



# 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, June 12, 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**
  - A) Emma Gross Introduction

- 6) **APPROVAL OF MINUTES** (05/22/2024 LMCD Regular Board Meeting)
- 7) **APPROVAL OF CONSENT AGENDA**
  - A) Audit of Vouchers (06/01/2024 – 06/15/2024)
  - B) Resolution 267 Accepting Save the Lake Contributions (05/17/2024 – 06/06/2024)
  - C) Findings of Fact - Minnetonka Marina
  - D) Findings of Fact - The Caribbean Marina
- 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) The Cove Homeowners Association
- 11) **OTHER BUSINESS**
  - A) Adoption of 2025 Budget
  - B) WFH Workgroup Summary - Rental Watercraft
- 12) **OLD BUSINESS**
- 13) **NEW BUSINESS**
- 14) **TREASURER REPORT**
- 15) **EXECUTIVE DIRECTOR UPDATE/REPORTS**
- 16) **ADJOURNMENT**

**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
7:00 P.M., May 22, 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; Deborah Zorn, Shorewood (arrived at 7:04 p.m.); Nicole Stone, Minnetonka; Rich Anderson, Orono; Mike Kirkwood, Minnetrista; Brian Malo, Greenwood; Matthew Thompson, Wayzata; Ben Brandt, Mound; Gabriel Jabbour, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Ryan Nellis, Tonka Bay; Denny Newell, Woodland; and Jim Van Bergen, Deephaven. Also present: Joe Langel, LMCD Legal Counsel; Thomas Tully, Manager of Code Enforcement; Maisyn Reardan, Office and Finance Manager; Raina Gabler, Executive Assistant Code Enforcement and Operations; and Interim Executive Director Jim Brimeyer.

**Members absent:** None.

**Persons in Audience:** Bruce Kelly, Georgette Jabbour, Jay Soule, Shawn Wischmeier, Robert Schatzle, and Lt. Richard Rehman.

**4. APPROVAL OF AGENDA**

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

**VOTE:** Motion carried unanimously.

**5. CHAIR ANNOUNCEMENTS**

There were no Chair announcements.

**6. APPROVAL OF MINUTES-** 05/08/2024 LMCD Regular Board Meeting

**MOTION:** Brandt moved, Van Bergen, seconded to approve the 05/08/2024 LMCD Regular Board Meeting minutes as submitted.

**VOTE:** Ayes (10), Abstained (3), (Kroll, Kirkwood, Malo). Motion carried.

**7. APPROVAL OF CONSENT AGENDA**

**MOTION:** Stone moved, Kirkwood seconded to approve the consent agenda as presented. Items so approved included: **7A**) Audit of Vouchers (005/16/2024 – 05/31/2024); and **7B**) Resolution #266 Accepting Save the Lake Contributions (05/04/2024 – 05/15/2024).

**VOTE:** Motion carried unanimously.

Zorn arrived at 7:04 pm.

**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**

**A) New Multiple Dock Expansion – Minnetonka Marina (Excelsior Bay)**

Jabbour recused himself.

Tully presented a request for a new qualified commercial multiple dock license application for the property at 142 Minnetonka Boulevard in Excelsior Bay. He provided a summary of the request noting that the applicant proposes to increase the total number of BSUs from 24 to 45, which would in turn increase the density from 1:20 to 1:11. He stated that the maximum boat density for a qualified commercial marina is 1:10. He stated that the expanded dock structure would go to approximately 197 feet from shore, while the maximum allowed is 200 feet. He noted that the total expansion would be from 26,165 square feet to 39,779 square feet. He provided background information on the two parcels which are both used as part of the site's commercial operation as well as the special density license obtained by the applicant in 2002, which included a variance and provided additional details on the actions that occurred through 2018. He stated that the site underwent an EAW in 2001 and does not require a new EAW. He reviewed the current approved site plan, proposed site plan, and comparison between the two. He reviewed the site characteristics and multiple dock criteria. He stated that the City of Excelsior provided a letter in opposition of the request with concern about the significant increase in the number of dock spaces and the potential safety, traffic, and environmental effects it would have on Excelsior Bay and its residents. He stated that three public comments were received relating to concern with traffic increases and water depth as well as comments in support from Maynard's and the property owner to the south of the Hennepin County Railway Authority. He stated that staff recommends approval subject to the conditions within the staff report, which he reviewed.

Kirkwood noted the two black and white buoys off the shore and asked for more information.

Tully commented that those could potentially be shallow water buoys but stated that he was unsure.

Anderson referenced condition eight and noted that the eastern side would be the shore side.

Tully commented that condition should state western side.

Hoelscher invited the applicant to address the Board.

