



LAKE MINNETONKA CONSERVATION DISTRICT

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

AGENDA
LAKE MINNETONKA CONSERVATION DISTRICT
Wednesday, April 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) **ROLL CALL**
- 4) **APPROVAL OF AGENDA**
- 5) **CHAIR ANNOUNCEMENTS**
 - A) Letter Supporting Minnetrista
- 6) **APPROVAL OF MINUTES (04/10/2024 LMCD Regular Board Meeting)**

7) APPROVAL OF CONSENT AGENDA

- A) Audit of Vouchers (04/16/2024 – 04/30/2024)
- B) Resolution #264 Accepting Save the Lake Contributions (04/06/2024 – 04/12/2024)

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

9) PRESENTATIONS

10) PUBLIC HEARING

- A) Variance for 2217 Huntington Pt Rd E

11) OTHER BUSINESS

- A) Caribbean Marina

12) OLD BUSINESS

13) NEW BUSINESS

- A) Audit Report
- B) Review of 2025 Preliminary Budget
- C) Review of LMCD Postcard

14) TREASURER REPORT

- A) April Balance Sheet
- B) April General and STL I & E Reports

15) EXECUTIVE DIRECTOR UPDATE/Reports

- A) Board Meeting Schedule for the Month of May
- B) Rental WFH Workgroup Meeting

16) ADJOURNMENT



LAKE MINNETONKA CONSERVATION DISTRICT

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Lake Minnetonka Conservation District
5341 Maywood Rd, Suite 200
Mound, MN 55364
lmcd@lmcd.org
952-745-0789
4/24/2024

Congressional Directed Funding Group

Dear Representatives,

I am writing to urge your support for the City of Minnetrista's planned water infrastructure enhancements, which are essential to our community's future sustainability and growth. The proposed development encompasses the construction of two new municipal wells, a 2,100 GPM water treatment plant, and the necessary infrastructure to seamlessly integrate these systems with our existing water supply network.

This initiative is critically timed to address the current inadequacies in our water system and to prepare for the growing demands of our population. The new municipal wells are strategically planned to tap into aquifers that, while abundant, currently exceed acceptable drinking water standards for iron and manganese. This necessitates the accompanying introduction of a state-of-the-art water treatment plant designed to not only reduce these elements to safe levels but also to enhance the overall quality and safety of our drinking water.

Moreover, the infrastructure project includes connecting the new systems to Minnetrista's existing water infrastructure, ensuring efficient operation and distribution throughout the city. This integration is crucial for maintaining consistent water pressure and supply across all sectors of our community, from residential to commercial.

The total estimated cost for these projects is \$21 million, an investment that signifies a commitment to public health, environmental stewardship, and economic development. Funding through the congressionally directed funding application is not just an investment in infrastructure but an investment in the long-term viability of our community.

By supporting these crucial projects, you will help us address significant public health concerns, enhance our environmental protection efforts, and bolster economic stability in our region. The improved infrastructure will not only meet current needs but also provide the foundation for future growth and resilience.

I respectfully request that your office gives full consideration to this funding application, recognizing the profound impact it will have on the well-being and prosperity of Minnetrista's

residents and businesses. Your support can transform our city's future and set a standard for community-led infrastructure development.

Thank you for your attention to this vital issue. I look forward to your favorable response and am available to discuss this further should you require any additional information.

Yours sincerely,

Ann Hoelscher
Chair

DRAFT

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**
7:00 P.M., April 10, 2024
Wayzata City Hall

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. NEW BOARD MEMBER OATH OF OFFICE

The Oath of Office was administered to Jim Van Bergen of Deephaven.

Van Bergren introduced himself.

4. ROLL CALL

Members present: Ann Hoelscher, Victoria; Deborah Zorn, Shorewood; Nicole Stone, Minnetonka; Rich Anderson, Orono; Mike Kirkwood, Minnetrista; Brian Malo, Greenwood; Matthew Thompson, Wayzata; Ben Brandt, Mound; Gabriel Jabbour, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; and Jim Van Bergen, Deephaven. Also present: Joe Langel, LMCD Legal Counsel; Thomas Tully, Manager of Code Enforcement; Maisyn Reardan, Office, and Finance Manager; Raina Gabler, Executive Assistant Code Enforcement and Operations; and Interim Executive Director Jim Brimeyer.

Members absent: Ryan Nellis, Tonka Bay.

Persons in Audience: Sgt. Rick Waldon, Sgt. Troy Kostohryz.

5. APPROVAL OF AGENDA

MOTION: Kroll moved; Zorn seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

6. CHAIR ANNOUNCEMENTS

There were no Chair announcements.

7. APPROVAL OF MINUTES- 03/27/2024 LMCD Regular Board Meeting

MOTION: Stone moved, Klohs seconded to approve the 03/27/2024 LMCD Regular Board Meeting minutes as submitted.

VOTE: Ayes (10), Abstained (3), (Hoelscher, Zorn, VanBergen). Motion carried.

8. APPROVAL OF CONSENT AGENDA

MOTION: Zorn moved; Stone seconded to approve the consent agenda as presented. Items approved included: **7A)** Audit of Vouchers (04/01/2024 – 04/15/2024); **7B)** Resolution #263 Accepting Save the Lake Contributions (03/22/2024 – 04/10/2024).

VOTE: Motion carried unanimously.

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

Gabriel Jabbour, 985 Tonkawood Road, commented that he is speaking as a citizen to express his gratitude and thanks to Sgt. Rick Waldon as this is perhaps the last week, he will be with the Hennepin County Sheriff's Office Water Patrol Unit. He shared some stories and thanked him for his service to the Lake Minnetonka community.

Hoelscher also thanked Waldon for his service to the lake community.

10. PRESENTATIONS

There were no presentations.

11. PUBLIC HEARING

There were no public hearings.

12. OTHER BUSINESS

There was no other business.

13. OLD BUSINESS

There was no old business.

14. NEW BUSINESS

A) Water Patrol Request for Funds

Tully presented the annual funding request from Water Patrol. He stated that over the past few years the LMCD has requested additional coverage on Lake Minnetonka during the boating season, raising additional funds through Save the Lake to fund the expense. He presented the funding request which would provide two dedicated Water Patrol Officers on the lake.

MOTION: Jabbour moved, Anderson seconded to approve the funding request for the Water Patrol in the amount of \$90,000.

Further discussion: Kirkwood asked about the status of fundraising and what would happen if the full amount required were not to be raised.

Stone commented that there are available funds in the Save the Lake fund for this use.

Newell asked if there was a carryover reserve balance for Save the Lake as well.

Stone provided the full balance for Save the Lake.

Brimeyer commented that going forward staff will add those Save the Lake balances on the balance sheet.

VOTE: Motion carried unanimously.

B) 2024 Summer Safety Brochure

Hoelscher stated that the brochure was provided to the Board, and she has received some great feedback, including a suggestion to include information on the new buoys.

Brandt provided another suggestion related to the QR code.

Jabbour thanked Water Patrol and 3M along with the others that assisted with the new buoys.

Thompson suggested an additional change to automatic shutoff devices, noting that applies to all watercrafts.

Hoelscher noted that there will be a meeting with Goff later this week and those suggestions will be provided for incorporation.

Jabbour noted that when in doubt there could simply be a reference to the law as that would provide the most up to date information.

Hoelscher stated that the Save the Lake mailing was sent out and the Board will discuss Save the Lake at a future workshop.

15. TREASURER REPORT

Stone stated that the budget group met last week and will meet again the next week in order to provide an update to the Board at its next meeting. She stated that they are working on the draft 2025 budget.

16. EXECUTIVE DIRECTOR UPDATE

Brimeyer stated that the rental watercraft letter was mailed one week ago Monday, and the Sheriff will send a letter to follow up. He stated that there has been discussion of updating the LMCD signs at launches and

noted that the County is also considering updating its launch signs. He noted that the County will not be updating its signs until next boating season, therefore staff is researching whether to do a minimal update this year and then coordinate with the County for a more comprehensive replacement next season.

Newell referenced signs used by another county that could be used as a model and noted that county also provides some basic tools for boaters to use.

Brimeyer commented that would be a decision of the County.

Jabbour noted that two of the most heavily used launches are owned by the DNR.

Brimeyer noted that because this was a light agenda, it was suggested that staff and the Board go through the website to answer any questions and assist with navigation issues that may be occurring.

Staff assisted with navigational issues some of the Board members were experiencing.

Jabbour commented on perhaps making important information more front and center where it would be easier to find.

Kirkwood commented on past information, that while may need to be retained, would not seem to be relevant for the website and could be stored in another area.

Reardan commented that Staff is working to create a document library.

Hoelscher stated that perhaps some members from the Board would like to assist staff with the website update. She stated that if the search function were working properly that would seem to solve many of the issues.

Zorn provided additional context to an issue she discovered with archives.

Jabbour commented that they should find a city website that they like and reach out to find out which company they used to design their website. He stated that the LMCD is a government agency, and its website should not be created in the same method that a company selling something would be designed.

Brimeyer agreed that he could reach out to city managers around the lake to gather information.

Hoelscher stated that the website was majorly updated about five years ago and perhaps a starting point would be to start with that vendor that was used.

Jabbour complimented Kirkwood, who did a great job in the absence of Hoelscher. He stated that the LMCD has come a long way in the last year but cautioned the group not to fall back into old habits. He stated that opinions of the Board should not be decided prior to the public hearing being completed. He also urged legal counsel to stop comments when they reach a point they should not, in order to protect the organization. He

stressed the importance of following the process. He recognized that this is a group of 14 people with 14 opinions, but there is only one book of ordinances and therefore opinions are irrelevant as the ruling should be made according to the related ordinance. He stated that the League of Minnesota Cities provides free training sessions that interested members should participate in.

Anderson suggested that if a Board member knows someone that contributed to Save the Lake, they reach out to express thanks. He noted that a personal thank you goes a long way.

Hoelscher stated that a thank you letter is also mailed out, signed by herself and Brimeyer. She stated that she does also include a personal note if she knows the person and agreed that would be great if others wanted to do the same.

17. ADJOURNMENT

MOTION: Jabbour moved, Newell seconded to adjourn the meeting at 7:53 p.m.

VOTE: Motion carried unanimously.

Ann Hoelscher, Chair

Michael Kirkwood, Secretary

Lake Minnetonka Conservation District
Check Detail
 April 16 - 30, 2024

2:07 PM
 04/22/24

Date	Num	Name	Memo	Account	Paid Amount	Class
04/30/2024	EFT-24-51	ADP		Bridgewater Checking		
			Salaries - Admin	4020M10 - Salaries-002 - Admin	-8,307.66	Admin.
			PERA - 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 4/7/24 - 4/20 /24	4024 - Contract Labor	-2,560.00	Admin.
TOTAL					-10,955.48	
04/25/2024	EFT-24-52	P.E.R.A	9236-00	Bridgewater Checking		
			Payroll 4/16/24 - 4/30/24	2020 - Payroll Liabilities -	-1,161.96	Admin.
TOTAL					-1,161.96	
04/25/2024	EFT-24-53	ADP Service Fee		Bridgewater Checking		
			Payroll 4/16/24 - 4/30/24	4180M10 - Professional Services - Admin.	-94.10	Admin.
TOTAL					-94.10	
04/25/2024	EFT-24-54	WEX Health, Inc. Service Fee		Bridgewater Checking		
			HSA Service Fee March 2024	4380M10 - Employee Benefits - Admin.	-8.25	Admin.
TOTAL					-8.25	
04/25/2024	EFT-24-55	Health Partners	16962	Bridgewater Checking		
			Dental Insurance May 2024 (Reardan)	4380M10 - Employee Benefits - Admin.	-63.83	Admin.
			Dental Insurance May 2024 (Schleuning)	4380M10 - Employee Benefits - Admin.	-63.83	Admin.
			Dental Insurance May 2024 (Tully)	4380M10 - Employee Benefits - Admin.	-63.83	Admin.
TOTAL					-191.49	
04/22/2024	EFT-24-56	US Bank	47985312....9706	Bridgewater Checking		
			Credit Card Charges March 2024	1087M10 - US Bank (Credit Card)	-2,310.39	Admin.
TOTAL					-2,310.39	
04/25/2024	23138	Abdo LLP	44790	Bridgewater Checking		
04/25/2024	487334		03/14/2024 Audit Services for 2023 Fiscal Year	4040M10 - Auditing - Admin.	-10,000.00	Admin.
TOTAL					-10,000.00	
04/25/2024	23139	City of Mound		Bridgewater Checking		
04/25/2024			Rent, May 2024	4320M10 - Office Rent - Admin.	-1,820.16	Admin.
TOTAL					-1,820.16	
04/25/2024	23140	Giant Voices, Inc.		Bridgewater Checking		
04/25/2024	2995		Website Updates and WordPress Training	4183M10 - Prof/ Serv. - Communications	-1,755.00	Admin.
TOTAL					-1,755.00	
04/25/2024	23141	Goff Public		Bridgewater Checking		
04/25/2024			Internal meetings, draft timeline development for safety brochure, newsletter email and postcard...	4183M10 - Prof/ Serv. - Communications	-4,125.00	Admin.
TOTAL					-4,125.00	

Lake Minnetonka Conservation District
Check Detail
 April 16 - 30, 2024

Date	Num	Name	Memo	Account	Paid Amount	Class
04/25/2024	23142	LMCC		Bridgewater Checking		
04/25/2024	1590		4/10/24 Board Meeting VOD Services	4182M10 - Media (Cable/Internet) - Admin.	-200.00	Admin.
TOTAL					-200.00	
04/25/2024	23143	NCPERS Group Life Insurance		Bridgewater Checking		
04/25/2024	923600052024		Life Insurance May 2024 (Reardan) Life Insurance May 2024 (Tully)	4380M10 - Employee Benefits - Admin. 4380M10 - Employee Benefits - Admin.	-16.00 -16.00	Admin. Admin.
TOTAL					-32.00	
04/25/2024	23144	Premier Materials Technology, Inc.		Bridgewater Checking		
04/25/2024	49060		Solar Lights (10 Green; 10 Red) & Light Freight Shipping	4160M20 - Public Health/Safety- SL	-4,500.00	STL
TOTAL					-4,500.00	
04/25/2024	23145	TimeSaver Off Site Secretarial, Inc.	VOID:	Bridgewater Checking		
TOTAL					0.00	
04/25/2024	23146	TimeSaver Off Site Secretarial, Inc.		Bridgewater Checking		
04/25/2024	29107		4/10/24 Board Meeting Minutes	4230M10 - Meeting Exp. - Admin.	-167.00	Admin.
TOTAL					-167.00	
04/25/2024	23147	Minnesota Trophies & Gifts		Bridgewater Checking		
04/25/2024	36499		Nameplate for Jim Van Bergen	4230M10 - Meeting Exp. - Admin.	-27.13	Admin.
TOTAL					-27.13	



