



# 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, May 22, 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.**

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

**No Work Session**

## **FORMAL MEETING AGENDA**

**7:00 p.m.**

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

- 1) **CALL TO ORDER**
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **ROLL CALL**
- 4) **APPROVAL OF AGENDA**
- 5) **CHAIR ANNOUNCEMENTS**
- 6) **APPROVAL OF MINUTES (05/08/2024 LMCD Regular Board Meeting)**

**7) APPROVAL OF CONSENT AGENDA**

- A) Audit of Vouchers (05/16/2024 – 05/31/2024)
- B) Resolution #266 Accepting Save the Lake Contributions (05/04/2024 – 05/16/2024)

**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) New Multiple Dock Expansion - Minnetonka Marina (Excelsior Bay)
- B) Caribbean Marina

**11) OTHER BUSINESS**

**12) OLD BUSINESS**

**13) NEW BUSINESS**

- A) Review of Summer Email Newsletter and Communications Budget

**14) TREASURER REPORT**

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

**15) EXECUTIVE DIRECTOR UPDATE**

**16) ADJOURNMENT**

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**  
7:00 P.M., May 8, 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. ROLL CALL**

**Members present:** Ann Hoelscher, Victoria; Nicole Stone, Minnetonka; Rich Anderson, Orono; Matthew Thompson, Wayzata; Ben Brandt, Mound; Gabriel Jabbour, Spring Park; Dennis Klohs, Minnetonka Beach; Ryan Nellis, Tonka Bay; 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:** Brian Malo, Greenwood; Mike Kirkwood, Minnetrista; Mark Kroll, Excelsior; and Deborah Zorn, Shorewood; and Denny Newell, Woodland.

**Persons in Audience:** Shawn Wischmeier, Lt. Richard Rehman, and Jack Perry.

**4. APPROVAL OF AGENDA**

**MOTION:** Stone moved; Brandt seconded to approve the agenda as submitted.

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

There were no Chair announcements.

**6. APPROVAL OF MINUTES-** 04/24/2024 LMCD Regular Board Meeting

**MOTION:** Stone moved; Brandt seconded to approve the 04/24/2024 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** Ayes (5), Abstained (4), (Klohs, Nellis, Thompson, Van Bergen). Motion carried.

**VOTE:** Motion carried unanimously.

**7. APPROVAL OF CONSENT AGENDA**

Hoelscher removed Item C, "Findings of Fact – Variance for 2217 Huntington Pt Rd E" from the consent agenda.

**MOTION:** Jabbour moved, Stone seconded to approve the consent agenda as amended, making the

change noted by Hoelscher above. Motion carried unanimously. Items approved included: **7A)** Audit of Vouchers (05/01/2024 – 05/15/2024); and **7B)** Resolution #265 Accepting Save the Lake Contributions (04/13/2024 – 04/30/2024).

**VOTE:** Motion carried unanimously.

**7C) Findings of Fact – Variance for 2217 Huntington Pt Rd E.**

Tully commented that this variance was presented at the last meeting, with the Board directing staff and legal counsel to draft the findings of fact. He stated that following the meeting, staff were made aware of a dock already installed at the subject property. He commented that staff would like to note that installation of a dock structure prior to final approval would hold the property owner liable for any inconsistencies. He read a legal statement, noting that the applicant will need to provide staff with the as-built survey within 30 days.

Hoelscher asked when the 30 days would expire.

Tully stated that the dock was installed on April 26<sup>th</sup>, which started the 30-day window. He stated that staff has scheduled a surveyor to go to the property next week.

Hoelscher asked and received confirmation that if approved, this variance would replace any other previous variances that had been issued for activity on the water. She asked if the variance approval could be withdrawn if the property is out of compliance after the 30-day window.

Tully commented that staff would attempt to find a peaceful resolution with the applicant and if that could not be reached, the variance could be revoked. He stated that if the variance were revoked, the originally approved variance from 2007 would be in effect.

Jabbour asked if the LMCD has acquired an as built from a residential property.

Tully confirmed that as-builts as required on permanent docks and has become recent practice when there is a reduced setback.

**MOTION:** Jabbour moved, Stone seconded to approve the Findings of Fact – Variance for 2217 Huntington Pt Rd E. with the added statements presented by staff today.

Further discussion: Anderson commented that upon initial inspection the dock was installed slightly incorrectly. He commented that the applicant will be able to correct the dock to the approved location.

Nellis asked in what way the dock was installed incorrectly.

Tully commented that he will be able to provide that information more clearly once the as-built is provided. He stated that upon his initial measurements, the dock may not have been properly placed from the setbacks. He confirmed that the issue was with the 30-degree angle placement.

**VOTE:** Motion carried unanimously.

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

There were no public comments.

**9. PRESENTATIONS**

There were no presentations.

**10. PUBLIC HEARING**

There were no public hearings.

**11. OTHER BUSINESS**

There was no other business.

**12. OLD BUSINESS**

- A) 2024 Budget Amendments
  - i. Document Portal
  - ii. Contract Labor & Summer Intern
  - iii. Board Meeting Video Recordings

Stone stated that it was brought to their attention that there were some items that needed to be included which were not included in the original 2024 budget, providing a brief summary of those items and expenses. She understood the need for a balanced budget and asked if the source of those additional expenses needs to be identified today.

Hoelscher stated that the 2024 budget, when approved, is an estimation and there are changes that are made and amendments that will be made before the close of the year. She noted that sometimes more is spent on certain items and less on others. She was unsure that discussion of the source needed to occur tonight.

Stone noted that in the 2025 proposed budget there is zero budgeted for AIS, while \$50,000 was budgeted for AIS in 2024 and thus far, none of those funds have been spent. She noted that there may be some other areas that have less spending than anticipated which could in return then fund these amendments, therefore she was unsure a source of funding for these amendment items needs to be identified tonight.

Nellis commented that if the final budget is going to be over the planned amount, and additional funds will be requested from the cities, he would want to have more information and discussion. He stated that if these

were minor items that would balance out in the end, he did not see the need for such discussion.

Stone clarified that they would not be requesting additional funds from the cities. She noted that the budget may balance in the end, but if additional funds were needed there is still a healthy balance in the reserve account.

Jabbour commented that it is imperative to always have a balanced budget and also believed that it is important to move the money now so that it does not show available, and requests are not received and approved that would then cause an imbalanced budget. He noted that the LMCD cannot operate with funding its staff, but it could operate without allocating funds to a small AIS project. He believed that function should be prioritized over other feel-good items.

Brimeyer noted that the 2023 budget included a salary for the Director position, but the assumption was made in 2024 that there would not be a Director position. He stated that since that time, the Interim Director agreed to stay through the boating season of 2024 and perhaps the first quarter of 2025. He did not believe this would be the final amendment of the year. He agreed that it would be simple to move funds in the budget to cover these amendments. He noted that it will not be sustainable to continue to solely budget for an Interim Director and therefore a larger discussion will need to occur in the coming months related to staffing.

Jabbour commented that he would like to see the AIS item reduced to zero and removed from future budgets.

Stone recognized that there are expenses that will need to be added and funds that will be moved around a bit but was unsure that needed to be determined by the whole Board. She stated that she could work with Brimeyer to find where the funding could come from within the 2024 budget.

Hoelscher stated that if the full \$50,000 were going to be taken from AIS in May, which would completely gut that program and that type of action should have a Board vote. She stated that if a smaller amount of money were going to be transferred, or if the funds were being transferred in November, she would not see an issue.

Anderson summarized the items up for discussion and whether additional funds should come from AIS or communications.

Nellis commented that AIS is on the website and has been publicized, but recognized the larger policy discussions that may not be solved tonight. He also recognized that some additional funds were raised last year and perhaps cutting items is not something that needs to be discussed.

Brandt stated that in the past few years the LMCD worked to start a kick starter process for organizations on the lake that wanted to implement efforts in "their backyard"/along their shoreline. He provided details on the current program offerings, which helped to cover a portion of the survey and treatment costs. He provided details on the requests that were funded in the past two years but noted that they had not yet received requests this year. He stated that there was some previous discussion about expanding the program to second- and third-year treatments, but that was not decided.

Klohs recognized the work that was put into the development of that program by Brandt and the others in that work group.

Brandt commented that when the work group structure was disbanded and the core values were redefined, that did not include invasive species and therefore that AIS work kind of fell apart.

Klohs asked if the bay captains are still active.

Brandt commented that there are a few active bay associations.

Klohs asked if the primary reason to drop out of AIS is to force other entities to provide additional funding for AIS on the lake.

Jabbour commented that the LMA is doing a great job and the LMCD should let that group take the lead, as LMA works with the bay captains. He stated that all the LMCD was doing was providing grant funds for startup projects, which ultimately led to subsidizing just a few groups. He stated that the watershed district was tackling AIS and has much more funding available, but that did not continue. He recapped the work that he has done in the area of AIS and to have funds allocated by the State for that purpose. He believed that Hennepin County is misusing the funds that are allocated without allocating funds to the lake. He did not want the LMCD to provide the perception that it is taking care of AIS on the lake, because it is a much bigger issue that needs much more money.

Klohs commented that in the past he recalled that LMA was asking for assistance from the LMCD in recruiting bay captains. He commented that there was such enthusiasm about this program two years ago and did not think eliminating the program would get the attention of the legislature.

Stone stated that \$19,000 was allocated from AIS in 2023 and suggested reducing the AIS line item to \$15,000 as that would provide funds for the amendment items that will be added and would still leave funds available for AIS requests.

Hoelscher stated that she does not find it important to balance the budget at this time as the revenue and expense items ebb and flow throughout the year. She commented that funds could be transferred from AIS as mentioned by Stone and the remainder of that could be figured out later this year.

Brandt commented that personally he would like to have some funds available in the AIS bucket. He recognized that AIS is a much bigger problem than the LMCD could solve, but believed there was still value in the seed funding projects. He suggested keeping \$30,000 in the AIS line item.

Nellis commented that if they are going to attempt to manage the budget month by month or quarter by quarter there will continue to be discussion that may not ultimately be needed. He stated that the Board should review a strategy change, or major change, but the remainder could be worked out with the Treasurer and staff.

Thompson commented that the 2025 budget, as proposed, already shows zero. He did not see a reason not to use the funds from AIS to cover the budget amendments.

Van Bergen commented that as a new member of the Board he does not want to provide comments.

Hoelscher agreed with Nellis that the Board does not need to get into the weeds with every line item and every fluctuation of the budget. She suggested voting on this item and then leaving the remainder of this to the Treasurer and staff to work out.

Anderson stated that the question is if people feel comfortable going back to their cities with the knowledge that the budget is no longer balanced.

Nellis commented that there would be the option to report that the budget is not balanced mid-year, but they will not be asking for more money from the cities and the balance will most likely balance throughout the year.

Jabbour commented that he is fiscally conservative and concerned with taxpayer money. He commented on the importance of making clear decisions in terms of budgeting and line items to make it easier for future Board members to follow. He commented that the things the LMCD is supporting in terms of AIS is a small drop in a huge bucket and therefore is nothing in the bigger picture of AIS on the lake, therefore it is a discredit to the community to continue to carry funds for that purpose.

Hoelscher recognized the visioning the Board has done in terms of its future, and it was determined that AIS is not included in that vision.

**MOTION:** Hoelscher moved, Stone seconded to approve the amendments to the 2024 budget as presented with the transfer coming from the AIS line item to cover the amendments.

Stone noted that the spending on communications last year was \$30,000. She stated that \$12,500 could be left in the AIS line item for 2024 and the additional \$10,000 could come from communications.

Hoelscher stated that she does not have the proposal from the consultant for 2024 in front of her for comparison.

Thompson commented that he does not see a reason to move the funds and perhaps grant dispersal could be frozen until the time the budget is balanced.

Hoelscher agreed with that friendly amendment to the motion. She clarified the motion to freeze any disbursements from the AIS budget until the transfers have been made to provide a balanced budget.

**VOTE:** Motion carried unanimously.

### 13. NEW BUSINESS



There was no new business.

#### 14. TREASURER REPORT

- A) 2025 Budget
  - i. Water Patrol Funding
  - ii. Staffing Funding
  - iii. General Fund Balance

Stone noted an attachment that was provided in the packet which shows the current general fund balance and provided clarification that reflects the budget and not the balance. She stated that it was meant to show the transfers into the account from the reserves.

Hoelscher commented that the budget would continue to be balanced through 2027 with transfers from the reserve account, in order to bring the reserve account balance to the preferred amount. She stated that it would be helpful to communicate that information to the cities, as the budget may need to be increased through city contributions beginning in 2028.

Brimeyer noted that the city contributions may actually need to start increasing in 2026. He also provided comparison budget information for some of the local lake communities. He again noted that there will need to be a discussion on staffing as they go forward.

Stone commented that at the Officers meeting last week, there was discussion about a potential transfer from the Save the Lake fund. She noted that it was determined that is a policy decision the Board will need to make related to dedicated Water Patrol and related funding. She stated that for this coming year, they will continue to reflect the Water Patrol within Save the Lake and the Board can have a larger policy discussion in the coming months. She provided an overview of the staffing with the three employees and Brimeyer as a contract employee. She recognized that Brimeyer does not want to stay indefinitely and therefore staffing will be a discussion in the future.

Hoelscher commented that she believes the staffing number is too low and wants to ensure proper funding for staffing, but also recognized that if additional funds are needed for 2025 that could come from a transfer from the reserves.

Nellis commented that there have been many comments about what should be told to cities tonight and suggested that staff prepare some talking points for the Board to share with their city to ensure that proper information is being shared that is consistent.

Brimeyer agreed that would be a good idea. He noted that he is planning to send a communication to the cities about the proposed budget for comment on the draft budget prior to adoption.

Hoelscher stated that if a Board member wanted support from staff or another member of the Board to present the budget to their city, which could be made available.

Stone confirmed that the budget is close to being completed and will return to the Board for action at a future meeting.

#### 15. EXECUTIVE DIRECTOR UPDATE

Brimeyer stated that the LMCD uses QuickBooks and QuickBooks has stated that they will no longer provide support to the version used by staff, therefore they will need to update to the 2024 version. He commented that would have a cost of about \$500 to \$600 and therefore is not a large impact. He stated that notices have been posted about the summer intern position and about 15 applications were received expressing interest. He stated that the pool has been narrowed to five candidates that will be interviewed with the hope that they would begin by June 3<sup>rd</sup>. He reviewed some of the duties the intern will cover.

Hoelscher reviewed some changes to the upcoming meeting calendar and highlighted upcoming workshops planned.