Gabrielle Jabbour, applicant, stated that he has not spoken with a member of the Board about this issue, and he has also not spoken to staff about this application and is present tonight with his daughter and legal counsel. He recognized that there could be some confusion about the Hennepin County railway property and zero lot line on that size. He provided some historical information on the adjacent marina and how that has changed hands, noting that a portion of the structure from that marina exceeds over the lot line. He stated that he has chosen to work with that property owner (adjacent marina) in order to find a mutual agreement that would work for both parties without making the other marina move their structure. He referenced the letter from the City of Excelsior, noting that his marina was built and approved by everyone with 18 cruise boats in it, which were between 60 to 70 feet long and would come and go six to seven times per day. He stated that there was no concern with the traffic generated from those boat trips. He stated that very active commercial fleet has been replaced with recreational boats which are at the marina 90 percent of the time and therefore it would not be an increase in traffic. He noted that this is the second application that he has brought forward to the LMCD that the City of Excelsior has objected to, noting that his other application was in Shorewood and therefore he is starting to take their objections as a personal issue. He stated that the black and white buoys mentioned identify rocks which should be avoided.

Anderson referenced statements from the City of Excelsior which states that the dock configuration would send boats into the Saint Albans Channel, noting that boats will exit west and will not even go into the channel. He commented that it is a brilliant design and counteracts the statement made by Excelsior.

Newell referenced the storage area on the right which has been occupied by larger boats, which previously had a straight in and out path to get back to their berth. He asked the thoughts of the larger boats being able to get in and out.

Jabbour commented that the docks were cut short, and they will not have any cruise boats. He explained how the boats will get into their docking location with room to maneuver. He stated that safety remains a top concern and he removed two or three slips from the configuration to ensure sufficient room for boats to maneuver. He recognized that it is an election year and that could bring complaints from some.

Brandt asked if the area would be deiced.

Jabbour confirmed that the marina has always deiced.

Hoelscher opened the public hearing at 7:31 p.m.

Bruce Kelly, 165 Maple Street, stated that he is concerned with the shallow portion in the center of the bay as it used to have traffic on both sides. He commented that the current shallow buoy is at 150 feet out and would fall in the third slip over, which will direct traffic on the Excelsior city side of the bay to get to Maynard's, which creates the problem for Excelsior with traffic. He commented that the boats on the St. Albans side would

enter the channel with boats trying to get through the bridge. He stated that if that is going to be cut off, there would need to be additional buoys stating that it is shallow all the way into the bay.

Hoelscher stated that Hennepin County Water Patrol is in charge of the buoy placement.

No additional comments were offered, and the public hearing was closed at 7:34 p.m.

Malo referenced the property line to the south and asked which property those are credited to.

Tully explained that BSUs within that shared dock use area would be credited to the associated marina where they lie.

Nellis asked where the buoys are in the water that have been mentioned.

Tully identified the area where the buoys would be located, noting the shallower water location.

Nellis asked if the boats come in the same waterway to access the existing slips that they would for the new structure, or whether some are coming from the south.

Jabbour explained that the boats follow the same path that they would for the new structure as they have to avoid the area of the buoys. He commented that all the boats come in from the north and it is not navigable from the south. He stated that an area has been dredged in order to have access for the marina. He stated that boats would not be coming by his dock to get to Maynard's because of the shallow water, therefore traffic patterns would not change.

Zorn acknowledged the City of Excelsior letter. She stated that City came before the Board in 2017 or 2018 with their own dock reconfiguration and therefore those items in the first concern do not apply. She stated that condition seven also denotes that traffic would come and go from the north which also negates the comments from the City of Excelsior.

**MOTION:** Zorn moved, Stone seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving a new multiple dock license for Minnetonka Marina – Excelsior Bay for the property located at 142 Minnetonka Boulevard in the City of Excelsior for final action at the June 5, 2024 LMCD Board meeting.

Further discussion: Anderson commented that the money paid for the application was for the WSU for the whole marina and asked if that would cover the dock permit for next year as it will not be installed this year.

Tully commented that staff would refund any payments not needed, explaining that the LMCD does charge for all slips for new commercial.

Anderson commented that a dock license has already been paid for this year and therefore it is his opinion that the additional funds would be for the WSU permit for 2025.

Tully commented that it not how it is traditionally done.

Brimeyer commented that he would not favor a refund of money.

Anderson commented that in the next application there is a transfer of slips from transient to permanent which could have been done internally by staff. He provided additional information on the calculation and suggested that the payment for the basic dock structure, which will not be built in 2024, be applied to 2025 as the dock license has already been paid for 2024.

Stone asked if this is an issue for Jabbour.

Jabbour commented that the LMCD code requires a new license if any changes are made and therefore staff has collected the total license as proposed. He stated that Anderson is explaining that he has already paid for what exists in 2024 and the additional payment would be for what exists and what is proposed and suggested that apply to the license for 2025. He commented that this is a policy issue as the applicant is paying for a future license when the existing license has already been paid for. He stated that in terms of fairness that should be a policy decision.

Hoelscher asked the recommendation of staff.

Tully commented that when a new multiple dock license is applied for there is a standard base fee and amount for each BSU. He stated that traditionally when the applications do not take as much staff time review, some of the application fee is refunded to the applicant. He stated that once approved, the new license is effective immediately, whether it is constructed immediately.

Anderson stated that he agrees with the \$500 fee, but the WSU charge should be effective for the next year.

Zorn clarified the request from Anderson to be that the amendment would be that the fees be applied to the 2025 license, with the exception of the \$500. She stated that in order to remain fair to previous applicants she would not accept that amendment to the motion. She asked if this has occurred in previous applications.

