failure of the Applicant to comply with any with any relevant regulations of all LMCD, Federal, State, County, and Municipal rules and regulations may result in revocation of these approvals.
- i. Watercraft stored in the BSU may not extend beyond the length of the slip. Prohibited extensions include any portion of the watercraft, including all attached equipment, that extend beyond the ends of the boat slip.
- j. Watercraft, structures, and equipment may not extend beyond the maximum length of the dock and shall be stored in such a way as to comply with the approved setbacks.
- k. Provide an updated site plan with final configuration and measurements as approved by the Board, this includes all watercraft for the site and their respective BSU if needed.
- l. Reflective material must be installed on the end of the dock structure.
- m. Any structures placed as part of this variance shall be maintained in good condition and shall promptly be removed, together with any watercraft stored on them, if this variance is ever revoked by action of the Board or if it is rendered null and void.
- n. This variance shall be rendered null and void in event the Subject Property is subdivided. If the Subject Property is combined with another property, the Applicant shall request a review of the variance by the LMCD Executive Director to determine if a new or amended variance is required. If the Executive Director determines that a new or amended variance is required, the applicant shall submit an application for the variance to the LMCD within forty-five (45) days of the determination or bring the Subject Property into conformance with the Code without reliance on this variance within the same period.
- o. This variance grants no vested rights to the use of the Lake. Use of the Lake shall at all times remain subject to regulation by the LMCD to assure the public of reasonable and equitable access to the Lake.
- p. Utilization of the Lake pursuant to this variance constitutes, and shall be deemed, acceptance of, and agreement to, the terms and conditions of this variance without exception, qualification, or reservation.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation
District this 24th day of January 2024.

Ann Hoelscher, Chair

ATTEST:

Mike Kirkwood, Secretary

DRAFT

EXHIBIT A

Legal Description of Subject Property

Com At A Pt In S Line Of Sec 10 Dis 919 4/10 Ft E From Sw Cor Thof Th E 128 6/10 Ft Th N
26 Deg 26 Min E 505 1/10 Ft Th E Par With Said

EXHIBIT B
Site Plan

[attached hereto]

DRAFT

PROPOSED DOCK SKETCH FOR
GREGG STEINHAFEL

IN THE SW 1/4 OF SEC. 10-117-23
 & IN GOV'T LOT 1 SEC. 15-117-23
 HENNEPIN COUNTY, MINNESOTA

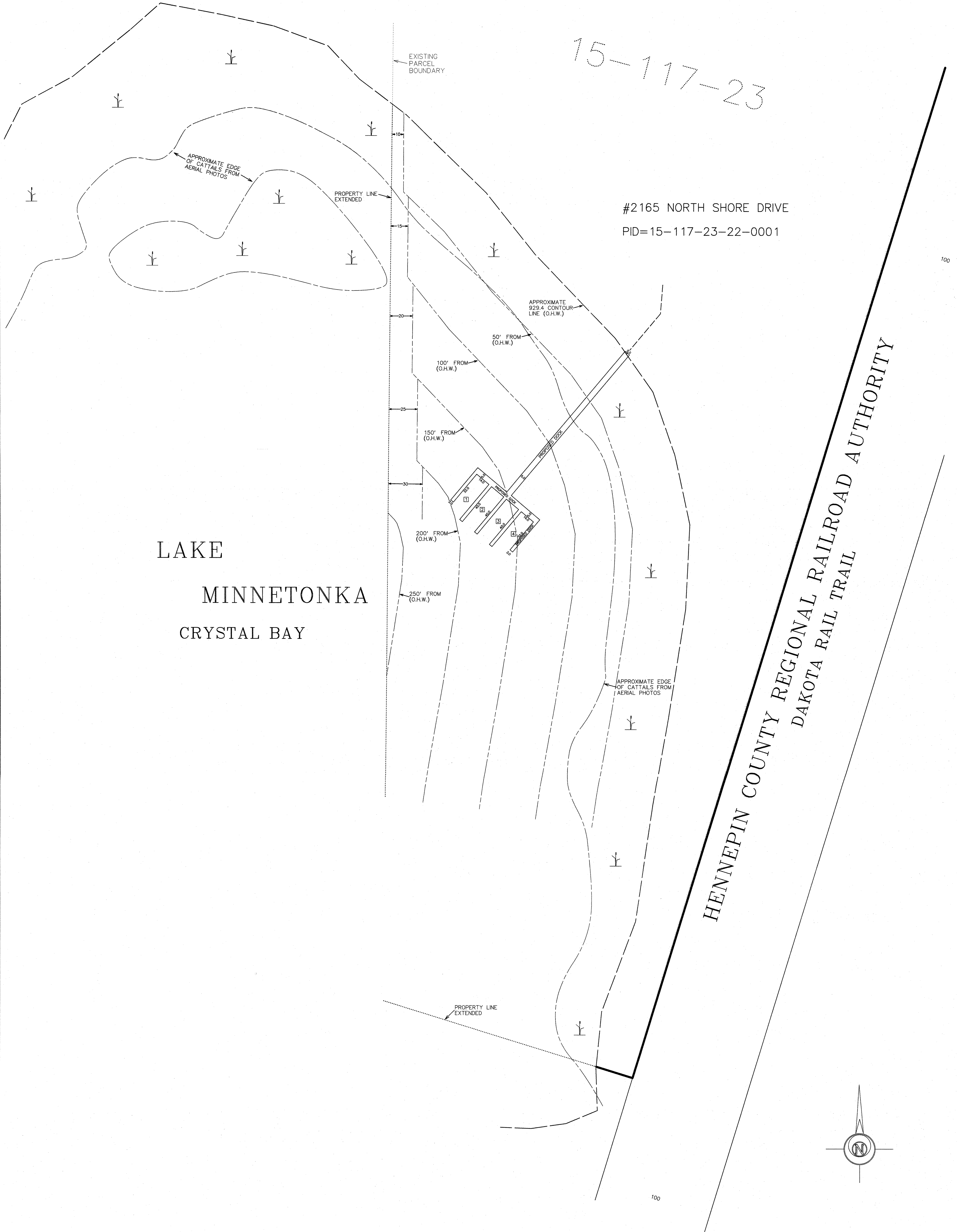
#2285 NORTH SHORE DRIVE

PID=15-117-23-33-0006

#2165 NORTH SHORE DRIVE

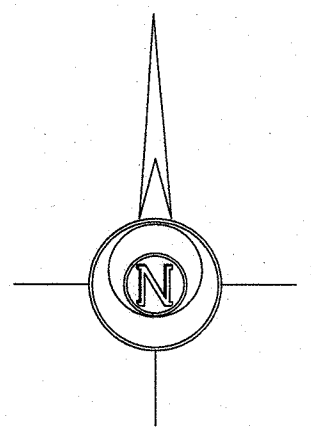
PID=15-117-23-22-0001

15-117-23



LAKE
 MINNETONKA
 CRYSTAL BAY

HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
 DAKOTA RAIL TRAIL



23020BREVISED9.SCU

| DATE | REVISIONS |
|---------|--------------------------------|
| 2-9-23 | REVISED PROPOSED DOCK LOCATION |
| 2-21-23 | REVISED |
| 3-7-23 | REVISED |
| 3-14-23 | REVISED |
| 3-16-23 | REVISED |
| 8-3-23 | REVISED |
| 9-19-23 | REVISED |

I hereby certify that this plan, specification, 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.
Mark S. Gronberg
 Mark S. Gronberg Minnesota License Number 12755

PROJECT

| | |
|--------|---------|
| DATE | 2-2-23 |
| SCALE | 1"=40' |
| JOB NO | 23-020B |



GRONBERG & ASSOCIATES, INC.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
 952-473-4141




Item 8D

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: December 13, 2023 (Prepared December 5, 2023)

TO: LMCD Board of Directors

FROM: Thomas Tully, Environmental Administrative Technician 

CC: Jim Brimeyer, Interim Executive Director

SUBJECT: Variance for Adjusted Dock Use Area and Length, 2165 North Shore Drive, Orono, MN, 55391, Crystal Bay

ACTION

Board consideration of a variance for an adjusted dock use area and side setbacks for 2165 North Shore Drive on Crystal Bay in the City of Orono (PID 15-117-23-22-0001) and receive public input during the public hearing.

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

Approval

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order approving the variance application from Braun Intertec for the property located at 2165 North Shore Drive in Orono for final approval at the January 10, 2023, LMCD Board meeting <subject to the following conditions>...

Denial

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order denying the variance application from Braun Intertec for the property located at 2165 North Shore Drive in Orono for a final vote at the January 10, 2023, LMCD Board meeting based on...

APPLICATION SUMMARY

The applicant, Braun Intertec (“Applicant”) has submitted a variance application on behalf of Gregg Steinhafel to adjust the dock use area and allowed length for the dock structure located at 2165 North Shore Drive in Orono; (“Site”). The Applicant’s parcel has approximately 944 feet of 929.4 feet OHW shoreline. The variance application was submitted in an effort to resolve the issue of water depth located at the site due to abnormal site conditions.

Site Background

The Applicant has submitted an application for a variance to adjust the dock length for 2165 North Shore Drive in Orono; (“Site”). The applicant is proposing to increase the length of dock

structure due to water depth issues. The applicant proposes to install a dock structure that would extend out into the lake approximately 200 feet and would meet all setbacks. There is currently no existing dock structure at the site but there is some historical photo evidence that docks have been placed in the inlet in the past.

The Applicant's parcel has approximately 979 feet of 929.4 OHW shoreline. The applicant proposes to install a dock structure with four Boat Storage Units (BSU). The two outer BSUs are 14 feet wide by 32 feet in length. The two inner BSUs are 14 feet wide by 40 feet in length. The walkways of the dock structure on the sides of the BSUs are 3 feet wide. The walkways of the dock structure on the northwestern end are 5 feet wide. The applicant is proposing this dock as a permanent dock.

There is currently no dock structure for the site. LMCD Code allows properties with shorelines greater than 60 feet to extend their dock structure out a distance into the lake equal to the length of their shoreline, but not more than 100 feet. The Applicant has chosen to ask for a variance to reach a more navigable depth. Additionally, there is a 15-foot setback for dock structure extending into the lake 50 to 100 feet, and a 20-foot setback for dock structure extending 100-200 feet.

Water depths were provided by the Applicant for review. At 200 feet the average water depth for the property would be roughly 2.5 feet. The applicant may need to dredge the site if deeper water levels are to be reached, however this would default to the Minnehaha Creek Watershed District.

There is a 15-foot setback for dock structure extending into the lake 50 to 100 feet, and a 20-foot setback for dock structure extending 100-200 feet. Additionally if the dock structure was to be equipped with canopy's that would also require a 20 foot setback. The proposed location of the dock structure is already meeting this setback from the extended side setbacks.

CONSIDERATIONS OF VARIANCE

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

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

3. Would variance, if granted and with conditions imposed, adversely affect:
 - a. Purpose of Code?
 - b. Public health, safety, and welfare?
 - c. Reasonable access to or use of the Lake by public or riparian owners?

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, the City of Orono, and the general public were provided information regarding the application on December 01, 2023. City and agency comments were due by December 12, 2023. Comments received as of December 07, 2023, are summarized below. Any comments received after December 7, 2023, will be provided at the Board meeting for review.

- There have been no agency comments regarding the application.

As of December 7, comments received by LMCD staff from the general public are summarized below:

- The LMCD Office has received one comment from the general public regarding concern for the location of the dock structure.

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 December 07, 2023, edition of the Sun Sailor (official newspaper) and the December 09, 2023, edition of the Laker Pioneer. On December 1, 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

Based on information available at the time of this report, LMCD Staff recommend Board Approval .

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

1. Ensure all watercrafts (4) are contained within the BSUs located at the site.
2. For the western side setbacks, maintain a minimum 20 foot-setback from shore as it extends into the lake as indicated on the site plan.
3. For the Southern side setbacks, maintain a minimum 20 foot setback from the end of

- the dock structure located at the site.
4. The length of the dock structure and storage should be no longer than the proposed 200 feet from the 929.4 feet OHWL
 5. Allow up to (4) BSUs for the Site.
 6. Provide an updated site plan with final configuration and measurements as approved by the Board, this includes all watercraft for the site and their respective BSU.
 7. Apply standard variance conditions reflecting environmental, nuisances, maintenance, etc.