#### 16. ADJOURNMENT

**MOTION:** Stone moved, Nellis seconded to adjourn the meeting at 8:13 p.m.

**VOTE:** Motion carried unanimously.

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Ann Hoelscher, Chair

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Jim Brimeyer, Interim Executive Director

**Lake Minnetonka Conservation District**  
**Check Detail**  
 May 16 - 31, 2024

Date	Num	Name	Memo	Account	Paid Amount	Class
05/16/2024		<b>Accounts Payable</b>	<b>QuickBooks generated zero amount transaction for bill payment stub</b>	<b>Bridgewater Checking</b>		
12/31/2023	AbdoJE-2	Accounts Payable	Accounting - To record additional AP items	2090 - Accounts Payable	0.00	Admin.
TOTAL					0.00	
05/23/2024	EFT-24-65	<b>US Bank</b>	<b>47985312....9706</b>	<b>Bridgewater Checking</b>		
			April Credit Card Charges	1087M10 - US Bank (Credit Card)	-1,515.82	Admin.
TOTAL					-1,515.82	
05/23/2024	EFT-24-66	<b>Health Partners</b>	<b>16962</b>	<b>Bridgewater Checking</b>		
			Dental Insurance June 2024 (Reardan)	4380M10 - Employee Benefits - Admin.	-63.83	Admin.
			Dental Insurance June 2024 (Schleuning)	4380M10 - Employee Benefits - Admin.	-63.83	Admin.
			Dental Insurance June 2024 (Tully)	4380M10 - Employee Benefits - Admin.	-63.83	Admin.
TOTAL					-191.49	
05/23/2024	EFT-24-67	<b>P.E.R.A</b>	<b>9236-00</b>	<b>Bridgewater Checking</b>		
			Payroll 5/16/24 - 5/31/24	2020 - Payroll Liabilities -	-1,161.96	Admin.
TOTAL					-1,161.96	
05/23/2024	EFT-24-68	<b>WEX Health, Inc. Service Fee</b>		<b>Bridgewater Checking</b>		
			HSA Service Fee	4380M10 - Employee Benefits - Admin.	-8.25	Admin.
TOTAL					-8.25	
05/23/2024	EFT-24-69	<b>ADP Service Fee</b>		<b>Bridgewater Checking</b>		
			Payroll 5/16/24 - 5/31/24	4180M10 - Professional Services - Admin.	-94.10	Admin.
TOTAL					-94.10	
05/23/2024	EFT-24-71	<b>ADP</b>		<b>Bridgewater Checking</b>		
			Salaries - Admin	4020M10 - Salaries-002 - Admin	-8,307.67	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	7.67	Admin.
			Brimeyer 5/5/24 - 5/19/24	4024 - Contract Labor	-2,960.00	Admin.
TOTAL					-11,355.48	
05/23/2024	23160	<b>City of Mound</b>		<b>Bridgewater Checking</b>		
05/23/2024	June 2024		Rent, June 2024	4320M10 - Office Rent - Admin.	-1,820.16	Admin.
TOTAL					-1,820.16	
05/23/2024	23161	<b>ECM Publishers, Inc.</b>		<b>Bridgewater Checking</b>		
05/23/2024			Minnetonka Marina Public Hearing Notice	4110M10 - Public Info Legal Fees- Admin.	-70.40	Admin.
			Minnetonka Marina Public Hearing Notice	4110M10 - Public Info Legal Fees- Admin.	-45.38	Admin.
			Caribbean Marina Public Hearing Notice	4110M10 - Public Info Legal Fees- Admin.	-64.00	Admin.
			Caribbean Marina Public Hearing Notice	4110M10 - Public Info Legal Fees- Admin.	-41.25	Admin.
TOTAL					-221.03	
05/23/2024	23162	<b>FRANCOTYP-POSTALIA, INC.</b>		<b>Bridgewater Checking</b>		
05/23/2024	RI105989743		Postage Meter Quarterly Rental Fee	4080 - Postage	-86.85	Admin.
TOTAL					-86.85	

**Lake Minnetonka Conservation District**  
**Check Detail**  
 May 16 - 31, 2024

Date	Num	Name	Memo	Account	Paid Amount	Class
05/23/2024	23163	Giant Voices, Inc.		<b>Bridgewater Checking</b>		
05/23/2024	3100		Website Updates to Upper Navigation Bar and WordPress Training	4181M10 - Professional Comp. Serv.-Admin.	-225.00	Admin.
TOTAL					-225.00	
05/23/2024	23164	Gleason Printing		<b>Bridgewater Checking</b>		
05/23/2024	94546		LMCD Postcard Printing and Mailing	4183M10 - Prof/ Serv. - Communications	-2,558.27	Admin.
TOTAL					-2,558.27	
05/23/2024	23165	Goff Public		<b>Bridgewater Checking</b>		
05/23/2024	19517		Internal Meetings, Client Meetings, Summer Postcard Updates, Summer Rules Brochure Updates	4183M10 - Prof/ Serv. - Communications	-2,475.00	Admin.
TOTAL					-2,475.00	
05/23/2024	23166	Innovative Office Solutions LLC		<b>Bridgewater Checking</b>		
05/23/2024	4527359		Copy Paper, Notepads, Mechanical Pencils, and Labels	4220M10 - Office Supplies -Admin.	-88.00	Admin.
TOTAL					-88.00	
05/23/2024	23167	League of MN Cities Ins. Trust WC		<b>Bridgewater Checking</b>		
05/23/2024			Workers Compensation Coverage Premium	4340M10 - Insurance - Admin.	-1,960.00	Admin.
TOTAL					-1,960.00	
05/23/2024	23168	LMCC		<b>Bridgewater Checking</b>		
05/23/2024	1595		5/8/24 Board Meeting VOD Services	4182M10 - Media (Cable/Internet) - Admin.	-200.00	Admin.
TOTAL					-200.00	
05/23/2024	23169	Minnesota Trophies & Gifts		<b>Bridgewater Checking</b>		
05/23/2024	36594		Jim Brimeyer Nameplate	4230M10 - Meeting Exp. - Admin.	-32.01	Admin.
TOTAL					-32.01	
05/23/2024	23170	NCPERS Group Life Insurance		<b>Bridgewater Checking</b>		
05/23/2024	923600062024		Life Insurance June 2024 (Reardan)	4380M10 - Employee Benefits - Admin.	-16.00	Admin.
			Life Insurance June 2024 (Tully)	4380M10 - Employee Benefits - Admin.	-16.00	Admin.
TOTAL					-32.00	
05/23/2024	23171	Lynette M. Rohde Bookkeeping		<b>Bridgewater Checking</b>		
05/23/2024	2024-050		Zoom Meeting with Lynette to Review Year End Financials	4180M10 - Professional Services - Admin.	-33.60	Admin.
TOTAL					-33.60	
05/23/2024	23172	Gleason Printing		<b>Bridgewater Checking</b>		
05/23/2024	94649		Printed Summer Safety Brochure Copies For Office	4183M10 - Prof/ Serv. - Communications	-1,041.59	Admin.
TOTAL					-1,041.59	



## **RESOLUTION 266**

### **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 #266

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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 22<sup>nd</sup> day of May.

ATTEST:

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Ann Hoelscher, Chair

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Michael Kirkwood, Secretary

DRAFT

**Lake Minnetonka Conservation District**  
**Transaction Detail By Account**  
May 4, 2024 through May 16, 2025  
**Resolution #266 Accepting STL Contributions**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Class</u>	<u>Amount</u>
05/14/2024	PayPal	Jerry Gray	STL Donation General (250.00)	STL	242.28
05/16/2024	6775	Robert & Deborah Johnson	STL Donation General	STL	100.00
05/16/2024	6694	William Trubeck	STL Donation General	STL	100.00
05/16/2024	12837	David & Melanie Chalupnik	STL Donation General	STL	200.00
05/16/2024	PayPal	Gerald Walsh	STL Donation General (25.00)	STL	23.79
				<b>TOTAL</b>	<b>666.07</b>



## LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** May 22, 2024 (Prepared May 14, 2024)

**TO:** LMCD Board of Directors

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

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

**SUBJECT:** New Qualified Commercial Multiple Dock License (Expansion) for Minnetonka Marina - Excelsior Bay (previously "Tonka Bay Sales Site 1") located in the City of Excelsior

### **ACTION**

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Board consideration of request for a new Qualified Commercial Multiple Dock License (Expansion) request for Minnetonka Marina- Excelsior Bay, located at 142 Minnetonka Blvd in the City of Excelsior, MN 55331, with shoreline on Excelsior Bay, (PID 34-117-23-22-0026) and Board consideration of public input as part of the public hearing process.

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 new multiple dock license for Minnetonka Marina- Excelsior Bay for the property located at 142 Minnetonka Blvd in the City of Excelsior for final action at the June 5, 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 new multiple dock license for Minnetonka Marina- Excelsior Bay for the property located at 142 Minnetonka Blvd in the City of Excelsior for final action at the June 5, 2024 LMCD Board meeting based on...

### **Background**

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The Applicant, Gigi Jabbour ("Applicant") submitted an application for a new Qualified Commercial Multiple Dock License and to reaffirm an existing Variance request for Minnetonka Marina- Excelsior Bay, located at 142 Minnetonka Blvd in the City of Excelsior, MN 55331, ("Site") with shoreline on Excelsior Bay. The site is currently licensed for 24 boat storage units (BSUs) on 475 feet of continuous shoreline.

This shoreline is comprised of approximately 425 feet owned by the applicant (the "Applicant's Property") and 50 feet owned by the Hennepin County Regional Railroad Authority (the "Rail Authority Property") over which the applicant has exclusive dockage rights. These two properties



New Qualified Commercial Multiple Dock License  
142 Minnetonka Blvd in the City of Excelsior  
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are collectively referred to herein as the ("Site"), and are used as part of the site's commercial operation.

In 2002 the Applicant came before the LMCD Board to increase the boat density from 18 BSUs to a total of 24 BSUs. A Special Density License granted in 2001 by the LMCD Board allowed for the new density to be allowed. A setback Variance for the property was granted in line with this new request to allow for the shared use of the Rail Authority Property.

The Board found that the converging lot line on the south end of the Rail Authority Property constitutes a hardship within the meaning of LMCD Code Section 1.07. The Board further found that it is possible to grant a variance to alleviate this hardship while still allowing the continued maintenance and use of the existing dock structure on the property to the south, giving both parties reasonable and equitable access to the lake. It should be noted that this Variance was conditioned on the continued maintenance of exclusive dock rights by the applicant or the applicant's successors, over the Rail Authority Property. This was conditioned in the 2002 Findings of Fact and Order (See Below)

***IT IS FURTHER ORDERED*** that a setback variance and adjustment of dock use area is granted in accordance with the following conditions:

- 1. Dock facilities shall be operated and maintained in accordance with the dock plan attached as Attachment One.*
- 2. A line is established between the Subject Property and the property to the south labeled on Attachment One as the "Edge of Adjusted Dock Use Area". The actual location of the adjusted dock use area boundary shall conform to the driven dolphin poles to the north of the existing dock structure of the property to the south of the Subject Property.*
- 3. This variance is conditioned on the continued maintenance of exclusive dock rights by the applicant or the applicant's successors, over the Rail Authority Property.*
- 4. The applicant, and the property owner to the south shall maintain all docks and boat storage on their respective sides of the "Edge of Adjusted Dock Use Area" boundary shown on Attachment one.*

This was further reaffirmed by the LMCD Attorney Charles L. LaFevere in 2003.

Lastly in 2018, the property owner to the South 500NNL, came before the LMCD Board with a new Multiple Dock, Special Density and Variance request. In preparation for this both the Sites to the North and South of the Rail Authority Property came into a formal Dock Use Agreement, in which they agree to the continued sharing of this Dock Use Area. (See Attached).

## **APPLICATION SUMMARY**

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The applicant is proposing to expand the current dock structure at the site which is currently 26,165 Sq Ft to a total of 39,779 sq ft. This expansion does not trigger a new EAW due to the

New Qualified Commercial Multiple Dock License  
142 Minnetonka Blvd in the City of Excelsior  
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Site having undergone a EAW previously. A new EAW is automatically triggered in each subsequent 20,000 sq ft. expansion.

The Applicant is proposing to extend the dock structure at the Site out to a length of 197 feet. If a Qualified Commercial Marinas proposes to increase the number of boat storage units beyond what it is otherwise allowed, or to extend any portion of the structure further into the Lake more than 100 feet, the Board would need to consider issuing a new multiple dock application which the applicant is asking for as part of the new MDL license. This proposal would be allowed under the LMCD Code of Ordinance to extend, but not exceed a 200 foot envelope from the 929.4 OHWL.

Additionally, the applicant is proposing an increase in BSU count from 24 to 46. The current boat density at the site is 1:20 meaning 1 BSU per 20 feet. Qualified Commercial Marinas are allowed to reach a boat density of 1:10. This proposal would decrease the current boat density to 1:11, which is allowed for Qualified Commercial Marinas under LMCD Code.

Lastly, as apart of the Applicants requests, the expansion of the structure would reduce the distance between the dock structures for the Applicant's site and the property to the south down to a distance of 5 feet at the end of the dock structure. There is also a proposed walkway between the two dock structures. Due to the Applicants continues formal Dock Use Area Agreement, and the property to the south being classified as the same commercial use, LMCD Staff support this proposal.

### **PUBLIC COMMENTS**

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Excelsior were provided information regarding the applications on May 6, 2024. City and agency comments are due by May 20, 2024. Comments received as of May 18, 2023 are summarized below. Any comments received after May 18, 2024 will be provided at the Board meeting for review.

- No comments received.

No comments have been received from the general public. Written comments received after noon on May 18, 2024 will be shared at the May 22, 2024 Board meeting.

- No comments received

### **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.

A hearing notice was published in the May 5, 2024 edition of the Sun Sailor (official LMCD newspaper) and the May 7, 2024 edition of the Laker Pioneer. On May 6, 2024, a public hearing

New Qualified Commercial Multiple Dock License  
142 Minnetonka Blvd in the City of Excelsior  
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notice was mailed to persons who reside upon or are owners of property within 350 feet of the Site. In addition, the Board packet was posted online and the agenda was posted on the LMCD bulletin board.

### **RECOMMENDATION**

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Based on information available at the time of this report, LMCD staff recommends approval with the minimum conditions listed below. The recommendation may change based on information reviewed or presented as part of the public hearing process.

1. Carry forward applicable conditions from previous 2002 Findings of Fact and Order
2. Be in strict conformance with the approved Site plan as approved by the LMCD Board
3. Provide an as-built survey confirming the proposal as approved by the LMCD Board (unless waived (6-2.01Subd. 6.).
4. Allow for expansion of the dock structure to extend into the lake up to approximately 197 feet.
5. Allow for the addition of 22 new BSUs which brings the boat density from 1:20 to 1:11
6. Maintain a minimum setback of 5 feet between the two dock structures both residing within the Rail Authority Property Dock use area except where there is a proposed walkway as shown on the Site Plan
7. Maintain the proposed standard LMCD setbacks from the channel to the North.
8. Ensure appropriate reflective material be installed along the northern and eastern sides of the dock structure.
9. Ensure all Federal, State, County, and Municipal regulations are followed.
10. 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)
11. Standard variance conditions are applied.

### **BUDGET**

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N/A

### **STRATEGIC PRIORITIES**

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

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1. LMCD Code Excerpts
2. Location Map
3. Current Site Plan
4. Proposed Site Plan
5. 2017 Dock Use Agreement
6. Multiple Dock License Application
7. Public Hearing Notice (Sun Sailor & Laker Pioneer)
8. Public Hearing Notice Mailing

LMCD CODE EXCERPTS



**Subd. 79. Qualified Commercial Marina.** “Qualified commercial marina” means a privately owned, revenue-producing business that rents storage space at one facility for 13 or more watercraft on the Lake. A facility does not qualify as a qualified commercial marina unless all rented boat storage units on the Lake are freely available to members of the public without requiring membership in any organization and without providing any priority or preference to members of any organization. Except as allowed in paragraphs (a) and (b) below, a facility does not qualify as a qualified commercial marina if any part of the facility meets the definition of any of the following classifications of use: club facilities; municipal facilities; outlot association facilities; residential association facilities; or residential multiple dock. Additional boat storage units may be used for purposes other than rental to the general public, subject to the following limitations:

- (a) No more than 20 percent of all boat storage units at the facility may be used for any combination of the following uses: watercraft held for sale by the marina owner; watercraft being repaired by the marina owner; rental watercraft; emergency storage of a disabled watercraft for up to three business days; or boat storage units made available under a priority or preference to owners of specified real property under real estate interests created prior to 1995; and
- (b) No more than the number of boat storage units rented to the general public may be used for any combination of the following uses: transient use; storage of commercial or governmental lake maintenance watercraft; or storage of governmental watercraft for emergency response or law enforcement uses.