Tully confirmed that has happened with past applications. He stated that it is a decision of staff as to whether or not to refund a portion of the application cost based on the time spent by staff.

Zorn commented that she would continue to leave that at the discretion of staff as it has been in the past.

**VOTE:** Ayes (12), Nays (1) (Kroll), Abstained (1), (Jabbour). Motion carried.

Jabbour rejoined the Board.

**B) Caribbean Marina**

Tully presented a new multiple dock license for a commercial marina for the Caribbean Marina, on three parcels in Tonka Bay. He provided background information on three parcels which make up the subject property noting that the commercial marina is a nonconforming structure that has come forward multiple times for reconfiguration along with requests to transition the purpose of slips. He provided an aerial overview of the current configuration and reviewed the site plan approved and then completed in 2022. He identified classification changes from rental to transient slips that were requested and approved in 2023, noting that the request tonight would change identified slips from transient to rental slips. He stated that no comments were received from public agencies or members of the public prior to the meeting. Staff recommends approval of the request as presented subject to the conditions noted in the staff report, which he reviewed with the Board.

Malo asked and received confirmation that this change would become effective not only for this boating season but going forward as well.

Anderson commented that he believes this change could have been done at the staff level without the \$500 charge. He commented that the electrical element does not seem applicable to this request.

Tully commented that in order to get in line with upcoming State statute changes to electrical, staff is attempting to get ahead of that.

Anderson commented that is a tremendous burden to grandfathered in structures and does not believe it should be within the recommendation.

Jabbour asked if a new survey was provided.

Tully commented that the proposed site plan does not have any structural changes or increases to BSUs, there would simply be a classification change to the BSUs.

Jabbour commented that he understands and supports that, also noting that the code states that a new license is required for that change to occur which is the right process followed by staff. He commented that he just wants to ensure that an up-to-date survey is provided as the natural shore does not seem accurate in one of the surveys within the packet. He commented that erosion has changed the shoreline and wanted the proper issues stated in the finding of fact.

Hoelscher asked if the findings could state that the only change would be the change in classification.

Brimeyer confirmed that would be accurate and the electrical provision could be removed. He stated that is standard language that they have been including in the applications. He stated that the request is only for the conversion of dock use.

Tully commented that his recommendation would carry over all applicable approvals and findings of fact with the only change being the classification of slips.

Hoelscher asked if a new survey could be required with future requests to establish shorelines.

Tully commented that could be done.

Jabbour commented that he would like that in the finding of fact to ensure future staff and Board members are aware. He stated that the docks appear to be further than 200 feet because the shoreline has moved. He stated that it has come to the attention of the LMCD, and western Hennepin County related to the shore and that should be pointed out.

Hoelscher stated that staff and legal counsel have heard the concern and could address that in the findings of fact. She asked when changes within the envelope could be handled administratively and when the Board needs to hear a request.

Tully commented that generally a change in use requires a new multiple dock license and cannot be done internally. He stated that if the change in use were requested to revert to the previously approved use, that would also require the applicant to apply for a new multiple dock license as well.

Anderson commented that under that explanation, the whole dock structure should be charged for WSUs similar to the previous application the Board considered tonight. He stated that while he does not agree with that, that would seem to be the process.

Brimeyer commented that the applicant is not requesting new WSUs, only converting and therefore only those slips transitioning in use are being charged for.

Hoelscher suggested that staff look into the manner in which the applications are charged in order to ensure there is a fair process for all applicants.

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

Shawn Wischmeier, applicant, stated that his business partner Rob Schatzle is also present along with their legal counsel to address any questions. He appreciated the input of Anderson related to fees and commented that they would like to pay whatever is fair and owed. He stated that they are working as quickly as they can to provide updated drawings and are looking to submit applications for shoreline reclamation as well.

No additional comments were offered, and the public hearing was closed at 8:12 p.m.

**MOTION:** Anderson moved, Newell seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving the multiple dock license from Caribbean Marina and Restaurant for the property located at 135 Lakeview Avenue, 100 Sunrise Avenue and 110 Sunrise Avenue in Tonka Bay for final action at the June 5, 2024 LMCD Board meeting, with the conditions as recommended in the staff report with the exception of condition four related to electrical.

Further discussion: Jabbour asked if permission could be provided to revert back in use if desired to prevent an additional public hearing.

Langel stated that would be contrary to what is required in code.

**VOTE:** Motion carried unanimously.

## **11. OTHER BUSINESS**

There was no other business.

## **12. OLD BUSINESS**

There was no old business.

## **13. NEW BUSINESS**

### **A) Review of Summer Email Newsletter and Communications Budget**

Hoelscher noted the postcard that has been drafted and was provided to the Board along with the revised summer rules brochure which is available online. She noted that copies of the brochure are available at the LMCD office, and some other locations and the newsletter will be sent electronically rather than through the mail. She stated that if the Board has comments, those can be provided to staff. She stated that the communications budget and proposal from the consultant was included in the packet for 2025. She confirmed that the proposal conforms with the amount budgeted for communications in 2025.

Jabbour reminded the LMCD not to use copyrighted images.

Hoelscher stated that permission was obtained for the photo used and credit is provided on the photo as well.