BUDGET _____

N/A

STRATEGIC PRIORITIES _____

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

ATTACHMENTS _____

1. LMCD Code Excerpts
2. Aerial Imagery of Site
3. Proposed Site Plan
4. Variance Application & Submitted Documents
5. Public Hearing Notice (Sun Sailor and Laker Pioneer)
6. Public Hearing Notice Mailing

PROPOSED DOCK SKETCH FOR
GREGG STEINHAFEL

IN THE SW 1/4 OF SEC. 10-117-23
 & IN GOV'T LOT 1 SEC. 15-117-23
 HENNEPIN COUNTY, MINNESOTA

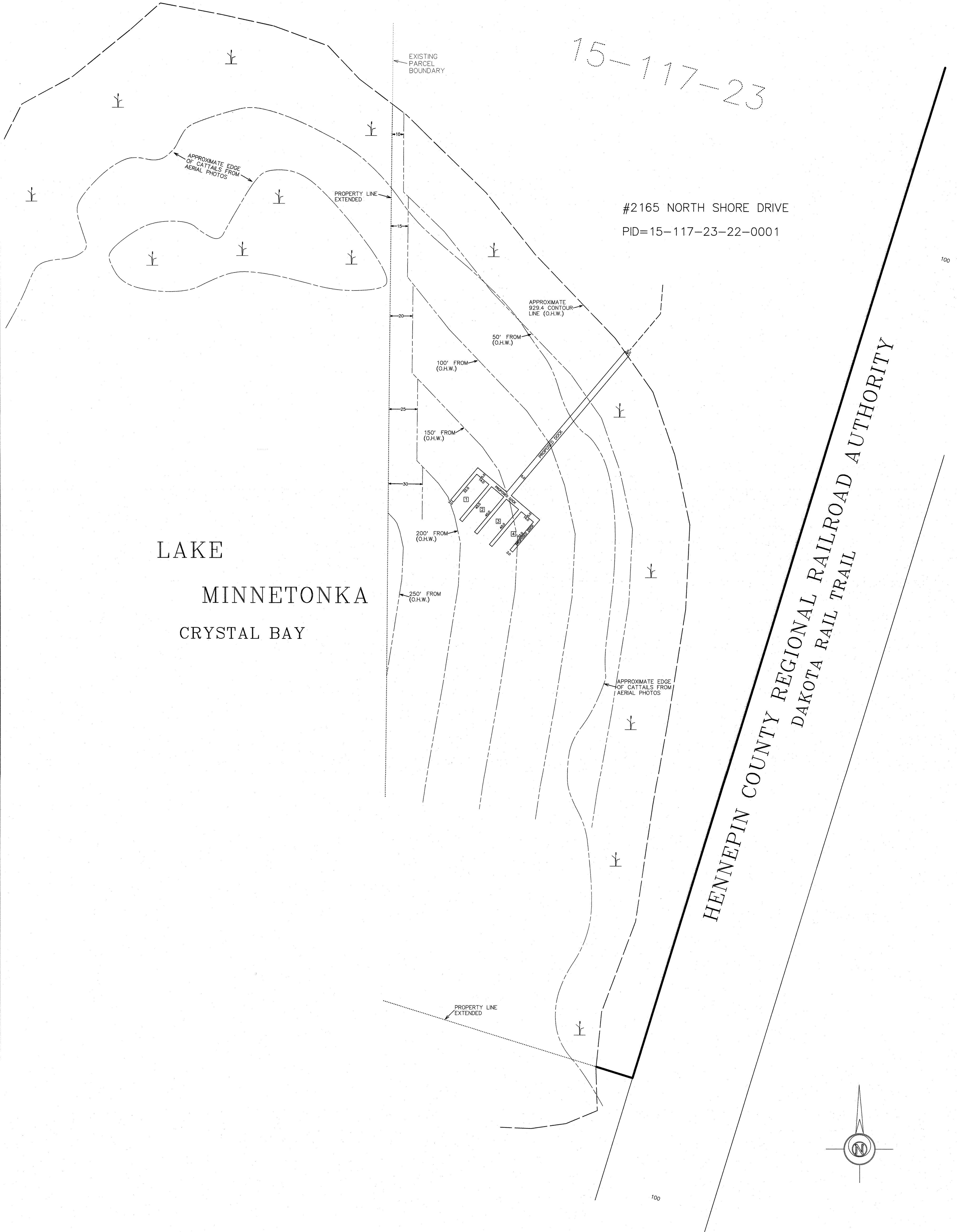
#2285 NORTH SHORE DRIVE

PID=15-117-23-33-0006

#2165 NORTH SHORE DRIVE

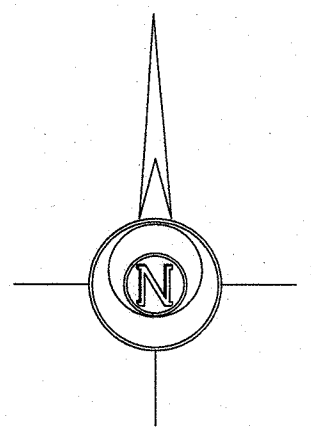
PID=15-117-23-22-0001

15-117-23



LAKE
 MINNETONKA
 CRYSTAL BAY

HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
 DAKOTA RAIL TRAIL



23020BREVISED9.SCD

| DATE | REVISIONS |
|---------|--------------------------------|
| 2-9-23 | REVISED PROPOSED DOCK LOCATION |
| 2-21-23 | REVISED |
| 3-7-23 | REVISED |
| 3-14-23 | REVISED |
| 3-16-23 | REVISED |
| 8-3-23 | REVISED |
| 9-19-23 | REVISED |

I hereby certify that this plan, specification, 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.
Mark S. Gronberg
 Mark S. Gronberg Minnesota License Number 12755

PROJECT

| | |
|--------|---------|
| DATE | 2-2-23 |
| SCALE | 1"=40' |
| JOB NO | 23-020B |



GRONBERG & ASSOCIATES, INC.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
 952-473-4141

**ARTICLE 7
WATERCRAFT FOR HIRE, RENTAL, AND LIQUOR LICENSING**

| Chapter 1. Watercraft for Hire | <u>Page</u> |
|---|-------------|
| 7-1.01. Certificate of Registration <u>License</u> | 7-1 |
| 7-1.03. Watercraft Registration | 7-2 |
| 7-1.05. Required Equipment | 7-2 |
| 7-1.07. Number of Passengers Permitted | 7-3 |
| <u>7-1.08. Authorized Ports of Call</u> | <u>7-4</u> |
| 7-1.09. Operational Rules..... | 7-4 |
| 7-1.11. Watercraft Size Exception | 7-5 |
| <u>7-1.12. Exemption from Licensing Watercraft for Hire.....</u> | <u>7-7</u> |

Chapter 2. Adult Uses on a Watercraft for Hire

| | |
|----------------------------------|-----|
| 7-2.01. Statement of Intent..... | 7-6 |
| 7-2.03. Licensing..... | 7-6 |

Chapter 3. Alcoholic Beverages and Licensing

| | |
|---|------|
| 7-3.01. State Law | 7-8 |
| 7-3.03. License Required | 7-8 |
| 7-3.05. License and Permit Types..... | 7-9 |
| 7-3.07. Persons Ineligible for License..... | 7-9 |
| 7-3.09. Businesses Ineligible for License..... | 7-10 |
| 7-3.11. Persons and Watercraft Licensed; Transfer | 7-10 |
| 7-3.13. Conditions of License | 7-10 |
| 7-3.15. Mandatory Training | 7-12 |
| 7-3.17. Clubs | 7-12 |
| 7-3.19. Restrictions on Purchase and Consumption..... | 7-12 |
| 7-3.21. Hours of Operation | 7-13 |
| 7-3.23. Restrictions; Vested Rights..... | 7-13 |
| 7-3.25. Authorized Ports of Call | 7-13 |

**CHAPTER 1
WATERCRAFT FOR HIRE**

7-1.01. ~~License Required~~Certificate of Registration.

Subd. 1. Required. No person shall operate or offer to operate a watercraft for hire on the Lake without first obtaining a ~~certificate of registration~~license from the LMCD.

Subd. 2. Obtaining a LicenseCertificate. Applications for a license eertificate-of registration to operate a watercraft for hire on the Lake shall be submitted and processed as provided in Section 6-5.13.

Subd. 3. Renewals. A renewal license eertificate-of registration is required for each year of operation and must be obtained by March 1st of each year.

7-1.03. Watercraft Registration with State or Coast Guard. Prior to obtaining a license from the LMCD, Aa all watercraft for hire or charter shall be registered with the state of Minnesota as “For Hire” or be United States Coast Guard Documented for Commercial Use. The license number shall be affixed to the hull with a valid registration sticker. The United States Coast Guard Documentation number must be affixed on a main bulkhead or structural member of the watercraft. The full name of the watercraft must be displayed on the hull, either the stern or on the port and starboard sides of the watercraft.

7-1.05. Required Equipment. When a watercraft is in use and carrying passengers for hire, the equipment identified in this Section must be on board and be in a serviceable condition.

Subd. 1. Fire Extinguishers. Fire extinguishers shall be of a number and type that meets the requirements of the Minnesota DNR and, in addition, each such watercraft shall have installed a fixed fire extinguishing system to protect the engine room(s) on all watercraft using gasoline or other fuel having a flash point of 110 degrees F or lower; provided, however, that where the engine room(s) are so open to the atmosphere to make the use of a fixed system ineffective, no such system will be required. The system shall have the appropriate number of pounds of chemical for the gross volume of space to be covered as specified in 46 CFR § 181.410.

Subd. 2. Bilge Pumps. The watercraft for hire must have one fixed bilge pump for each non-connected bilge compartment. The bilge pump shall be rated at 10 GPM or greater.

Subd. 3. Restrooms. Any watercraft licensed under this Chapter shall have functioning restrooms that operate, in accordance with and shall be are mechanically configured, in accordance with LMCD’s then-current requirements for restrooms on a watercraft for hire or charter. LMCD’s policy may require that applicant pass an inspection of the restrooms be subject to inspection.

Subd. ~~43~~. Personal Floatation Devices.

- (a) Number. All watercraft for hire must carry on board one Coast Guard Approved Type 1 adult personal floatation device for each person permitted to be carried on the watercraft, including the crew. In addition, unless children are never to be carried, the watercraft must carry a number of personal floatation devices suitable for children equal to 10 percent of the total number of persons permitted to be carried, or one for each child, whichever is greater;
- (b) Labeling and Reflectivity. All Type 1 PFD’s must be labeled with the vessel’s name or registration number and be in good and serviceable condition. All PFD’s

shall have 200 sq. cm. (31 sq. in) of retro-reflective material attached to the front side, 200 sq. cm. of retro-reflective material attached to the back side and on each of the reversible sides; and

(c) Distribution and Stowing. Life preservers shall be distributed through the upper part of the vessel in protected places convenient to the passengers on board. Life preservers for children shall be stowed separately. When life preservers are stowed so that they are not readily visible to passengers, the containers in which they are stowed shall be marked "LIFE PRESERVERS" and with the number contained therein, in at least ~~one inch~~ one-inch letters and figures. This legend shall indicate if the stowage is for "ADULT" or "CHILDREN" life preservers.

~~(c) Restrooms. Any watercraft licensed under this Chapter shall have functioning restrooms that operate in accordance with and shall be mechanically configured in accordance with LMCD's then current requirements for restrooms on a watercraft for hire or charter. LMCD's policy may require that applicant pass an inspection of the restrooms.~~

Subd. 54. Ring Buoy/Life Buoy. All watercraft for hire must have one ring buoy. The ring buoy shall have 30 feet of line, retro-reflective tape on both sides, and the name of the watercraft on the buoy. The ring buoy must be mounted in an accessible area. The ring buoy shall be 20 inches or more in diameter for watercraft less than 26 feet. For watercraft over 26 feet, a 24 inch buoy is required. If the watercraft is operated during night time hours, buoys shall be fitted with a water activated or automatic light.

Subd. 65. First Aid Kit. All watercraft for hire must have a stocked first aid kit on board.

Subd. 76. Electrical. All watercraft for hire must have all batteries fastened down so as not to move in any direction more than one inch, and the entire battery shall be covered to eliminate sparking or arching.

Subd. 87. Communications. All watercraft for hire shall be required to have one of the following types of communications: VHF Marine Radio with Channels 16 and 6 and/or a cellular telephone.

7-1.07. Number of Passengers Permitted. The maximum number of passengers and crew permitted to be carried on a watercraft for hire shall be determined by the LMCD and/or the Sheriff and shall be stated on the inspection report. The maximum number of passengers and crew permitted on any vessel for hire of reasonable design and proportions may be determined by length of rail criteria, deck area criteria, or fixed seating criteria. A final test may be a stability test at the owner's expense.

Subd. 1. Length of Rail Criteria. One passenger may be permitted for each 30 inches of rail space available to the passengers at the watercraft's sides and across the transom with a minimum of 18 inches of open deck space.

Subd. 2. Deck Area Criteria. One passenger may be permitted for each 10 square feet of deck area available for the passengers' use. In computing such deck area, the areas occupied by the following shall be excluded:

- (a) Concession stands;
- (b) Toilets and washrooms;
- (c) Companionways, stairways, etc.;
- (d) Spaces occupied by and necessary for handling lifesaving equipment;
- (e) Spaces below deck which are unsuitable for passengers;
- (f) Pilot control area; and
- (g) Interior passageways less than 30 inches wide and passageways on the open deck less than 18 inches wide.

Subd. 3. Fixed Seating Criteria. One passenger may be permitted for each 18 inches of width of fixed seating provided.

Subd. 4. Stability. Notwithstanding the number of passengers permitted by any of the criteria described above, the maximum number may be further limited by stability.

7-1.08 Authorized Ports of Call.

Subd. 1. Designation. At the time of application for any license under this Chapter, the applicant shall designate specific docks, moorings, or other facilities at which passengers will be embarked and disembarked. Licenses granted by the Board by the Board-designated staff member LMCD will designate specific authorized ports of call, and no passengers, except law enforcement personnel or employees, may be embarked or disembarked except at either authorized ports of call or other locations at a frequency of no more than once each year at any one location.