**2-4.07. Qualified Commercial Uses. Subd. 1. General Rule – May 3, 1978.** Up to one restricted watercraft may be moored or docked at a qualified commercial use on any site for each 10 feet of continuous shoreline in existence on May 3, 1978. When calculation of the number of restricted watercraft allowed results in a fractional restricted watercraft, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be counted as one additional watercraft.

**6-1.17. New License Required.** The issuance of a new license is required for any change in slip size, boat storage units, ownership, length, width, height or location, conversion in use, or the change in the type of structure requiring a license under this Code.

Subd. 1. Minor Changes. The Executive Director may administratively approve a request for a new license related to a minor change and issue a new license without a public hearing and without requiring the payment of a fee therefor, provided:

- (a) All information required by the Executive Director has been submitted by the applicant;
- (b) The structure is in compliance with the provisions of this Code;

- (c) There is no change in the number of watercraft to be stored at the dock or launched from a ramp;
- (d) The change will not adversely affect nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment;
- (e) The change will not involve a change in use from one of the classifications of use to another; and
- (f) For all structures, except those of qualified commercial uses, there is no substantial change in the slip size, length, width, height or location of the dock or launching ramp, the amount of the Lake obstructed or occupied by the dock or launching ramp, the use of the dock or launching ramp, or the type of watercraft stored at the dock or launching ramp.

The Executive Director may refer any application to the Board and must refer any application that the Executive Director proposes to deny.

**Subd. 2. Other New Licenses.** When a new license is required that involves more than a minor change that may be processed administratively, or involves a conversion to a different classification of use, the applicant shall be required to comply with all of the requirements associated with seeking the new license, including paying the required fees, and the LMCD shall process and hold a hearing on the application in the same manner as a new application.

## **Article 6, Chapter 2. Commercial Structure Approvals.**

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

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

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

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142 Minnetonka Blvd in the City of Excelsior  
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- (e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;
- (f) Whether the proposed structure will be compatible with the adjacent development;
- (g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
- (h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;
- (i) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;
- (j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
- (k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;
- (l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and
- (m) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).

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

- (a) No license will be granted for a facility with an existing variance unless a new variance for the proposed facility is granted by the Board;
- (b) No license will be granted for a proposed facility that overlaps the dock use area of another site;
- (c) No license will be granted for a proposed facility that will require removal of emergent native vegetation; and

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

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

(a) Zoning Districts. No commercial single dock shall extend across the extended zone line between sites zoned differently by a municipality.

(b) Non-Continuous Shoreline. If the dock use area of the site includes non-continuous shoreline, the limitations in Section 2-4.09, subdivision 4(a) apply.

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

**Application for Expansion of Qualified Commercial Marina**

**Property:** 142 Minnetonka Blvd, Excelsior, MN 55331 (Applicant: Gigi Jabbour)

*For illustrative purposes only. Source: Hennepin County Interactive Property Map, 05/09/2024*





**Application for Expansion of Qualified Commercial Marina**

**Property:** 142 Minnetonka Blvd, Excelsior, MN 55331 (Applicant: Gigi Jabbour)

*For illustrative purposes only. Source: Hennepin County Interactive Property Map, 05/09/2024*



M.

MINNETONKA

S 06°56' 00" W 692 ±

PARCEL 1  
590.0  
590.0

ADDITIONAL PARCEL SHOWN ON CO. RD. PLAT OF MINNETONKA BOULEVARD BUT NEVER C  
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PARKING  
AREA

CHICAGO & NORTHWESTERN TRANSPORTATION COMPANY (ABAI)

N 06°56' 00" E 682 ±

N 06°56' 00" E 398 ±

PARCEL 2

*(new tunnel + walkway)*

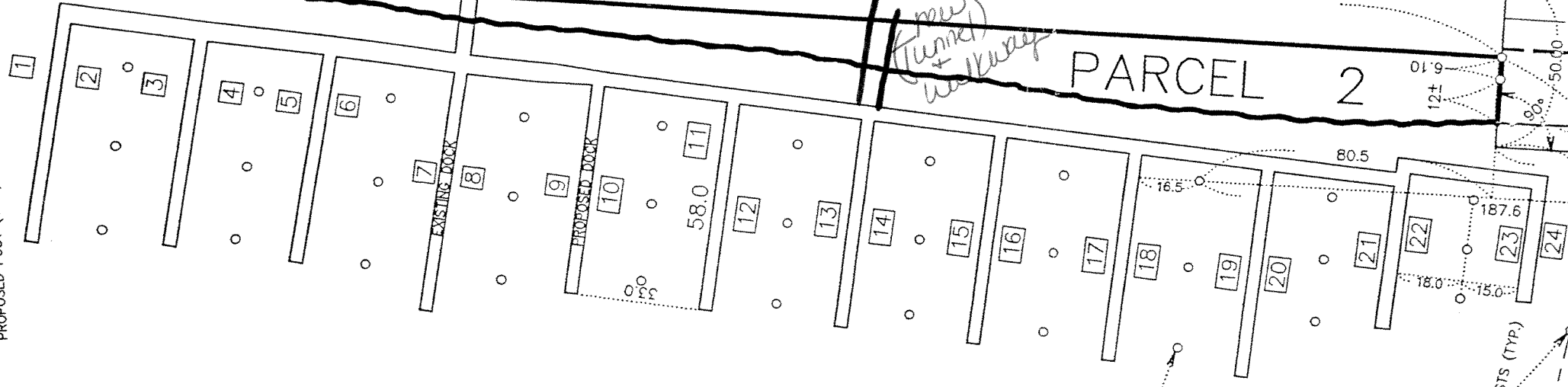
LAKE

OR BAY

20' EASEMENT FOR A PUBLIC SHORE FISHING FACILITY PER DOC. NO. 7167367

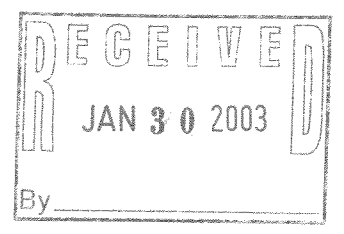
TRAIL EASEMENT PER DOC. NO. 6494615  
25.00  
S 83°04' 00" E 25

929.4 CONTOUR LINE



S 83°04' 00" E 25.00  
EXISTING DOCK

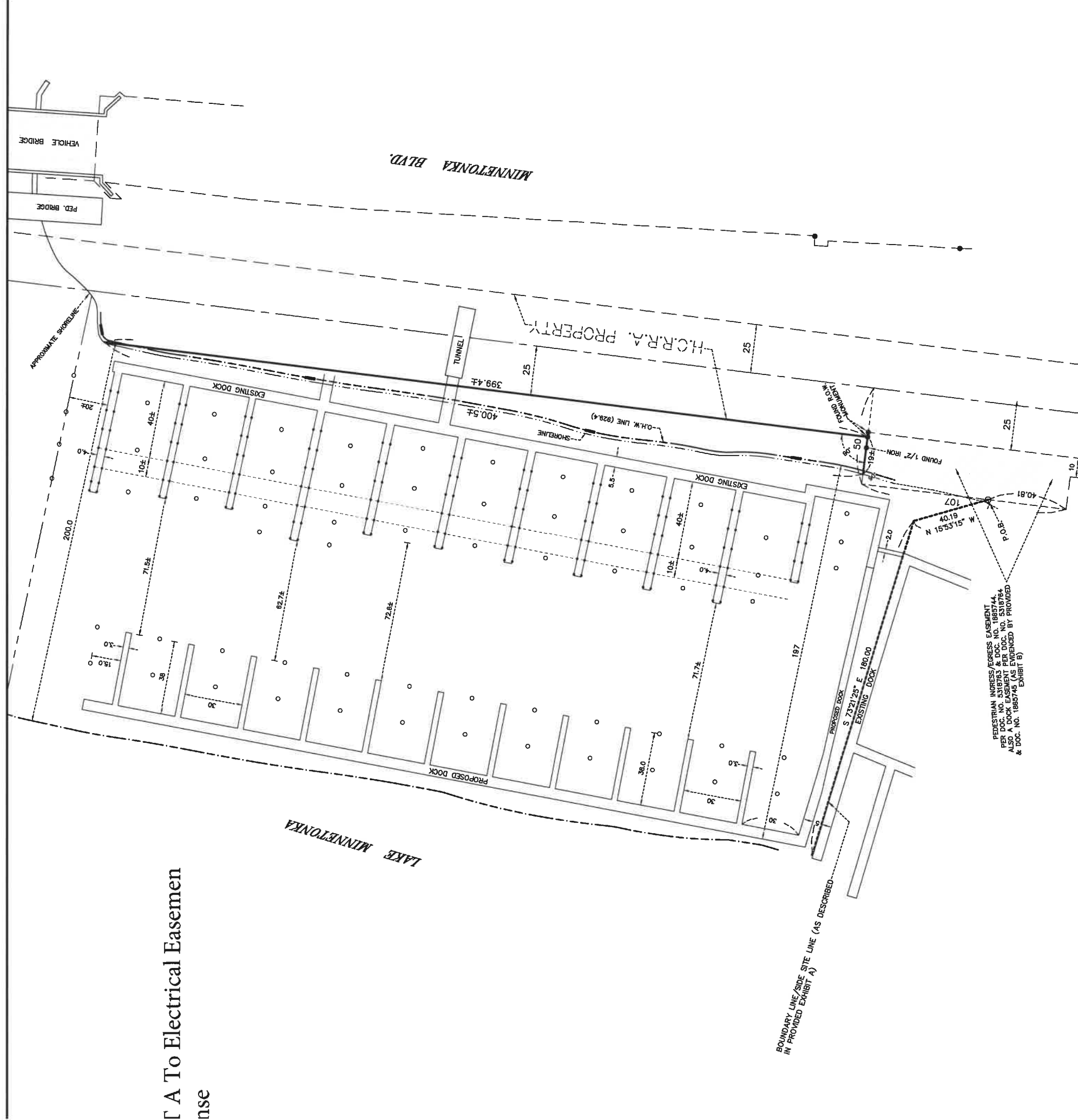
PEDESTRIAN INGRESS/EGRESS EASEMENT PER DOC. NO. 5318763 & DOC. 1865744, ALSO A DOCK EASEMENT PER DOC. NO. 5318764 & DOC. 1865745



- 2003 - 24D
- 2004 - 24D
- 2005 - 24D
- 2006 - 24D
- 2007 - 24D
- 2008 - 24D
- 2009 - 24D
- 2010 - 24D
- 2011 - 24D
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- 2014 - 24D
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PEDESTRIAN INGRESS/EGRESS EASEMENT  
PER DOC. NO. 1885743 & DOC. NO. 1885744  
ALSO, DOCK EASEMENT PER DOC. NO. 240006  
& DOC. NO. 1885745 (AS EVIDENCED BY PROVIDED  
EXHIBIT 6)

BOUNDARY LINE/SIDE SITE LINE (AS DESCRIBED  
IN PROVIDED EXHIBIT A)

35

**GABRIEL JABBOUR**  
141 MINNETONKA BLVD.  
EXCELSIOR, MN

**Advance**  
Surveying & Engineering, Co.

17917 Highway No. 7  
Minnetonka, Minnesota 55345  
Phone (952) 474-7864  
Web: www.advsur.com

HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT  
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION  
AND THAT I AM A DULY REGISTERED LAND SURVEYOR  
UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Wayne W. Preys*  
Wayne W. Preys

LICENSE NO.  
#43503  
DATE  
JANUARY 12, 2024

SURVEYED DATE:  
JANUARY 11, 2024

DRAFTED DATE:  
JANUARY 12, 2024

SHEET TITLE  
**DOCK SURVEY**

SHEET SIZE: 22 X 34  
DRAWING NUMBER  
**240006 WP**

## DOCK USE AREA AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into this 13<sup>th</sup> day of June, 2017, by and between the Tonka Bay Sales, Inc., a Minnesota corporation, 220 Tonka Bay Road, Tonka Bay, MN 55331, ("TBS"), and Bayview Event Center, LLC, a Minnesota limited liability company, 687 Excelsior Blvd., Excelsior, MN 55331 ("Bayview").

### RECITALS

- A. TBS is the owner of a docking easement over and upon the riparian shoreline of real property located in Hennepin County, Minnesota, legally described as follows: Beginning at a point in the northerly line of County Road No. 82 a distance of 50 feet westerly as measured at right angles from the center line of the Main Track of the Minneapolis and St. Louis Railroad Company as originally located and established, then northerly parallel with said Main Track center line 560 feet, then easterly at right angles to a point 8.5 feet westerly, as measured at right angles from the center line of the Chicago and Northwestern Transportation Company Spur Track, ICC No. 8, then southerly parallel with said Spur Track center line to the northerly line of County Road No. 82, then westerly along said northerly line to the point of beginning, Hennepin County, MN., (the "TBS Site").  
(PID 35-117-23-22-0019)
- B. Bayview is the owner of the real property located in Hennepin County, Minnesota, legally described as follows: Tract A, Registered Land Survey Number 1415, Hennepin County, MN., (the Bayview Site").  
(PID 35-117-23-22-0019)
- C.** The TBS Site and the Bayview Site are adjacent and both sites have riparian shoreline on Lake Minnetonka. Both parties to this agreement maintain permanent commercial docks upon the shores of Lake Minnetonka. Said docks are required by law to be constructed and maintained in accordance with commercial dock licenses issued or to be issued by the Lake Minnetonka Conservation District ("LMCD"). Said licenses permit construction of docks, and dock uses, including boat mooring, within a prescribed "Dock Use Area" of the Lake surface, as defined and regulated by the LMCD. Under existing LMCD Regulations, the width of the Dock Use Area associated with any site abutting Lake Minnetonka shoreline is defined as extending between "side site lines extended in the Lake" (LMCD Code §2.01, Subd. 2(b)).
- D.** The common boundary line established between the respective Dock Use Areas has been established by agreement between the parties since at least 2001 and the parties have agreed to memorialize and document the terms of their agreement by and through execution of this agreement, intending thereby to avoid conflicts of interpretation in the future and intending to bind their respective successors and assigns, including specifically the future owners of the Bayview

Site and the future owners of the TBS Site. The parties intend that the Boundary Line as memorialized and confirmed herein shall be deemed the "side site line" under the existing LMCD regulations, and under any successor Dock Use Area regulations enacted in the future which concern the boundary or extent of the Dock Use Areas associated with the Bayview Site or the TBS Site.

NOW, THEREFORE, in consideration of the covenants herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Agreed Side Site Line. The parties agree, for themselves and their successors and assigns, that the Dock Use Area Boundary Line legally described on the attached Exhibit A and accurately depicted on the attached Exhibit B is hereby agreed to be the permanent boundary line (the "Side Site Line") separating the Dock Use Area of the Bayview Site situated southerly of the Side Site Line from the Dock Use Area of the TBS Site situated northerly of the Side Site Line. Further, the parties agree that the Side Site Line shall be used as the "side setback line" as defined under the regulations of the LMCD, and any successor regulatory body charged with regulating dock uses on Lake Minnetonka for both the Bayview Site and the TBS Site

2. Watercraft Restrictions. The parties agree that no watercraft may be docked, moored, or stored by TBS within the Bayview Dock Use Area or by Bayview within the TBS Dock Use Area such that it encroaches on or over the common Side Site Line established hereunder.