## **14. TREASURER REPORT**

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

Stone stated that the proposed 2025 budget was sent to the cities and the final budget will be considered on June 5<sup>th</sup>.

## **15. EXECUTIVE DIRECTOR UPDATE**

Brimeyer noted the upcoming Wayzata Panoway dedication. He referenced the recent rain events and asked if permission could be provided for the Water Patrol to declare high water if necessary.

Hoelscher stated that the Board may declare high water levels if the water level is at 930.0 feet for five consecutive days, under certain circumstances, or it is automatically declared if the water level is at 930.0 feet for eight consecutive days. She asked if approval could be provided for staff to make the declaration if the water level reaches the 930.0 level for five consecutive days and that occurs prior to the next Board meeting.

Nellis asked and received clarification that the high water declaration would end when the water level falls below 930.0 for three consecutive days.

Jabbour commented that he has been in conversation with the watershed district, and they have not had enough water going out and that has been corrected.

**MOTION:** Kroll moved, Newell seconded to provide staff with the authority to declare high water should the 930.0 level be triggered for five consecutive days.

Further discussion: Brimeyer stated that he spoke with the watershed district today and learned that organization attempts to balance the flooding in the creek versus the flooding in the lake. He did not anticipate that this would need to be triggered but wanted the authority in place should it be necessary.

Hoelscher clarified that this does follow LMCD policy and would simply eliminate the need for the Board to hold a special meeting.

**VOTE:** Ayes (12), Nays (1) (Anderson), Abstain (1) (Thompson). Motion carried.

Brimeyer commented that notice of the paid summer intern position was released, applications were received, and the candidates were narrowed to four great options. He commented that all were excellent options, and an offer will be made the following day to one candidate. He stated that there is also a high school candidate that will be joining the LMCD for the volunteer position.

Anderson cautioned that the high school volunteer not be allowed to do things that could cause injury.

## 16. ADJOURNMENT

**MOTION:** Jabbour moved, Kroll seconded to adjourn the meeting at 8:26 p.m.

**VOTE:** Motion carried unanimously.

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Ann Hoelscher, Chair

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Michael Kirkwood, Secretary

12:46 PM

06/06/24

# Lake Minnetonka Conservation District

## Check Detail

June 1 - 15, 2024

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<u>Date</u>	<u>Num</u>	<u>Name</u>
06/13/2024	EFT-24-74	Medica
TOTAL		
06/13/2024	EFT-24-75	Unum Life Insurance
TOTAL		
06/13/2024	EFT-24-76	WEX Health, Inc.
TOTAL		
06/13/2024	EFT-24-77	P.E.R.A
TOTAL		
06/13/2024	EFT-24-78	ADP Service Fee
TOTAL		
06/13/2024	EFT-24-79	ADP
TOTAL		
06/13/2024	23173	AIS Advanced Imaging Solutions
06/13/2024	530155779	
TOTAL		
06/13/2024	23174	Diligent Corporation
06/13/2024	439379	
TOTAL		

12:46 PM

06/06/24

**Lake Minnetonka Conservation District**  
**Check Detail**  
June 1 - 15, 2024

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<u>Date</u>	<u>Num</u>	<u>Name</u>
<b>06/13/2024</b>	<b>23175</b>	<b>Fred T. Miller Photography &amp; Video</b>
06/13/2024	020406	
TOTAL		
<b>06/13/2024</b>	<b>23176</b>	<b>Gregerson, Rosnow, Johnson &amp; Nilan, LTD</b>
06/13/2024	50599	
TOTAL		
<b>06/13/2024</b>	<b>23177</b>	<b>HueLife, LLC</b>
06/13/2024	2929	
TOTAL		
<b>06/13/2024</b>	<b>23178</b>	<b>Innovative Office Solutions LLC</b>
06/13/2024	4536715 & 4...	
TOTAL		
<b>06/13/2024</b>	<b>23179</b>	<b>LMCC</b>
06/13/2024	1596	
TOTAL		
<b>06/13/2024</b>	<b>23180</b>	<b>North Shore Marina</b>
06/13/2024	SER 24-219	
TOTAL		
<b>06/13/2024</b>	<b>23181</b>	<b>Ratwik, Roszak &amp; Maloney, P.A.</b>
06/13/2024	76461	
TOTAL		
<b>06/13/2024</b>	<b>23182</b>	<b>TimeSaver Off Site Secretarial, Inc.</b>
TOTAL		
<b>06/13/2024</b>	<b>23183</b>	<b>Your Computer Hero</b>
06/13/2024	8592	
TOTAL		
<b>06/13/2024</b>	<b>23184</b>	<b>TimeSaver Off Site Secretarial, Inc.</b>
06/13/2024	29214	
TOTAL		

12:46 PM

06/06/24

**Lake Minnetonka Conservation District**  
**Check Detail**  
June 1 - 15, 2024

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<u>Date</u>	<u>Num</u>	<u>Name</u>
06/13/2024	23185	TimeSaver Off Site Secretarial, Inc.
06/13/2024	29169	
TOTAL		

12:46 PM

06/06/24

## Lake Minnetonka Conservation District

### Check Detail

June 1 - 15, 2024

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#### Memo

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Health Insurance June 2024 (Reardan)  
Health Insurance June 2024 (Schleuning)  
Health Insurance June 2024 (Tully)