RESOLUTION 264

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 #264

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

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

ATTEST:

Ann Hoelscher, Chair

Michael Kirkwood, Secretary

DRAFT

Lake Minnetonka Conservation District Transaction Detail By Account

April 6, 2024 through April 12, 2025

Resolution 264 Accepting STL Contributions

Date	Num	Name	Memo	Class	Split	Amount
Contributions						
3001M20 - Donations (General) - S/L						
04/08/2024	8486	Shawn O' Grady	STL Donation General	STL	Bridgewater Checking	100.00
04/08/2024	9746	Gerhard & Teri Lano	STL Donation General	STL	Bridgewater Checking	50.00
04/08/2024	14737	Donald Beeler	STL Donation General	STL	Bridgewater Checking	250.00
04/08/2024	13218	Kelly Flaherty	STL Donation General	STL	Bridgewater Checking	100.00
04/08/2024	9711	Mark Zurcher	STL Donation General	STL	Bridgewater Checking	500.00
04/08/2024	711	John Woerner	STL Donation General	STL	Bridgewater Checking	250.00
04/08/2024	12252	Anonymous	STL Donation General	STL	Bridgewater Checking	100.00
04/08/2024	10615	John & Jean Drawz	STL Donation General	STL	Bridgewater Checking	100.00
04/08/2024	14381242	Laurie Ann Gauer	STL Donation General	STL	Bridgewater Checking	50.00
04/08/2024	10417	Bruce Paddock	STL Donation General	STL	Bridgewater Checking	250.00
04/08/2024	64454	Maynard's	STL Donation General	STL	Bridgewater Checking	2,500.00
04/09/2024	PayPal	Bruce Martinson	STL Donation General (50.00)	STL	Bridgewater Checking	48.06
04/09/2024	PayPal	Micheal Johander	STL Donation General (1000.00)	STL	Bridgewater Checking	970.61
04/11/2024	16619	Bonnie & Ed Engler	STL Donation General	STL	Bridgewater Checking	150.00
04/11/2024	8958	James Bowden	STL Donation General	STL	Bridgewater Checking	25.00
04/11/2024	274720	Gary & Susan Rappaport	STL Donation General	STL	Bridgewater Checking	500.00
04/11/2024	282689	Susie & Hal Goldstein	STL Donation General	STL	Bridgewater Checking	250.00
04/11/2024	12564	William & Beth Dworsky	STL Donation General	STL	Bridgewater Checking	250.00
04/11/2024	14499	Lynn & Carol Truesdell	STL Donation General	STL	Bridgewater Checking	500.00
04/11/2024	3823	Kevin & Kari Kantola	STL Donation General	STL	Bridgewater Checking	100.00
04/11/2024	11985	Anonymous	STL Donation General	STL	Bridgewater Checking	50.00
04/11/2024	7441	Anonymous	STL Donation General	STL	Bridgewater Checking	50.00
04/12/2024	5031	Denny Newell	STL Donation General	STL	Bridgewater Checking	500.00
04/12/2024	2791	Edward Malone	STL Donation General	STL	Bridgewater Checking	100.00
TOTAL						7,743.67



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: April 24, 2024 (Prepared April 10, 2024)

TO: LMCD Board of Directors

FROM: Thomas Tully, Manager of Code Enforcement

CC: Jim Brimeyer, Interim Executive Director

SUBJECT: Variance for Adjusted Dock Use Area and Length, 2217 Huntington Point Road East, Minnetonka Beach, MN 55391

ACTION

Board consideration of a variance for an adjusted dock use area and length allowance for 2217 Huntington Point Road East on North Lower Lake in the City of Minnetonka Beach (PID 15-117-23-33-0001) 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 Steven Schussler for the property located at 2217 Huntington Point Road East in Minnetonka Beach for final approval at the May 8, 2024, 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 Steven Schussler for the property located at 2217 Huntington Point Road East in Minnetonka Beach for a final vote at the May 8, 2024, LMCD Board meeting based on...

APPLICATION SUMMARY

The applicant, Steven Schussler ("Applicant") has submitted a variance application to adjust the dock use area ("DUA"), side setbacks and allowed length of the dock structure for 2217 Huntington Point Road East; ("Site"). The Applicant's parcel has approximately 110 feet of 929.4 feet OHW shoreline. The variance application was submitted in an effort to resolve the issue of water depth, and conflicting dock use areas located at the site.

Site Background

The applicant has submitted an application for a variance to adjust the dock length, side setbacks and allowed length for 2217 Huntington Point Road East in Minnetonka Beach; ("Site"). A variance from 2007 is currently associated with this property allowing the dock structure to measure 94 ft in length from the shoreline elevation at 929.4 ft NGVD on the northern side of the

dock structure and approximately 104 feet from the southern end of the dock structure. The previous variance allowed for the storage of 4 watercraft to comply with setback requirements from the northerly property line. However, a 5 foot setback was imposed after 50 feet along the southern extended side site line facing a City of Minnetonka Beach public dock. The City of Minnetonka Beach dock currently extends 158 feet into the lake and houses 4 BSUs.

The applicant is proposing to increase the length of dock structure due to water depth issues. The applicant has provided a new site plan which depicts the 4 foot water depth lines to not be reached until approximately 120 feet on the northern side and approximately 160 feet on the southern side before receding again. The applicant proposes to install a dock structure that would extend out into the lake approximately 130 feet on the northern side and 180 feet on the southern side. The applicant is proposing a zero-foot setback on the northern most edge of the dock structure side and a six-foot setback along the entirety of the southern side of the dock structure. Additionally, there was previously a BSU and a platform measuring 8 feet in width and 16 feet in length located along the northern side of the dock structure, this BSU and platform would be relocated to the shore in the form of a BSU and would meet standard LMCD Setbacks

In 2023 after a site inspection by LMCD Staff, the dock structure located at 2217 Huntington Point Road East was found to be out of compliance with the previously allowed structure for the Site. The property owner was notified of this.

The Applicant's parcel has approximately 110 feet of 929.4 feet OHW shoreline. The applicant proposes to install a dock structure with four (4) Boat Storage Units (BSUs). The first BSU measures 18 feet wide by 40 feet in length and is located at the end of the dock structure. Behind the large BSU are two (2) smaller BSUs measuring 12 feet in length and 8 feet in width meant for personal watercrafts. Lastly the fourth BSU would be located along shore and measure 16 feet in length and 8 feet in width.

It should be noted that the original approved dock structure had a bend in it which allowed for a greater navigable area for the dock structure to the south. This proposed site plan has a setback of 6 feet along the entirety of the dock structure. However, after review this setback would need to be slightly altered to allow for a greater navigable area for the inside northern BSU associated with the City dock. This could be achieved by implementing a bend in the dock similar to the previous variance at approximately 105 feet. This would allow for the proposed BSUs to not be impacted as well as giving the BSUs on dock 10 appropriate navigation room.

Water depths were submitted via survey by the Applicant for LMCD Staff review. The applicant is requesting this variance due to issues with water depth and conflicting DUAs. The previous variance which allowed for a dock structure to extend 104 from the 929.4 OWHL the water depth for the site is under "normal conditions" would be approximately 3.5 feet.. This length variance would allow the Applicant to reach navigable waters, which the state deems to be 4 feet.

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 Minnetonka Beach, and the general public were provided information regarding the application on April 9, 2024. City and agency comments were due by April 20, 2024. Comments received as of April 17, 2024, are summarized below. Any comments received after April 17, 2024, will be provided at the Board meeting for review.

- The City of Minnetonka Beach voiced their concern about the navigation of the northern BSU on the inside of the dock structure. Through talking with both the City and Applicant LMCD Staff noted the need for a bend in the dock structure to allow for a watercraft to navigate

As of April 17, comments received by LMCD staff from the general public are summarized below:

- The LMCD Office received one comment from property Owners to the north voicing concern over the proposed 0 foot setback on the northern most corner 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, March 28, 2024, edition of the Sun Sailor (official newspaper) and the March 30, 2024, edition of the Laker Pioneer. On April 9, 2024, a

public hearing notice was mailed to persons who reside upon or are owners of property within 350 feet of the Site. In addition, the Board packet was posted online and the agenda was posted on the LMCD bulletin board.

RECOMMENDATION _____

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

1. Be in strict compliance with the Site Plan as approved by the LMCD Board.
2. Provide an updated as built site plan with final configuration and measurements as approved by the Board, this includes all watercraft for the site and their respective BSUs.
3. Ensure all watercrafts are contained within the 4 BSU's located at the site.
4. For the northern side setbacks, maintain a minimum 15 to 0 foot setback from the start to end of the large BSU and dock structure located at the site as indicated on the site plan.
5. For the southern side setbacks, maintain a minimum 50 foot to 10 foot setback until the dock structure angles to run parallel to the fire lane to the south. At which point maintain a minimum 6 foot setback for the remainder of the structure located at the site.
6. The length of the dock structure and storage should be no longer than the proposed 130 feet on the northern side and 180 feet on the southern side from the 929.4 feet OHW since water levels would be sufficient during normal OHW.
7. Allow up to four (4) BSUs for the Site, two of which being only for the use of PWCs located behind the large BSU.
8. Apply standard variance conditions reflecting environmental, nuisances, maintenance, etc.
9. Any electricity associated with the dock structure must be in compliance with both MN State and US Federal Regulations (46 U.S. Code § 4312 - Engine cut-off switches)

BUDGET _____

N/A

STRATEGIC PRIORITIES _____

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

1. LMCD Code Excerpts
2. Aerial Imagery of Site
3. Current Site Plan (Variance 2007)
4. Proposed Site Plan

5. Basic Site Overlay
6. Variance Application & Submitted Documents
7. City of Lake Minnetonka Beach Comment
8. Public Hearing Notice (Sun Sailor and Laker Pioneer)
9. Public Hearing Notice Mailing



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

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

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

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

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

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

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

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

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

- (b) Setbacks Doubled. Setbacks shall be doubled for all multiple docks or mooring areas and commercial single docks on each side where such structures are not located adjacent to another multiple dock, mooring area, or commercial single docks.
 - (1) Exception – May 3, 1978. Multiple docks, mooring areas, and commercial single docks in existence on May 3, 1978 shall be considered nonconforming structures and shall not be subject to setback doubling if such structures are not expanded. The reconfiguration of the structure pursuant to Article 2, Chapter 8 shall not be considered an expansion.
- (c) Sites with 50 feet of Width or Less – February 2, 1970. For a site in existence on February 2, 1970 with a width of 50 feet or less, the authorized dock use are may be expanded to a side setback limitation of five feet, provided that such setback in no way impair access to neighboring docks.
- (d) Canopies. Canopies must be setback from side site lines a minimum distance of 20 feet.

Section 6-5.01. Variances.

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

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

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

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

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

Variance Application for Adjusted Dock Length and Side Setbacks

Property: 2217 Huntington Point Road East, Minnetonka Beach 55391 (Applicant: Steven Schussler)

For illustrative purposes only. Source: Hennepin County Interactive Property Map, 03/25/2024



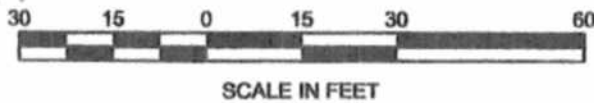
Variance Application for Adjusted Dock Length and Side Setbacks

Property: 2217 Huntington Point Road East, Minnetonka Beach 55391 (Applicant: Steven Schussler)

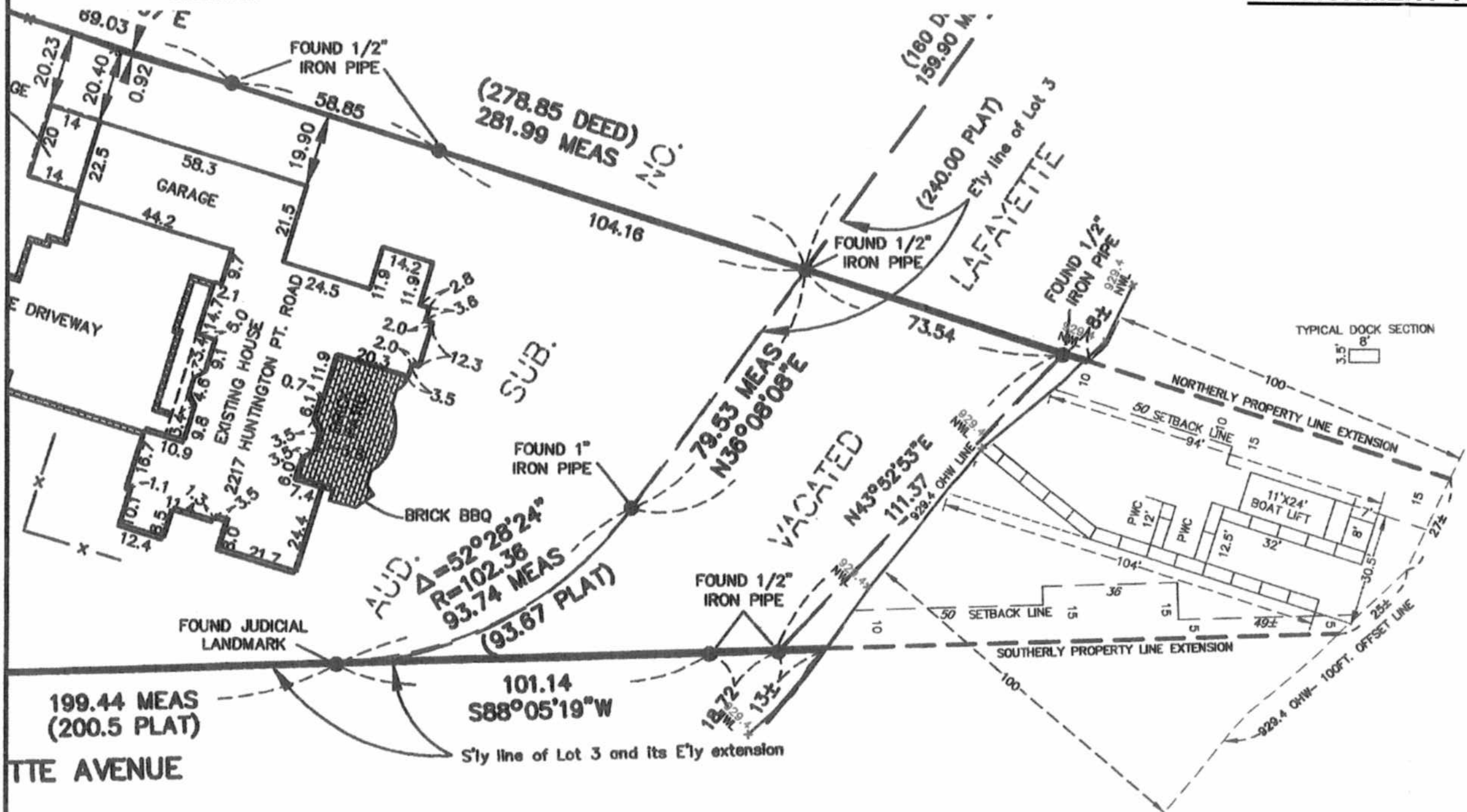
For illustrative purposes only. Source: Hennepin County Interactive Property Map, 03/25/2024