3. Bayview LMCD License Application. As a material consideration for Bayview entering into this Agreement, upon execution of this Agreement, TBS agrees to notify the LMCD, in writing, that TBS is withdrawing its objections to Bayview's application for licenses and variances now pending before the LMCD, and TBS will not raise any additional objections to Bayview's application for license and variances now pending before the LMCD.

4. Remedies of the Parties:

(a) Jurisdiction: Any controversy or claim arising out of, or relating to this Agreement, or the making, performance or interpretation thereof, shall be adjudicated by the Hennepin County, Minnesota District Court.

(b) Specific Performance: Each party's obligation under this Agreement is unique. If either party should default in its obligations under this Agreement, the parties each acknowledge that it would be extremely impracticable to measure the resulting damages; accordingly, either party, if they are a non-defaulting party, in addition to any other available rights or remedies, may sue in equity for specific performance, and each party expressly waives the defense that a remedy in monetary damages will be adequate.

(c) Attorneys' Fees to Prevailing Party. In the event of any litigation between the parties under any of the provisions of this instrument, the non-prevailing party to such litigation agrees to pay to the prevailing party all costs and expenses (including, without limitation, expert fees, costs of investigation, deposition costs, travel costs and reasonable attorneys' fees) incurred by the prevailing party in such litigation. The determination of whether a party is a "prevailing party," and the reasonable amount of attorneys' fees and other costs recoverable, will all be reserved to and decided by the Judge presiding over such litigation. The parties agree that the amount of attorneys' fees and other costs which may be awarded must bear a reasonable relationship to, and must be limited by the Judge to a reasonable amount in view of, the amount recovered or the relief obtained by the prevailing party.

5. Rights of Third Parties: Nothing in this Agreement, whether express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any person other than the parties hereto and their respective successors and assigns, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third person to any party to this Agreement, nor shall any provision give any third person any claim under a right of subrogation or action over or against any party to this Agreement.

6. Counterparts/Electronic Signatures: This Agreement may be executed in any number of counterparts each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The parties agree that signatures affixed or delivered electronically, including by facsimile or by email, are acceptable and will constitute a binding execution of this document for all purposes.

7. Successors in Interest: This Agreement shall be binding upon and inure to the benefit of the parties, and their respective successors, heirs and assigns, and on all future owners of the TBS Site and the Bayview Site.

8. Interpretation: This Agreement supersedes and replaces all prior agreements between the parties. This Agreement shall not be construed more strictly against one party than against the other, merely because it may have been drafted or prepared by counsel for one of the parties, it being recognized that both parties have contributed substantially and materially to the preparation of this Agreement.

9. Miscellaneous.

a. Severability. If any provision of this Agreement is to any extent declared by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement or the application of such provision to persons or circumstances other than those in respect of which the determination of invalidity or unenforceability was made will not be affected thereby, and each provision of this Agreement will be valid and enforceable to the fullest extent permitted by law.

b. Governing Laws. This Agreement shall be construed in accordance with the law of the State of Minnesota.

c. Amendments. This Agreement may not be amended or modified except in writing executed by both parties.

d. Entire Agreement. This Agreement contains all the agreements and understandings of the parties hereto.


IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first above written.

[Signature Pages Follows]

**DOCK USE AREA AGREEMENT**


[First Signature Page]

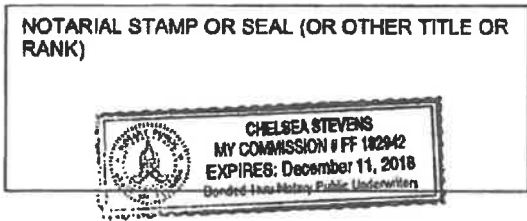
**Tonka Bay Sales, Inc., a Minnesota corporation**

By:   
Gabriel Jabbour  
President  
Date: 6-13-2017

FLORIDA  
STATE OF MINNESOTA )  
BROWARD )ss.  
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 13 day of June, 2017, by Gabriel Jabbour, the President of Tonka Bay Sales, Inc., Inc, a corporation under the laws of the State of Minnesota, on behalf of said corporation.

  
Signature of Notary Public or Other Official





**DOCK USE AREA AGREEMENT**

[Second Signature Page]

**Bayview Event Center, LLC.** a Minnesota  
limited liability company

By: Barbara P. Hanson  
Barbara Hanson

Its: Chief Operating Officer

Date: June 13, 2017

W



MULTIPLE DOCK NEW LICENSE APPLICATION LAKE MINNETONKA CONSERVATION DISTRICT

For LMCD Use Fee Amount: 1598.50 Check # 1343 Date Received: 4/8/24

1. CONTACT INFORMATION

Applicant: Gigi Jabbour Applicant Title (Owner, Authorized Agent, etc.): Trustee Address: 23500 Smithtown Rd, Excelsior MN 55331 Phone: (612) 599-2841 Email: gigi@minnetonkamarina.com Owner of Site (if different from Applicant): Tonka Bay Sales Address: 23500 Smithtown Rd, Excelsior MN 55331 Phone: (612) 599-2841 Email: gigi@minnetonkamarina.com

2. SITE INFORMATION

Site Name (Business) & Address/PID: Minnetonka Marina, 142 Minnetonka Blvd

Facility Use Classification (Check all that apply) PID 3511723220032 3511723220026 [x] a) Commercial Marina [ ] d) Transient [ ] g) Residential Multiple Dock [ ] b) Club [ ] e) Outlot Association [ ] c) Municipal [ ] f) Residential Association

Facility Type [x] a) Qualified Commercial Marina [ ] b) Qualified Yacht Club [ ] d) Not Applicable [ ] c) Qualified Sailing School

Site Shoreline Measurement of 929.4 ft OHW: 507 feet Existing Boat Storage Unit Density: 1:20 Requested Boat Storage Unit Density: 1:11

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

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

Facilities & Services

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

3. ATTACHMENTS

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

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

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

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

4. FEES

Base Fee (Non-refundable)	\$500.00
Plus Number of Watercraft Storage Units (WSU) 46.5 x \$7.50	\$ 1098.50
<b>Total Fee Enclosed</b>	<b>\$ 1598.50</b>

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

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

Applicant's Signature:


owner
4/1/24

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

Return to:

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

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

Total square footage of existing dock area and maneuvering space = 26165 sq. ft.

Total square footage of new or additional dock area and maneuvering space = 39779 sq. ft.

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

**Boat Storage Units (BSU) Computation**

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

**Qualified Facility Applications:** Lakeshore Frontage 507 feet divided by 10 = 51 BSUs potential under the 1 boat per 10-foot rule.

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

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

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

**Watercraft Storage Units (WSU) Computation**

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

<u>BSU</u>	<u>SLIP SIZE CATEGORIES</u>	<u>WSU</u>
___	BSU @ 1 WSU (each slip up to 20' long and /or up to 10' wide)	___
___	BSU @ 1.5 WSU (each slip more than 20' up to 24' long and/or up to 11' wide)	___
___	BSU @ 2 WSU (each slip more than 24' up to 32' long and/or up to 12' wide)	___
<u>25</u>	BSU @ 2.5 WSU (each slip more than 32' up to 40' long and/or up to 14' wide)	<u>62.5</u>
___	BSU @ 3 WSU (each slip more than 40' up to 48' long and/or up to 16' wide)	___
<u>21</u>	BSU @ 4 WSU (each slip more than 48' long and/or more than 16' wide)	<u>84</u>
<u>46</u>	<b>Total BSUs</b>	<b>Total WSUs</b> <u>146.5</u>



EAST CENTRAL MINNESOTA

# Ad Proof

Not Actual Size

**LAKE MINNETONKA  
CONSERVATION DISTRICT  
PUBLIC HEARING NOTICE  
7:00 PM, MAY 22, 2024**

**MINNETONKA MARINA  
(EXCELSIOR BAY)  
142 MINNETONKA BLVD,  
EXCELSIOR, MN 55331  
EXCELSIOR BAY,  
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](mailto:publicnotice@apgecm.com)

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a new multiple dock application from Minnetonka Marina. The Applicant is Gigi Jabbour of 23500 Smithtown Rd, Excelsior. The Applicant seeks to expand the dock structure of a Qualified Commercial Marina from 26,165 square feet to approximately 39,779 square feet. No adjustments are being proposed to the Applicants side setbacks. All interested persons will be given an opportunity to comment. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

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

Published in the  
Sun Sailor  
May 9, 2024  
1392868

Date: 05/02/24  
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: 1392868  
Copy Line: May 22 PH Minnetonka Marine  
PO Number:  
Start: 05/09/24  
Stop: 05/09/2024  
Total Cost: \$70.40  
# of Lines: 47  
Total Depth: 5.222  
# of Inserts: 1  
Ad Class: 150  
Phone # (763) 691-6000  
Email: [publicnotice@apgecm.com](mailto: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:** May 10, 2024  
**TO:** Property Owner or Resident  
**FROM:** Thomas Tully, Manager of Code Enforcement  
**SUBJECT:** Public Hearing Notice

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

You are receiving this notice since Hennepin County property records indicate you own or reside upon property within 350 feet of a site being considered for an expansion of a qualified commercial marina. The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the application. The property is located along Minnetonka Blvd, PID: 35-117-23-22-0026, in Excelsior, MN 55331, on Excelsior Bay. The application is from Gigi Jabbour, Minnetonka Marina (Excelsior).

The Applicant is proposing to expand the Qualified Commercial Marina dock structure (New Qualified Commercial Marina Multiple Dock License) from 26,165 square feet to approximately 39,779 square feet. No adjustments are being proposed to the Applicants side setbacks.

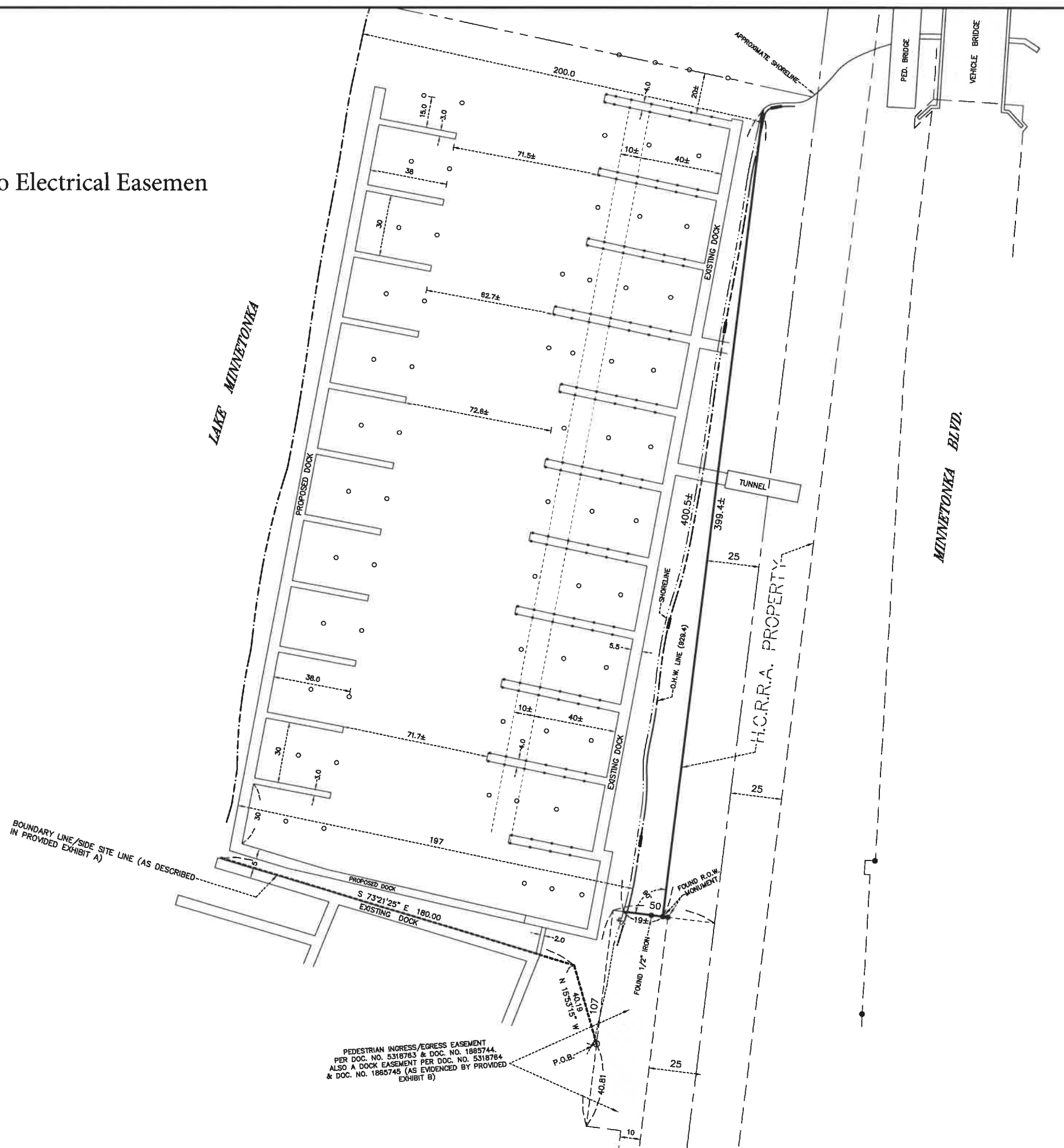
### Public Hearing Information

A public hearing will be held at 7:00 PM, May 22, 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 using the "Contact Us" form at [lmcd.org](http://lmcd.org).