#### 0510159

Long Term Disability, June 2024 (Reardan)  
Long Term Disability, June 2024 (Tully)

HSA Contribution June 2024 (Gabler)  
HSA Contribution June 2024 (Reardan)  
HSA Contribution June 2024 (Tully)

#### 9236-00

Payroll 6/1/24 - 6/15/24

Payroll 6/1/24 - 6/15/24

Salaries - Admin  
PERA - Admin  
ER PERA - Admin  
ER/FICA/Medica - Admin  
Long Term Disability  
Brimeyer 5/20/24 - 6/8/24

Copier Contract 5/20/2024 - 06/20/2024

Diligent Community Essentials Platform and Installation

12:46 PM

06/06/24

**Lake Minnetonka Conservation District**  
**Check Detail**  
June 1 - 15, 2024

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**Memo**

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5/8/2024 Board Meeting Video Production Services  
5/22/2024 Board Meeting Video Production Services

Prosecution Costs, May 2024

Lumina Portal, Board Survey Development, Analysis, and Report

Window Envelopes  
Envelope Sealer

5/22/24 Board Meeting VOD Services

Fuel for LMCD Boat

Civil Legal Fees April 2024

**VOID:**

Computer Maintenance, May 2024

5/22/2024 Board Meeting Minutes

12:46 PM

06/06/24

**Lake Minnetonka Conservation District**  
**Check Detail**  
June 1 - 15, 2024

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Memo

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5/8/2024 Board Meeting Minutes

## Check Detail

June 1 - 15, 2024

Account	Paid Amount	Class
<b>Bridgewater Checking</b>		
4380M10 · Employee Benefits - Admin.	-781.82	Admin.
4380M10 · Employee Benefits - Admin.	-781.82	Admin.
4380M10 · Employee Benefits - Admin.	-781.82	Admin.
	<u>-2,345.46</u>	
<b>Bridgewater Checking</b>		
2020-LT · Payroll Liabilities - UNUM	-7.13	Admin.
2020-LT · Payroll Liabilities - UNUM	-8.20	Admin.
	<u>-15.33</u>	
<b>Bridgewater Checking</b>		
4380M10 · Employee Benefits - Admin.	-125.00	Admin.
4380M10 · Employee Benefits - Admin.	-125.00	Admin.
4380M10 · Employee Benefits - Admin.	-125.00	Admin.
	<u>-375.00</u>	
<b>Bridgewater Checking</b>		
2020 · Payroll Liabilities -	-1,161.96	Admin.
	<u>-1,161.96</u>	
<b>Bridgewater Checking</b>		
4180M10 · Professional Services - Admin.	-96.85	Admin.
	<u>-96.85</u>	
<b>Bridgewater Checking</b>		
4020M10 · Salaries-002 - Admin	-8,737.66	Admin.
2020 · Payroll Liabilities -	1,161.96	Admin.
4022M10 · ER PERA - Admin	-622.48	Admin.
4021M10 · ER Share of Admin FICA/Medicare	-667.86	Admin.
2020-LT · Payroll Liabilities - UNUM	7.66	Admin.
4024 · Contract Labor	-3,040.00	Admin.
	<u>-11,898.38</u>	
<b>Bridgewater Checking</b>		
4140M10 · Office Equipment R&M - Admin.	-463.15	Admin.
	<u>-463.15</u>	
<b>Bridgewater Checking</b>		
4530M10 · Comp. Sftwr & Hdwr - Admin.	-2,500.00	Admin.
	<u>-2,500.00</u>	

**Lake Minnetonka Conservation District**  
**Check Detail**  
 June 1 - 15, 2024

Account	Paid Amount	Class
<b>Bridgewater Checking</b>		
4182M10 · Media (Cable/Internet) - Admin.	-300.00	Admin.
4182M10 · Media (Cable/Internet) - Admin.	-300.00	Admin.
	-600.00	
<b>Bridgewater Checking</b>		
4640M10 · Prosecution Legal Fees - Admin.	-2,781.59	Admin.
	-2,781.59	
<b>Bridgewater Checking</b>		
4620M10 · Civil Legal Fees - Admin.	-1,100.00	Admin.
	-1,100.00	
<b>Bridgewater Checking</b>		
4220M10 · Office Supplies -Admin.	-75.65	Admin.
4220M10 · Office Supplies -Admin.	-9.55	Admin.
	-85.20	
<b>Bridgewater Checking</b>		
4182M10 · Media (Cable/Internet) - Admin.	-200.00	Admin.
	-200.00	
<b>Bridgewater Checking</b>		
4160M10 · Watercraft/Vehicle Maint	-120.00	Admin.
	-120.00	
<b>Bridgewater Checking</b>		
4620M10 · Civil Legal Fees - Admin.	-3,680.00	Admin.
	-3,680.00	
<b>Bridgewater Checking</b>		
	0.00	
<b>Bridgewater Checking</b>		
4181M10 · Professional Comp. Serv.-Admin.	-569.90	Admin.
	-569.90	
<b>Bridgewater Checking</b>		
4230M10 · Meeting Exp. - Admin.	-206.50	Admin.
	-206.50	

12:46 PM

06/06/24

Lake Minnetonka Conservation District  
**Check Detail**  
June 1 - 15, 2024

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<u>Account</u>	<u>Paid Amount</u>	<u>Class</u>
<b>Bridgewater Checking</b>		
4230M10 · Meeting Exp. - Admin.	-206.50	Admin.
	-206.50	



## **RESOLUTION 267**

### **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 #267

Page 2

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

Adopted by the Board on this 12<sup>th</sup> day of June.