Subd. 2. License Certificate. No ports of call shall be authorized by the by the Board-designated staff member Board LMCD without applicant first securing a certificate from the municipality within which such port of call lies stating that the activities to be conducted by the applicant at the port of call are in compliance with municipal zoning laws. No embarkation or disembarkation at other locations is authorized unless permission for such activity has been secured from appropriate officials of the municipality in which it occurs.

Subd. 3. Stopping, Mooring, Anchoring Prohibited. No watercraft for hire issued a license under this Chapter shall stop, moor, or anchor closer than 300 feet from shore except at authorized ports of call, or at any place in the Lake other than authorized ports of call after 6:00 p.m. for more than two hours.

Subd. 4. Additional Ports of Call. A licensee may request approval of additional ports of call upon written request to of the Executive Director a Board designated staff member the LMCD, and consideration by the Board which may grant or deny approval for additional ports of call, or grant approval with conditions in the same manner as in action on an application for a new license. No public hearing is required for an existing licensee who is applying to add additional ports of call.

7-1.09. Operational Rules. The following rules shall apply to watercraft issued a ~~certificate of registration license~~ under this Chapter and failure to comply with any of these rules is a violation of this Code and may result in the revocation of the ~~certificate of registration license~~.

Subd. 1. Pilots. A person under the age of 18 may not operate the watercraft. All pilots must have a current and valid State of Minnesota pilots' license. ~~During such time as any watercraft for hire or charter is carrying a passenger, such vessel shall have at least one additional crew member on board and such additional crew member shall be qualified to legally operate a watercraft in the State of Minnesota.~~

Subd. 2. Major Repairs and Alterations. No major repairs or alterations affecting the safety of the watercraft or passengers with regard to the hull, super structure, machinery, or equipment shall be made without the knowledge and approval of the Sheriff's water patrol. Proposed alterations shall be approved by the Sheriff's water patrol before any work is started. Drawings, sketches, or written specifications describing the alterations in detail may be required. Drawings will not be required for repairs in kind.

~~Subd. 3. Mandatory Training. Each year LMCD staff will conduct one or more training sessions for applicants for new or renewal licenses. Training shall be given in LMCD code, state laws and local ordinances relating to the operation of watercraft for hire. No new or renewal license shall be granted to an applicant who has not attended a training session for that license year, either personally or by authorized representative.~~

~~Subd. 4. Inspections. Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the LMCD, Hennepin County, or the State of Minnesota to enter, inspect, and search the premises watercraft and mooring area of the licensee during business hours without a warrant.~~

~~Subd. 5. Licensee's Responsibility. Every licensee is responsible for the conduct of its employees and invitees the licensee's place of business and the conditions of sobriety and order in it. The act of any employee on the watercraft is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this Code and the law equally with the employee. License holders shall be responsible to ensure that operations and activities shall be so conducted as not to constitute a public nuisance under this Code.~~

Subd. ~~463~~. Prohibitions. No pilot of a watercraft holding a ~~license certificate~~ under this Chapter shall, while carrying passengers for hire, do any of the following:

- (a) Stop, moor, or anchor closer than 300 feet from shore except at authorized ports of call;
- (b) Stop, moor, or anchor at any place in the lake other than an authorized port of call ~~after 6:00 p.m.~~ for more than two hours;
- (c) Pass within 300 feet of the shoreline except at an authorized port of call or in channels having a width of less than 600 feet in which case such watercraft shall remain as nearly in the center as is consistent with good seamanship and the rules of the road;
- (d) Play any live or amplified music or amplified voice except in fully enclosed areas of the watercraft or in emergency situations; and
- ~~(e) Conduct operations and activities on the watercraft in such a way as to constitute a public nuisance on the watercraft or to interfere with the peaceful enjoyment of the Lake and of surrounding properties by riparian owners and by the public.~~
- ~~(f) No watercraft licensed under this chapter shall be stored at any time at a residential property or residential dock.~~
- ~~(g) No person shall allow the presence of, directly or indirectly deal in, sell, or keep for sale on any watercraft licensed under this Chapter any alcoholic beverages or intoxicating substances (including marijuana) without first obtaining a license to do so from the LMCD as provided in Chapter 3 of this Code. The presence of alcoholic beverages on a watercraft for hire shall be prima facie evidence of possession of alcoholic beverages for the purpose of sale.~~
- ~~(e) No person shall allow the presence of, directly or indirectly deal in, sell, or keep for sale on any watercraft licensed under this Chapter any food or beverages without first obtaining a license or permit and requisite inspections from the Minnesota Department of Health or any other entity requiring a license, permit or inspection.~~
- ~~(h)~~
- ~~(i) No watercraft shall contain a macerator pump and the human waste storage system shall be configured in accordance with Chapter XXXX Watercraft equipped with a pump capable of pumping sewage or other wastes into the Lake, and/or human waste storage systems, shall be configured in accordance with the rules and regulations set forth in 11-1.01.~~

~~Subd. 47. Acts of Employees. The act of any employee on the watercraft is deemed the act of the certificate holder as well, and the certificate holder shall be liable to all penalties provided by this Code and the law equally with the employee.~~

Subd. 58. Hours of Operation. All watercraft carrying passengers for hire must disembark all customers, passengers, or patrons by 12:30 a.m. and must return to and be tied, moored, or secured for the night at its home port by 1:00 a.m.

7-1.11. Watercraft Size Exception. Watercraft issued a ~~certificate of registration~~ license may exceed the limitations on the size of watercraft set forth in 8-1.09, providing the following conditions are met:

- (a) The size of the watercraft may not exceed either 90 feet in length or 22 feet in width;
- (b) The watercraft may not have a rated capacity of over 149 passengers, excluding crew;
- (c) The watercraft must have twin engines and bow thrusters to ensure maneuverability of the watercraft;
- (d) Watercraft exceeding the size limits of Section 8-1.09 may only be operated on the Main Upper Lake and Main Lower Lake, except that such watercraft may be operated on other areas of the Lake either to store the watercraft at its home port or to pick up or drop off passengers at authorized ports of call; and
- ~~(e)~~ The watercraft shall be of a height that allows it to pass between the Main Upper Lake and Main Lower Lake under the Narrows Bridge between Lafayette Bay and Carman Bay.

7-1.12. Exemption from Licensing Watercraft for Hire. ~~Certain persons and Operators of watercraft for hire shall be exempt from the requirement of a watercraft for hire license if the operators meet all of the following requirements. A person or watercraft carrying passengers for hire shall not be required to obtain a watercraft for hire license if a person or watercraft meets the following requirements:~~

- ~~(a) A person or The watercraft is carrying 6 or fewer passengers for hire., and;~~
- ~~(b) A The watercraft is 25 feet in length or less., and;~~
- ~~(c) No passenger is loaded at any residential property or residential dock., and;~~
- ~~(d) No person shall directly or indirectly deal in, sell, or keep for sale on any watercraft carrying passengers any alcoholic beverages or intoxicating substances (including marijuana) without first obtaining a license to do so from the LMCD as provided in Chapter 3: Alcoholic Beverages and Licensing. No person shall provide or serve any liquids for the purpose of mixing with intoxicating liquor. A passenger for hire may bring and consume alcoholic beverages provided such person is of legal age.~~

- (e) No Licensee or person operating a watercraft for hire shall provide, directly or indirectly deal in, sell, or keep for sale on any watercraft carrying passengers for hire any food or beverages without first obtaining a license or permit and requisite inspections from the Minnesota Department of Health or any other entity requiring a license, permit or inspection, ~~and~~. A passenger on a watercraft for hire that is exempt from licensing may bring and consume their own food and beverages.
- (f) Any person or watercraft carrying a passenger for hire ~~has liability insurance that covers carrying passengers for hire, with the following minimum coverage: XXXXXX, and~~ must have a current liability insurance policy that covers carrying passengers for hire in accordance with current LMCD requirements.
- (g) The ~~person or watercraft operator does not hold a watercraft-for-hire license for the exempt is not licensed as a watercraft for hire under this Code. Any person or vessel licensed as a watercraft for hire shall not qualify for any exemption to any watercraft for hire Code requirements at any time.~~

CHAPTER 2
ADULT USES ON A WATERCRAFT FOR HIRE

7-2.01. Statement of Intent. It is declared to be the purpose and intent of this Chapter to protect the public health, safety, and welfare of the Lake communities by curtailing the dangers and potential criminal offenses associated with watercraft for hire featuring adult cabaret or exotic dancing. The Board has determined that adult cabarets and exotic dancing may be dangerous if performed on watercraft for hire and may lead to prostitution, sexually-transmitted diseases, drug and alcohol offenses, or other criminal activity. However, it is not the intent of this Chapter to inhibit the freedom of speech component of exotic dancing. Instead, this Chapter represents a balancing of competing interests: reduced dangerous or criminal activity through the regulation of exotic dancing versus the protected rights of exotic dancers and their patrons.

7-2.03. Licensing.

Subd. 1. Required. Adult cabaret or exotic dancing may only be performed on a watercraft for hire issued a ~~certificate of registration~~license under this Code and then only upon issuance of a license from the LMCD.

Subd. 2. Obtaining a License. Applications for a license to host an adult cabaret or exotic dancing on a watercraft for hire on the Lake shall be submitted and processed as provided in Section 6-5.15.

Subd. 3. Conditions. A watercraft for hire issued an adult entertainment license under Section 6-5.15 is subject to, in addition to the conditions expressly placed on the license, all of the following conditions:

- (a) Shall comply with the requirements in this Code for a watercraft for hire, all other applicable provisions of this Code, and any other federal, state, or local law, rule, regulation, and ordinance that may apply;
- (b) Is prohibited from also being licensed for the sale of alcohol under Article 7, Chapter 3;
- (c) Exotic dancing or adult cabaret performances may not be in any way visible or perceivable, including aurally, at any time from outside the watercraft;
- (d) Exotic dancing or adult cabaret may not in any way depict sexual activities;
- (e) Exotic dancing or adult cabaret may not involve display of less than completely and opaquely covered human genitals, female breast(s) below a point immediately above the top of the areola, buttocks, anus, pubic region or male genitals in a discernibly turgid state, even if completely and opaquely covered;
- (f) Exotic dancers and cabaret performers must be at least 21 years of age;

- (g) Patrons must be at least 21 years of age;
- (h) Exotic dancing may only be performed on a platform intended for that purpose which is raised at least two feet from the level of the floor. The platform must incorporate a padded safety rail that will prevent dancers or performers from falling from the platform in the event of windy or inclement boating conditions;
- (i) Exotic dancing shall not occur closer than 10 feet from any patron;
- (j) No exotic dancer or performer shall touch, fondle, or caress any patron and no patron shall touch, fondle, or caress any exotic dancer or performer;
- (k) No patron shall directly pay or give any gratuity to any exotic dancer or performer;
- (l) No licensed watercraft may dock at any location except the dock from which the watercraft originates, except in the case of emergency;
- (m) No person other than a law enforcement officer may board a licensed watercraft except from the dock from which the watercraft originates;
- (n) No exotic dancer or performer shall solicit any pay or gratuity from any patron;
- (o) Licensed watercraft may not have booths, stalls, partitioned portions of a room, or individual rooms, except:
 - (1) Restrooms are allowed as long as they are no larger than reasonably necessary to serve the purposes of a restroom, no other activities are provided or allowed in the rooms, and there are no chairs, benches, or reclining surfaces in the rooms; and
 - (2) Storage rooms and private offices are allowed, if the storage rooms and offices are used solely for running the business and no person other than the owner, manager, and employees is allowed in them;
- (p) The operator of the watercraft is responsible for the conduct of his or her place of business and the conditions of order in it. The act of an employee of the licensed watercraft is deemed the act of the operator as well, and the operator is liable for all penalties provided by this Chapter equally with the employee, except criminal penalties; and
- (q) The license issued under this Chapter must be posted in a conspicuous place in the portion of the watercraft used for exotic dancing or adult cabaret.

Subd. 4. Violations. Any person violating this Section or Section 6-5.15 shall be guilty of a misdemeanor.

CHAPTER 3
ALCOHOLIC BEVERAGES AND LICENSING

7-3.01. State Law.

Subd. 1. Authority. The LMCD, pursuant to Minnesota Laws 1986, Chapter 437, has all of the powers of a municipality under Minnesota Statutes, chapter 340A to regulate liquor and issue liquor licenses on the Lake.

Subd. 2. State Law Adopted. The provisions of Minnesota Statutes, chapter 340A, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, consumption, and display of alcoholic beverages are adopted and made a part of this Code as if set out in full.

Subd. 3. Intent. The LMCD recognizes that there are practical differences in the issuance of licenses and the regulation of alcoholic beverages on the Lake than in the typical on-land setting. These differences result in limits on the types of license available for issuance and those eligible to receive them. It is intent of the LMCD to remain as strict as the requirements of Minnesota Statutes, chapter 340A in the regulation of alcoholic beverages and the issuance of alcoholic beverage licenses. To the extent any provision in this Chapter may be less strict than a provision of Minnesota Statutes, chapter 340A, the stricter statutory requirement shall apply. The licenses issued under this Chapter do not authorize the sale of alcoholic beverages on land.

7-3.03. License Required.