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

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

From A To Electrical Easement  
 Use



BOUNDARY LINE/SIDE SITE LINE (AS DESCRIBED  
 IN PROVIDED EXHIBIT A)

PEDESTRIAN INGRESS/EGRESS EASEMENT  
 PER DOC. NO. 5318763 & DOC. NO. 1885744.  
 ALSO A DOCK EASEMENT PER DOC. NO. 5318764  
 & DOC. NO. 1885745 (AS EVIDENCED BY PROVIDED  
 EXHIBIT B)

SS  
**GABRIEL JABBOUR**  
 141 MINNETONKA BLVD.  
 EXCELSIOR, MN

**Advance**  
 Surveying & Engineering, Co.  
 17917 Highway No. 7  
 Minnetonka, Minnesota 55345  
 Phone (952) 474-7964  
 Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT  
 WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION  
 AND THAT I AM A DULY REGISTERED LAND SURVEYOR  
 UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*Wayne W. Preytils*  
 Wayne W. Preytils  
 #43503  
 LICENSE NO.  
 JANUARY 12, 2024  
 DATE

SURVEYED DATE:  
 JANUARY 11, 2024  
 DRAFTED DATE:  
 JANUARY 12, 2024

SHEET TITLE  
**DOCK SURVEY**  
 SHEET SIZE: 22 X 34  
 DRAWING NUMBER  
**240006 WP**

**Application for Expansion of Qualified Commercial Marina**

**Property:** 142 Minnetonka Blvd, Excelsior, MN 55331 (Applicant: Gigi Jabbour)

*For illustrative purposes only. Source: Hennepin County Interactive Property Map, 05/09/2024*





**Application for Expansion of Qualified Commercial Marina**

**Property:** 142 Minnetonka Blvd, Excelsior, MN 55331 (Applicant: Gigi Jabbour)

*For illustrative purposes only. Source: Hennepin County Interactive Property Map, 05/09/2024*



**Application for Expansion of Qualified Commercial Marina**

**Property:** 142 Minnetonka Blvd, Excelsior, MN 55331 (Applicant: Gigi Jabbour)

*For illustrative purposes only. Source: Hennepin County Interactive Property Map, 05/09/2024*



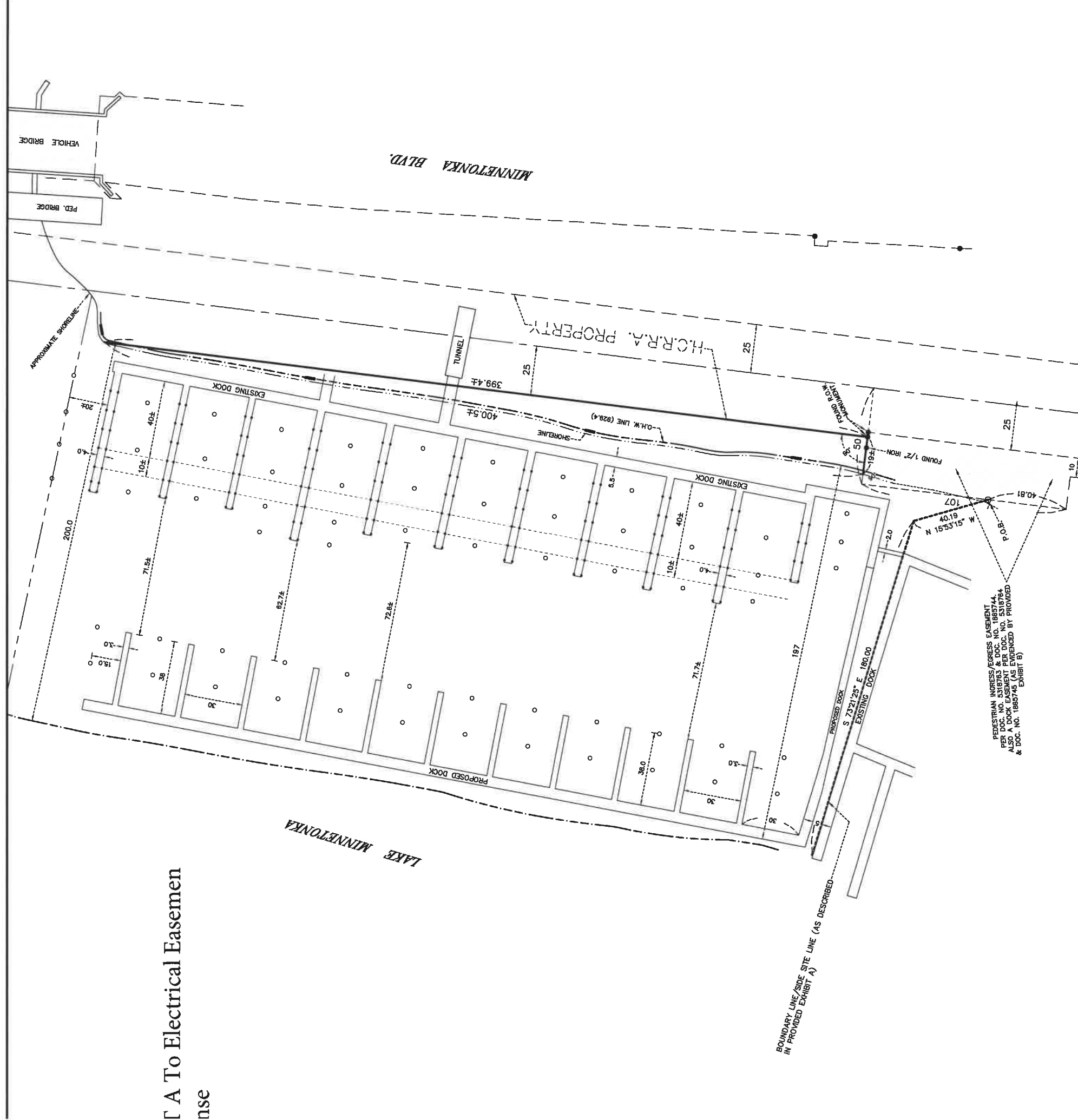
**Application for Expansion of Qualified Commercial Marina**

**Property:** 142 Minnetonka Blvd, Excelsior, MN 55331 (Applicant: Gigi Jabbour)

*For illustrative purposes only. Source: Hennepin County Interactive Property Map, 05/09/2024*



**Γ A To Electrical Easemen  
nse**



PEDESTRIAN INGRESS/EGRESS EASEMENT  
PER DOC. NO. 1885743 & DOC. NO. 1885744  
ALSO, DOCK EASEMENT PER DOC. NO. 240006  
& DOC. NO. 1885745 (AS EVIDENCED BY PROVIDED  
EXHIBIT 6)

**GABRIEL JABBOUR**  
141 MINNETONKA BLVD.  
EXCELSIOR, MN

**Advance**  
Surveying & Engineering, Co.

17917 Highway No. 7  
Minnetonka, Minnesota 55345  
Phone (952) 474-7864  
Web: www.advsur.com

HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT  
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION  
AND THAT I AM A DULY REGISTERED LAND SURVEYOR  
UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Wayne W. Preys*  
Wayne W. Preys  
#43503  
JANUARY 12, 2024

SURVEYED DATE:  
JANUARY 11, 2024

DRAFTED DATE:  
JANUARY 12, 2024

SHEET TITLE  
**DOCK SURVEY**  
SHEET SIZE: 22 X 34  
DRAWING NUMBER  
**240006 WP**



**DATE:** May 22, 2023 (Prepared May 14, 2023)  
**TO:** LMCD Board of Directors  
**FROM:** Thomas Tully, Environmental Administrative Technician  
**CC:** Jim Brimerer, Interim Executive Director  
**SUBJECT:** New Multiple Dock License (Reclassification of BSU) and Variance Request for Caribbean Marina & Restaurant in Tonka Bay

**ACTION**

Board consideration of request for a new multiple dock license (Reclassification and addition of one BSU) request for the Caribbean Marina & Restaurant, located at 135 Lakeview Ave, 100 Sunrise Ave, and 110 Sunrise Ave in Tonka Bay, MN 55331, with shoreline on Echo Bay, and board consideration of public input as part of the public hearing process.

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 multiple dock license from Caribbean Marina & Restaurant for the property located at 135 Lakeview Ave, 100 Sunrise Ave, and 110 Sunrise Ave in Tonka Bay for final action at the June 5, 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 multiple dock license from Caribbean Marina & Restaurant for the property located at 135 Lakeview Ave, 100 Sunrise Ave, and 110 Sunrise Ave in Tonka Bay for final action at the June 5, 2024 LMCD Board meeting based on...

**APPLICATION SUMMARY**

The applicant, Shawn Wischmeier (“Applicant”) submitted an application for a new multiple dock license at 135 Lakeview Ave, 100 Sunrise Ave, and 110 Sunrise Ave in Tonka Bay, MN 55331, with shoreline on Echo Bay. The Applicant’s property has approximately 440 feet of 929.4 Foot OHW shoreline. At least two upland parcels (PIDs 27-117-23-24-0067 and 27-117-23-24-0068) are used as part of the site’s commercial operation.

In summary, the applicant proposes the following:

- Convert 9 boat storage units (BSUs) from Transient use to Rent use in 2024 boating season and beyond;

Multiple Dock License  
135 Lakeview Ave, 100 Sunrise Ave, and 110 Sunrise Ave in Tonka Bay  
LMCD Board Meeting May 22, 2024

- proposes to convert the use type of 9 slips from Transient to Rental (Overnight Storage). The slip numbers to be converted are: #30, #31, #32, #33, #43, #44, #45, #46, and #57, and are highlighted on the proposed site plan.
- Maintain existing variances on the site.
- No Structure would be added or relocated

## CODE REVIEW

### Commercial Multiple Dock License Review Criteria

#### LMCD Code Section 6-2.01. Commercial Multiple Dock License.

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

- a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
  - Per 2-4.09, Subd. 3: “Docks and mooring areas lawfully in existence on May 3, 1978, may continue provided the number of restricted watercraft moored or docked at such docks and mooring areas does not exceed the number moored or docked on May 3, 1978.” Also see 2-8.19 regarding preservation of BSUs.
- b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
  - No change from current approved maximum length or current approved setbacks is proposed.
- c) Whether the proposed structure will be structurally safe for use by the intended users;
  - No change from current approved Site Plan
- d) Whether the structure will comply with the regulations contained in this Code;
  - The proposed changes to use of the site complies with the Code.
- e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;
  - A previous approval for the site had:
    - i. Same total BSUs (147) than currently proposed
- f) Whether the proposed structure will be compatible with the adjacent development;
  - Same overall footprint as previously approved structure.
- g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
  - Same overall footprint as previously approved structure.
  -
- h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;

Multiple Dock License  
135 Lakeview Ave, 100 Sunrise Ave, and 110 Sunrise Ave in Tonka Bay  
LMCD Board Meeting May 22, 2024

- Same overall footprint as previously approved structure.
- i) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;
  - Same overall footprint as previously approved structure. Less transient BSUs, less traffic.
- j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
  - Same as previously approved structure.

### **PUBLIC COMMENTS**

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Tonka Bay were provided information regarding the applications on May 6, 2024. City and agency comments are due by May 20, 2024. Comments received as of May 18, 2024 are summarized below. Any comments received after May 18, 2024 will be provided at the Board meeting for review.

- No comments received.

No comments have been received from the general public. Written comments received after noon on May 18, 2024 will be shared at the May 22, 2024 Board meeting.

- No comment received

### **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.

A hearing notice was published in the May 5, 2024 edition of the Sun Sailor (official LMCD newspaper) and the May 7, 2024 edition of the Laker Pioneer. On May 6, 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**

Based on information available at the time of this report, LMCD staff recommends approval with the minimum conditions listed below. The recommendation may change based on information reviewed or presented as part of the public hearing process.

1. Carry forward applicable conditions from previous Findings of Fact & Order (e.g., “no parking” signs on eastern dock, fence/barrier on eastern dock, appropriate lighting, etc.)
2. Allow for the classification change of 9 Transient slips to Rental.

Multiple Dock License  
135 Lakeview Ave, 100 Sunrise Ave, and 110 Sunrise Ave in Tonka Bay  
LMCD Board Meeting May 22, 2024

3. Ensure all Federal, State, County, and Municipal regulations are followed.
4. 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)
5. Standard variance conditions are applied.

**BUDGET** \_\_\_\_\_  
N/A

**STRATEGIC PRIORITIES** \_\_\_\_\_

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

**ATTACHMENTS** \_\_\_\_\_

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



LMCD CODE EXCERPTS



**Subd. 14. Classification of Use.** “Classification of Use” means the category into which a particular use is classified for the purposes of determining the applicable regulations and licensing requirements. The classification of uses under this Code includes commercial facilities, club facilities, municipal facilities, outlot association facilities, residential association facilities, residential multiple docks, and transient facilities. The conversion from one classification of use to another requires a new license.

**6-1.17. New License Required.** The issuance of a new license is required for any change in slip size, boat storage units, ownership, length, width, height or location, conversion in use, or the change in the type of structure requiring a license under this Code.

Subd. 1. Minor Changes. The Executive Director may administratively approve a request for a new license related to a minor change and issue a new license without a public hearing and without requiring the payment of a fee therefor, provided:

(a) All information required by the Executive Director has been submitted by the applicant;

(b) The structure is in compliance with the provisions of this Code;

(c) There is no change in the number of watercraft to be stored at the dock or launched from a ramp;

(d) The change will not adversely affect nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment;

(e) The change will not involve a change in use from one of the classifications of use to another; and

(f) For all structures, except those of qualified commercial uses, there is no substantial change in the slip size, length, width, height or location of the dock or launching ramp, the amount of the Lake obstructed or occupied by the dock or launching ramp, the use of the dock or launching ramp, or the type of watercraft stored at the dock or launching ramp.

The Executive Director may refer any application to the Board and must refer any application that the Executive Director proposes to deny.

**Subd. 2. Other New Licenses.** When a new license is required that involves more than a minor change that may be processed administratively, or involves a conversion to a different classification of use, the applicant shall be required to comply with all of the requirements associated with seeking the new license, including paying the required fees, and the LMCD shall process and hold a hearing on the application in the same manner as a new application.

**Article 6, Chapter 2. Commercial Structure Approvals.**

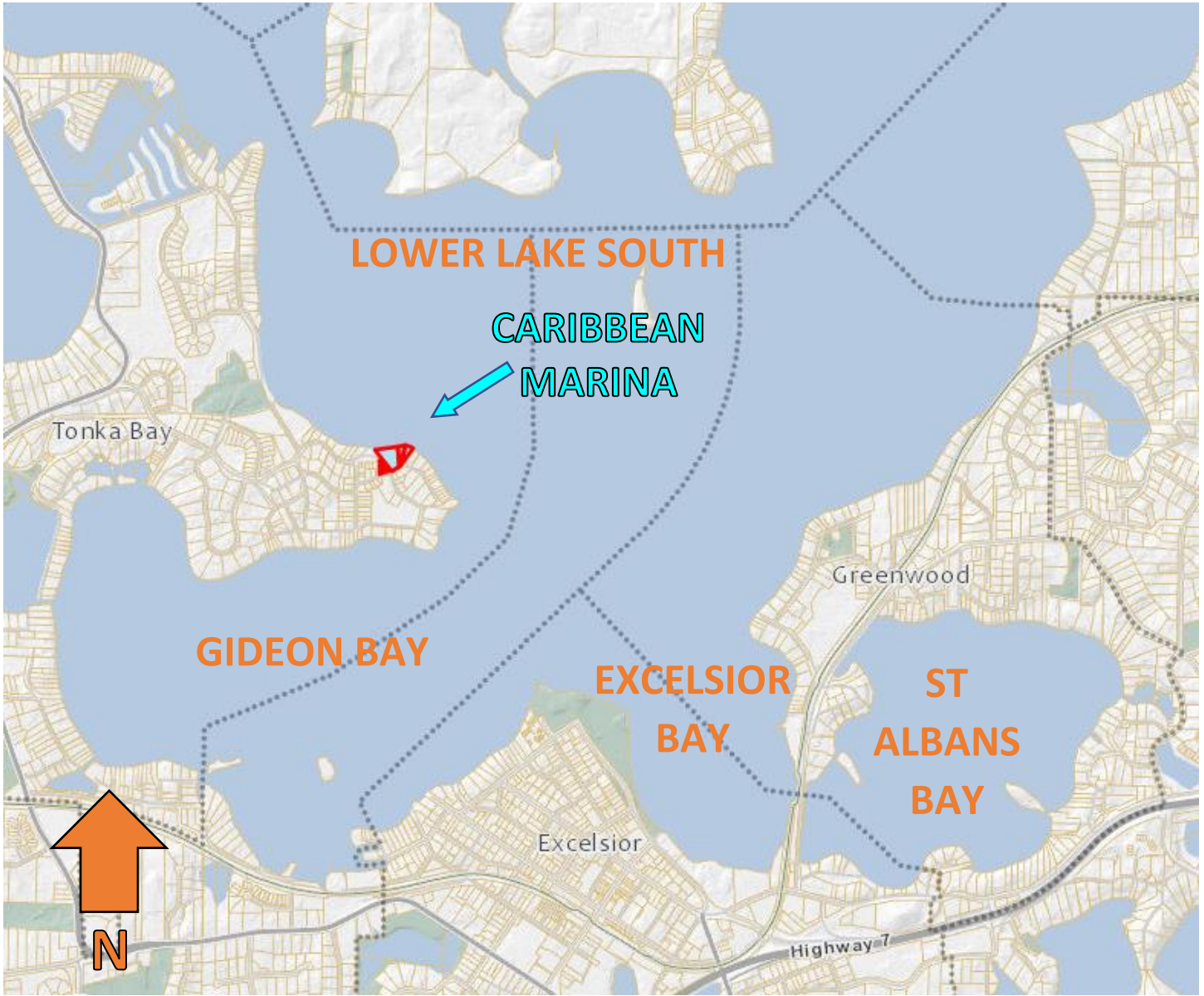
**6-2.01. Commercial Multiple Dock License.** An application for a commercial multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

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

- (a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
- (b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
- (c) Whether the proposed structure will be structurally safe for use by the intended users;
- (d) Whether the structure will comply with the regulations contained in this Code;
- (e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;
- (f) Whether the proposed structure will be compatible with the adjacent development;
- (g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
- (h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;
- (i) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;
- (j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
- (k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;
- (l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and
- (m) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).