**North Lower Lake
(West Half)**



ATTACHMENT TWO



REVISIONS
BOOK CONFIG. 02/05/07 DBP

SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (652) 476-6000

DOCK VARIANCE AREA EXHIBIT
 PREPARED FOR
William Hite
 Site Address:
 2217 Huntington Point Rd.
 Wayzata, Minnesota, 55391

DRAW/CHECK DBP
DATE 14-17-07
BOOK / PAGE — / —
JOB NO. 35985-001
DWG. NAME DOCK VAR. AREA

THE NORMAL HIGHWATER LINE OF 929.4 WAS LOCATED ON APRIL 16, 2007. ALL OTHER INFORMATION SHOWN ON THIS SURVEY WAS GATHERED ON NOVEMBER 14TH, 1997.

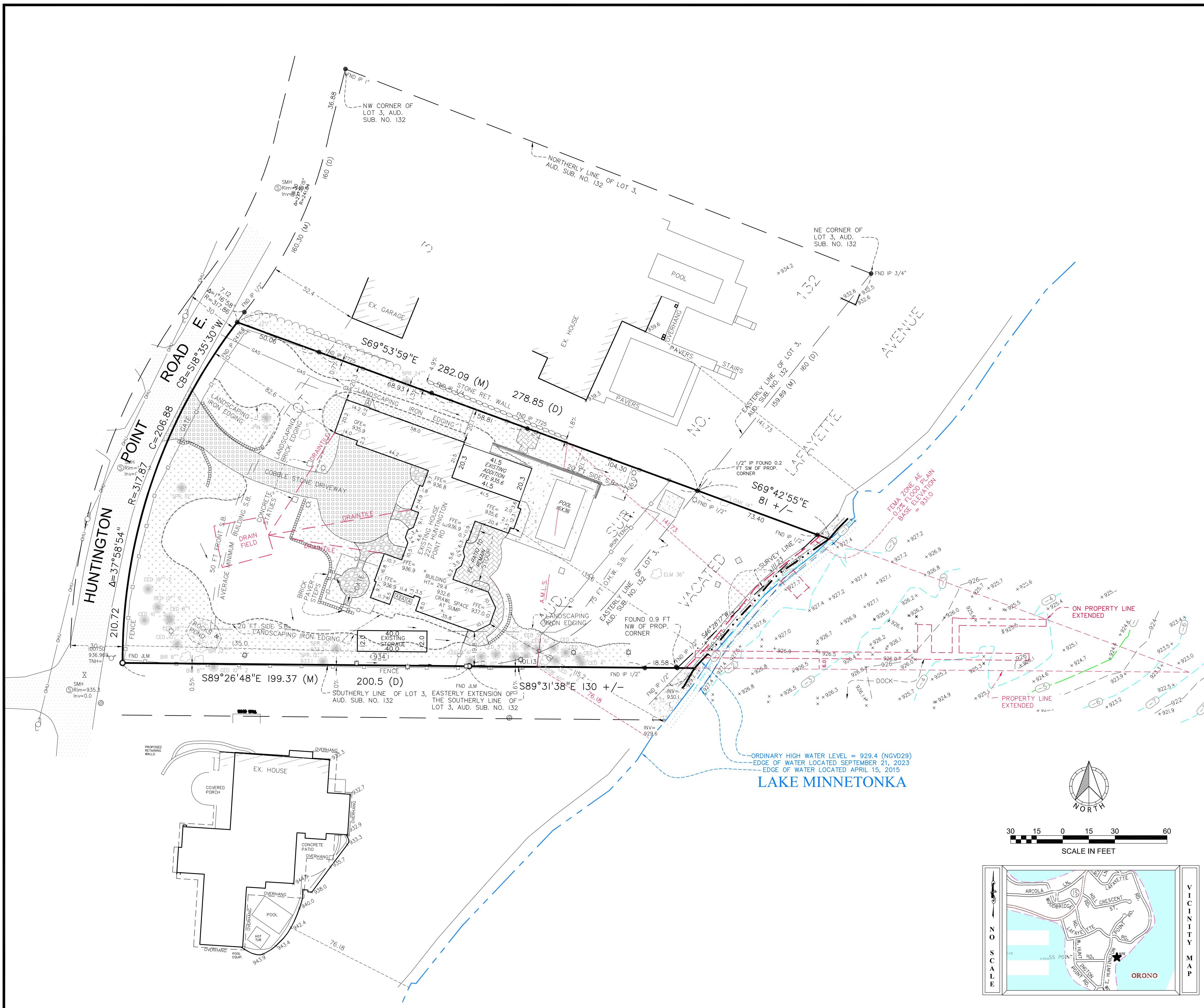
I hereby certify that this plan or specification was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Dated this 17th day of April, 2007.

SATHRE-BERGQUIST, INC.

David B. Pemberton
 David B. Pemberton, Minnesota License No. 40344





DESCRIPTION OF PROPERTY SURVEYED
 All of Lot 3, Auditor's Subdivision Number One Hundred Thirty-two (132), Hennepin County, Minnesota, except tract described as follows, to-wit:

Commencing at the Northwest corner of said Lot 3; thence Southerly along the Westerly line of said Lot 3 a distance of 160 feet; thence in a direct line a distance of 278.85 feet to a point in the Easterly line of said Lot 3, which point is 160 feet Southwesterly from the Northeast corner thereof as measured along said Easterly line; thence Northeastly along said Easterly line 160 feet to said Northeastly corner; thence Northwesterly in a direct line 324.4 feet along the Northerly line of said Lot 3, to a point of beginning, according to the plat thereof on file or of record in the office of the Register of Deeds in and for said County.

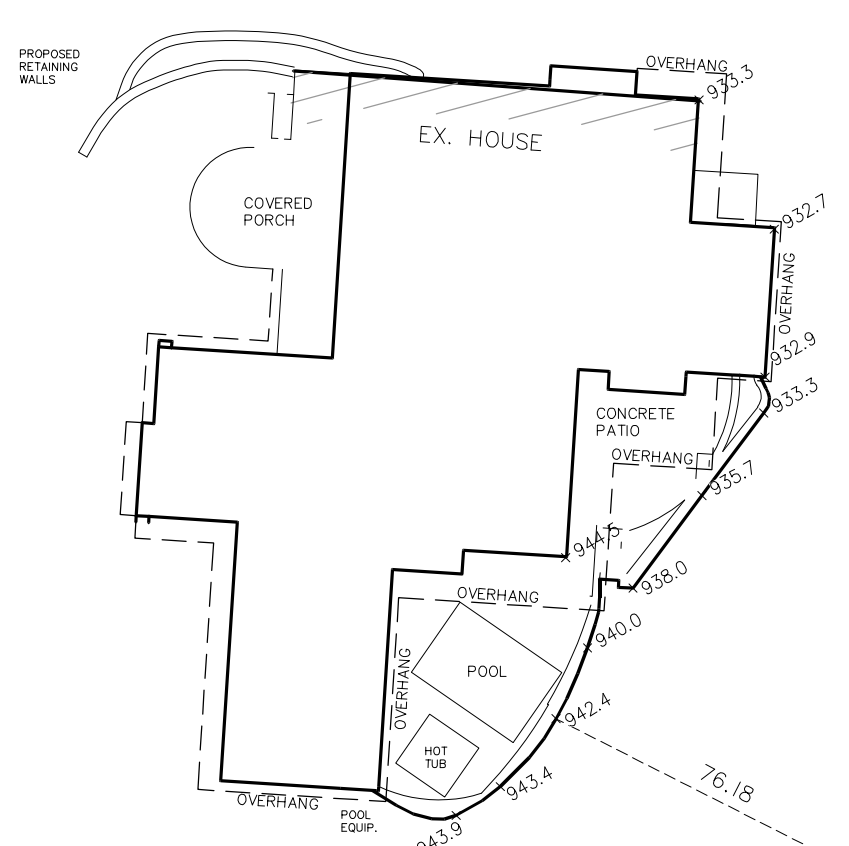
That part of vacated Lafayette Avenue dedicated in Supplemental Plat Minnetonka Beach Lake Minnetonka, Hennepin Co., Minn., lying between the extensions across it of the South line of Lot 3, Auditors Subdivision Number One Hundred Thirty-two (132), Hennepin County, Minn., and a line drawn from a point on the Westerly line of said Lot 3 distant 160 feet Southerly along said Westerly line from the Northwesterly corner of said Lot 3 to a point in the Southeastly line of said Lot 3 distant 160 feet Southwesterly along said Southeastly line from the Northeastly corner of said Lot 3.

- Site Address:** 2217 Huntington Point Road E, Minnetonka Beach, MN
 - Flood Zone Information:** This property is contained in Zone X (areas determined to be outside the 0.2% chance flood plain) and Zone AE (special flood hazard area subject to inundation by the 1% annual chance flood, base flood elevation determined to be 931) per Flood Insurance Rate Map, Community Panel No. 270174 0312 E, effective date of September 2, 2004.
 - Parcel Area Information:** The Gross land area is 52,098 +/- square feet or 1.20 +/- acres.
 - Site Elevation:** Elevations are based on MN/DOT Geodetic Station Name: KEEFE MN053 which has an elevation of 943.01 feet (NGVD29).
 - Zoning Information:** The current Zoning for the subject property is R-1 (Single Family Residential District) per the City of Minnetonka Beach's zoning map.
- Principal Structure Setbacks - Front: 50 feet (Or Average Minimum Building Setback); Side: 20 feet; Rear: 75 feet (From Ordinary High Water Line); Height: 40 feet; Hardcover: 30 percent of lot area
- Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.

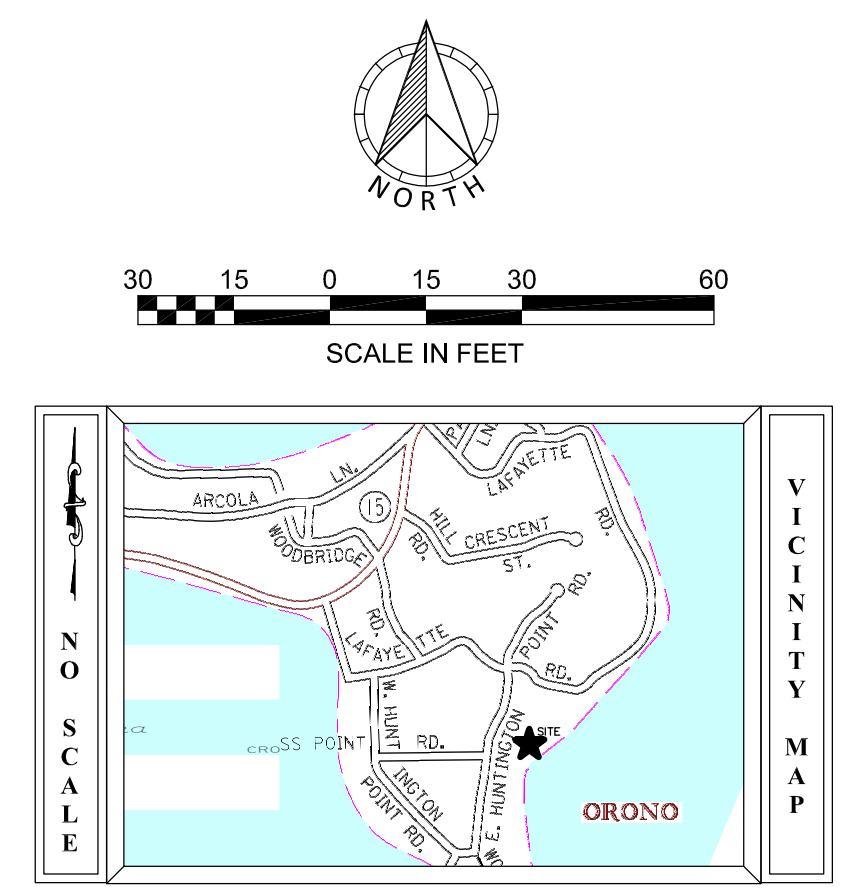
Asphalt Hardcover

Lot Area	= 52,098 S.F.
House	= 6,295 S.F.
Cobblestone (driveway)	= 3,739 S.F.
Brick Paver	= 1,038 S.F.
Slate Paver	= 804 S.F.
Concrete	= 207 S.F.
Statuses	= 18 S.F.
Pool Patio	= 1,189 S.F.
Pool Area	= 644 S.F.
Storage	= 480 S.F.
Total	= 14,414 S.F.
Coverage	= 27.67%