Subd. 1. Sale of Alcoholic Beverages. No person shall directly or indirectly deal in, sell, or keep for sale on the Lake any alcoholic beverages without first obtaining a license to do so from the LMCD as provided in this Code. The presence of alcoholic beverages on a watercraft for hire shall be prima facie evidence of possession of alcoholic beverages for the purpose of sale. On-sale alcoholic beverage licenses shall be of three kinds: “on-sale liquor,” “on-sale wine,” and “on-sale 3.2 percent malt liquor” licenses. Sales under each of these on-sale licenses shall be for consumption on the watercraft for hire only. No person holding an on-sale liquor license or an on-sale 3.2 percent malt liquor license shall sell alcoholic beverages on Sundays without first obtaining a “Sunday sales” license from the LMCD.

Subd. 2. Consumption and Display of Alcoholic Beverages. A business establishment that does not hold an on-sale license under this Code shall not directly or indirectly allow the consumption and display of alcoholic beverages, or knowingly serve any liquid for the purpose of mixing with intoxicating liquor, without first having obtained a “consumption and display” permit from the LMCD as provided in this Code. The serving of any liquid on a watercraft for hire for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed and displayed.

Subd. 3. License and Permit Issuance. All licenses and permits provided for under this Chapter shall be submitted, processed, and acted on in accordance with Section 6-5.17.

7-3.05. License and Permit Types.

Subd. 1. On-Sale Liquor Licenses. On-sale liquor licenses shall be issued only to authorized agents of a registered watercraft for hire that meets the requirements of Minnesota Statutes, chapter 340A. On-sale licenses shall only be issued to authorized agents of ~~registered~~ licensed watercraft for hire which provide food service and which have on-demand facilities to serve full meals as well as snacks to all of its patrons.

Subd. 2. On-Sale Wine Licenses. On-sale wine licenses shall be issued only to authorized agents of a ~~licensed~~registered watercraft for hire that has a restaurant for seating at least 25 guests at one time and shall permit only the sale of wine not exceeding 24 percent alcohol by volume, for consumption on the watercraft for hire only, in conjunction with the sale of food. The holder of an on-sale wine license may sell wine on Sundays without a Sunday sales license. A holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license, and whose gross receipts are at least 60 percent attributable to the sale of food, may sell intoxicating malt liquors on-sale without an additional license, except that sales on Sundays shall require a Sunday sales license. A person issued an on-sale liquor license shall not be required to obtain an on-sale wine license in order to sell wine on the watercraft for hire.

Subd. 3. On-Sale 3.2 percent Malt Liquor Licenses. On-sale 3.2 percent malt liquor licenses shall be issued only to authorized agents of ~~licensed~~registered watercraft for hire which meet the requirements of Minnesota Statutes, chapter 340A for restaurants, clubs or establishments and allows the sale of 3.2 percent malt liquor. A person issued an on-sale liquor license shall not be required to obtain an on-sale 3.2 percent malt liquor license in order to sell 3.2 percent malt liquor on the watercraft for hire.

Subd. 4. Consumption and Display Permits. Consumption and display permits shall be issued only to a business establishment that operates a ~~licensed~~registered watercraft for hire that does not hold an on-sale license. A consumption and display permit allows the business establishment to permit the consumption and display of alcoholic beverages on the watercraft for hire, but does not authorize the sale of alcoholic beverages.

Subd. 5. Sunday Sales License. A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to authorized agents of a ~~licensed~~registered watercraft for hire that meets the qualifications of Minnesota Statutes, chapter 340A for restaurants or clubs which has facilities for serving at least 30 guests at one time, and which has an on-sale license. A special Sunday license is not needed for sales by on-sale wine licensees.

7-3.07. Persons Ineligible for License. No license shall be granted to or held by any person who:

- (a) Is ineligible for such a license under state law by reason of age;
- (b) Has, within five years prior to the application for such license, been convicted of a felony, or of violating any law of this state or local ordinance relating to the manufacture, sale, distribution or possession for sale or distribution of alcoholic beverages and cannot show competent evidence under Minnesota Statutes, section

364.03, of sufficient rehabilitation and present fitness to perform the duties of an alcoholic beverages licensee;

- (c) Has a direct or indirect interest in manufacturers, brewers, or wholesalers of alcoholic beverages;
- (d) Is a non-resident who is not a resident alien;
- (e) Is not of good moral character or repute;
- (f) Has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;
- (g) Is or during the period of this license becomes the holder of a federal retail liquor dealer's special tax stamp for the sale of intoxicating liquor at any place unless there has also been issued to him a local license to sell intoxicating liquor at such place;
or
- (h) Is not the proprietor of the watercraft for hire for which the license is issued.

7-3.09. Businesses Ineligible for License.

Subd. 1. General Prohibition. No alcoholic beverage license shall be issued for any business ineligible for such a license under state law, where a licensee has been convicted of the violation of this Code or of Minnesota Statutes, chapter 340A, or for any watercraft for hire for which an adult entertainment license has been issued or requested.

Subd. 2. Delinquent Taxes and Charges. No alcoholic beverages license shall be granted for operation on any premises on which financial claims of the LMCD are delinquent and unpaid.

7-3.11. Persons and Watercraft Licensed; Transfer. Each license required under this Chapter shall be issued only to the applicant and for the watercraft described in the application. No transfer of a license to another watercraft or to another applicant is authorized without first securing a new license from the LMCD. Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without prior Board approval is a ground for revocation of the license. No licenses may be granted except to watercraft for hire holding a watercraft for hire ~~certificate of registration~~ license from the LMCD.

7-3.13. Conditions of License. Every license issued under Section 6-5.17 is subject to the conditions set out in this Section, all other provisions of this Code, and of any other applicable federal, state, or local laws, rules, regulations, and ordinances.

Subd. 1. Federal Stamps. No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

Subd. 2. Sales to Under Age or Intoxicated Persons. No alcoholic beverages shall be sold or served to any intoxicated person or to any person under legal age.

Subd. 3. Consumption by Under Age Persons. No person under legal age shall be permitted to consume alcoholic beverages on the watercraft for hire.

Subd. 4. Interest of Manufacturers or Wholesalers. No manufacturer or wholesaler of alcoholic beverages shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of state law. No retail licensee and manufacturer or wholesaler of alcoholic beverages shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of alcoholic beverages and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

Subd. 5. Liquor Dealers' Stamp. No licensee shall sell alcoholic beverages while holding or exhibiting in the watercraft for hire a federal retail liquor dealer's special tax stamp unless the person is licensed under the laws of Minnesota to sell intoxicating liquors.

Subd. 6. Sales of Intoxicating Liquor. No 3.2 percent malt beverage licensee who is not also licensed to sell intoxicating liquor and who does not hold a consumption or display permit shall sell or permit the consumption and display of intoxicating liquors on the watercraft for hire or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the watercraft for hire shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale. Additionally, the serving of any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this Chapter.

Subd. 7. Searches and Seizures. Any law enforcement officer may enter, inspect, and search a watercraft for hire of a licensee during business hours without a search and seizure warrant and may seize all alcoholic beverages found on the watercraft for hire operating in violation of this Chapter.

Subd. 8. Licensee's Responsibility. Every licensee is responsible for the conduct of the licensee's place of business and the conditions of sobriety and order in it. No watercraft for hire holding a license under this Chapter may play any live or amplified music or amplified voice except in fully enclosed areas of the watercraft or in emergency situations. Operations and activities on the watercraft shall be so conducted as not to interfere with the peaceful enjoyment of the Lake and of surrounding properties by riparian owners and by the public. License holders shall be responsible to ensure that operations and activities shall be so conducted as not to constitute a public nuisance under this Code. The act of any employee on the watercraft for hire is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this Code and the law equally with the employee.

Subd. 9. Inspections. Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the LMCD, Hennepin County, or the State of Minnesota to enter, inspect, and search the premises of the licensee during business hours without a warrant.

Subd. 10. Display During Prohibited Hours. No watercraft for hire for which a license or permit is issued under this Chapter shall display any alcoholic beverage to the public during hours when the sale of alcoholic beverages is prohibited.

Subd. 11. Gambling. No gambling or any gambling device shall be permitted on any watercraft for hire.

7-3.15. Mandatory Training. Each year, ~~at the direction of the Board,~~ the ~~Executive Director~~LMCD staff will conduct one or more training sessions for applicants for new or renewal on-sale licenses. Training shall be given in state laws and local ordinances relating to the sale of alcoholic beverages and to the operation of watercraft for hire. No new or renewal license shall be granted to an applicant who has not attended a training session for that license year, either personally or by authorized representative.

7-3.17. Clubs. No club shall sell alcoholic beverages except to members and to guests in the company of members.

7-3.19. Restrictions on Purchase and Consumption.

Subd. 1. Age Misrepresentation. It is unlawful for any underage person to claim to be 21 years old or older for the purpose of obtaining or purchasing an alcoholic beverage.

Subd. 2. Inducing Purchase. It is unlawful for any person to induce an underage person to purchase or procure an alcoholic beverage, or to lend or knowingly permit the use of the person's driver's license, permit, Minnesota identification card, or other form of identification by an underage person for the purpose of purchasing or attempting to purchase an alcoholic beverage.

Subd. 3. Procurement. It is unlawful for any person to sell, barter, furnish, or give an alcoholic beverage to an underage person.

Subd. 4. Possession. It is unlawful for any underage person to possess an alcoholic beverage with the intent to consume it. Possession of an alcoholic beverage creates a rebuttable presumption of intent to consume. This presumption may be rebutted by a preponderance of the evidence.

Subd. 5. Consumption. It is unlawful for any underage person to consume an alcoholic beverage. As used in this subdivision, "consume" includes the ingestion of an alcoholic beverage and the physical condition of having ingested an alcoholic beverage. A violation of this subdivision exists if consumption, or evidence of consumption, is observed.

Subd. 6. Liquor Consumption and Display. No person shall consume or display any alcoholic beverage on the premises of a business establishment, club, charter boat, or watercraft for hire that is not also licensed to sell alcoholic beverages or who does not hold a consumption and display permit.

Subd. 7. Watercraft Owners and Operators. It is unlawful for an owner of a watercraft who is present in the watercraft, or for the operator of a watercraft if the owner is not present, to allow, or fail to take reasonable steps to prevent, the possession or consumption of any alcoholic beverage by an underage person on the watercraft if the owner or operator knows, or reasonably should know, the underage person possesses or is consuming any alcoholic beverage. This prohibition does not apply to situations in which an underage person is lawfully in possession of alcoholic beverages during the course and scope of employment.

Subd. 8. Fish Houses. It is unlawful for the license holder of a fish house who is present in the fish house to allow, or fail to take reasonable steps to prevent, the possession or consumption of any alcoholic beverage by an underage person in the fish house if the license holder knows, or reasonably should know, that the underage person possesses or is consuming any alcoholic beverage.

7-3.21. Hours of Operation. No sale of alcoholic beverages may be made except during times established by state law. All watercraft for hire to which any license has been issued under this Code must disembark all customers, passengers or patrons by 12:30 a.m. and must return to, and be tied, moored or secured for the night at its home port by 1:00 a.m. until 5:00 a.m.

7-3.23. Restrictions; Vested Rights. Upon granting a license under this Code, the Board may impose any restrictions on the operations of the licenses deemed by the Board to be necessary or desirable to protect the public safety, the enjoyment of the Lake by the public, or the safety of passengers on the watercraft for hire. The granting of a license shall create no vested rights in the licensee and all rights and operations of the licensee shall continue to be subject to further or additional regulation by the LMCD.

7-3.25. ~~Authorized Ports of Call.~~ Authorized Ports of Call. Any Licensee under this chapter shall meet the ~~requires~~ requirements under Section 7-1.08.

~~Subd. 1. Designation. At the time of application for any license under this Chapter, the applicant shall designate specific docks, moorings, or other facilities at which passengers will be embarked and disembarked. Licenses granted by the Board will designate specific authorized ports of call, and no passengers, except law enforcement personnel or employees, may be embarked or disembarked except at either authorized ports of call or other locations at a frequency of no more than once each year at any one location.~~

~~Subd. 2. Certificate. No ports of call shall be authorized by the Board without first securing a certificate from the municipality within which such port of call lies stating that the activities to be conducted by the applicant at the port of call are in compliance with municipal zoning laws. No embarkation or disembarkation at other locations is authorized unless permission for such activity has been secured from appropriate officials of the municipality in which it occurs.~~

~~Subd. 3. Stopping, Mooring, Anchoring Prohibited. No watercraft for hire issued a license under this Chapter shall stop, moor, or anchor closer than 300 feet from shore except at authorized ports of call or at any place in the Lake other than authorized ports of call after 6:00 p.m. for more than two hours.~~

~~Subd. 4. Additional Ports of Call. A licensee may request approval of additional ports of call upon written request of the Executive Director, and consideration by the Board which may grant or deny approval for additional ports of call, or grant approval with conditions in the same manner as in action on an application for a new license. No public hearing is required for an existing licensee who is applying to add additional ports of call.~~

6-1.13. General Provisions Regarding Approvals. This Section applies to all approvals issued by the LMCD and is in addition to any other requirements of this Code applicable to the requested approval.

Subd. 1. Implied Consent. By making application for an approval, the applicant consents to allowing the officers and agents of the LMCD to enter upon the property that is the subject of the application at all reasonable times to investigate the application and to determine whether the property is in conformance with the requirements of this Code. The application form shall contain a statement to this effect. These inspections are focused on the use of the Lake and this implied consent does not authorize any officer or agent of the LMCD to enter into any buildings located on the property.