Multiple Dock License  
135 Lakeview Ave, 100 Sunrise Ave, and 110 Sunrise Ave in Tonka Bay  
LMCD Board Meeting May 22, 2024

Caribbean Marina & Restaurant, 135 Lakeview Ave, 100 and 110 Sunrise Ave in Tonka Bay | MDL App For illustrative purposes only. Taken from Hennepin County Locate & Notify Map 03/30/2021.



# 2022 AND BEYOND PROPOSED DOCK SURVEY FOR TONKA BAY PROPERTY HOLDINGS, LLC

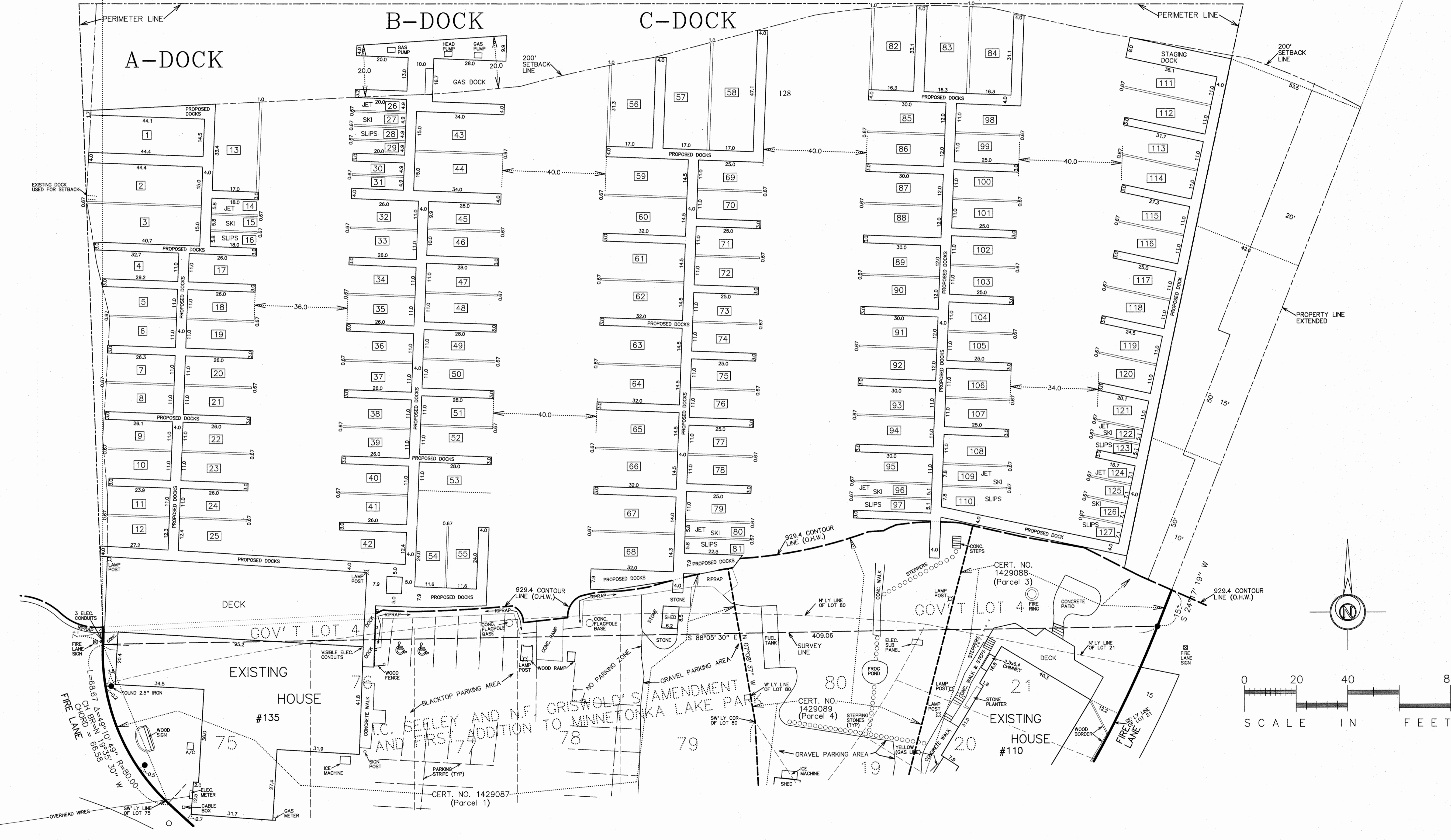
IN I.C. SEELEY AND N.F. GRISWOLD'S AMENDMENT AND FIRST ADDITION TO MINNETONKA LAKE PARK AND IN GOV'T LOT 4, SEC. 27-117-23  
HENNEPIN COUNTY, MINNESOTA

LAKE  
MINNETONKA

ECHO BAY

D-DOCK

E-DOCK



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

DATE: 5-28-19  
 DRAWN BY: [Signature]  
 PROJECT NO: 21-004A

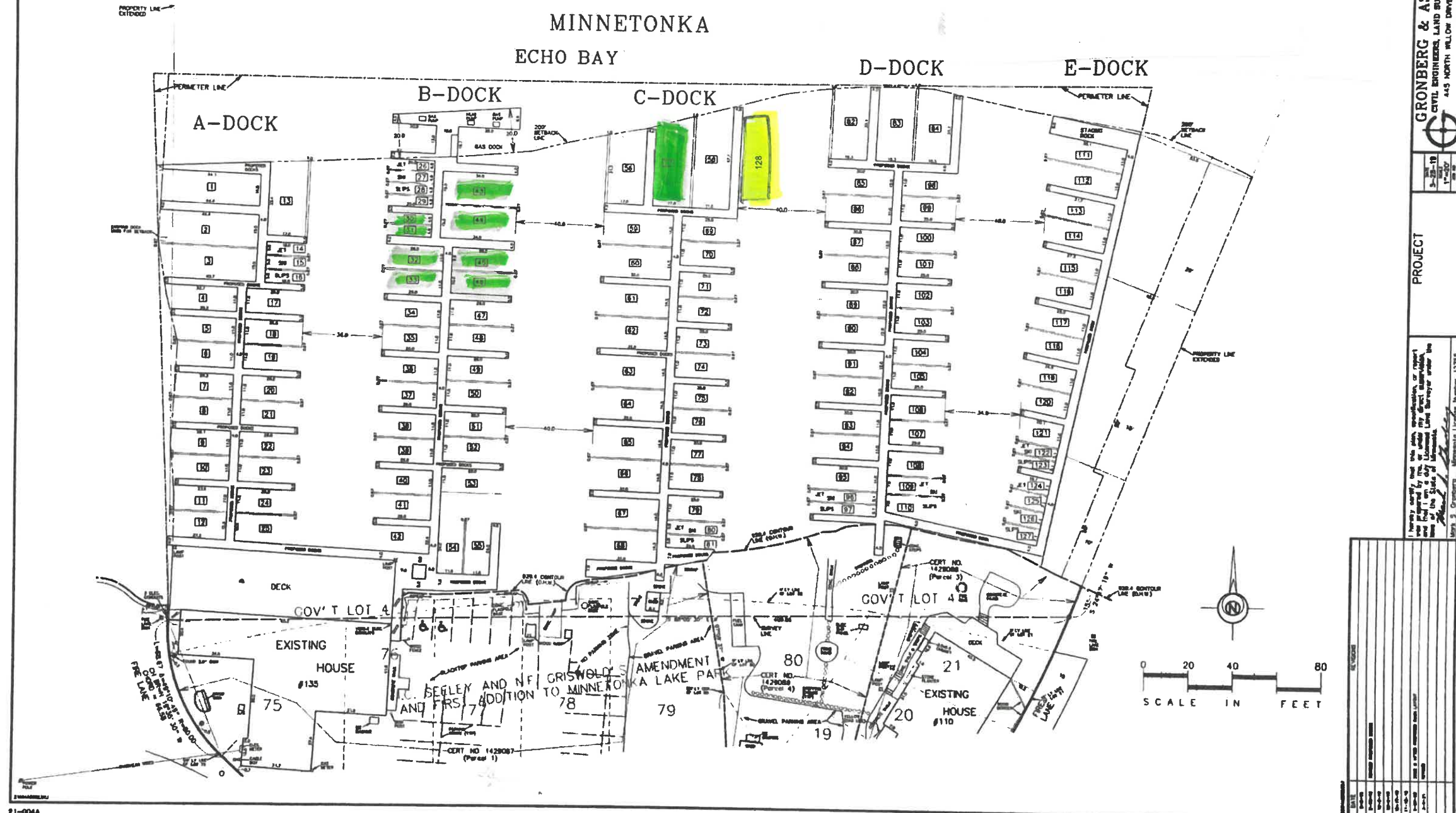
PROJECT

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
*Mark S. Gronberg*  
 Mark S. Gronberg, Minnesota License Number 12755

DATE	REVISIONS
8-3-19	REVISED PROPOSED DOCKS
9-18-19	
10-3-19	
10-9-19	
10-17-19	
11-18-19	
9-29-20	2022 & AFTER PROPOSED DOCK LAYOUT
3-9-21	REVISED

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



**GRONBERG & ASSOCIATES, INC.**  
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS  
 445 NORTH WILLOW DRIVE LONG LAKE, MN 55358  
 852-473-4141

PROJECT

3-22-19  
 11:11 AM  
 21-200A

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, the name of the State of Minnesota, and that I am a duly Licensed Professional Engineer, Minnesota License Number 12253.

DATE	
BY	
APP'D	
CHECKED	
SCALE	
DATE	
BY	
APP'D	
CHECKED	



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 25, 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.

To accomplish this change, we are submitting for a new MDL with change application. Similar to the changes initiated for the 2023 season, whereby we added 6 new transient slips, we have followed the same process with the submission of the new application and Memo supporting the changes. For the fee calculation, I have left a new base fee of \$500 and applied the per slip fee of \$7.50 for each of the nine slips we are recommending for change from transient to private. This follows the same format as in 2023. Please let us know if we need to amend our application in any way to correctly account for the requested change.

All slip numbers are listed in the attachment.

Sincerely,

Shawn Wischmeier  
on behalf of The Caribbean Tonka Bay, LLC



MULTIPLE DOCK
NEW LICENSE APPLICATION
LAKE MINNETONKA CONSERVATION DISTRICT

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

1. CONTACT INFORMATION

Applicant: The Caribbean Tonka Bay LLC Applicant Title (Owner, Authorized Agent, etc.): \_\_\_\_\_

Address: 135 Lakeview Avenue, Tonka Bay, MN 55331

Phone: 952-474-6825 Email: swischmeier@gmail.com

Owner of Site (if different from Applicant): Shawn Wischmeier, Owner

Address: 165 Lakeview Avenue, Excelsior, MN 55331

Phone: 919-448-8884 Email: swischmeier@gmail.com

2. SITE INFORMATION

Site Name (Business) & Address/PID: \_\_\_\_\_

Facility Use Classification (Check all that apply)

- Facility Use Classification options: a) Commercial Marina, b) Club, c) Municipal, d) Transient, e) Outlot Association, f) Residential Association, g) Residential Multiple Dock

Facility Type

- Facility Type options: a) Qualified Commercial Marina, b) Qualified Yacht Club, c) Qualified Sailing School, d) Not Applicable

Site Shoreline Measurement of 929.4 ft OHW: 440 feet

Existing Boat Storage Unit Density: \_\_\_\_\_ Requested Boat Storage Unit Density: \_\_\_\_\_

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

Permanent/Pilings \_\_\_\_\_

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

Facilities & Services

- Facilities & Services checklist: Restroom facilities, Head pump-out facilities, Fuel offered, Fishing bait offered, Boat Maintenance Services, Public Launch Ramp



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

Total square footage of existing dock area and maneuvering space = 90,000 sq. ft.  
 Total square footage of new or additional dock area and maneuvering space = 0 sq. ft.

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

**Boat Storage Units (BSU) Computation**

**General Facility Applications:** Lakeshore Frontage 440 feet divided by 50 = 9 BSU's potential under the 1 boat per 50-foot rule. If this number is less than the total BSU's applied for below, an application for a *Special Density License* is required per Code Section 2-4.05.

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

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

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

Number of BSUs in Each Type		Number of BSUs for Each USE	
Slips	128	Rent or lease	127
Slides	0	Service work	
Lifts	0	Company use	
Tie-ons	0	Private use	
Moorings	0	Transient use	1
Other	0	Other	
<b>TOTAL BSU's</b>	128	<b>TOTAL BSU's</b>	128

**Watercraft Storage Units (WSU) Computation**

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

<u>BSU</u>	<u>SLIP SIZE CATEGORIES</u>	<u>WSU</u>
<u>15</u>	BSU @ 1 WSU (each slip up to 20' long and /or up to 10' wide)	<u>15</u>
<u>4</u>	BSU @ 1.5 WSU (each slip more than 20' up to 24' long and/or up to 11' wide)	<u>6</u>
<u>83</u>	BSU @ 2 WSU (each slip more than 24' up to 32' long and/or up to 12' wide)	<u>166</u>
<u>3</u>	BSU @ 2.5 WSU (each slip more than 32' up to 40' long and/or up to 14' wide)	<u>7.5</u>
<u>16</u>	BSU @ 3 WSU (each slip more than 40' up to 48' long and/or up to 16' wide)	<u>48</u>
<u>7</u>	BSU @ 4 WSU (each slip more than 48' long and/or more than 16' wide)	<u>28</u>
<u>128</u>	<b>Total BSUs</b>	<b>Total WSUs</b> <u>270.5</u>

### 3. ATTACHMENTS

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

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

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

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

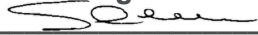
### 4. FEES

<b>Base Fee</b> (Non-refundable)	<u>\$500.00</u>
<b>Plus Number of Watercraft Storage Units (WSU)</b> <u>9</u> x \$7.50	<u>\$ 67.50</u>
<b>Total Fee Enclosed</b>	<b>\$ <u>567.50</u></b>

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

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

**Applicant’s Signature:**

	Owner, Managing Member	April 25, 2024
Name Shawn D. Wischmeier	Title	Date

**Return to:**

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



EAST CENTRAL MINNESOTA

# Ad Proof

Not Actual Size

**LAKE MINNETONKA  
CONSERVATION DISTRICT  
PUBLIC HEARING NOTICE  
7:00 PM, MAY 22, 2024**

**CARIBBEAN MARINA  
135 LAKEVIEW AVENUE  
TONKA BAY, MN 55331  
ECHO BAY,  
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](mailto:publicnotice@apgecm.com)

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a new multiple dock application from Shawn Wischmeier of 135 Lakeview Ave, Tonka Bay. The Caribbean Marina seeks a new Multiple Dock Application to change the BSU classification of 8 of their slips. The applicant proposes to maintain the current dock structure. No adjustments are being proposed to the Applicants side setbacks. All interested persons will be given an opportunity to comment. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

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

Published in the  
Sun Sailor  
May 9, 2024  
1393973

Date: 05/03/24  
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: 1393973  
Copy Line: May 22 PH Caribbean Marine  
PO Number:  
Start: 05/09/24  
Stop: 05/09/2024  
Total Cost: \$64.00  
# of Lines: 45  
Total Depth: 5.0  
# of Inserts: 1  
Ad Class: 150  
Phone # (763) 691-6000  
Email: [publicnotice@apgecm.com](mailto: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:** May 10, 2024  
**TO:** Property Owner or Resident  
**FROM:** Thomas Tully, Manager of Code Enforcement  
**SUBJECT:** Public Hearing Notice

A rectangular box containing a handwritten signature in black ink, which appears to be 'Thomas Tully'.