Max Allowed = 15,629 sq. ft.
 = 30.00%



ORDINARY HIGH WATER LEVEL = 929.4 (NGVD29)
 EDGE OF WATER LOCATED SEPTEMBER 21, 2023
 EDGE OF WATER LOCATED APRIL 15, 2015
LAKE MINNETONKA



SURVEY LEGEND

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> ● CAST IRON MONUMENT ◻ CATCH BASIN ◻ FLARED END SECTION ⊗ GATE VALVE < GUY WIRE ○ HYDRANT ○ SURVEY MONUMENT SET ● SURVEY MONUMENT FOUND ▲ SURVEY CONTROL POINT ☆ LIGHT POLE ⊕ POWER POLE ⊕ SANITARY MANHOLE ⊕ SANITARY CLEANOUT ⊕ SIGN 922.5 GROUND ELEVATION ⊕ STORM DRAIN ⊕ STORM MANHOLE ⊕ YARD LIGHT ⊕ A/C UNIT ⊕ WELL | <ul style="list-style-type: none"> WOE WALKOUT ELEVATION FFE FIRST FLOOR ELEVATION GFE GARAGE FLOOR ELEVATION TOF TOP OF FOUNDATION ELEV. LOE LOWEST OPENING ELEV. ⊕ CABLE TV PEDESTAL ⊕ ELECTRIC TRANSFORMER ⊕ ELECTRIC MANHOLE ⊕ ELECTRIC METER ⊕ GAS METER ⊕ GAS VALVE ⊕ HAND HOLE ⊕ SOIL BORING ⊕ TREE CONIFEROUS ⊕ TREE DECIDUOUS ⊕ TELEPHONE MANHOLE ⊕ TELEPHONE PEDESTAL ⊕ TELEPHONE UNDERGROUND ⊕ UTILITY MANHOLE ⊕ UTILITY PEDESTAL | <ul style="list-style-type: none"> BITUMINOUS BSBL BUILDING SETBACK LINE CTV CABLE TV CONCRETE CURB CONCRETE 960 CONTOUR EXISTING 920 CONTOUR PROPOSED GUARD RAIL DT DRAIN TILE ELC ELECTRIC UNDERGROUND FENCE FO FIBER OPTIC UNDERGROUND GAS GAS UNDERGROUND OHU OVERHEAD UTILITY RAILROAD TRACKS SANITARY SEWER STORM SEWER TEL TELEPHONE UNDERGROUND UTL UTILITY UNDERGROUND WATERMAIN ⊕ DENOTES EROSION CONTROL |
|--|--|--|

FIELD CREW	NO.	BY	DATE	REVISION
CL, CT, AT	12	EMW	7/25/2019	POOL PATIO REVISIONS
DRAWN	13	EMW	7/26/2019	POOL PATIO REVISIONS
JJA	14	EMW	8/20/2019	POOL PATIO REVISIONS
CHECKED	15	JM	12/17/2021	ASBUILT POOL AND FENCE
DBP	16	JPR	9/21/2023	LAKE DEPTH EXHIBIT
DATE	17	DLS	1/24/2024	REVISED DOCK EXHIBIT
04/20/15	18	DLS	3/29/2024	REVISED DOCK EXHIBIT

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 17th day of December, 2021.
Daniel L. Schmidt
 Daniel L. Schmidt, PLS
 schmidt@sathre.com
 Minnesota License No. 26147

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

ENGINEERS SURVEYORS
 PLANNERS

TWP. 117 - RGE. 23 - SEC. 15
 HENNEPIN COUNTY
 BOOK XXX/PAGE XXX

MINNETONKA
 BEACH,
 MINNESOTA

Certificate of Survey-Proposed Docks
 PREPARED FOR:
STEVE & SUNHI RYAN SCHUSSLER

FILE NO.
 4930-031

1
 1

March 11, 2024

Mr. Thomas Tully
Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364

Dear Thomas,

Thank you for being an advocate to help rid the issues that have plagued our property at 2217 Huntington Point Road East in Minnetonka Beach for over two decades.

Your demeanor and pleasant personality has helped enormously and that of Jim Brimeyer's as well.

Enclosed please find our Variance application along with the check for the variance fee and deposit.

Thank you!

Sincerely,



Steven Schussler

cc: File

Enclosures





VARIANCE APPLICATION

LAKE MINNETONKA CONSERVATION DISTRICT

For LMCD use:
Fee Amount: _____ Check # _____ Date Received: _____

1. CONTACT INFORMATION

Applicant: Steven Schussler Title (Owner, Authorized Agent, etc.): _____
Address: 2217 Huntington Point Road East
City, State, Zip: Wayzata, MN 55391
Phone: 612-751-3600 Email: steven@schusslercreative.com
Property Owner (if different from applicant): _____
Relationship to Property Owner: self
Address: _____
City, State, Zip: _____
Phone: _____ Email: _____

2. PROPERTY INFORMATION

Site Address: 2217 Huntington Point Road East
Abutting Lakeshore Property Owners (Name and Mailing Address)
North or West: City of MN. Tonka Beach Fire, Land
South or East: _____
Other affected parties: _____

3. PROPOSED VARIANCE

Type of Variance: Length and Side Setback
State practical difficulties causing the variance to be required:
Length and Side Setback to accommodate for water depth.

4. ATTACHMENTS

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

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

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

Absence of requested data may result in a processing delay or the application may be deemed incomplete.

5. FEES

Application Fee (Non-refundable)	\$750.00
Deposit (Remaining funds refundable, upon full compliance with the Code and extent of administrative, inspection and legal service required.)	<u>\$1500.00</u>
TOTAL FEE ENCLOSED (This fee is for processing of the application and does not entitle the applicant to a variance.)	<u>\$2250.00</u>

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

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

Applicant's Signature:

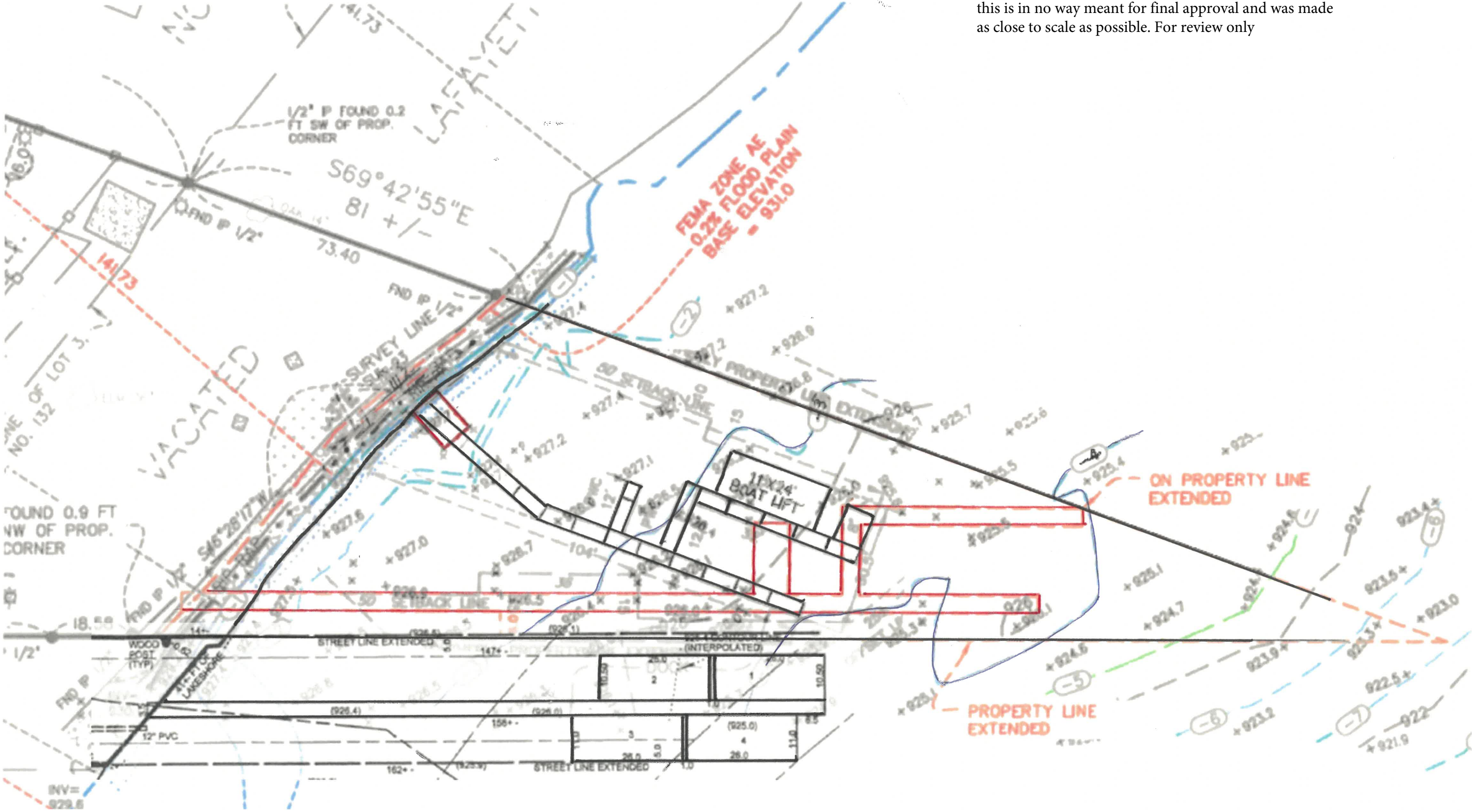

Property owner
3/11/2024

Name _____ Title _____ Date _____

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

Existing Dock Structure in Black
Proposed Dock structure in Red

This is an approximation of approved dock structure in the area with an overlay of a proposed dock structure, this is in no way meant for final approval and was made as close to scale as possible. For review only



Thomas Tully

From: City Admin <city-admin@ci.minnetonka-beach.mn.us>
Sent: Thursday, April 18, 2024 11:05 AM
To: Thomas Tully
Subject: Proposed dock variance for 2217 Huntington Point Road East

External (city-admin@ci.minnetonka-beach.mn.us)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#), Powered by INKY

Tom Tully and LMCD Board members,

On behalf of the City of Minnetonka Beach, this email is in response to the application for a variance at 2217 Huntington Point Road East. The plan as proposed would not allow navigation for City Dock 10 slip renters to the north, most impacted would be slip #2. An alternate plan would need to be drafted to accommodate this concern.

Please include these comments in your packet materials for the April 24th meeting.

Thank you,
Heidi

Heidi Honey
City Administrator

City of the Village of Minnetonka Beach
2945 Westwood Road
P.O. Box 146
Minnetonka Beach, MN 55361
952-471-8878
www.ci.minnetonka-beach.mn.us

From: [Gianna Colombo](#)
To: [LMCD](#)
Subject: Public Comment: Variance 2217 Huntington Point Road East
Date: Thursday, April 18, 2024 5:28:55 PM

Caution: External (giannam@hotmail.com)

First-Time Sender [Details](#)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#). Powered by INKY

Dear Lake Minnetonka Conservation District,

Thank you for informing us of the requested new and expanded variance for adjusted dock use at 2217 Huntington Point Road East.

Setbacks are important and it is your responsibility to protect them. Property lines and their setbacks must be adhered to in order to keep peace amongst neighbors. After studying the materials and the actual site, we believe there is no basis for the resident to claim a hardship. With minimal dredging, which may or may not be needed, the current variance is serviceable and preserves setbacks.

Sincerely,

Paul and Gianna Colombo



EAST CENTRAL MINNESOTA

Ad Proof

Not Actual Size

**LAKE MINNETONKA
CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, APRIL 10, 2024**

**STEVEN SCHUSSLER
DOCK VARIANCE
2217 HUNTINGTON
POINT ROAD,
MINNETONKA
BEACH, MN 55391
NORTH LOWER LAKE
(WEST HALF),
LAKE MINNETONKA**

-Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully. If changes are needed, please contact us prior to deadline at Cambridge (763) 691-6000 or email at publicnotice@apgecm.com

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a variance application to adjust the dock length and side setback from Steven Schussler of 2217 Huntington Point Road, Minnetonka Beach. The applicant is proposing to increase the length of dock structure due to water depth issues. All interested persons will be given an opportunity to comment. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

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

Published in the
Sun Sailor
March 28, 2024
1383239

Date: 03/21/24
Account #: 440250
Customer: LAKE MINNETONKA CONSERVATION DISTRICT
Address: 5341 MAYWOOD ROAD SUITE 200 MOUND
Telephone: (952) 745-0789
Fax: (952) 745-9085

Publications:
SS Mtka_Excelsior_Eden Prairie

Ad ID: 1383239
Copy Line: April 10 PH Schuccler Dock Var
PO Number:
Start: 03/28/24
Stop: 03/28/2024
Total Cost: \$70.40
of Lines: 47
Total Depth: 5.361
of Inserts: 1
Ad Class: 150
Phone # (763) 691-6000
Email: publicnotice@apgecm.com
Rep No: SE700

Contract-Gross




LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: April 10, 2024

TO: Property Owner

FROM: Thomas Tully,  Manager of Code Enforcement

SUBJECT: Public Hearing Notice- Variance 2217 Huntington Point Road East, Minnetonka Beach, North Lower Lake (West Half)

You are receiving this notice since Hennepin County property records indicate you own or reside upon property within 350 feet of a site being considered for a variance for an adjusted dock use area including side setback adjustments. The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the variance application. The site is located at 2217 Huntington Point Road East in Minnetonka Beach and has shoreline on North Lower Lake (West Half). The applicant is Steven Schussler of Huntington Pt Rd E, Minnetonka Beach, 55391.

The applicant proposes to adjust the dock use area for the site as well as the setbacks and dock length. All interested persons will be given an opportunity to comment. An aerial image and proposed site plan are enclosed for your reference.

Public Hearing Information

A public hearing will be held at 7:00 PM, April 24, 2024. The items detailed above will be reviewed and considered for approval. All interested persons will be given an opportunity to comment. Alternatively, please submit comments in writing to the LMCD (address below) or by emailing staff at lmcd@lmcd.org.