Subd. 2. Review Criteria. In addition to any review criteria established in this Code for a particular approval, the issuing authority may consider such factors as it determines are appropriate under the facts of the particular situation, including the applicant's or owner's prior violations of this Code, or violations of local, state or federal law that pertain to the approval being sought. In no case shall the desire to increase non-riparian property values be considered a valid consideration in issuing an approval or in removing or modifying a condition of an approval.

Subd. 3. Conditions. The issuing authority may place conditions and limitations on the approvals it issues as it determines is needed to minimize or avoid the potential negative impacts related to the approval or to otherwise further the purposes of this Code. Compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances is a condition of every approval, regardless of whether it is stated in the approval.

Subd. 4. Approval Contents. Each approval issued by the LMCD under this Code shall, unless clearly not applicable, include the following information:

- (a) Name of the applicant;
- (b) Name of the owner of the property to which the application relates, if not the applicant;

- (c) The use designation of the applicant;
- (d) The type of structure being approved;
- (e) The configuration of the structure authorized by the approval;
- (f) The number and location of authorized boat storage units; and
- (g) Any conditions placed on the approval.

Subd. 5. Compliance with Conditions. Compliance with all conditions placed on an approval is required. Failure to comply with any of the conditions is a violation of this Code and may result in the revocation, suspension, modification of the approval as provided in subdivision 10 of this Section.

Subd. 6. Storage at Licensed Structures. No watercraft may be kept, stored, tied, or moored except at the location of a boat storage unit designated on the license issued for the structure. The structure shall not be used to keep, store, tie, or moor a greater number of watercraft than the total number of designated boat storage units than allowed by the license issued for the structure.

Subd. 7. Duration. All licenses issued under this Code shall have a term of one calendar year and shall terminate on December 31st in the year for which it was issued regardless of the date of issuance. All other approvals issued under this Code, to the extent appropriate and unless a different term is expressly provided in this Code, shall have a term of one calendar year and shall terminate on December 31st in the year for which it was issued unless a different term is identified on the face of the approval.

Subd. 8. Transferability. Except for variances, approvals issued under this Code are not transferable. A variance issued by the Board shall continue in effect for the property for which it was issued despite the transfer of the property, provided the structure for which it was issued is not altered and remains licensed.

Subd. 9. No Vested Rights. No person holding an approval issued pursuant to this Code shall gain thereby a vested right in the approval and nothing in this Code is intended to confer upon any person for the benefit of any property any vested right to use the Lake in any manner permitted by this Code. The use of the Lake shall remain subject to regulation by the LMCD as the public interest requires.

Subd. 10. Violations. A mistaken or false representation of any material fact by an applicant in seeking an approval from the LMCD, the violation of a provision of the Code under which the approval is issued, the violation of any local, state or federal law pertaining to the approval, or the violation of any condition placed on the approval is grounds for revocation, suspension for such period as the Board may determine, ~~modify~~modification of the approval, or the imposition of such additional conditions or requirements on the approval as the Board may determine is necessary to ensure compliance with this Code and the protection and preservation of the Lake and the public health, safety and welfare. The Board will provide the owner at least 10

days mailed notice and provide an opportunity to be heard before taking action to revoke, suspend, or impose additional conditions on an approval.

Subd. 11. Compliance with Other Laws. The issuance of a license, permit, certificate, or other approval by the LMCD does not relieve any person from the responsibility of complying with all other applicable federal, state, and local laws, rules, regulations, and ordinances, or from obtaining any other permits, licenses, or permissions that may be required.

6-5.13. Watercraft for Hire ~~Certificate of Registration License~~. An ~~applicant application~~ for a watercraft for hire ~~certificate of registration license~~ shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a ~~certificate of registration license~~ shall, in addition to the information required in Section 6-1.03, contain the following information:

- (a) A copy of all valid pilot licenses;
- (b) A current state inspection certificate of operation;
- (c) Evidence of insurance meeting the then-current LMCD insurance policy requirements; and
- (d) Berthing location, docks, moorings or other facilities at which passengers will be embarked or disembarked.

Subd. 2. Issuing Authority. ~~The Executive Director~~ a Board-designated staff member LMCD staff is authorized to issue a ~~certificate of registration license~~ administratively without a public hearing. ~~The Board-designated staff member LMCD staff Executive Director~~ may refer any application to the Board and shall refer to the Board any application that ~~the Board-designated staff member LMCD staff Executive Director~~ proposes to deny.

Subd. 3. Review Criteria. In reviewing an application for a ~~certificate of registration license~~, ~~the Board-designated staff member LMCD staff Executive Director~~ shall consider whether the watercraft for hire complies with the standards established in Article 7, Chapter 1 and the following:

- (a) The watercraft has passed all required inspections of the Sheriff, Department of Natural Resources, and State of Minnesota.

~~Subd. 4. Limitations. In addition to the standards and requirements contained in Article 7, Chapter 1, a watercraft for hire certificate of registration is subject to all of the following: (a) The certificate will specify authorized ports of call and no passengers except law enforcement personnel or employees may be embarked or disembarked except at either authorized ports of call or other locations at a frequency of no more than once each year at any one location; No ports of call shall be authorized without first securing a certificate from the municipality within which such port of call is located stating that the activities to be conducted by the applicant at~~

~~the port of call are in compliance with municipal zoning laws; (c) No embarkation or disembarkation at locations other than those authorized by the LMCD and the municipality may occur unless permission for such activity has been secured from appropriate officials of the municipality in which it occurs.~~

Subd. ~~45~~. **Renewals**. A renewal ~~certificate of registration~~license is required for each year of operation and must be obtained by March 1st of each year.

6-5.15. Adult Entertainment License. An applicant for an adult entertainment license shall be submitted, processed, and acted on in accordance with this Section. An adult entertainment license may only be sought for a watercraft for hire that holds a current ~~certificate of registration~~license under this Code.

Subd. 1. Application. An application for an adult entertainment license shall, in addition to the information required in Section 6-1.03, contain the following information:

- (a) ___ The business in connection with which the proposed license will operate;
- (b) ___ The location of the dock or slip from which the watercraft for hire originates;
~~Effective September 23, 2021 6-43-515348v7LK110-52~~
- (c) ___ A description of the watercraft to be licensed including a floor plan of the area for which the license is sought, showing dimensions and locations of facilities;
- (d) ___ Whether the applicant is the owner and operator of the business and, if not, identify the name of the owner;
- (e) ___ Whether the applicant has ever used or been known by a name other than his/her true name, and if so, what was the name, or names, and information concerning dates and places where used;
- (f) ___ Street address at which applicant has lived during the preceding 10 years;
- (g) ___ Kind, name, and location of every business or occupation applicant and spouse have been engaged in during the preceding 10 years;
- (h) ___ Names and addresses of applicant's employers and partners, if any, for the preceding 10 years;
- (i) ___ Whether the applicant has ever been convicted of a violation of a state law or local ordinance, other than a non-alcohol related traffic offense. If so, the applicant must furnish information as to the time, place and offense for which convictions were had;

- (j) ___ Whether the applicant has ever been engaged as an employee or in operating a sexually-oriented business, massage business, or other business of a similar nature. If so, applicant must furnish information as to the time, place, and length of time;
- (k) ___ If the applicant is a partnership, the name and address of all partners and all information concerning each partner as is required of a single applicant as above;
- (l) ___ A managing partner, or partners, must be designated. The interest of each partner, or partners in the business must be submitted with the application and, if the partnership is required to file a certificate as to trade name, a copy of the certificate must be attached to the application;
- (m) ___ If the applicant is a corporation or other organization, the applicant must submit the following:
 - (1) ___ Name, and if incorporated, the state of incorporation;
 - (2) ___ Names and addresses of all officers;
 - (3) ___ The name of the manager or proprietor or other agent in charge of, or to be in charge of, the watercrafts to be licensed, giving all information about said person as is required in the case of a single applicant; and [Effective September 23, 2021 6 44 515348v7LK110 52](#)
 - (4) ___ A list of all persons who, single or together with their spouse, own or control an interest in said corporation or association in excess of five percent or who are officers of said corporation or association, together with their addresses and all information as is required for a single applicant.
- (n) ___ The amount of the investment that the applicant has in the business, including watercrafts, buildings, fixtures, furniture, and proof of the source of the money;
- (o) ___ A list of responsible persons, including the names of owners, managers and assistant managers, who may be notified or contacted by state or city employees in case of emergency. These persons must be residents of the Twin Cities metropolitan area as defined by Minnesota Statutes, section 473.121, subdivision 2;
- (p) ___ Whether the applicant holds a current license or has ever held a license for a sexually-oriented business or similar business from another governmental unit; and
- (q) ___ Whether the applicant has ever been denied a license for a sexually-oriented business or similar business from another governmental unit.

Subd. 2. Issuing Authority. The Board determines whether to issue an adult entertainment license after conducting a public hearing on the application following at least two weeks published notice.

Subd. 3. Investigation. Before conducting the public hearing on an application, the LMCD or its designee shall conduct an investigation of the representations set forth in the application, the applicant's moral character, and the applicant's financial status. Applicants must cooperate with this investigation.

Subd. 4. Limitations. In addition to the conditions contained in Section 7-2.03, subdivision 3, the applicant shall comply with and is subject to all of the following:

- (a) ___ A license will be issued only to the applicant and for the watercraft described in the application;
- (b) ___ No license may be transferred to another person or place without application in the same manner as an application for a new license. Transfer of 25 percent or more of the stock of a corporation or of a controlling interest of it, whichever is less, will be deemed a transfer of the license; and
- (c) ___ In the case of the death of a licensee, a representative of licensee may continue operation of the business for not more than 30 days after the licensee's death.

Subd. 5. Renewals. An adult entertainment license expires on December 31st of the year in which it is issued and must be renewed for each year in which such entertainment is offered. A [Effective September 23, 2021 6-45-515348v7LK110-52](#) hearing is not required for a renewal license, but the Board may, in its discretion, require a hearing for a renewal.

Subd. 6. Suspension or Revocation. In addition to a license action taken under Section 6- 1.13, the LMCD may suspend or revoke an adult entertainment license in the event of any of the following:

- (a) ___ Taxes, fees assessments, or other financial claims of the LMCD, a member municipality, or of the state are due, delinquent, or unpaid;
- (b) ___ Upon a finding that the licensee or an agent or employee of the licensee has failed to comply with an applicable statute, regulation, or ordinance; or
- (c) ___ Conviction of a crime. No suspension or revocation will take effect until the licensee has been afforded an opportunity for a hearing, unless the violation is the conviction of a crime.

6-5.17. Liquor Licenses and Permits. An applicant for an on-sale liquor license, an on-sale wine license, an on-sale 3.2 percent malt liquor license, or a consumption and display permit shall be submitted, processed, and acted on in accordance with this Section. An application for a Sunday sales license may be submitted and processed at the same time as the on-sale license application. For the purposes of this Section, the term "liquor license" shall be used to refer to all licenses and permits available under Article 7, Chapter 3 unless expressly indicated

otherwise. A liquor license issued under this Section is issued to a particular applicant and a particular watercraft for hire. A proposed transfer of applicant or watercraft shall require a new license.

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

- (a) ___ The age and citizenship of the applicant;
- (b) ___ Representations as to the applicant's character, with such references as the Board may require;
- (c) ___ The type of license being requested;
- (d) ___ The registered name of the watercraft for hire and other business in connection with which the proposed license will operate;
- (e) ___ The storage location of the watercraft for hire;
- (f) ___ The proposed ports of call, which are subject to Section ~~7-1.087-3.27~~;
- (g) ___ Whether the applicant is owner and operator of the watercraft for hire and any related businesses; ~~Effective September 23, 2021 6-46-515348v7LK110-52~~
- (h) ___ How long the applicant has been in the business; and
- (i) ___ A sample menu showing food service to be made available to customers, if applicable.

Subd. 2. Issuing Authority. The Board determines whether to issue a liquor license after conducting a public hearing on the application. The notice of public hearing for consideration of a liquor license shall specify ports of call for which approval is requested by the applicant.

Subd. 3. Investigations. Prior to conducting a public hearing on the application, the ~~Executive Director or the Executive Director's designee~~ LMCD staff member shall conduct the following inspections:

- (a) ___ Inspect the watercraft and the facilities of proposed ports of call and shall report to the Board on recommended modifications, conditions, or operating restrictions which may be necessary to protect the safety of the public and of passengers on the watercraft and the enjoyment of the Lake by the public.
- (b) ___ Conduct a preliminary background and financial investigation of the applicant. The applicant shall consent to such investigation and issue such written consents as may be required by the LMCD to complete the investigation. Upon report of the LMCD staff member ~~Executive Director~~, the Board may determine that a comprehensive

background investigation of the applicant is necessary. The Board may conduct the investigation itself or contract with the Bureau of Criminal Apprehension for the investigation. No license shall be issued, transferred, or renewed if the results show to the satisfaction of the Board that issuance would not be in the public interest. If an investigation outside the state is required, the applicant shall be charged with the actual cost not to exceed \$10,000. The fee, after deducting any initial investigation fee already paid, shall be payable by the applicant whether or not the license is granted.