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 17, 2024 through June 6, 2025**  
**Resolution 267 Accepting STL Contributions**

<b>Type</b>	<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Class</b>	<b>Split</b>	<b>Amount</b>
<b>Contributions</b>							
<b>3001M20 - Donations (General) - S/L</b>							
Deposit	05/17/2024	5514	Anonymous	STL Donation General	STL	Bridgewater Checking	250.00
Deposit	05/17/2024	108	Bernard and Katrina Wasscher	STL Donation General	STL	Bridgewater Checking	100.00
Deposit	05/17/2024	8139	Marilou Evenson	STL Donation General	STL	Bridgewater Checking	100.00
Deposit	05/17/2024	109	Carol Larsen	STL Donation General	STL	Bridgewater Checking	25.00
Deposit	05/17/2024	177	Brian and Sheila McMillan	STL Donation General	STL	Bridgewater Checking	500.00
Deposit	05/17/2024	2576	Kirt and Nicole Woodhouse	STL Donation General	STL	Bridgewater Checking	1,000.00
Deposit	05/21/2024	PayPal	Richard Skanse	STL Donation General (500.00)	STL	Bridgewater Checking	485.06
Deposit	06/03/2024	PayPal	Robert Johnson	STL Donation General (5.00)	STL	Bridgewater Checking	4.37
Deposit	06/06/2024	6402	Anonymous	STL Donation General	STL	Bridgewater Checking	100.00
<b>TOTAL</b>							<b>2,564.43</b>



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: June 12, 2024 (Prepared June 6, 2024)
TO: LMCD Board of Directors
FROM: Thomas Tully, Manager of Code Enforcement
CC: Jim Brimeyer, Interim Executive Director
SUBJECT: Multiple Dock License (Expansion of a Qualified Commercial Marina) and Variance Request for Minnetonka Marina- Excelsior Bay (previously "Tonka Bay Sales Site 1") located in the City of Excelsior

ACTION
Board approval of Findings of Fact and Order for a New Multiple Dock License for the Minnetonka Marina- Excelsior Bay, located at 142 Minnetonka Blvd in Excelsior, MN 55331

BACKGROUND
The LMCD held a public hearing on May 22, 2024 to consider the application of Gigi Jabbour ("Applicant") for a New Multiple Dock License at the Minnetonka Marina – Excelsior Bay, located at 142 Minnetonka Blvd in Excelsior, MN 55331 for an expansion.

On May 22, 2024, the LMCD Board voted to have legal counsel and staff draft Findings of Fact and Order for approval of the variance request with conditions. The draft of the Findings of Fact and Order is attached, as well as the memos and presentations from the hearing.

BUDGET
N/A

STRATEGIC PRIORITIES
Operational Effectiveness, Clear & Timely Communications, Effective Governance, X Lake Protection, Other

- ATTACHMENT
1. Findings of Fact and Order
2. Board Memo of May 22, 2024 without attachments
3. Proposed Site Plan

**Type:** Qualified Commercial Multiple Dock License (Expansion) Variance  
**Date:** June 12, 2024  
**PID(s):** 34-117-23-22-0026  
35-117-23-22-0019  
**Address:** 142 Minnetonka Blvd  
Excelsior, MN 55331

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

IN RE:

Application of Minnetonka Marina- Excelsior Bay (previously “Tonka Bay Sales Site 1”) for an Expansion of a Conforming Structure located at 142 Minnetonka Blvd in the City of Excelsior

**FINDINGS OF FACT  
AND ORDER**

The Lake Minnetonka Conservation District (“LMCD”) received an application from Minnetonka Marina- Excelsior Bay (collectively, the “Applicant”) for a Qualified Commercial Multiple Dock License for property owned by the Applicant located at 142 Minnetonka Blvd in the City of Excelsior, MN 55331 (“Subject Property”). The Subject Property includes two parcels, one of which is owned by the Applicant and the other by the Hennepin Co Regional Railroad Authority (“HCRRA”) over which the Applicant has exclusive dock rights. The two sites have approximately 475 feet of continuous shoreline, 425 feet of which are owned by the Applicant and 50 feet of which is owned by the HCRRA. This order applies to the parcels identified with PIDs 34-117-23-22-0026 and 35-117-23-22-0019. In 2015 the LMCD Board of Directors (“Board”) issued a Qualified Commercial Multiple (“QCM”) license for the Subject Property. The Applicant is now seeking approval to expand the current dock structure at the site from 26,165 sq. ft. to a total of 39,779 sq. ft., and increase the boat density from 24 (1:20) Boat Storage Units (“BSU”) to 46 (1:11) BSUs. The Board provided the Applicant and the general public an opportunity to be heard at the public hearing held on May 22, 2024. Now, based on the proceedings and the record of this matter, the Board hereby makes the following Findings of Fact and Order:

**FINDINGS OF FACT**

- a. The Subject Property is located in the City of Excelsior, on Excelsior Bay, which is part of Lake Minnetonka (“Lake”).
- b. The Subject Property is currently licensed as a Qualified Commercial Marina. 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 HCRRA (the "HCRRA Property") over which the applicant has exclusive dockage rights. These two properties are collectively referred to herein as the "Site", and are used as part of the Applicant’s commercial operation.