Those desiring to participate in the hearing may also email the Manager of Code Enforcement at ttully@lmcd.org, or to receive more information. The meeting place is Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. Information about meeting logistics will be available on the LMCD website, www.lmcd.org.

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

Variance Application for Adjusted Dock Length and Side Setbacks

Property: 2217 Huntington Point Road East, Minnetonka Beach 55391 (Applicant: Steven Schussler)

For illustrative purposes only. Source: Hennepin County Interactive Property Map, 03/25/2024



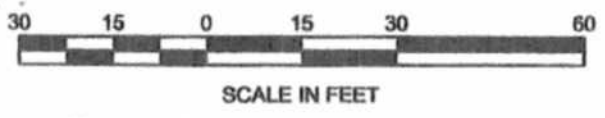
Variance Application for Adjusted Dock Length and Side Setbacks

Property: 2217 Huntington Point Road East, Minnetonka Beach 55391 (Applicant: Steven Schussler)

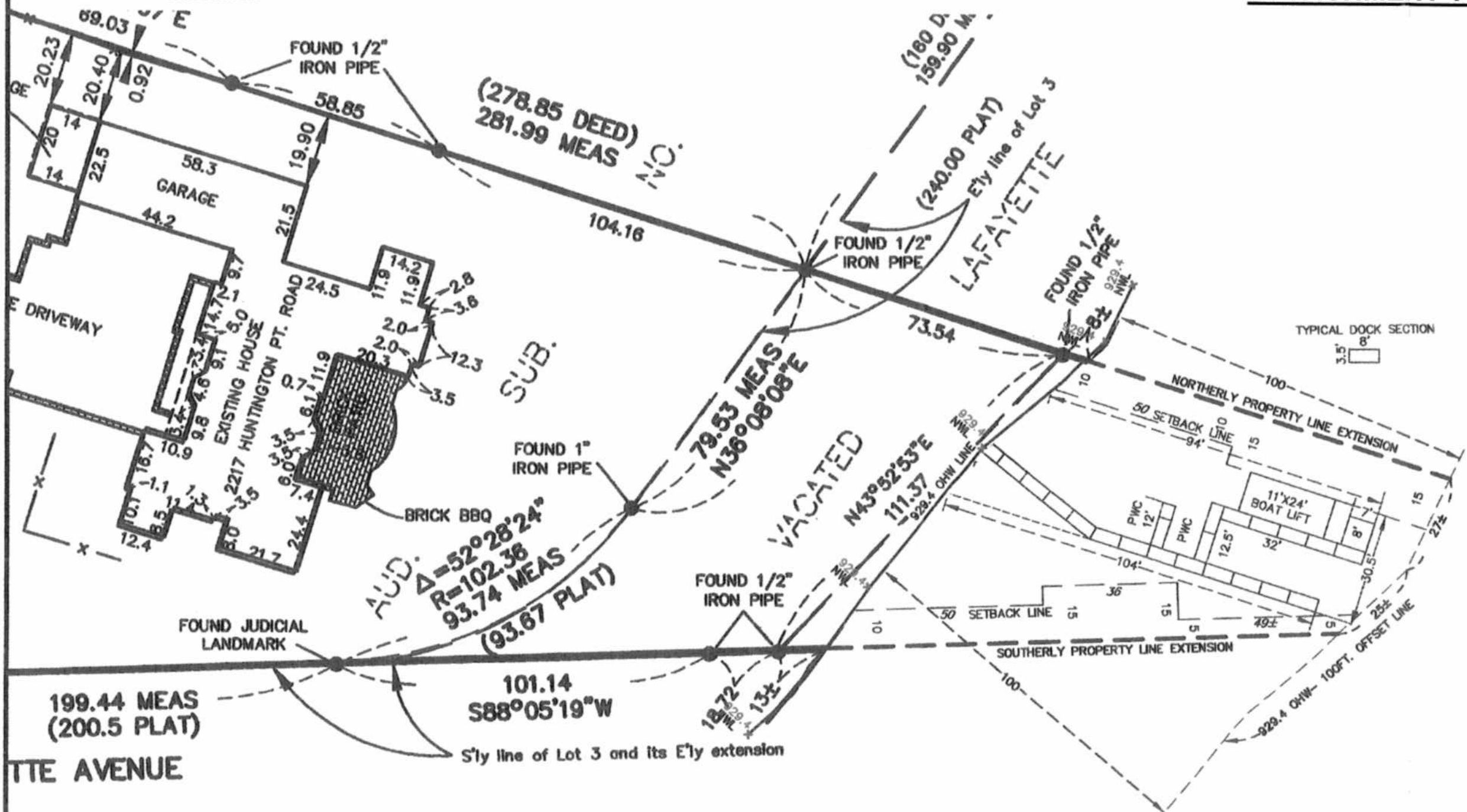
For illustrative purposes only. Source: Hennepin County Interactive Property Map, 03/25/2024



**North Lower Lake
(West Half)**



ATTACHMENT TWO



REVISIONS
BOOK CONFIG. 02/07/07 DBP

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (652) 476-6000

DOCK VARIANCE AREA EXHIBIT
PREPARED FOR
William Hite
Site Address:
2217 Huntington Point Rd.
Wayzata, Minnesota, 55391

DRAW/CHECK DBP
DATE 14-17-07
BOOK / PAGE — / —
JOB NO. 35985-001
DWG. NAME DOCK VAR. AREA

199.44 MEAS (200.5 PLAT)
LAFFAYETTE AVENUE

AUD. Δ = 52°28'24"
R = 102.36
93.74 MEAS (93.67 PLAT)

101.14 S88°05'19"W
S'y line of Lot 3 and its E'y extension

I hereby certify that this plan or specification was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

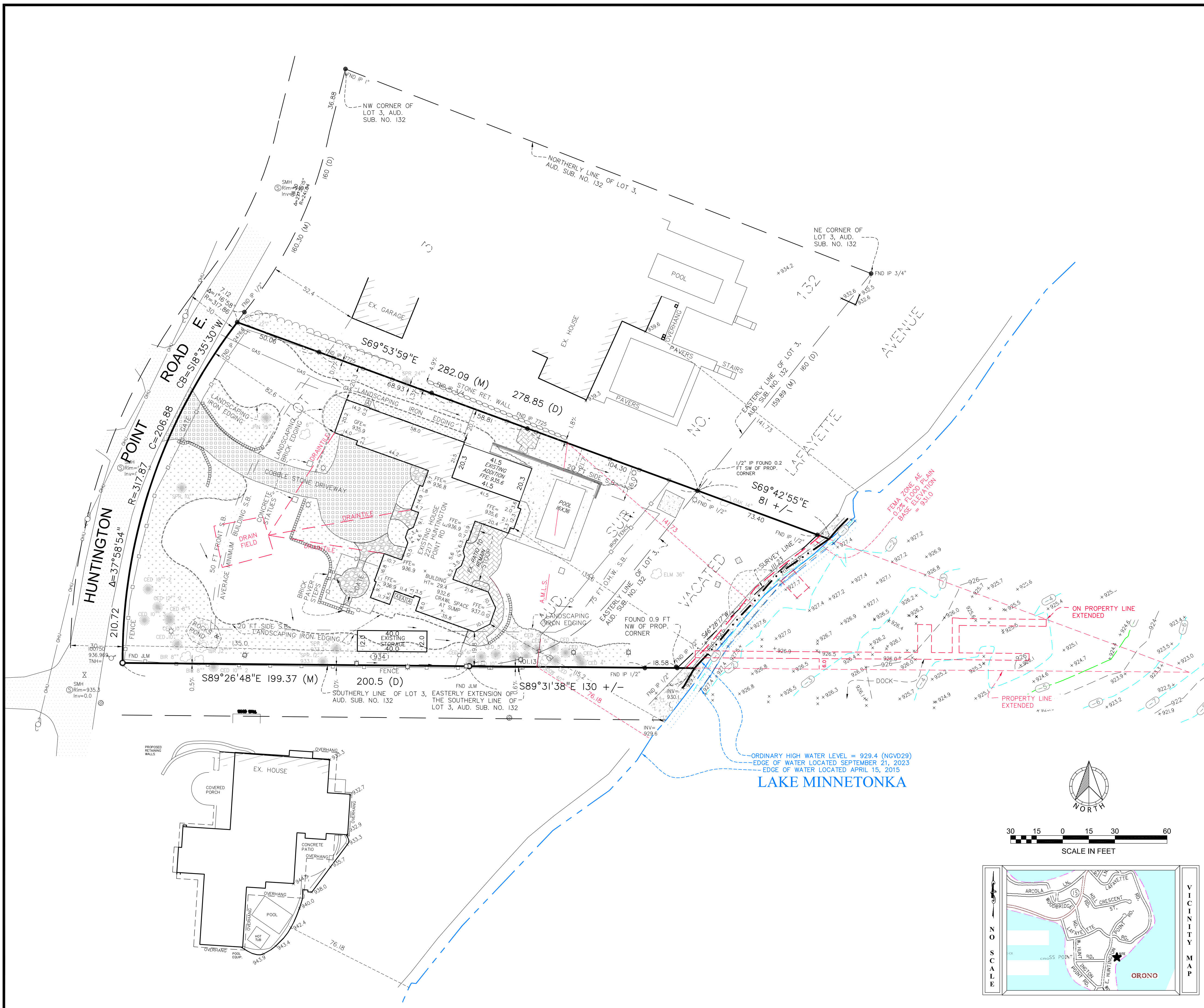
Dated this 17th day of April, 2007.

SATHRE-BERGQUIST, INC.

David B. Pemberton, Minnesota License No. 40344

THE NORMAL HIGHWATER LINE OF 929.4 WAS LOCATED ON APRIL 16, 2007. ALL OTHER INFORMATION SHOWN ON THIS SURVEY WAS GATHERED ON NOVEMBER 14TH, 1997.

RECEIVED
MAY 3 2007
By _____



DESCRIPTION OF PROPERTY SURVEYED
 All of Lot 3, Auditor's Subdivision Number One Hundred Thirty-two (132), Hennepin County, Minnesota, except tract described as follows, to-wit:

Commencing at the Northwest corner of said Lot 3; thence Southerly along the Westerly line of said Lot 3 a distance of 160 feet; thence in a direct line a distance of 278.85 feet to a point in the Easterly line of said Lot 3, which point is 160 feet Southwesterly from the Northeast corner thereof as measured along said Easterly line; thence Northeastly along said Easterly line 160 feet to said Northeastly corner; thence Northwesterly in a direct line 324.4 feet along the Northerly line of said Lot 3, to a point of beginning, according to the plat thereof on file or of record in the office of the Register of Deeds in and for said County.

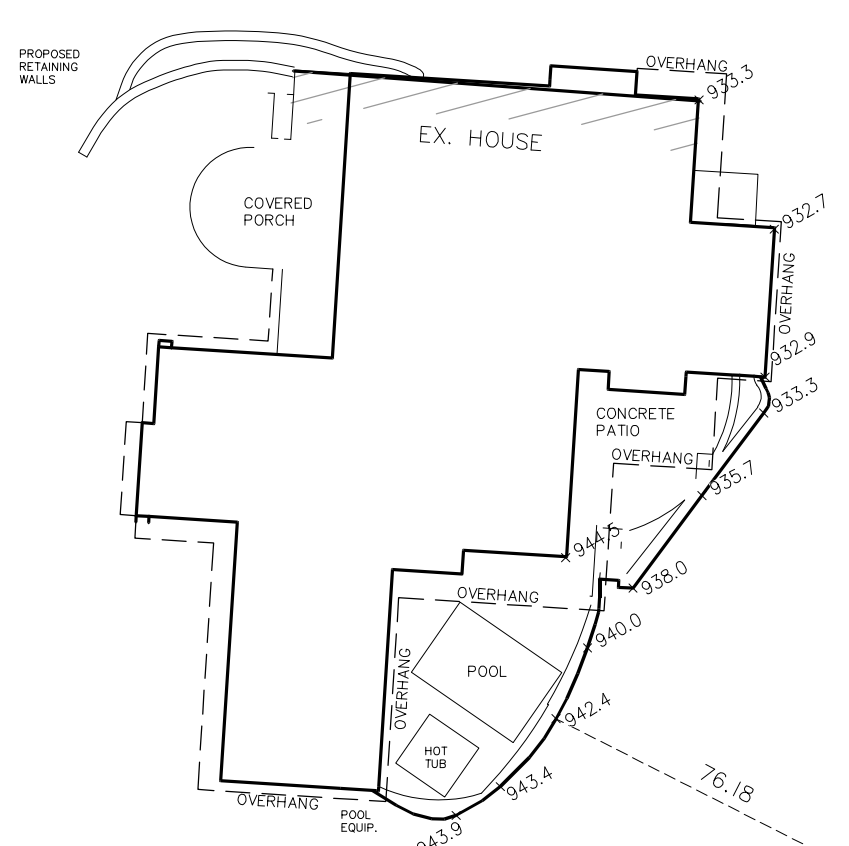
That part of vacated Lafayette Avenue dedicated in Supplemental Plat Minnetonka Beach Lake Minnetonka, Hennepin Co., Minn., lying between the extensions across it of the South line of Lot 3, Auditors Subdivision Number One Hundred Thirty-two (132), Hennepin County, Minn., and a line drawn from a point on the Westerly line of said Lot 3 distant 160 feet Southerly along said Westerly line from the Northwesterly corner of said Lot 3 to a point in the Southeastly line of said Lot 3 distant 160 feet Southwesterly along said Southeastly line from the Northeastly corner of said Lot 3.