Subd. 4. Limitations. In addition to the requirements and limitations contained in Article 7, Chapter 3, the following limitations, requirements, and prohibitions shall apply:

- (a) ___ Prior to the actual issuance of a liquor license, the applicant shall file with the ~~LMCD staff member~~ ~~Executive Director~~ proof of a liability insurance policy, bond, or other security in compliance with the provisions of Minnesota Statutes, section 340A.409 to address liability imposed by Minnesota Statutes, section 340A.801. Any liability insurance policy filed as proof of financial responsibility shall conform to Minnesota Statutes, section 340A.409;
- (b) ___ A liquor license may only be issued to a watercraft for hire holding a current ~~certificate of registration license~~ from the LMCD;
- (c) ___ A liquor license shall not be issued to any person ineligible for a liquor license under Section 7-3.07; ~~Effective September 23, 2021 6-47-515348v7LK110-52~~
- (d) ___ A liquor license shall not be issued to any business that is ineligible for a license under Section 7-3.09;
- (e) ___ A licensee shall comply with the conditions contained in Section 7-3.13;
- (f) ___ The ports of call used for the operation must be authorized as provided in Section 7-3.27;
- (g) ___ No liquor license shall be transferred to another watercraft or to another applicant without first obtaining a new liquor license. Any transfer of more than 10 percent of stock of a corporate licensee is deemed a transfer of the license requiring a new license; and
- (h) ___ No on-sale wine license shall become effective until it, together with the security furnished by the applicant, has been approved by the Commissioner of Public Safety.

-Subd. 5. Renewals. A liquor license expires on December 31st of the year in which it is issued and must be renewed for each year in which alcoholic beverages are to be sold or consumed and displayed. All renewal applications shall be submitted no later than February 1st of the

license year. An investigation and hearing are not required for the renewal of a liquor license, but the Board may, in its discretion, require an investigation and hearing for a renewal.

Subd. 6. Suspension or Revocation. In addition to a license action taken under Section 6- 1.13, the Board may revoke or suspend for up to 60 days a liquor license, impose a civil penalty of up to \$2,000 per violation, or impose any combination of these sanctions if it finds the licensee has violated any applicable federal, state, or local law, rule, regulation, or ordinance, or committed any offense identified in Minnesota Statutes, section 340A.415. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing.



ITEM 12A

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 24, 2024 (Prepared January 18, 2024)

TO: LMCD Board of Directors

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

SUBJECT: Appointment of Nominating Committee for 2024 Officers

ACTION

Board consideration to appoint board members to the Nominating Committee through a motion and formal approval. The following motions are offered depending on whether the Board wishes to approve or deny the request.

Approval:

I make a motion to appoint [Director names] to the Nominating Committee for selection of candidates for Officers in 2024.

Denial:

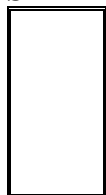
I make a motion to deny the appointment of [Directors names] to the Nominating Committee for 2024 Officers.

BACKGROUND

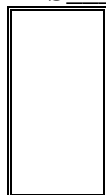
The Lake Minnetonka Conservation District (LMCD) is required by state statute to annually elect officers from among Board members. Further, the LMCD Bylaws indicate the Board is to annually elect a Chair, Vice Chair, Secretary, and Treasurer in February. The Nominating Committee is charged with assisting in the election process by recommending a slate of officers to the Board at the January 24, 2024 Board Meeting.

On September 14, 2016, the LMCD Board approved attached Resolution 150, Approving and Ratifying a Nominating Process for Board Officers. This process was utilized in 2015 at the recommendation of the LMCD Attorney. The Board desired to formally approve and ratify the process for the annual selection of its officers. This Committee is a temporary committee that will extend until the officers are elected.

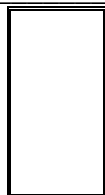
STRATEGIC PRIORITIES



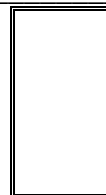
Docks,
Applications,
Licenses,
Surface Water
Management



Lake Use,
Safety



Lake
Protection



Operational
Effectiveness

ATTACHMENTS

- Recommended Nomination Process
- Nominating Committee Resolution

DATE: January 18, 2024
TO: LMCD Board of Directors
FROM: Nominating Committee: Jake Walesch & Deborah Zorn
RE: Nominating Committee Recommendations 2024

The following is an update regarding the Nominating Committee process and recommendations for the slate of Officers for the LMCD Board for 2024.

1. Overview of Process

- Received three (3) self-nominations
- Conducted interviews on January 17th
- Unanimous agreement on slate of officers for 2024
- Note: Director Rich Anderson shared that he wishes to not be considered for the Treasurer position in 2024. Rich has served as Treasurer since 2021. Rich has displayed great dedication and energy to advance LMCD through his financial oversight. We thank him for his expertise, attention to detail and willingness to support the incoming Treasurer for success.

2. Recommended Officers for 2024

- Chair: Ann Hoelscher
- Vice Chair: *open for nominations from the floor at the 1/24 meeting*
- Secretary: Michael Kirkwood
- Treasurer: Nicole Stone

3. Nominating Committee Comments/Advice to Officers

- Recommendation is based on continuity, new leadership involvement (2 incumbent + 1 new) and individuals request to be considered for specific officer positions.
- Key highlights and advice for 2024:
 - Staffing: Continued support and attention to staff development for positioning of a permanent replacement for the Executive Direction position
 - Board: Focus on issues related to Buoys, Watercraft for Hire, Code clean-up and Save The Lake committee.
 - Meetings: Focus energy on Board alignment around mission and purpose. Encourage continued focus on meeting decorum and efficiency

4. Interview Questions

- Briefly, please provide an overview of your interest to serve or continue to serve in a leadership capacity as an LMCD board officer.
- As a board officer or member, please share your vision for 2024, including biggest challenges and opportunities, and how you will contribute to support LMCD efforts.
- Which officer positions would you be interested in serving?
- Do you support the mission of the LMCD? Please share how you feel LMCD is important and relevant.
- At this point in time, thinking beyond 2024, what do you see as your level of interest and involvement with the LMCD? Interest or continued interest to serve in a Board officer position? Continued interest to serve on LMCD board? Active in community on lake issues? Or other?
- Do you have any questions for us? Or would like to add anything else?

5. Board Officer Positions

There are four officers of the Board - Chair, Vice Chair, Secretary, and Treasurer.

Each officer has certain responsibilities as established by the Bylaws and other policies.

- Chair: The Chair generally runs the meetings and works with the Executive Director on the Agenda items. The Chair works with the Executive Director to ensure the organization is operating smoothly and meeting its obligations. The Chair also mentors Board members and acts as a primary Board spokesperson in external LMCD communications.
- Vice Chair: The Vice Chair will assume the duties of the Chair in the Chair's absence or upon request including Board meetings. The Vice Chair may also be charged with special projects.
- Secretary: The Secretary reviews documents of the LMCD to ensure they are in general compliance with LMCD mission. The Secretary may also assist in reviewing the minutes prior to Board review. The Secretary is back up to the Treasurer and will sign checks and assume other duties as needed.
- Treasurer: The Treasurer reviews general financial record keeping for revenues and expenditures. The Treasurer signs the checks along with the Executive Director twice a month in order to ensure bills are paid within 30 days as required by GAAP account standards. Further, the Treasurer works in consult with the Executive Director on financial matters, including budget and investments.

ATTACHMENT- **RECOMMENDED NOMINATION PROCESS**

Nominating Committee

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

Nomination Procedures

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



STATE OF MINNESOTA
LAKE MINNETONKA CONSERVATION DISTRICT

RESOLUTION NO. 150

**A RESOLUTION APPROVING AND RATIFYING A
NOMINATING PROCESS FOR BOARD OFFICERS**

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

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

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


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


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

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

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

BY THE BOARD OF DIRECTORS


James Jay Green, Chairperson

Attest: 
Gregory J. Thomas, Secretary

RECOMMENDED NOMINATION PROCESS

Nominating Committee

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

Nomination Procedures

1. The Board Chair asks the Chair of the Nominations Committee to present the recommended slate of officers.
2. The Chair asks the Board if there are any other nominations for any of the positions.
 - a. The member making the nomination must state the name of the person being nominated and the position to which the person is being nominated.
 - b. Nominations do not require a second.
 - c. No member shall be nominated for more than one position.
 - d. A Board member may not nominate himself or herself.
 - e. A nominated member may reject the nomination by the person announcing he or she does not accept immediately after the nomination is made. A member who does not accept a nomination for a position remains eligible to be nominated for another position.
3. If there are no additional nominations, the Board Chair calls for a motion and a vote on the recommended slate of officers.
4. If there are any additional nominations made "from the floor", the positions for which there were additional nominations are pulled from the recommended slate and the Board Chair calls for a motion and a vote on the remainder of the recommended slate of officers (if any positions remain unchallenged).
5. The challenged officer positions must be voted on individually, which is conducted by the Board Chair identifying the officer position and announcing the name of the member recommended for the position by the Nominating Committee and the names of those nominated for the position from the floor. Each of the nominated members may be allowed up to three minutes to provide background on themselves and why they are interested in the position.
6. The Board Chair announces that voting will be conducted by a show of hands with each member voting only once for each officer position. The nominated members are eligible to

vote. The nominee with the most votes at the end of the voting wins the position. If the vote ends in a tie between the two highest vote getters, another vote shall be conducted between just those two members (any other nominees for the position are dropped from the voting) until a winner is selected.

7. The Board Chair then calls for a vote for the position by calling each of the names and then asking members to raise their hand if voting for that person for the position (“All those in favor of Bill Smith for Secretary raise your hands. [count votes] All those in favor of Cindy Jones for Secretary raise your hand. [count votes]” Etc.)
8. The person with the highest number of votes for the position is then announced as being selected for the position.
9. The Board Chair then moves onto to the next challenged position, announces the nominees, and proceeds with voting in the same manner until all of the positions are filled.



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 24, 2024 (Prepared January 11, 2024)

TO: LMCD Board of Directors

FROM: Jim Brimeyer, Interim Executive Director

SUBJECT: Consulting Agreement with HueLife

ACTION

Board approval of the consulting agreement with HueLife and adoption of the recommended timetable for implementation.

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

Approval

I make a motion to adopt the consulting agreement with HueLife and recommended timetable <with the following conditions/exceptions...>

Denial

I make a motion to deny the adoption of the consulting agreement and recommended timetable <based on the following conditions...>

BACKGROUND

Approximately one year ago the Board responded to an online survey prepared by Dr Fursman at HueLife. The results were shared with the Board, via zoom, in February.

The Board had two facilitated sessions in March and May.

The result was a revised Strategic Plan which specified “lanes” in which the Board will operate and make decisions.

One of the considerations of the process was to consider a one-year evaluation of how the process is working and to assess how the Board is working as a team.

Proposal and Timeline

Staff has received a proposal from HueLife for the Board to consider leading to a board session at the end of March, 2024.

One of the segments of this proposal is to begin the process for staff teambuilding. Each staff member has completed the Lumina Spark personality profile. The individual profiles have been shared by staff and several conversations have taken place. The Interim is participating and is serving as “coach” for the process.

The proposal and timeline is as follows:

| | | |
|-------------------------------|-------------------|---|
| Lumina Spark Assessment | 4 @ \$150.00 | Done |
| Coaching training for Interim | | Done |
| <hr/> | | |
| Total Staff Profiles | \$600.00 | |
| <hr/> | | |
| Board Assessment | | |
| Survey Development | \$250.00 | Jan 29 th |
| Completed by Board | | Feb 23rd |
| Survey Analysis and Report | \$250.00 | |
| Report to Board | | Mar 7 th |
| Board Review & Discussion | | Mar 13 th |
| Board Retreat facilitated | \$3,000.00 | Mar 27th 4:00 – 6:30 PM |
| <hr/> | | |
| Total to HueLife: | \$4,100.00 | |

EXPECTATIONS/OUTCOMES

- Learn how to navigate various interests that impact governance and Board work.
- Effective involvement and engagement by all Board members.
- Clear expectations for Board members.
- Clear direction for staff and LMCD Partners.
- All Board members feel valued and respected.
- Understand the Board’s role to influence the organizational culture.

STRATEGIC PRIORITIES

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

ATTACHMENT
HueLife Consulting Agreement



LMCD Board & Staff Development Proposal December 2023





Dear Mr. Brimeyer,

We appreciate the opportunity to provide additional support to your team and the Board at Lake Minnetonka Conservation District. As per our conversation, this proposal is for the follow up session with the Board to review previously established commitments, evaluate Board's performance in relationship to the established norms and re-affirm Board's purpose and practices to continue on the journey of becoming high performing board.

Additionally, we are happy to provide support for your staff. We will provide access to Lumina Learning program to you as an Executive Director; you will receive 1-1 coaching on Lumina instrument and materials to help you in the coaching capacity for your team.

HueLife specializes in working with organizations and communities to engage, collaborate, innovate and change for the greater good. Our process is intentional and structured around the different types of thinking honoring all participants as the group completes its journey.



We are looking forward to assisting you in creating a culture that will have valuable impacts on the people and community you serve!

**Thank
you for
being our
client and
trusting our
work.**

Dr. Irina Fursman
Irina Fursman
Trainer/Facilitator
HueLife, LLC

Cell:763-232-2338

Staff Development



Personality Preferences Assessment

Purpose: To increase awareness about individual psychological preferences, qualities and aspects of personalities on the staff team at Lake Minnetonka Conservation District.