- c. 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. A setback Variance for the property was granted in line with this new request to allow for the shared use of the HCRRA Property. This Variance was conditioned on the continued maintenance of exclusive dock rights by the applicant or the applicant's successors, over the HCRRA Property. This was conditioned in the 2002 Findings of Fact and Order.
- d. In 2018, the property owner to the South of the Site came before the LMCD Board with a new Multiple Dock, Special Density and Variance request. In preparation for consideration of this request both the Sites to the North and South of the HCRRA Property entered into a formal Dock Use Agreement, in which they agree to the continued sharing of this Dock Use Area.  
(Attachment C)
- e. The Applicant is proposing to extend the dock structure at the Site out to a length of 197 feet and 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 increase the current boat density to 1:11, which is allowed for Qualified Commercial Marinas under LMCD Code.
- f. 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 of 13,614 sq. ft. does not trigger a new EAW due to the Site having undergone an EAW previously. A new EAW is automatically triggered in each subsequent 20,000 sq. ft. expansion.
- g. The Applicant's proposed expansion of the structure would reduce the distance between the dock structures for the Applicant's Site and the property to the south to a distance of 5 feet at the end of the dock structure. There is also a proposed walkway between the two dock structures.
- h. The Applicant submitted a site plan with its application, which is attached hereto as Exhibit B and is incorporated herein ("Site Plan").
- i. The LMCD received no comments from the MN DNR, MCWD, but the City of Excelsior did provide LMCD Staff with an official letter opposing the proposal citing public safety and navigation concerns.
- j. The proposed expansion, as reflected in the Site Plan, satisfies the limitations in LMCD Code, Section 3-2.07. The proposed reconfiguration does not exceed the maximum allowed total length of dock structure nor exceed the maximum BSU density.

- k. The Board finds the requested expansion of the conforming structure, as reflected in the Site Plan and supported by the previously issued Variance, complies with Article 3, Chapter 2 of the Code and that it is appropriate to issue the requested Qualified Commercial Multiple Dock license with the conditions as indicated below.

### **ORDER**

ON THE BASIS OF THE FOREGOING AND THE RECORD OF THIS MATTER, IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. Approvals. The following approvals requested by the Applicant are hereby granted and issued for the Subject Property, subject to the conditions identified herein:
  - (a) Expansion of a Qualified Commercial Marina. The new Qualified Commercial Multiple Dock license for the expansion for a conforming dock includes approval of a final configuration for 2024. The configuration includes a total of 46 BSUs, as shown on the Site Plan (Exhibit B). This Order replaces the Order issued in 2002 and all other orders previously issued for the Subject Property, except the previously approved Variance.
  - (b) Variance. The Variance previously issued for the Subject Property remains in effect and is hereby reaffirmed to approve the continued encroachment of the dock structure across the southern extended side site line as shown on the Site Plan.
2. Conditions. The approvals granted in this order are subject to, and conditioned upon, compliance with the following:
  - (a) Be in strict conformance with the approved Site plan as approved by the LMCD Board.
  - (b) This Variance and Multiple Dock License are conditioned on the continued maintenance of exclusive dock rights by the Applicant or the Applicant's successors, over the HCRRA Property.
  - (c) Provide an as-built survey confirming the proposal as approved by the LMCD Board.
  - (d) Allow for expansion of the dock structure to extend into the lake up to approximately 197 feet.
  - (e) Allow for the addition of 22 new BSUs which changes the boat density from 1:20 to 1:11.
  - (f) Maintain a minimum setback of 5 feet between the two dock structures located within the HCRRA Property dock use area except where there is a proposed walkway as shown on the Site Plan

- (g) Maintain the proposed standard 20 to 40 foot LMCD setbacks from the edge of the channel to the North as preposed on the Site Plan
  - (h) Watercraft stored at this dock facility shall be not extend beyond 200 feet from the 929.4-foot elevation contour. Overall length is defined as the horizontal measurement for the foremost to the outermost points of the watercraft including all equipment and attachments.
  - (i) Ensure appropriate reflective material is installed along the northern and western sides of the dock structure.
  - (j) No temporary low water variances shall be granted during the period when the Lake level falls below elevation 928.0 National Geodetic Vertical Datum.
  - (k) Dock structures shall be constructed and maintained in strict compliance with the Site Plan (Exhibit B) and in good condition.
  - (l) The Subject Property must be maintained and operated in compliance with all other provisions of this Code, and other applicable regulations, ordinances and state law.
  - (m) The Applicant shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinance and shall obtain all other permits or permissions that may be required associated with its dock facility and the Subject Property.
  - (n) Nothing herein is intended to, or shall be construed as, regulating any land-based activities of this Marina occurring above the ordinary high-water level.
  - (o) 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)
3. Authorizations. The LMCD staff is hereby authorized and directed to issue the approved Qualified Commercial Multiple Dock license for the Subject Property and to take such other actions as may be needed to ensure compliance with this Order and the requirements of the Code.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation  
District this 12<sup>th</sup> day of June 2024.