- Site Address:** 2217 Huntington Point Road E, Minnetonka Beach, MN
 - Flood Zone Information:** This property is contained in Zone X (areas determined to be outside the 0.2% chance flood plain) and Zone AE (special flood hazard area subject to inundation by the 1% annual chance flood, base flood elevation determined to be 931) per Flood Insurance Rate Map, Community Panel No. 270174 0312 E, effective date of September 2, 2004.
 - Parcel Area Information:** The Gross land area is 52,098 +/- square feet or 1.20 +/- acres.
 - Site Elevation:** Elevations are based on MN/DOT Geodetic Station Name: KEEFE MN053 which has an elevation of 943.01 feet (NGVD29).
 - Zoning Information:** The current Zoning for the subject property is R-1 (Single Family Residential District) per the City of Minnetonka Beach's zoning map.
- Principal Structure Setbacks - Front: 50 feet (Or Average Minimum Building Setback); Side: 20 feet; Rear: 75 feet (From Ordinary High Water Line); Height: 40 feet; Hardcover: 30 percent of lot area
- Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.

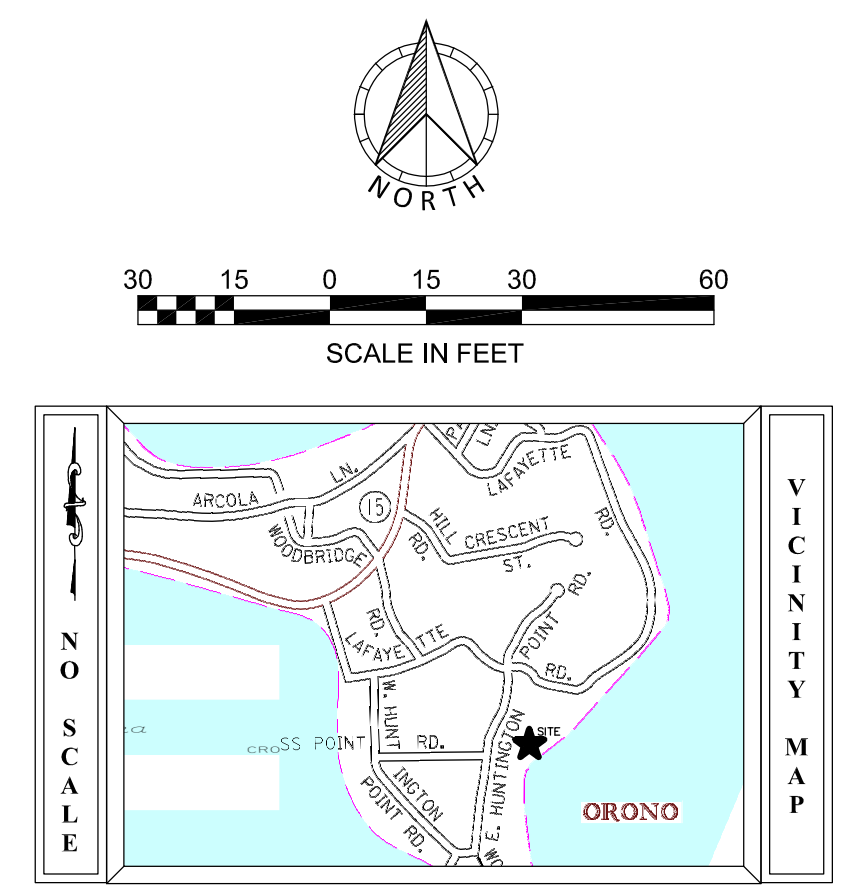
Asphalt Hardcover

Lot Area	=	52,098 S.F.
House	=	6,295 S.F.
Cobblestone (driveway)	=	3,739 S.F.
Brick Paver	=	1,038 S.F.
Slate Paver	=	804 S.F.
Concrete	=	207 S.F.
Statuses	=	18 S.F.
Pool Patio	=	1,189 S.F.
Pool Area	=	644 S.F.
Storage	=	480 S.F.
Total	=	14,414 S.F.
Coverage	=	27.67%

Max Allowed = 15,629 sq. ft.
 = 30.00%



ORDINARY HIGH WATER LEVEL = 929.4 (NGVD29)
 EDGE OF WATER LOCATED SEPTEMBER 21, 2023
 EDGE OF WATER LOCATED APRIL 15, 2015
LAKE MINNETONKA



SURVEY LEGEND

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> ● CAST IRON MONUMENT ◻ CATCH BASIN ◻ FLARED END SECTION ⊗ GATE VALVE < GUY WIRE ○ HYDRANT ○ SURVEY MONUMENT SET ● SURVEY MONUMENT FOUND ▲ SURVEY CONTROL POINT ☆ LIGHT POLE ⊕ POWER POLE ⊕ SANITARY MANHOLE ⊕ SANITARY CLEANOUT ⊕ SIGN ⊕ 972.5 GROUND ELEVATION ⊕ STORM DRAIN ⊕ STORM MANHOLE ⊕ YARD LIGHT ⊕ A/C UNIT ⊕ WELL | <ul style="list-style-type: none"> WOE WALKOUT ELEVATION FFE FIRST FLOOR ELEVATION GFE GARAGE FLOOR ELEVATION TOF TOP OF FOUNDATION ELEV. LOE LOWEST OPENING ELEV. ⊕ CABLE TV PEDESTAL ⊕ ELECTRIC TRANSFORMER ⊕ ELECTRIC MANHOLE ⊕ ELECTRIC METER ⊕ GAS METER ⊕ GAS VALVE ⊕ HAND HOLE ⊕ SOIL BORING ⊕ TREE CONIFEROUS ⊕ TREE DECIDUOUS ⊕ TELEPHONE MANHOLE ⊕ TELEPHONE PEDESTAL ⊕ TELEPHONE UNDERGROUND ⊕ UTILITY MANHOLE ⊕ UTILITY PEDESTAL | <ul style="list-style-type: none"> BITUMINOUS BSBL BUILDING SETBACK LINE CTV CABLE TV CONCRETE CURB CONCRETE 960 CONTOUR EXISTING 920 CONTOUR PROPOSED GUARD RAIL DT DRAIN TILE ELC ELECTRIC UNDERGROUND FENCE FO FIBER OPTIC UNDERGROUND GAS GAS UNDERGROUND OHU OVERHEAD UTILITY RAILROAD TRACKS SANITARY SEWER STORM SEWER TEL TELEPHONE UNDERGROUND UTL UTILITY UNDERGROUND WATERMAIN EROSION CONTROL |
|--|--|--|

FIELD CREW	NO.	BY	DATE	REVISION
CL, CT, AT	12	EMW	7/25/2019	POOL PATIO REVISIONS
DRAWN	13	EMW	7/26/2019	POOL PATIO REVISIONS
JJA	14	EMW	8/20/2019	POOL PATIO REVISIONS
CHECKED	15	JM	12/17/2021	ASBUILT POOL AND FENCE
DBP	16	JPR	9/21/2023	LAKE DEPTH EXHIBIT
DATE	17	DLS	1/24/2024	REVISED DOCK EXHIBIT
04/20/15	18	DLS	3/29/2024	REVISED DOCK EXHIBIT

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 17th day of December, 2021.
Daniel L. Schmidt
 Daniel L. Schmidt, PLS
 schmidt@sathre.com
 Minnesota License No. 26147

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

ENGINEERS SURVEYORS
 ENGINEERS PLANNERS

TWP. 117 - RGE. 23 - SEC. 15
 HENNEPIN COUNTY
 BOOK XXX/PAGE XXX

MINNETONKA
 BEACH,
 MINNESOTA

Certificate of Survey-Proposed Docks
 PREPARED FOR:
STEVE & SUNHI RYAN SCHUSSLER

FILE NO.
 4930-031

1
 1



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: April 24, 2024 (Prepared April 23, 2024)
TO: LMCD Board of Directors
FROM: Tom Tully, Manager of Code Enforcement
CC: Jim Brimeyer, Interim Executive Director
SUBJECT: Caribbean Marina Temporary Conversion of Transient Slips to Rental

BACKGROUND

In early March the deck at the Caribbean Marina was removed and the intent was to replace it due to the deteriorating condition of the deck (safety concerns). Staff was notified and visited the site, observed a receding shoreline, took pictures and speculated that the deck was now a dock at the 929.4 OHWL. (hereinafter referred to as “structure”).

Staff consulted with LMCD attorney about replacement of the structure and after research of the LMCD code, opined that the structure could be replaced provided that it was of same dimensions and at the exact location.

On March 26, 2024 a joint zoom meeting was held with LMCD staff, the MCWD staff and DNR staff. The DNR stated the Caribbean should have consulted one of the agencies before removing the structure and may have lost the right to replace the structure.

The MWCD stated that any request to restore the shoreline would not get favorable consideration. LMCD staff advised that upon the review of the code indicated the structure could be replace provided it is of the same dimensions and at the exact same location.

Staff met with the owners on March 27th and advised them of the March 26th conversations. Staff further advised them that the receding shoreline has converted the structure from a “deck” to a “dock” as it is on the 929.4 OHWL. Therefore, they would not be allowed to use the structure for the restaurant as commercial uses on Lake Minnetonka are not allowed per LMCD code.

They advised they intended to proceed with the construction of the structure.

Staff had additional conversations with the DNR staff on March 28th and they requested contact information of the Caribbean representatives.

On April 2, 2024, the DNR issued a Cease & Desist order that all “illegal activities” be stopped. The DNR staff made a personal visit to the site on April 3rd.

CURRENT SITUATION and REQUEST

On Monday, April 22nd, the Caribbean owners asked permission to convert transient slips to rental slips for the 2024 season only. They have asked that nine of the ten transient slips be converted to rental and the tenth slip would remain transient.
The letter requesting this temporary use is attached along with a site plan for the marina with the slips in question are highlighted.

Per code, the Board may grant a temporary use of the transient slips to rental slips for the 2024 boating season only.

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

Approval

I make a motion to approve the temporary conversion of nine transient slips to rental slips at the Caribbean Marina for the 2024 boating season <with the following conditions/exceptions...>

Denial

I make a motion to deny the temporary conversion of transient slips <based on the following conditions...>

STRATEGIC PRIORITIES

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

THE CARIBBEAN LETTER OF REQUEST

THE CARIBBEAN SCHEMATIC OF TRANSIENT TO RENTAL SLIPS 2024



To: Jim Brimeyer, LMCD
Thomas Tully, LMCD
From: Rob Schatzle, The Caribbean Marina
Shawn Wischmeier, The Caribbean Marina
Subject: Temporary Conversion of Transient Slips to Private Slips for the 2024 Season
Date: April 22, 2024

This Memo is a request for The Caribbean Marina LLC (“The Caribbean”) to update the configuration of our multiple dock license as it relates to transient slips for the 2024 season. The Caribbean currently has approval for ten transient slips. We ask that nine of the ten transient slips be allowed as private rental for this season only. The slips requested for change are #30, #31, #32, #33, #43, #44, #45, #46, and #57. We would plan to leave slip #128 as transient.

Given concerns raised by the DNR to replace the restaurant deck and the subsequent concerns raised by LMCD regarding the use of the restaurant deck for serving food and alcohol, we recognize that our restaurant seating will be severely limited for this season at a minimum and possibly longer. Without the deck to use as seating, we will not be able to open the restaurant for the season, eliminating the need for the listed transient slips. The listed transient slips are utilized solely for the public to access the restaurant, which will not open. As such, in an effort to utilize each of our slips and to recoup some of the losses from closing the restaurant, we request the ability to rent these slips out to private parties for the summer season. We will evaluate the use of these slips for a longer-term basis once we know the final outcome of the restaurant and its ability to reopen.

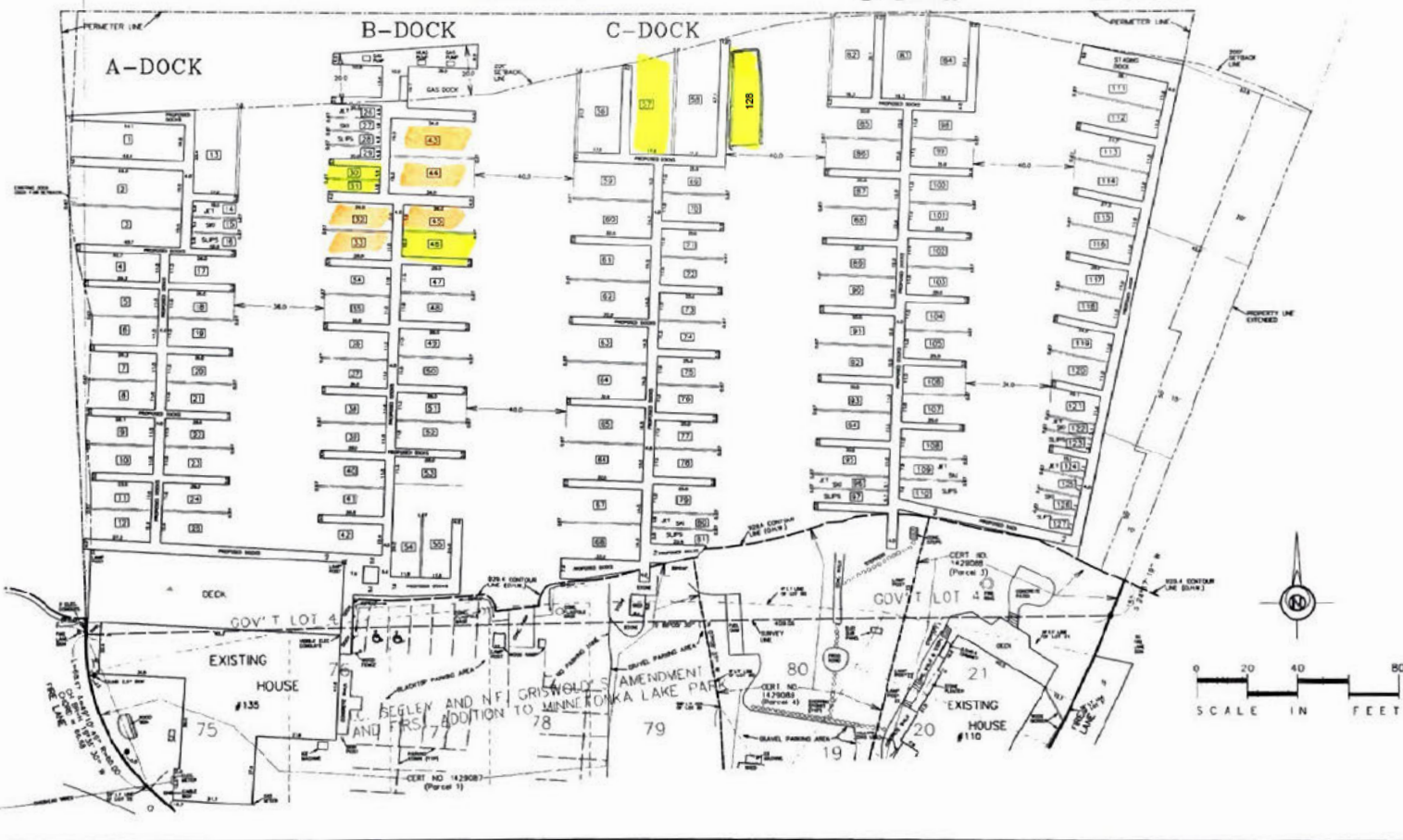
All slip numbers are highlighted in the attachment.