Outcome:

- Gain a comprehensive understanding of the individual's strengths and preferences
- Develop a sense of self-awareness through Lumina Spark evaluator
- Learn how various personality preferences impact communication and teamwork

Participants: Interim Executive Director and Staff

Commitment:

- ✓ Complete an online survey – 15-20 min
- ✓ 2 hours 1-1 coaching for Executive Director

Exploring Team Dynamics

Purpose: To gain a shared understanding of the team's challenges and harness the insights and reflections about the needs for adjustments and further development.

Outcome:

- Build group awareness of similar and different perspectives, communication preferences, and work approach
- Understand how to navigate various team dynamics
- Gain tools and practical tips on how to improve personal performance

Participants: Interim Executive Director and Staff (maybe Board Chair?)

Commitment:

- ✓ 2-4 hour session with the consultant, engage in conversations and exercises to develop skill for managing differences and finding ways to work better as a team

Board Development



Board Self Assessment

Purpose: To evaluate the Board's performance over the last year and reflect on what has contributed to improvements, continues challenges, or ongoing frustrations.

Outcome:

- Develop a sense of clarity and understanding through reflection and self-assessment
- Review the results of the survey
- Grow awareness around the Board's performance challenges while enhancing clarity of the issues and building capabilities for improvements

Participants: Board Members

Commitment:

- ✓ Complete an online survey
- ✓ Debrief /reflection in the survey results (March 13th pre-Board meeting)

Board Development Workshop

Purpose: To strengthen the Board's commitment to implementing agreed upon principles for high performance and strategizing about how to address the ongoing challenges.

Outcome:

- Build group awareness of similar and different perspectives on what is good governance
- Understand Board's role and power to influence the organizational culture
- Learn how to navigate various interests that impact governance and Board work

Participants: Board Members, Staff, and Consultants

Commitment:

- ✓ 2.5 -3 hours Board Workshop (March 27th 4PM – 6:30PM)

Proposal Cost Overview

| Session Type | Fee |
|--|---------------------------|
| Lumina Spark Assessment <ul style="list-style-type: none">• Online Evaluation• 1-2 hour coaching | \$150/per person \$250 |
| Board Assessment: <ul style="list-style-type: none">• Survey Development (1-2 hours)• Survey Analysis & Report (1-2 hours) | \$250 \$250 |
| Group Sessions: <ul style="list-style-type: none">• 3 - 4 hours Staff Team Building Session (in person or virtual)• 2.5 - 3 hours Board development workshop (in person) | \$3,000*/ per session |

Session costs include:

- ▶ 1-2 skilled facilitators
- ▶ Accredited change management professionals
- ▶ Preparation and design
- ▶ Documentation
- ▶ Travel, set up and tear down time

Total Estimated Cost
\$4,350

*Staff Development Session is optional and not budgeted in this proposal cost



THANK YOU



ITEM 13B

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 24, 2024
TO: LMCD Board of Directors
CC: *James L. Brimeyer*
Water Patrol; Wayzata City Manager
FROM: Jim Brimeyer, Interim Executive Director
SUBJECT: Minnesota Powerboat Racing Championships

ACTION

Board consideration of a Special Permit to allow powerboat racing on Wayzata Bay on Lake Minnetonka. The following motions are offered depending on whether the Board wishes to approve or deny the request.

Approval

Motion to approve the request for a Special Permit to conduct Minnesota Powerboat Racing Championships on Lake Minnetonka in September, 2024
Subject to the following conditions:

Denial

Motion to deny the request for a Special Permit to conduct Minnesota Powerboat Racing Championships on Lake Minnetonka for the following reasons:

BACKGROUND

Several months ago, staff were approached by a representative of the Minnesota Powerboat Racing association to conduct an event on Wayzata Bay in the fall of 2024. Staff replied in the negative on the request and referred them to the water patrol. The staff and water patrol conferred and agreed on the denial of this request. The major concerns were safety and the restriction on other lake users' use of the lake.

The City of Wayzata has not given approval of the event and has some concerns as to what might happen on city land.

The applicant was advised that this decision could be appealed to the LMCD Board. He has requested to appear before the board at the January 4th meeting.

Attached is the section of the Code dealing with Special Permits and the appeal process to the Board.

At the meeting, the following items will be addressed:

- A PDF map of the Race Plan to share with the board.
- A mockup of the race site showing set-back buoys to keep spectators a safe distance from the racecourse. He will also show a system to keep access, via a slow zone, to the docks at the Minnetonka Boat Works and marina as well as the city docks at the Cove.
- Insurance coverage for spectators and property.
- Permission to exceed the 40-mph speed limit.
- Special exemption from violating the slow zone requirement.
- Noise restrictions per Minnesota regulations.
- The placement of buoys and temporary buoys on the lake for the event.
- Keeping access open as much as possible to private docks on Wayzata Harbor and Boatworks as well as community docks near the Cove.
- The timing of the event and the number of days it will cover.
-

STRATEGIC PRIORITIES

| | | | | | | | |
|--|---|--|------------------|--|-----------------|---|------------------------------|
| | Docks, Applications, Licenses, Surface Water Management | | Lake Use, Safety | | Lake Protection | X | Operational Effectiveness |
|--|---|--|------------------|--|-----------------|---|------------------------------|

ATTACHMENTS

- Special Event Code Sections

6-5.03. Special Event Permits.

A request for a special event permit shall be submitted and processed in accordance with this Section, unless the Board has acted by resolution to authorize the Sheriff to issue such permits. Upon such delegation, the Sheriff becomes the issuing authority and applicants must work directly with the Sheriff to request a special event permit. An application for a special event permit shall be submitted at least 30 days prior to the scheduled date of the special event. The issuing authority may waive this deadline in appropriate cases. If the issuing authority denies a request to waive or shorten the deadline, the applicant may appeal that decision to the Board as provided in subdivision 6 of this Section.

Subd. 1. Application. An application for a special event permit shall, in addition to the information required in Section 6-1.03, contain the following information:

- (a) A description of the special event;
- (b) The sponsor of the special event;
- (c) The dates, times, and location of the special event;
- (d) A description of any public services and facilities to be provided during the special event, such as event security, medical services, restrooms, and waste receptacles;
and
- (e) Such other information as the Executive Director or Sheriff determines is needed to determine potential impacts on the Lake and its users from the special event.

Subd. 2. Issuing Authority. If LMCD retains the authority to issue special event permits, the Executive Director is authorized to issue such permits administratively. If the Sheriff is the issuing authority, the Sheriff is authorized to issue such permit as provided in the authorizing resolution and upon consideration of the review criteria contained herein.

Subd. 3. Review Criteria. The Board recognizes that conducting special events on the Lake may require the operation of watercraft or other vehicles, or the placing of structures for limited times in a manner which would otherwise be prohibited by this Code, or which restricts the use of the Lake by the general public. In determining whether to issue a special event permit,

the issuing authority shall consider the following:

- (a)** Whether the special event will involve use of the Lake outside of the applicant's authorized dock use or mooring areas;
- (b)** Whether the special event will adversely affect the quality of the water of the Lake;
- (c)** Whether the special event will involve the violation of speed restrictions or rules of the road;
- (d)** Whether the special event will require the placing of temporary buoys or structures in the Lake;
- (e)** Whether the special event could be conducted on land or on waters other than the
- (f)** Whether the special event will cause a hazard to navigation or other safety hazard;
- (g)** Whether the special event will require supervision or control by the Sheriff's water patrol or other law enforcement officers;
- (h)** Whether the special event will create additional noise on the Lake;
- (i)** Whether the special event will restrict or limit the use or enjoyment of the Lake by the general public;
- (j)** Whether the special event is open to the general public as participants or as spectators;
- (k)** Whether the time or place of the event will cause it to have an undue adverse effect on boat density or intensity of Lake use;
- (l)** Whether the special event has the written permit approval of the Sheriff and any other appropriate law enforcement officials, any municipality which may be affected with respect to parking, zoning, law enforcement, or any other municipal concern;
- (m)** Whether appropriate insurance is provided;
- (n)** Whether the time or place of the event will have an undue adverse effect on any other scheduled events;
- (o)** Whether the event complies with conditions of policy guidelines adopted by resolution of the Board; and
- (p)** Whether the event will increase the risk of the introduction of exotic species to the

Lake or make control of exotic species on the Lake more difficult.

Subd. 4. Conditions. The issuing authority may place restrictions and conditions on the special event permits it issues and all such limitations shall be stated in writing on the permit. Acceptance of the permit and conducting the special event shall constitute acceptance of such restrictions and conditions, and agreement to comply with them without exception, limitation, or reservation. An applicant who does not agree to the restrictions and conditions placed on the special event permit shall so notify the issuing authority in writing and may appeal such limitations to the Board as provided in subdivision 6 of this Section.

Subd. 5. Limitations. The following limitations and prohibitions apply to special events authorized under this Section.

(a) Nothing in this Section is intended to permit the use of watercraft or other vehicles in violation of Section 8-2.01, subdivision 1 or at a speed or in any manner which is not reasonable and prudent under the conditions and with regard to the actual and potential hazards then existing.

(b) Motorboat races in violation of Section 8-2.03, subdivisions 1(a) or 1(b), or motor vehicles races, are not permitted.

Subd. 6. Appeal of Decision of Issuing Authority. An applicant may appeal the issuing authority's denial of a permit application, refusal to shorten or waive the application deadline, or one or more of the restrictions or conditions placed on a special event permit by submitting a written appeal to the LMCD within 10 days of the decision being appealed. The written appeal shall identify the decision being appealed, the basis for the appeal, and identify the requested relief. The Board shall consider the appeal at a regular meeting, hear from the applicant and the issuing authority, and may affirm, reverse, or modify the decision of the licensing authority.

8-2.03. Watercraft Speeds.

Subd. 1. Limits. No person shall operate a watercraft on the Lake at a speed greater than is reasonable and prudent under the conditions and with regard to the actual and potential hazards

then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, watercraft, or structure in or upon the Lake which is in compliance with legal requirements and the duty of all persons to use due care. No watercraft may be operated on the Lake at a speed in excess of the following limits:

- (a) Forty miles per hour during the daytime;
- (b) Twenty miles per hour during the nighttime;
- (c) Five miles per hour in the following areas:
 - (1) A quiet waters area established by this Chapter;
 - (2) Within 300 feet of the shoreline; and
 - (3) Within 150 feet of an authorized bathing area or swimmer, an authorized scuba diver's warning flag, an anchored raft or watercraft, or a dock or pier except that from which a watercraft with a person in tow is being operated;
and
 - (4) Areas posted with a five miles per hour limit.
- (d) Ten miles per hour for a watercraft for hire in excess of 70 feet in length.

Subd. 2. Posting Limits. The Sheriff and the Executive Director may provide for the erection of signs at appropriate locations on the Lake to inform operators of watercraft of the speed limitations established by this chapter.

Subd. 3. Prima Facie Rule. Operation of watercraft in excess of the speeds set forth in this Section is prima facie evidence that the watercraft is being operated in a careless, reckless, or grossly negligent manner in violation of Section 8-2.01, subdivision 1.

Subd. 4. Exceptions. The speed limit provisions of this Section, and the other speed limit and no wake provisions of this Code, do not apply to law enforcement officers or to fire or rescue personnel operating a government watercraft while engaged in the performance of their duties in responding to an emergency, provided the watercraft is operated with due regard for the safety of others on the Lake. The provisions of this Section do not apply to seaplanes during takeoff or

landing.