You are receiving this notice since Hennepin County property records indicate you own or reside upon property within 350 feet of a developed site being considered for a new commercial multiple dock license. The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the application. The property is located along 135 Lakeview Ave, PID: 27-117-23-24-0050, in Tonka Bay MN 55391, on Echo Bay. The application is from Shawn Wischmeier, The Caribbean Marina.

The Applicant is applying for a New Multiple Dock License to reclassify nine transient slips into rental slips, to recuperate losses from the restaurant not being operational for the 2024 boating season. The proposed dock structure would not change for this site. All interested persons will be given an opportunity to comment. An aerial image and proposed site plan are enclosed for your reference.

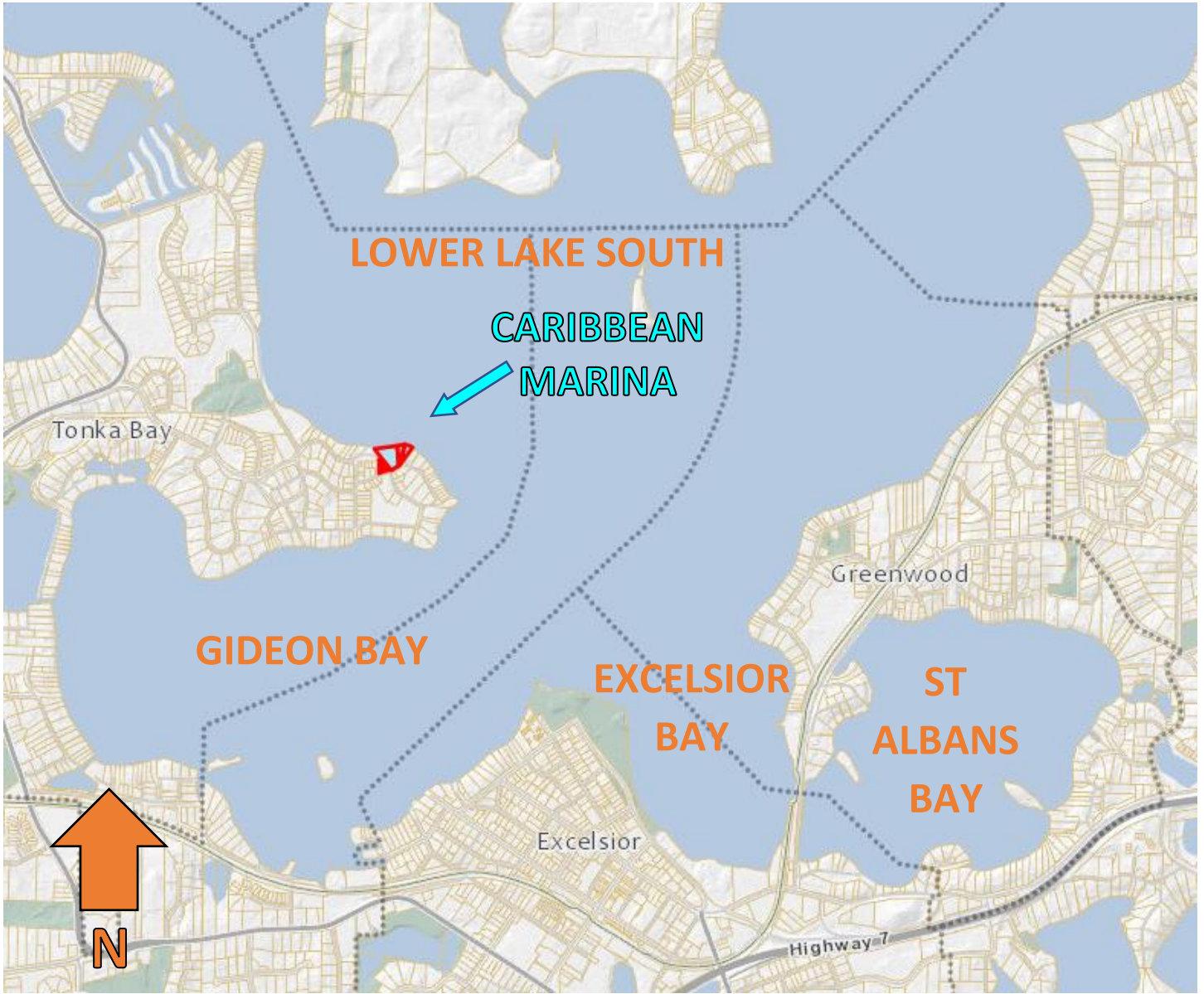
### Public Hearing Information

A public hearing will be held at 7:00 PM, May 22, 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 using the “Contact Us” form at [lmcd.org](http://lmcd.org).

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

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

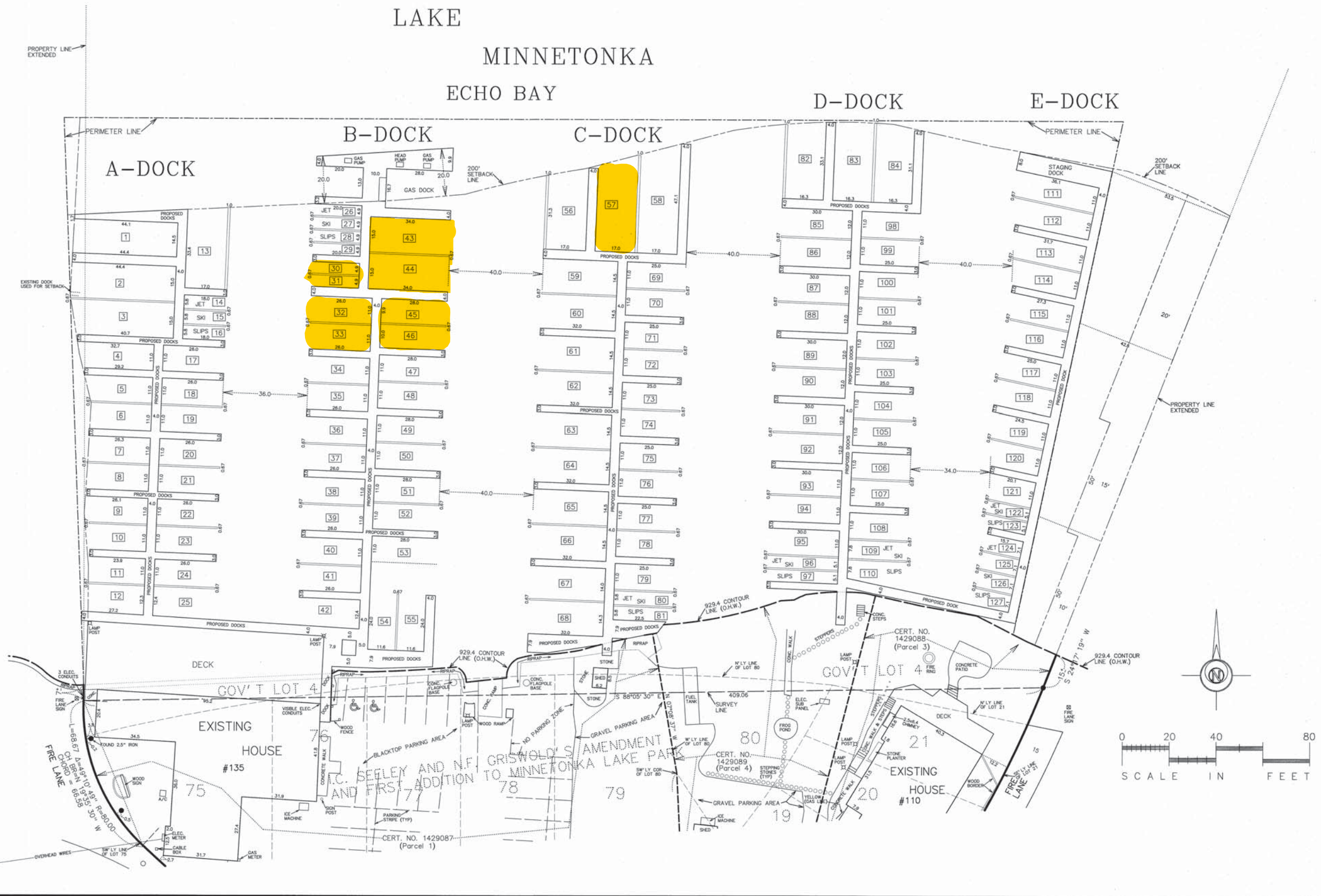
Caribbean Marina & Restaurant, 135 Lakeview Ave, 100 and 110 Sunrise Ave in Tonka Bay | MDL App For illustrative purposes only. Taken from Hennepin County Locate & Notify Map 03/30/2021.



# 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



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

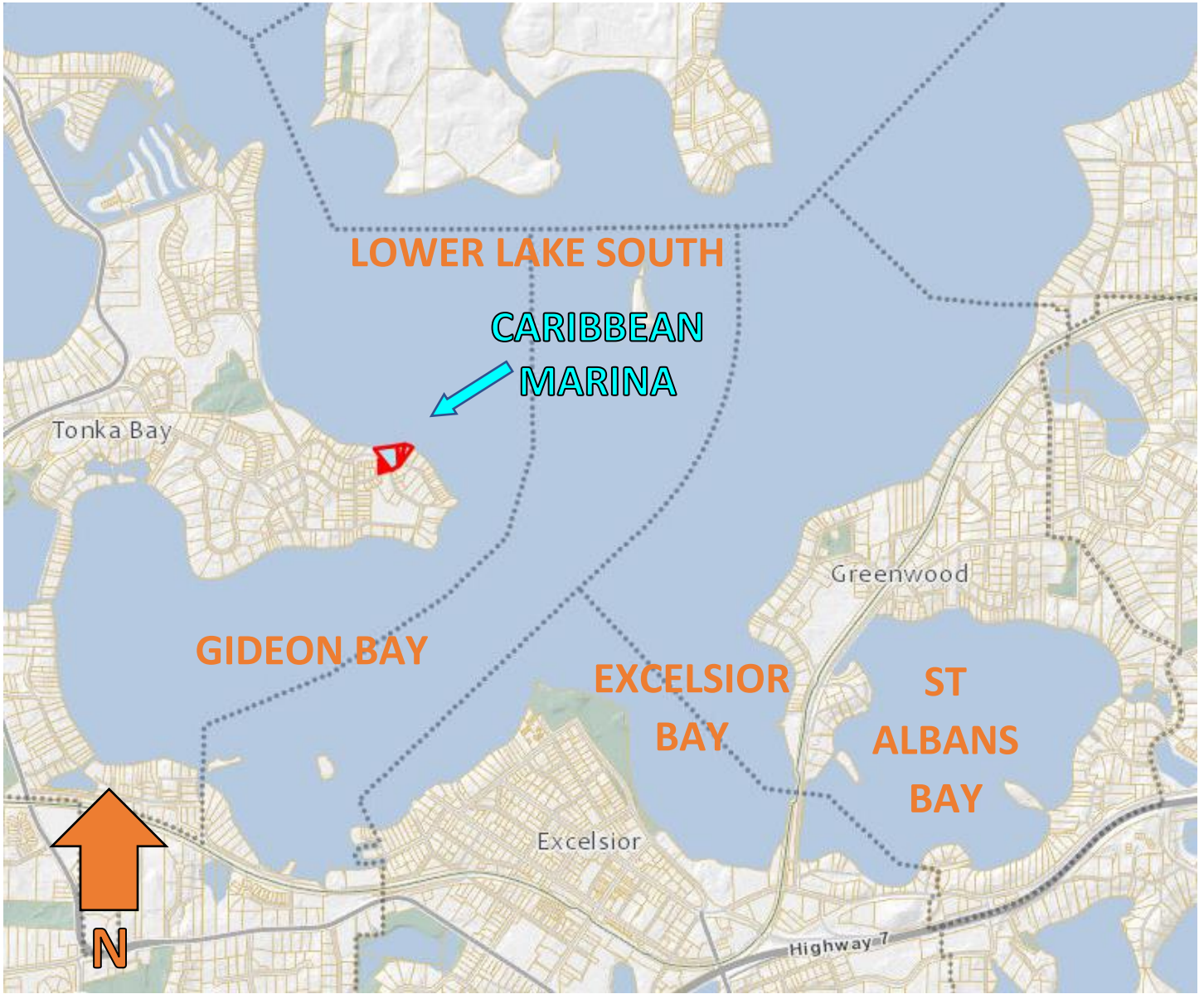
DATE: 5-28-19  
 SCALE: 1"=20'  
 PROJECT: 21-004A

PROJECT

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
*Mark S. Gronberg*  
 Mark S. Gronberg, Minnesota License Number 12755

DATE	REVISIONS
8-5-19	REVISED PROPOSED DOCKS
10-2-19	
10-8-19	
10-17-19	
11-18-19	2022 & AFTER PROPOSED DOCK LAYOUT
9-28-20	
2-9-21	REVISED

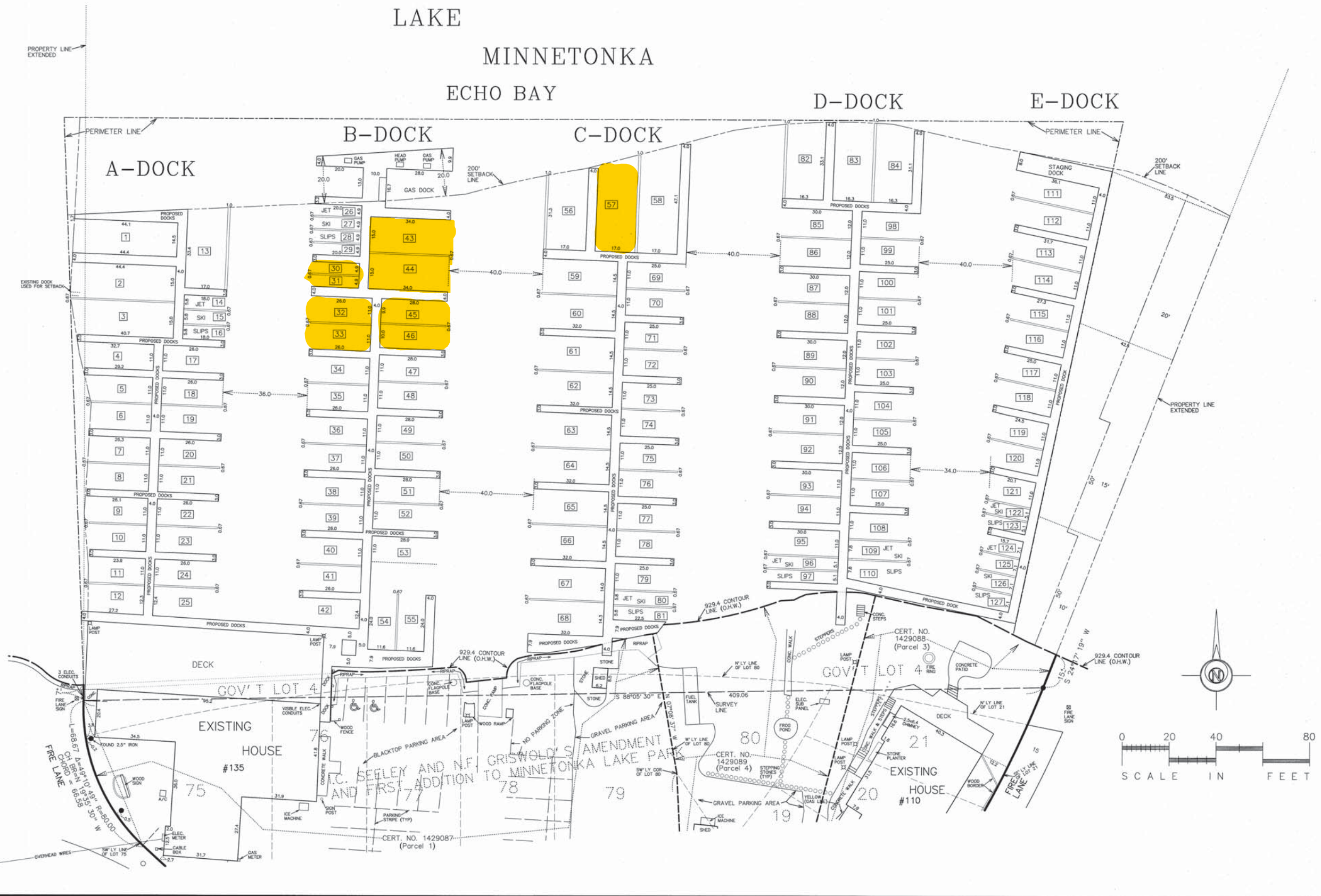
Caribbean Marina & Restaurant, 135 Lakeview Ave, 100 and 110 Sunrise Ave in Tonka Bay | MDL App For illustrative purposes only. Taken from Hennepin County Locate & Notify Map 03/30/2021.