Sincerely,

Shawn Wischmeier
on behalf of The Caribbean Tonka Bay, LLC

2022 AND BEYOND PROPOSED DOCK SURVEY FOR
TONKA BAY PROPERTY HOLDINGS, LLC
 IN I.C. SEELEY AND N.F. GRISWOLD'S AMENDMENT AND FIRST ADDITION TO MINNETONKA LAKE PARK AND IN GOV'T LOT 4 SEC. 27-117-23
 HENNEPIN COUNTY, MINNESOTA

LAKE
 MINNETONKA
 ECHO BAY
 D-DOCK
 E-DOCK



GRONBERG & ASSOCIATES, INC.
 CIVIL ENGINEER, LAND SURVEYOR, LAND PLANNER
 445 NORTH WILLOW DRIVE, LONG LAKE, MN 55356
 952-473-4141



PROJECT

THIS SURVEY WAS MADE FOR THE ABOVE NAMED PARTY OR PARTY'S AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF GRONBERG & ASSOCIATES, INC.



ITEM 13B

LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: April 24, 2024 (Prepared April 18, 2024)
TO: Board of Directors
FROM: *James S. Brimeyer*
Jim Brimeyer, Interim Executive Director
SUBJECT: 2025 Preliminary Budget

BACKGROUND

The Board established a Budget Work Group (BWG) in mid-March.

The staff developed a draft of the budget and discussed the budget with BWG on April 3rd and at a second meeting on April 10th with expectation to present a document to the Board on April 17th. With more discussion needed, that presentation was delayed to the next meeting on April 24th. The revised budget calendar is attached.

Also attached is the current preliminary budget, some staffing options for the Board to discuss and an updated table showing the levy amounts for the fourteen cities.

BUDGET COMMENTS:

INCOME

Increase in Interest Income due to favorable rates on Investments and the Checking account.

Code Compliance (formerly Court Fines) reflect a potential increase based on 2023 Actual.

A transfer of \$75,000 from the Investment account to the General Fund

A transfer of \$50,000 from the Save the Lake fund balance to pay for the additional water patrol services from Memorial Day to Labor Day.

EXPENSES

Deletion of AIS grants from the LMCD. Any future grant requests will be funded by Hennepin County.

Extra water patrol will be funded by the General Fund with an allocation from the General Fund and a transfer from the Save the Lake Fund.

Legal services are adjusted to reflect on emphasis on more civil activity vs criminal activity.

Personnel expenses continue to be under discussion. At the direction of the BWG, staff has prepared several options for discussion. Those options are described in a separate attachment. For budget purposes, Option #1 is included in the preliminary budget.

A line item has been added to contract for drone services. This will be used, as needed, to assist in collecting data (primarily pictures) for code enforcement, variances, inquiries, etc..

The Save the Lake fund shows a transfer from fund balances to the General Fund for additional water patrol during the summer of 2025.

NEXT STEPS

After review and comments from the Board, the BWG will likely meet again to consider Board comments/observations, especially as it relates to personnel items.

Staff will submit the preliminary budget to city staff for discussion and review.


The BWG will approve a final 2025 budget and submit it to the Board for approval. The final approval by the Board is anticipated to take place at the June 12th meeting. The budget will be presented to the member cities well before the July 1st deadline, per state statute.


STRATEGIC PRIORITIES


<input type="checkbox"/>	Docks, Applications, Licensing, Surface Water Management	<input type="checkbox"/>	Lake Use, Safety	<input type="checkbox"/>	Lake Protection	<input checked="" type="checkbox"/>	Operational Effectiveness	<input type="checkbox"/>	Other
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ATTACHMENT
Budget Calendar
Preliminary Budget
Staffing Options 1, 2, 3
Spreadsheet for City Levies 2025

Item 13B
Attachment 1

	A	D	E	F	G	H	J	K	L
1	! SEE FOOTNOTES AT BOTTOM FOR * ITEMS !								
2	 LMCD 2025 Preliminary Budget REVISED	2023 Budget	2023 Actual		2024 Budget	2025 Budget	Notes		
3	Income								
4	Grants & Other Income								
5	• Interest - Admin.	2,600.00	15,614.58		3,000.00	20,000.00			Bridgewater
6	Code Compliance	60,000.00	127,670.00		50,000.00	100,000.00			Increase
7	• Other Income - Admin.	6,190.00	14,583.15		3,000.00	0.00			
8	• Public Agencies/Other Income				0.00				
9	Total Grants & Other Income	68,790.00	157,867.73		56,000.00	120,000.00			
10	3110M10 • Multiple/Perm. Dock Lic - Admin.	85,200.00	82,447.01		85,000.00	85,000.00			
11	3120M10 • DMA license - Admin.	3,000.00	3,450.00		3,000.00	3,000.00			
12	3130M10 • Deicing License - Admin.	6,600.00	5,965.50		6,000.00	6,000.00			
13	3170M10 • Variances - Admin.	10,000.00	4,250.00		15,000.00	5,000.00			
14	3240M10 • Charter Boats - Admin.	3,200.00	2,400.00		3,000.00	3,000.00			
15	3250M10 • Rental Boats - Admin.				0.00	0.00			
16	3280M10 • Liquor/Beer/Wine License - Admin.	19,000.00	17,850.00		19,000.00	19,000.00			
17	Total Licenses/Permits	127,000.00	116,362.51		131,000.00	121,000.00			
18									
19	3020M10 • Municipal Dues - Admin.	255,000.00	255,002.00		255,000.00	255,000.00			
20	3400M10 • Transfers In - Admin.	125,000.00	91,752.00		125,000.00	75,000.00			*Gen Fund Balance
21	Transfer In - Save the Lake					50,000.00			*STL Fund Balance
22	Total Dues:	380,000.00	346,754.00		380,000.00	380,000.00			
23	Total Income:	575,790.00	620,984.24		567,000.00	621,000.00			
24									
25	Expense								
26	AIS Management								
27	Equipment & Repair								
28	4150M30 • Equip. Supplies & Maint.								
29	4720M30 • Contract Mechanic Fees - EWM								
30	Total Equipment & Repair								
31	4110M30 • Public Info./Legal - EWM								
32	Total AIS Management								
33	AIS Prevention Program								
34	4111M30 • AIS Grants	35,000.00	19,324.00		50,000.00	0.00			County Funded
35	Total AIS Prevention Program	35,000.00	19,324.00		50,000.00	0.00			
36	Public Safety, Equipment								
37	4160M10 • Boat Expense	750.00	1,096.40		1,000.00	1,500.00			
38	Public Safety								
39	Solar Lights	5,000.00	2,716.68		3,560.00	5,000.00			
40	Public Safety - Water Patrol					100,000.00			
41	4111M20 Public Service Education		2,573.94		3,000.00	3,000.00			
42	Total - Public Safety, Equipment	5,750.00	6,387.02		7,560.00	109,500.00			
43	General & Admin Expenses								
44	4060 • Telephone/Internet	3,500.00	4,216.76		3,700.00	3,700.00			
45	4070M10 • Webpage & Digital	590.00	4,490.00		500.00	500.00			
46	4090M30 • DMV - EWM	50.00	43.50		40.00	40.00			
47	4340M10 • Insurance - Admin.	4,500.00	6,142.00		6,000.00	6,000.00			
48	4340M30 • Insurance W/C - EWM	1,400.00			0.00	0.00			
49	4350M30 • Ins./Equip. - EWM	400.00			0.00	0.00			
50	4360M10 • Subs/Memberships - Admin.	2,400.00	2,421.00		2,600.00	2,600.00			
51	Total General & Admin Expenses	12,840.00	17,313.26		12,840.00	12,840.00			

	A	D	E	F	G	H	J	K	L
52									
53	LMCD 2025 Preliminary Budget	2023 Budget	2023 Actual		2024 Budget	2025 Budget			Notes
54	Legal								
55	4110M10 · Public Info Legal Fees - Admin.	1,750.00	2,474.92		2,000.00	2,000.00			
56	4620M10 · Civil Legal Fees - Admin.	31,325.00	37,751.71		27,000.00	35,000.00			Increase in activity
57	4640M10 · Prosecution Legal Fees - Admin.	30,000.00	52,662.91		30,000.00	20,000.00			Reduction in Activity
58	4650M10 · Room & Board - Admin.	300.00							
59	4641M10 Other Legal Fees - Admin	4,025.00			4,000.00	2,000.00			
60	Total Legal	67,400.00	92,889.54		63,000.00	59,000.00			
61	Office & Supplies								
62	4080 · Postage	3,000.00	1,696.46		3,000.00	3,000.00			
63	4100M10 · Printing - Admin.	1,260.00	5,302.43		2,000.00	2,000.00			
64	4140M10 · Office Equipment R&M - Admin.	6,000.00	6,132.04		8,000.00	8,000.00			
65	4160M10 - Watercraft/Vehicle Maint	(above)			(above)	(above)			
66	4220M10 · Office Supplies - Admin.	1,700.00	3,128.09		2,500.00	2,500.00			
67	4230M10 · Meeting Exp. - Admin.	12,000.00	4,610.57		8,700.00	8,700.00			
68	4320M10 · Office Rent - Admin.	22,000.00	22,795.28		22,000.00	24,000.00			
69	4400M10 · Mileage/Exp's - Admin.	400.00	270.78		400.00	400.00			
70	4410M10 · Training/Prof. Devel. - ADM	500.00			1,000.00	2,000.00			
71	4520M10 · Furniture & Equip - Admin.	750.00			1,000.00	1,000.00			
72	4530M10 · Comp. Sftwr & Hdwr - Admin.	3,515.00	3,106.68		10,000.00	4,000.00			Raised 2024 to account for Website fixes/document portal
73	4531M30 · Software & Hardware/Training	500.00	410.08		500.00	500.00			
74	4550M10 Document Scanning	35,000.00	32,688.01						
75	Total Office & Supplies	86,625.00	80,140.42		59,100.00	56,100.00			
76	Personnel Expenses								
77	4020M10 · Salaries-002 - Admin	246,050.00	222,173.71		240,000.00	199,500.00			*Option #1
78	4024 Contract Labor		56,160.00		50,000.00	50,000.00			*TBD
79	4021M10 · ER Share of Admin FICA/Medicare .0765	17,700.00	16,964.88		19,000.00	15,300.00			Option #1
80	4022M10 · ER PERA - Admin .075	17,500.00	15,682.54		18,000.00	15,000.00			Option #1
81	COLA .05								
82	HEALTH INSURANCE: (4*\$781)								See Options #1, #2, #3
83	HSA: (4*\$127.50)								
84	DENTAL (4*\$63.83)								
85	DISABILITTY (4*\$7.67)								
86	LIFE INSURANCE (4*16)								
87	4380M10 · Employee Benefits - Admin.	33,750.00	29,371.96		40,000.00	35,600.00			Option #1
88	Total Personnel Expenses	315,000.00	340,353.09		367,000.00	315,400.00			
89	Professional Services- ADM								
90	4040M10 · Auditing - Admin.	11,500.00	14,156.00		10,000.00	14,000.00			
91	4180M10 · Professional Services - Admin.	6,000.00	11,979.48		3,000.00	3,000.00			
92	4181M10 · Professional Comp. Serv.- Admin.	2,500.00	8,024.99		4,000.00	4,000.00			
93	4182M10 · Media (Cable/Internet) - Admin.	3,500.00	5,627.50		9,000.00	9,000.00			Raised to account for LMCC VOD Services & Fred Miller
94	4183M10 · Prof/ Serv. - Communications	30,000.00	30,932.20		40,000.00	32,500.00			
95	Contract Drone Services					4,000.00			Contract - Code Enforcement
96	Total Professional Services- ADM	53,500.00	70,720.17		66,000.00	66,500.00			
97	Total Expense	576,115.00	627,127.50		625,500.00	619,340.00			
98	Capital					10,000.00			Tonka Bay Dock

	A	D	E	F	G	H	J	K	L
99									
100	LMCD 2025 Preliminary Budget	2023 Budget	2023 Actual		2024 Budget	2025 Budget	Notes		
101	Save the Lake Revenues				42,000.00				
102	Transferto STL	750.00			750.00	750.00			
103	Donations	43,050.00	30,065.63		46,050.00	45,000.00			
104	Total Revenues	43,050.00	30,065.63		88,800.00	45,750.00			
105	Save the Lake Expenses								
106	Transfer to General Fund					50,000.00	STL Fund Balance		
107	Operating Expenses	1,800.00	464.20		1,800.00	1,800.00			
108	4980M20 Contingency		37.00		87,000.00				
109	Total Operating Expenses	1,800.00	501.20		88,800.00	51,800.00			
110									
111	FOOTNOTES								
112	Income reflects a transfer from STL to cover 1/2 of extra water patrol; 1/2 paid by General Fund								
113	Added capital for 1/2 of permanent dock at Tonka Bay to be shared with Excelsior Fire								
114	Employee expenses								
115	Adjusted 2024 employee expenses to reflect contract labor								
116	Personnel expenses are reflected using Option #1								