Lake Minnetonka Conservation District
Balance Sheet
As of December 31, 2023

01/18/24

Accrual Basis

| | Dec 31, 23 |
|--|-------------------|
| ASSETS | |
| Current Assets | |
| Checking/Savings | |
| Bridgewater Checking | 17,094.14 |
| Bridgewater Savings | 610,306.42 |
| 1010M10 · Petty Cash | 188.60 |
| 1090M10 · Alerus Bank - Savings | |
| 1090M10 · Alerus Bank - Savings - Other | 10.00 |
| Total 1090M10 · Alerus Bank - Savings | 10.00 |
| Total Checking/Savings | 627,599.16 |
| Total Current Assets | 627,599.16 |
| Fixed Assets | |
| 1640M90 · Fixed Assets | 155,233.00 |
| 1645M90 · Accumulated Depreciation | -95,427.00 |
| Total Fixed Assets | 59,806.00 |
| Other Assets | |
| 1650M90 · Leased Asset | 172,361.00 |
| 1655M90 · Accumulated Amortization-Lease | -22,969.00 |
| Total Other Assets | 149,392.00 |
| TOTAL ASSETS | 836,797.16 |
| LIABILITIES & EQUITY | |
| Liabilities | |
| Current Liabilities | |
| Accounts Payable | |
| 2090 · Accounts Payable | -5,887.90 |
| Total Accounts Payable | -5,887.90 |
| Credit Cards | |
| 1087M10 · US Bank (Credit Card) | 617.78 |
| Total Credit Cards | 617.78 |

11:06 AM

01/18/24

Accrual Basis

Lake Minnetonka Conservation District
Balance Sheet
As of December 31, 2023

| | <u>Dec 31, 23</u> |
|--|-------------------------------|
| Other Current Liabilities | |
| 2050M10 · Accrued Payroll - Gen | 5,068.00 |
| 2060M10 · Deferred Revenue - Gen MDL | 61,019.38 |
| 2062M10 · Deferred Revenue - Gen DM | 3,300.00 |
| 2150M90 · Accrued compensated absences | 14,439.00 |
| 2151M90 · Current portion of comp absens | 3,337.93 |
| 2916M90 · Lease Liability - Short Term | 25,290.00 |
| | <hr/> |
| Total Other Current Liabilities | 112,454.31 |
| Total Current Liabilities | 107,184.19 |
| Long Term Liabilities | |
| 2915M90 · Lease Liability - Long Term | 126,242.00 |
| | <hr/> |
| Total Long Term Liabilities | 126,242.00 |
| Total Liabilities | 233,426.19 |
| Equity | |
| Retained Earnings | 946,364.89 |
| 2910M10 · Fund Balance - Admin. | 48,727.51 |
| 2910M20 · Fund Balance - S/L | 226,468.17 |
| 2910M30 · Fund Balance - EWM | 40,088.85 |
| 2910M50 · Fund Balance - Equip Repl | 79,004.07 |
| 2910M90 · Fixed Assets - Conversion Fund | -585,738.00 |
| Net Income | -151,544.52 |
| | <hr/> |
| Total Equity | 603,370.97 |
| TOTAL LIABILITIES & EQUITY | <hr/> 836,797.16 <hr/> |

Lake Minnetonka Conservation District
General Income & Expense 2023 Budget Comparison

Item 14B

January through December 2023

| | Jan - Dec 23 | Budget | \$ Over Budget | % of Budget |
|---|--------------|------------|----------------|-------------|
| Ordinary Income/Expense | | | | |
| Income | | | | |
| Grants & Other Income | | | | |
| 3080M10 · Interest - Gen | 15,784.16 | 2,600.00 | 13,184.16 | 607.1% |
| 3260M10 · Court Fines - Admin. | 127,670.00 | 60,000.00 | 67,670.00 | 212.8% |
| 3300M10 · Other Income - Admin. | 14,583.15 | 6,190.00 | 8,393.15 | 235.6% |
| Total Grants & Other Income | 158,037.31 | 68,790.00 | 89,247.31 | 229.7% |
| Licenses/Permits | | | | |
| 3110M10 · Multiple/Perm. Dock Lic -Admin. | 82,447.01 | 85,200.00 | -2,752.99 | 96.8% |
| 3120M10 · DMA license - Admin. | 3,450.00 | 3,000.00 | 450.00 | 115.0% |
| 3130M10 · Deicing License - Admin. | 5,965.50 | 6,000.00 | -34.50 | 99.4% |
| 3170M10 · Variances - Admin. | 4,250.00 | 10,600.00 | -6,350.00 | 40.1% |
| 3200M10 · Special Density - Admin. | 360.00 | | | |
| 3240M10 · Charter Boats - Admin. | 2,400.00 | 3,200.00 | -800.00 | 75.0% |
| 3280M10 · Liquor/Beer/Wine License-Admin. | 17,850.00 | 19,000.00 | -1,150.00 | 93.9% |
| Total Licenses/Permits | 116,722.51 | 127,000.00 | -10,277.49 | 91.9% |
| 3020M10 · Municipal Dues - Admin. | 255,002.00 | 255,000.00 | 2.00 | 100.0% |
| 3400M10 · Transfers In - Admin. | 0.00 | 125,000.00 | -125,000.00 | 0.0% |
| Total Income | 529,761.82 | 575,790.00 | -46,028.18 | 92.0% |
| Gross Profit | 529,761.82 | 575,790.00 | -46,028.18 | 92.0% |
| Expense | | | | |
| AIS Administration | | | | |
| 4181M30 · Prof. Services | 19,324.00 | 33,000.00 | -13,676.00 | 58.6% |
| 4221M30 · Office Supplies -AIS Prevention | 0.00 | 2,000.00 | -2,000.00 | 0.0% |
| Total AIS Administration | 19,324.00 | 35,000.00 | -15,676.00 | 55.2% |
| General & Admin Expenses | | | | |
| 4060 · Telephone/Internet | 3,910.08 | 3,500.00 | 410.08 | 111.7% |
| 4070M10 · Webpage & Digital | 4,490.00 | 590.00 | 3,900.00 | 761.0% |
| 4090M30 · DMV | 43.50 | 50.00 | -6.50 | 87.0% |
| 4340M10 · Insurance - Admin. | 6,142.00 | 4,500.00 | 1,642.00 | 136.5% |
| 4340M30 · Insurance W/C | 0.00 | 1,400.00 | -1,400.00 | 0.0% |
| 4350M30 · Ins./Equip. | 0.00 | 400.00 | -400.00 | 0.0% |
| 4360M10 · Subs/Memberships - Admin. | 2,421.00 | 2,400.00 | 21.00 | 100.9% |
| Total General & Admin Expenses | 17,006.58 | 12,840.00 | 4,166.58 | 132.5% |
| Legal | | | | |
| 4110M10 · Public Info Legal Fees- Admin. | 2,474.92 | 1,750.00 | 724.92 | 141.4% |
| 4620M10 · Civil Legal Fees - Admin. | 36,975.71 | 31,325.00 | 5,650.71 | 118.0% |
| 4640M10 · Prosecution Legal Fees - Admin. | 49,783.19 | 30,000.00 | 19,783.19 | 165.9% |
| Total Legal | 89,233.82 | 63,075.00 | 26,158.82 | 141.5% |
| Office, Supplies, Equip | | | | |
| 4080 · Postage | 1,696.46 | 3,000.00 | -1,303.54 | 56.5% |
| 4100M10 · Printing - Admin. | 5,302.43 | 1,260.00 | 4,042.43 | 420.8% |
| 4140M10 · Office Equipment R&M - Admin. | 6,132.04 | 6,000.00 | 132.04 | 102.2% |
| 4220M10 · Office Supplies -Admin. | 3,079.60 | 1,700.00 | 1,379.60 | 181.2% |
| 4230M10 · Meeting Exp. - Admin. | 4,610.57 | 12,000.00 | -7,389.43 | 38.4% |
| 4320M10 · Office Rent - Admin. | 20,975.12 | 22,000.00 | -1,024.88 | 95.3% |
| 4400M10 · Mileage/Exp's - Admin. | 270.78 | 400.00 | -129.22 | 67.7% |
| 4410M10 · Training/Prof. Devel. | 0.00 | 500.00 | -500.00 | 0.0% |
| 4520M10 · Furniture & Equip - Admin. | 0.00 | 750.00 | -750.00 | 0.0% |
| 4530M10 · Comp. Sftwr & Hdwr - Admin. | 3,106.68 | 3,515.00 | -408.32 | 88.4% |
| 4531M30 · Software & Hardware/Training | 410.08 | 500.00 | -89.92 | 82.0% |
| 4550M10 · Document Scanning | 32,688.01 | 35,000.00 | -2,311.99 | 93.4% |
| Total Office, Supplies, Equip | 78,271.77 | 86,625.00 | -8,353.23 | 90.4% |
| Personnel Expenses | | | | |
| 4020M10 · Salaries-002 - Admin | 222,173.71 | 246,050.00 | -23,876.29 | 90.3% |
| 4021M10 · ER Share of Admin FICA/Medicare | 16,964.88 | 17,700.00 | -735.12 | 95.8% |
| 4022M10 · ER PERA - Admin | 15,682.54 | 17,500.00 | -1,817.46 | 89.6% |
| 4024 · Contract Labor | 56,160.00 | | | |
| 4380M10 · Employee Benefits - Admin. | 29,855.71 | 33,750.00 | -3,894.29 | 88.5% |
| Total Personnel Expenses | 340,836.84 | 315,000.00 | 25,836.84 | 108.2% |

Lake Minnetonka Conservation District
General Income & Expense 2023 Budget Comparison

01/18/24

Accrual Basis

January through December 2023

| | Jan - Dec 23 | Budget | \$ Over Budget | % of Budget |
|--|--------------|------------|----------------|-------------|
| Professional Services- ADM | | | | |
| 4040M10 · Auditing - Admin. | 14,156.00 | 11,500.00 | 2,656.00 | 123.1% |
| 4180M10 · Professional Services - Admin. | 11,979.48 | 6,000.00 | 5,979.48 | 199.7% |
| 4181M10 · Professional Comp. Serv.-Admin. | 7,544.99 | 2,500.00 | 5,044.99 | 301.8% |
| 4182M10 · Media (Cable/Internet) - Admin. | 6,107.50 | 3,500.00 | 2,607.50 | 174.5% |
| 4183M10 · Prof/ Serv. - Communications | 30,932.20 | 30,000.00 | 932.20 | 103.1% |
| Total Professional Services- ADM | 70,720.17 | 53,500.00 | 17,220.17 | 132.2% |
| Public Education & Safety | | | | |
| 4111M10 · Public Service Education-Admin | 2,573.94 | 2,500.00 | 73.94 | 103.0% |
| 4160M10 · Watercraft/Vehicle Maint | 1,096.40 | 750.00 | 346.40 | 146.2% |
| 4535M10 · Public Safety - SolarLights | 2,469.00 | 5,000.00 | -2,531.00 | 49.4% |
| Total Public Education & Safety | 6,139.34 | 8,250.00 | -2,110.66 | 74.4% |
| 4980M10 · Contingency - Admin. | 104.06 | | | |
| Total Expense | 621,636.58 | 574,290.00 | 47,346.58 | 108.2% |
| Net Ordinary Income | -91,874.76 | 1,500.00 | -93,374.76 | -6,125.0% |
| Net Income | -91,874.76 | 1,500.00 | -93,374.76 | -6,125.0% |

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

Item 14B

| | Jan - Dec 23 | Budget | \$ Over Budget | % of Budget |
|---|-------------------|-------------|-------------------|---------------|
| Ordinary Income/Expense | | | | |
| Income | | | | |
| Contributions | | | | |
| 3001M20 · Donations (General) - S/L | 29,555.06 | 43,050.00 | -13,494.94 | 68.7% |
| 3002M20 · Donations (Photograph) - S/L | 50.00 | | | |
| 3004M20 · Donations (Solar Light) - S/L | 410.57 | | | |
| 3012M20 · Donations Carp Removal West Arm | 50.00 | | | |
| Total Contributions | 30,065.63 | 43,050.00 | -12,984.37 | 69.8% |
| Grants & Other Income | | | | |
| 3300M20 · Other Income - S/L | 0.00 | 750.00 | -750.00 | 0.0% |
| Total Grants & Other Income | 0.00 | 750.00 | -750.00 | 0.0% |
| 3400M20 · Transfers In - S/L | 0.00 | 42,000.00 | -42,000.00 | 0.0% |
| Total Income | 30,065.63 | 85,800.00 | -55,734.37 | 35.0% |
| Gross Profit | 30,065.63 | 85,800.00 | -55,734.37 | 35.0% |
| Expense | | | | |
| Office, Supplies, Equip STL | | | | |
| 4080M20 · Postage - S/L | 0.00 | 800.00 | -800.00 | 0.0% |
| 4100M20 · Printing - S/L | 0.00 | 1,000.00 | -1,000.00 | 0.0% |
| Total Office, Supplies, Equip STL | 0.00 | 1,800.00 | -1,800.00 | 0.0% |
| Projects & Activities- STL | | | | |
| 4110M20 · Environmental- S/L | 464.20 | | | |
| Total Projects & Activities- STL | 464.20 | | | |
| Public Education & Safety | | | | |
| 4160M20 · Public Health/Safety- SL | 2,025.00 | 84,000.00 | -81,975.00 | 2.4% |
| 4535M10 · Public Safety - SolarLights | 87,000.00 | | | |
| Total Public Education & Safety | 89,025.00 | 84,000.00 | 5,025.00 | 106.0% |
| 4980M20 · Contingency - S/L | 37.00 | | | |
| Total Expense | 89,526.20 | 85,800.00 | 3,726.20 | 104.3% |
| Net Ordinary Income | -59,460.57 | 0.00 | -59,460.57 | 100.0% |
| Net Income | -59,460.57 | 0.00 | -59,460.57 | 100.0% |



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: January 24, 2024 (Prepared January 18, 2024)
TO: LMCD Board of Directors
FROM: Nominating Committee: Deborah Zorn and Jake Walesch
SUBJECT: Nomination and Election of 2024 LMCD Board Officers

ACTION

Board consideration of the Nominating Committee’s recommendations and election of 2024 Board Officers. The following motions are offered depending on whether the Board wishes to approve or deny the request.

Approval:

I make a motion to appoint as Ann Hoelscher as Chair, [Directors Name] as Vice Chair, Michael Kirkwood as Secretary, and Nicole Stone as Treasurer for 2024.

Denial:

I make a motion to deny the appointment of the 2024 Officers for the following reasons...

BACKGROUND

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

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

In the attached is an update regarding the Nominating Committee process and recommendations for the slate of Officers for the LMCD Board for 2024.

STRATEGIC PRIORITIES

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

LMCD Board Meeting
Nomination and Election of Board Officers
January 24 2024

ATTACHMENTS

- Nominating Committee Recommendations
- Nominating Committee Process
- Resolution 150 – Nominating Committee