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HENNEPIN COUNTY, MINNESOTA

LAKE  
MINNETONKA  
ECHO BAY



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

DATE: 5-28-19  
 SCALE: 1"=20'  
 PROJECT: 21-004A

PROJECT

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
*Mark S. Gronberg*  
 Mark S. Gronberg, Minnesota License Number 12755

DATE	REVISIONS
8-5-19	REVISED PROPOSED DOCKS
10-2-19	
10-8-19	
10-17-19	
11-18-19	2022 & AFTER PROPOSED DOCK LAYOUT
9-28-20	
2-9-21	REVISED



**Maisyn Reardan**

**From:** Lake Minnetonka Conservation District <lmcd-lmcd.org@shared1.ccsend.com>  
**Sent:** Wednesday, May 15, 2024 1:12 PM  
**To:** Grace Rose  
**Subject:** New lake rules, safety and more



# LAKE MINNETONKA CONSERVATION DISTRICT

*Preserve and enhance the "Lake Minnetonka experience"*

## SUMMER 2024 NEWSLETTER

### WELCOME TO SUMMER ON LAKE MINNETONKA

Lake Minnetonka is one of Minnesota's most treasured assets. At the Lake Minnetonka Conservation District (LMCD), we care for and regulate the lake to preserve it for many generations to come. We adopt rules, provide resources and funding, and promote lake safety.

Together, we can enjoy the lake today while safeguarding it for future generations. Read on for information about lake safety, recent activities and more.

### SUMMER SAFETY TIPS

We're looking forward to a fun, safe summer on Lake Minnetonka.

Need a refresher on the latest safety rules and best practices? Our new 2024 summer rules brochure is your one-stop shop for understanding:

- Common violations
- Guidelines for boating, jet skiing and other activities
- Markers on the lake, and more.



[Read the 2024 summer rules](#)



## BOATER SAFETY CLASS

Learn how to safely operate a boat and obtain your Watercraft Operator's Permit at our upcoming class!

Join us on Monday, June 10, for a day of first-hand demonstrations to:

- Build practical boating skills
- Hear unique boating experiences
- Review key safety tips

Classes are for adults and youth aged 12 years or older. Parents and guardians are encouraged to attend for a rewarding experience.

[Learn more and register](#)

## WATERCRAFT FOR HIRE RULES UPDATE

We monitor trends and regularly review LMCD ordinances to ensure they're inclusive of current and emerging lake use.

Earlier this year, the LMCD enacted a new amendment to its Watercraft for Hire ordinance. These are boats or other waterborne vessels that carry passengers for a fee. The goal was to update rules so they are clear, comprehensive and provide equal opportunities for all applicants.



[Read about the new rules](#)



## REMINDER: 300 FOOT RULE

Attention boaters: Please remember to follow the five miles-per-hour speed limit within 300 feet of the shoreline.

This speed limit went into effect last year. Our community's efforts to follow the new rule have been stellar so far. Last summer there were only two citations issued by water patrol for shore zone violations. Keep up the good work!

[Learn more](#)

## SAVE THE LAKE

Since the 1970s, the Save the Lake fund has been instrumental in ensuring the long-term sustainability of Lake Minnetonka.

Thanks to donors like you, we have successfully implemented vital initiatives such as funding additional water patrol officers dedicated to Lake Minnetonka with the Hennepin County Sheriff's Office, providing boater education programs, making navigational improvements with solar lights and more.

As we embark on another beautiful summer, we ask that you consider donating to help continue funding our work.

Each donation, no matter the size, brings us closer to our goal.



[Donate to Save the Lake](#)



Visit us at: [lmcd.org](http://lmcd.org)

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

[Unsubscribe lmcd@lmcd.org](mailto:Unsubscribe lmcd@lmcd.org)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by [lmcd@lmcd.org](mailto:lmcd@lmcd.org) powered by



If you believe you have received the message in error, please contact the author by replying to this message. Constant Contact takes reports of abuse very seriously.

TO: ANN HOELSCHER  
JIM BRIMEYER

FROM: GRACE ROSE  
ALLISON WINTERS

DATE: MAY 15, 2024

RE: PROPOSED PUBLIC RELATIONS SERVICES FOR 2025

Thank you for the opportunity to provide ongoing communications services to the Lake Minnetonka Conservation District (LMCD).

We have enjoyed working with the LMCD for several years on projects such as:

- Redesigning and writing content for your biannual summer and winter rules brochures and printed newsletters;
- Providing communications strategy, responding to reporters and developing materials for announcements like the speed limit changes in spring 2023;
- Creating new email templates to send e-newsletters and other updates to your audiences, providing opportunities for improved scheduling and analytics; and
- Additional services as needed, like drafting social media posts, designing Save the Lake pieces and providing website recommendations.

For the proposed budget of \$32,500 for 2025, we will maintain LMCD's nonprofit hourly rate of \$220 and recommend that we provide the following services:

- Monthly calls to strategize and prioritize communications efforts
- Biannual copy and design updates to the summer and winter rules brochures
- Preparing and distributing quarterly email newsletters
- Ongoing communications strategy and execution as directed

This scope does not include printing expenses. If media relations services are needed around a new ordinance or other initiative, we can provide a separate proposed budget for that work.

We look forward to hearing from you. Thank you!

## Lake Minnetonka Conservation District

## Balance Sheet

As of May 31, 2024

05/16/24

Accrual Basis

	May 31, 24
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Bridgewater Checking	44,317.32
Bridgewater Savings	
General Fund	473,142.71
STL Fund	95,125.00
<b>Total Bridgewater Savings</b>	568,267.71
1010M10 · Petty Cash	38.60
<b>Total Checking/Savings</b>	612,623.63
<b>Accounts Receivable</b>	
1150M10 · Accounts Rec. - Gen	23,128.25
<b>Total Accounts Receivable</b>	23,128.25
<b>Total Current Assets</b>	635,751.88
<b>Fixed Assets</b>	
1640M90 · Fixed Assets	155,233.00
1645M90 · Accumulated Depreciation	-104,822.00
<b>Total Fixed Assets</b>	50,411.00
<b>Other Assets</b>	
1650M90 · Leased Asset	172,361.00
1655M90 · Accumulated Amortization-Lease	-49,859.00
<b>Total Other Assets</b>	122,502.00
<b>TOTAL ASSETS</b>	<b>808,664.88</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Other Current Liabilities</b>	
2150M90 · Accrued compensated absences	-834.00
2151M90 · Current portion of comp absens	2,912.93
2916M90 · Lease Liability - Short Term	26,109.00
<b>Total Other Current Liabilities</b>	28,187.93
<b>Total Current Liabilities</b>	28,187.93
<b>Long Term Liabilities</b>	
2915M90 · Lease Liability - Long Term	100,133.00
<b>Total Long Term Liabilities</b>	100,133.00
<b>Total Liabilities</b>	128,320.93
<b>Equity</b>	
<b>Retained Earnings</b>	802,919.04
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	68,874.31
<b>Total Equity</b>	680,343.95
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>808,664.88</b>

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

	Jan - May 24	Budget	\$ Over Budget
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
<b>Grants &amp; Other Income</b>			
3080M10 · Interest - Gen	8,636.42	3,000.00	5,636.42
3260M10 · Court Fines - Admin.	12,762.00	50,000.00	-37,238.00
3300M10 · Other Income - Admin.	12,447.60	3,000.00	9,447.60
<b>Total Grants &amp; Other Income</b>	33,846.02	56,000.00	-22,153.98
<b>Licenses/Permits</b>			
3110M10 · Multiple/Perm. Dock Lic -Admin.	81,983.63	85,000.00	-3,016.37
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
<b>Total Licenses/Permits</b>	113,583.63	131,000.00	-17,416.37
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
<b>Total Income</b>	275,645.65	567,000.00	-291,354.35
<b>Gross Profit</b>	275,645.65	567,000.00	-291,354.35
<b>Expense</b>			
<b>AIS Administration</b>			
4111M30 · Legal	0.00	50,000.00	-50,000.00
<b>Total AIS Administration</b>	0.00	50,000.00	-50,000.00
<b>General &amp; Admin Expenses</b>			
4060 · Telephone/Internet	1,859.72	3,700.00	-1,840.28
4070M10 · Webpage & Digital	3,780.00	500.00	3,280.00
4090M30 · DMV	43.50	40.00	3.50
4340M10 · Insurance - Admin.	5,800.00	6,000.00	-200.00
4340M30 · Insurance W/C	0.00	0.00	0.00
4350M30 · Ins./Equip.	0.00	0.00	0.00
4360M10 · Subs/Memberships - Admin.	200.00	2,600.00	-2,400.00
<b>Total General &amp; Admin Expenses</b>	11,683.22	12,840.00	-1,156.78
<b>Legal</b>			
4110M10 · Public Info Legal Fees- Admin.	1,004.02	2,000.00	-995.98
4620M10 · Civil Legal Fees - Admin.	7,979.78	27,000.00	-19,020.22
4640M10 · Prosecution Legal Fees - Admin.	13,409.72	30,000.00	-16,590.28
4641M10 · Other Legal Fees - Admin	0.00	4,000.00	-4,000.00
<b>Total Legal</b>	22,393.52	63,000.00	-40,606.48
<b>Office, Supplies, Equip</b>			
4080 · Postage	690.75	3,000.00	-2,309.25
4100M10 · Printing - Admin.	479.10	2,000.00	-1,520.90
4140M10 · Office Equipment R&M - Admin.	1,867.28	8,000.00	-6,132.72
4220M10 · Office Supplies -Admin.	2,347.22	2,500.00	-152.78
4230M10 · Meeting Exp. - Admin.	1,873.26	8,700.00	-6,826.74
4320M10 · Office Rent - Admin.	9,100.80	22,000.00	-12,899.20
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.	3,436.98	7,000.00	-3,563.02
4531M30 · Software & Hardware/Training	0.00	500.00	-500.00
<b>Total Office, Supplies, Equip</b>	19,855.09	56,100.00	-36,244.91

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Accrual Basis

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

	<u>Jan - May 24</u>	<u>Budget</u>	<u>\$ Over Budget</u>
<b>Personnel Expenses</b>			
4020M10 · Salaries-002 - Admin	83,076.64	240,000.00	-156,923.36
4021M10 · ER Share of Admin FICA/Medicare	6,349.60	19,000.00	-12,650.40
4022M10 · ER PERA - Admin	6,224.80	18,000.00	-11,775.20
4380M10 · Employee Benefits - Admin.	13,730.06	40,000.00	-26,269.94
<b>Total Personnel Expenses</b>	<u>130,621.10</u>	<u>317,000.00</u>	<u>-186,378.90</u>
<b>Professional Services- ADM</b>			
4040M10 · Auditing - Admin.	15,156.00	10,000.00	5,156.00
4180M10 · Professional Services - Admin.	2,258.24	3,000.00	-741.76
4181M10 · Professional Comp. Serv.-Admin.	4,465.50	4,000.00	465.50
4182M10 · Media (Cable/Internet) - Admin.	3,300.00	3,500.00	-200.00
4183M10 · Prof/ Serv. - Communications	16,455.95	40,000.00	-23,544.05
<b>Total Professional Services- ADM</b>	<u>41,635.69</u>	<u>60,500.00</u>	<u>-18,864.31</u>
<b>Public Education &amp; Safety</b>			
4160M10 · Watercraft/Vehicle Maint	0.00	1,000.00	-1,000.00
4535M10 · Public Safety - SolarLights	6,900.00	3,560.00	3,340.00
<b>Total Public Education &amp; Safety</b>	<u>7,010.00</u>	<u>4,560.00</u>	<u>2,450.00</u>
<b>Total Expense</b>	<u>233,256.62</u>	<u>564,000.00</u>	<u>-330,743.38</u>
<b>Net Ordinary Income</b>	<u>42,389.03</u>	<u>3,000.00</u>	<u>39,389.03</u>
<b>Net Income</b>	<u><b>42,389.03</b></u>	<u><b>3,000.00</b></u>	<u><b>39,389.03</b></u>

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

	Jan - Dec 24	Budget	\$ Over Budget
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
<b>Contributions</b>			
3001M20 · Donations (General) - S/L	24,021.66	46,050.00	-22,028.34
<b>Total Contributions</b>	24,021.66	46,050.00	-22,028.34
<b>Grants &amp; Other Income</b>			
3300M20 · Other Income - S/L	0.00	750.00	-750.00
<b>Total Grants &amp; Other Income</b>	0.00	750.00	-750.00
3400M20 · Transfers In - S/L	0.00	42,000.00	-42,000.00
<b>Total Income</b>	24,021.66	88,800.00	-64,778.34
<b>Gross Profit</b>	24,021.66	88,800.00	-64,778.34
<b>Expense</b>			
<b>Office, Supplies, Equip STL</b>			
4080M20 · Postage - S/L	0.00	800.00	-800.00
4100M20 · Printing - S/L	0.00	1,000.00	-1,000.00
<b>Total Office, Supplies, Equip STL</b>	0.00	1,800.00	-1,800.00
<b>Public Education &amp; Safety</b>			
4535M10 · Public Safety - SolarLights	0.00	87,000.00	-87,000.00
<b>Total Public Education &amp; Safety</b>	0.00	87,000.00	-87,000.00
<b>Total Expense</b>	0.00	88,800.00	-88,800.00
<b>Net Ordinary Income</b>	24,021.66	0.00	24,021.66
<b>Net Income</b>	<b>24,021.66</b>	<b>0.00</b>	<b>24,021.66</b>