**LAKE MINNETONKA CONSERVATION DISTRICT
2025 BUDGET AND LEVY
(Preliminary DRAFT 04/16/2024)**

City	2020 U.S. Census Population Data	2023 Estimated Market Value	2023 Net Tax Capacity	% of Total Net Tax Capacity (Note 1)	Share of Total Levy in 2024	Share of Total Levy in 2025	Change in Total Levy from 2024	% Change from 2024
DEEPHAVEN	3,703	\$ 1,880,956,200	\$ 21,947,016	5.3%	\$17,200	\$17,200	\$0	0.00%
EXCELSIOR	2,224	\$ 734,929,700	\$ 9,316,722	2.3%	\$7,938	\$7,938	\$0	0.00%
GREENWOOD	695	\$ 531,447,300	\$ 6,378,005	1.6%	\$4,830	\$4,830	\$0	0.00%
MINNETONKA	51,005	\$ 12,575,138,100	\$ 151,934,697	37.0%	\$51,000	\$51,000	\$0	0.00%
MTKA BEACH	524	\$ 479,467,100	\$ 5,743,648	1.4%	\$4,708	\$4,708	\$0	0.00%
MINNETRISTA	9,007	\$ 2,717,136,300	\$ 29,936,635	7.3%	\$22,343	\$22,343	\$0	0.00%
MOUND	8,670	\$ 2,055,483,400	\$ 22,239,866	5.4%	\$16,825	\$16,825	\$0	0.00%
ORONO	7,959	\$ 4,350,251,700	\$ 50,923,442	12.4%	\$40,802	\$40,802	\$0	0.00%
SHOREWOOD	7,465	\$ 2,570,594,200	\$ 29,119,673	7.1%	\$22,262	\$22,262	\$0	0.00%
SPRING PARK	1,594	\$ 415,421,700	\$ 4,983,099	1.2%	\$4,045	\$4,045	\$0	0.00%
TONKA BAY	1,697	\$ 853,043,800	\$ 9,971,239	2.4%	\$7,795	\$7,795	\$0	0.00%
VICTORIA	11,928	\$ 2,464,259,100	\$ 26,360,072	6.4%	\$20,267	\$20,267	\$0	0.00%
WAYZATA	4,252	\$ 2,804,215,600	\$ 36,345,933	8.9%	\$30,920	\$30,920	\$0	0.00%
WOODLAND	437	\$ 445,613,500	\$ 5,335,375	1.3%	\$4,065	\$4,065	\$0	0.00%
	111,160	\$ 34,877,957,700	\$ 410,535,422	100.0%	\$255,000	\$255,000	\$0	0.00%

Maximum Levy Per MN statute 103B.635 (Total Taxable Market Value * 0.00242%): **\$844,047**

(Note 1) Per MN statute 103B.631, no city may pay more than 20% of the total levy. The City of Minnetonka would pay a constant 20% of any amounts to be levied.

Remaining cities factor for determining levy amounts is computed as: (City Net Tax Capacity / (Total Net Tax Capacity - Minnetonka Net Tax Capacity)) * 80%

Total Net Tax Capacity	410,535,422
less Minnetonka Net Tax Capacity	(151,934,697)
Net Tax Capacity for remaining 13 cities	258,600,725

Budget 2025 – Options

Option #1

Three Employees - \$199,500

FICA - \$15,261

PERA - \$14,963

Employee Benefits - \$35,592 (Two employees)

Contract Employee - \$50,000

Total - \$315,316

Option #2

Director \$95,000

Three Employees \$199,500 + 95,000 = \$297,500

FICA 23,000*

PERA 22,300*

Employee Benefits \$65,000**

Contract Employee*** – Six months X \$640 = \$3,840; ****Six months X \$320 = \$1,920 = \$5,760

Total \$414,360

*** Two Hours/ Week = Eight hours/month @\$80/Hour; **** One Hour/Week = Four/Mo @\$80

FICA @ 7.65%

PERA @ 7.5%

** Benefits \$65,000

COLA @5%

Health @ \$781/mo

Dental @ \$64/mo

HSA @ \$125/mo

Disability @ \$8/mo

Life Ins @ \$16/mo

Option #3

Administrator \$85,000

Three Employees \$199,500 + 85,000 = \$284,500

FICA \$22,200*

PERA \$21,800*

Benefits \$65,000**

Contract Employee*** – Six months @ \$960 = \$5,760; Six months X \$480 = \$2,880 = \$8,640

Total \$402,140

***Three Hours/Week = Twelve Hours/Month @ \$80/Hour; Two Hours/Week = Eight Hours/Mo @ \$80

FICA @ 7.65%

PERA @ 7.5%

** Benefits \$65,000

COLA @5%

Health @ \$781/mo

Dental @ \$64/mo

HSA @ \$125/mo

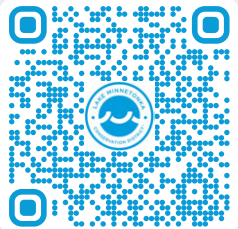
Disability @ \$8/mo

Life Ins @ \$16/mo

GET TO KNOW THE LAKE MINNETONKA CONSERVATION DISTRICT

HELLO, NEIGHBOR!

Like you, we care about the Lake Minnetonka experience. We are a regional governmental agency that brings together 14 different cities, two counties, and many state and local agencies to protect, preserve and enhance Lake Minnetonka's economy and vitality. Since 1967, we have worked to adopt rules, provide resources and funding, and promote lake safety.



LET'S CONNECT!

Sign up for our email newsletter to get updates on the lake, programs and safety information.



➤ For more information about the Lake Minnetonka Conservation District, visit lmcd.org.



Lake Minnetonka Conservation District

5341 Maywood Road, Suite 200
Mound, MN 55364

VISIT [LMCD.ORG](https://www.lmcd.org) TO:



View lake safety information



Learn about dock rules and other regulations



Access maps and other resources

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Twitter/X: @LakeMtkaCD

Lake Minnetonka Conservation District
Balance Sheet
As of April 16, 2024

	Apr 16, 24
ASSETS	
Current Assets	
Checking/Savings	
Bridgewater Checking	91,958.69
Bridgewater Savings	
General Fund	471,161.27
STL Fund	95,125.00
Total Bridgewater Savings	566,286.27
1010M10 · Petty Cash	38.60
Total Checking/Savings	658,283.56
Accounts Receivable	
1150M10 · Accounts Rec. - Gen	47,517.50
Total Accounts Receivable	47,517.50
Total Current Assets	705,801.06
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	914,999.06
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
1087M10 · US Bank (Credit Card)	-1,210.14
Total Credit Cards	-1,210.14

Lake Minnetonka Conservation District
Balance Sheet
As of April 16, 2024

	Apr 16, 24
Other Current Liabilities	
2020-LT · Payroll Liabilities - UNUM	-7.66
2050M10 · Accrued Payroll - Gen	5,068.00
2150M90 · Accrued compensated absences	14,439.00
2151M90 · Current portion of comp absens	3,337.93
2916M90 · Lease Liability - Short Term	25,290.00
Total Other Current Liabilities	48,127.27
Total Current Liabilities	46,917.13
Long Term Liabilities	
2915M90 · Lease Liability - Long Term	126,242.00
Total Long Term Liabilities	126,242.00
Total Liabilities	173,159.13
Equity	
Retained Earnings	793,294.38
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	139,994.95
Total Equity	741,839.93
TOTAL LIABILITIES & EQUITY	914,999.06

Lake Minnetonka Conservation District 2024 General Income & Expense Budget Comparison January through April 2024

	Jan - Apr 24	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Grants & Other Income			
3080M10 · Interest - Gen	6,477.12	3,000.00	3,477.12
3260M10 · Court Fines - Admin.	10,962.00	50,000.00	-39,038.00
3300M10 · Other Income - Admin.	11,601.95	3,000.00	8,601.95
Total Grants & Other Income	29,041.07	56,000.00	-26,958.93
Licenses/Permits			
3110M10 · Multiple/Perm. Dock Lic -Admin.	80,385.13	85,000.00	-4,614.87
3120M10 · DMA license - Admin.	3,300.00	3,000.00	300.00
3130M10 · Deicing License - Admin.	0.00	6,000.00	-6,000.00
3170M10 · Variances - Admin.	2,250.00	15,000.00	-12,750.00
3240M10 · Charter Boats - Admin.	3,450.00	3,000.00	450.00
3280M10 · Liquor/Beer/Wine License-Admin.	22,600.00	19,000.00	3,600.00
Total Licenses/Permits	111,985.13	131,000.00	-19,014.87
3020M10 · Municipal Dues - Admin.	127,523.50	255,000.00	-127,476.50
3400M10 · Transfers In - Admin.	0.00	125,000.00	-125,000.00
Total Income	269,242.20	567,000.00	-297,757.80
Gross Profit	269,242.20	567,000.00	-297,757.80
Expense			
AIS Administration			
4111M30 · Legal	0.00	50,000.00	-50,000.00
Total AIS Administration	0.00	50,000.00	-50,000.00
General & Admin Expenses			
4060 · Telephone/Internet	1,428.31	3,700.00	-2,271.69
4070M10 · Webpage & Digital	3,780.00	500.00	3,280.00
4090M30 · DMV	0.00	40.00	-40.00
4340M10 · Insurance - Admin.	3,465.00	6,000.00	-2,535.00
4340M30 · Insurance W/C	0.00	0.00	0.00
4350M30 · Ins./Equip.	375.00	0.00	375.00
4360M10 · Subs/Memberships - Admin.	200.00	2,600.00	-2,400.00
Total General & Admin Expenses	9,248.31	12,840.00	-3,591.69

Lake Minnetonka Conservation District 2024 General Income & Expense Budget Comparison January through April 2024

	Jan - Apr 24	Budget	\$ Over Budget
Legal			
4110M10 · Public Info Legal Fees- Admin.	782.99	2,000.00	-1,217.01
4620M10 · Civil Legal Fees - Admin.	5,040.30	27,000.00	-21,959.70
4640M10 · Prosecution Legal Fees - Admin.	11,679.78	30,000.00	-18,320.22
4641M10 · Other Legal Fees - Admin	0.00	4,000.00	-4,000.00
Total Legal	17,503.07	63,000.00	-45,496.93
Office, Supplies, Equip			
4080 · Postage	303.90	3,000.00	-2,696.10
4100M10 · Printing - Admin.	0.00	2,000.00	-2,000.00
4140M10 · Office Equipment R&M - Admin.	1,404.13	8,000.00	-6,595.87
4220M10 · Office Supplies -Admin.	736.79	2,500.00	-1,763.21
4230M10 · Meeting Exp. - Admin.	1,595.25	8,700.00	-7,104.75
4320M10 · Office Rent - Admin.	7,280.64	22,000.00	-14,719.36
4400M10 · Mileage/Exp's - Admin.	59.70	400.00	-340.30
4410M10 · Training/Prof. Devel.	0.00	1,000.00	-1,000.00
4520M10 · Furniture & Equip - Admin.	0.00	1,000.00	-1,000.00
4530M10 · Comp. Sftwr & Hdwr - Admin.	2,951.10	7,000.00	-4,048.90
4531M30 · Software & Hardware/Training	0.00	500.00	-500.00
Total Office, Supplies, Equip	14,331.51	56,100.00	-41,768.49
Personnel Expenses			
4020M10 · Salaries-002 - Admin	66,461.32	240,000.00	-173,538.68
4021M10 · ER Share of Admin FICA/Medicare	5,079.68	19,000.00	-13,920.32
4022M10 · ER PERA - Admin	4,979.84	18,000.00	-13,020.16
4380M10 · Employee Benefits - Admin.	10,777.86	40,000.00	-29,222.14
Total Personnel Expenses	102,938.70	317,000.00	-214,061.30
Professional Services- ADM			
4040M10 · Auditing - Admin.	10,000.00	10,000.00	0.00
4180M10 · Professional Services - Admin.	3,902.44	3,000.00	902.44
4181M10 · Professional Comp. Serv.-Admin.	1,403.00	4,000.00	-2,597.00
4182M10 · Media (Cable/Internet) - Admin.	2,300.00	3,500.00	-1,200.00
4183M10 · Prof/ Serv. - Communications	13,177.68	40,000.00	-26,822.32
Total Professional Services- ADM	30,783.12	60,500.00	-29,716.88

Lake Minnetonka Conservation District
2024 General Income & Expense Budget Comparison
January through April 2024

	<u>Jan - Apr 24</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Public Education & Safety			
4160M10 · Watercraft/Vehicle Maint	0.00	1,000.00	-1,000.00
4535M10 · Public Safety - SolarLights	0.00	3,560.00	-3,560.00
Total Public Education & Safety	<u>110.00</u>	<u>4,560.00</u>	<u>-4,450.00</u>
Total Expense	<u>174,972.71</u>	<u>564,000.00</u>	<u>-389,027.29</u>
Net Ordinary Income	<u>94,269.49</u>	<u>3,000.00</u>	<u>91,269.49</u>
Net Income	<u><u>94,269.49</u></u>	<u><u>3,000.00</u></u>	<u><u>91,269.49</u></u>

Lake Minnetonka Conservation District
2024 STL Income & Expense Budget Comparison
 January through April 2024

	Jan - Apr 24	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Contributions			
3001M20 · Donations (General) - S/L	20,988.59	46,050.00	-25,061.41
Total Contributions	20,988.59	46,050.00	-25,061.41
Grants & Other Income			
3300M20 · Other Income - S/L	0.00	750.00	-750.00
Total Grants & Other Income	0.00	750.00	-750.00
3400M20 · Transfers In - S/L	0.00	42,000.00	-42,000.00
Total Income	20,988.59	88,800.00	-67,811.41
Gross Profit	20,988.59	88,800.00	-67,811.41
Expense			
Office, Supplies, Equip STL			
4080M20 · Postage - S/L	0.00	800.00	-800.00
4100M20 · Printing - S/L	0.00	1,000.00	-1,000.00
Total Office, Supplies, Equip STL	0.00	1,800.00	-1,800.00
Public Education & Safety			
4535M10 · Public Safety - SolarLights	0.00	87,000.00	-87,000.00
Total Public Education & Safety	6,900.00	87,000.00	-80,100.00
Total Expense	6,900.00	88,800.00	-81,900.00
Net Ordinary Income	14,088.59	0.00	14,088.59
Net Income	14,088.59	0.00	14,088.59