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Ann Hoelscher, Chair

ATTEST:

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Mike Kirkwood, Secretary

**EXHIBIT A**  
Property Description

**EXHIBIT B**  
Site Plan

(attached hereto)

**EXHIBIT C**  
Dock Use Area Agreement

(attached hereto)



## 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  
LMCD Board Meeting May 22, 2024

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  
LMCD Board Meeting May 22, 2024

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  
LMCD Board Meeting May 22, 2024

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;

New Qualified Commercial Multiple Dock License  
142 Minnetonka Blvd in the City of Excelsior  
LMCD Board Meeting May 22, 2024

- (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

New Qualified Commercial Multiple Dock License  
142 Minnetonka Blvd in the City of Excelsior  
LMCD Board Meeting May 22, 2024

(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

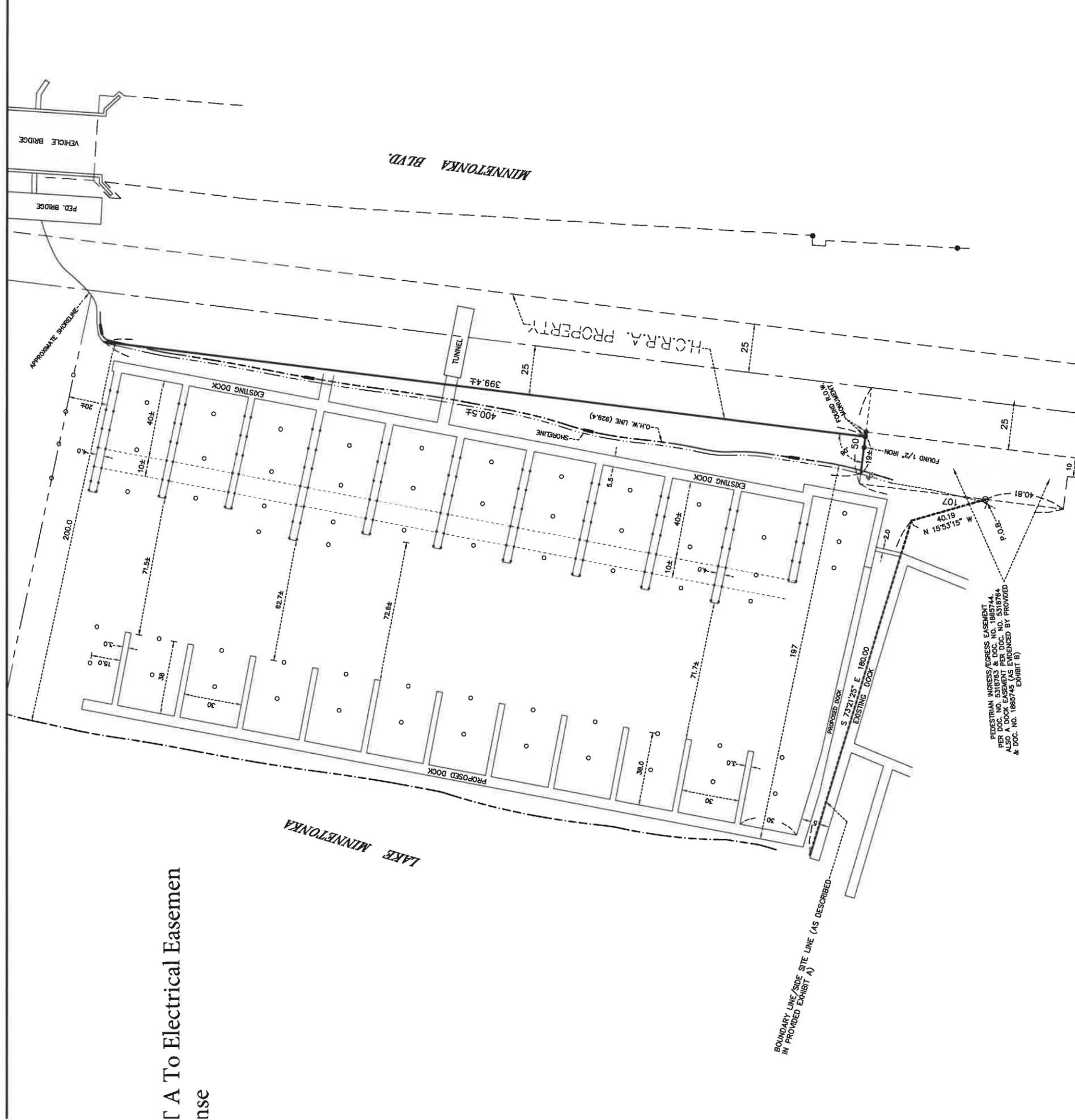
**Subd. 5. Limitations.** The following limitations and restrictions apply to structures licensed under this Section.

(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.

**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

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**



LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: June 12, 2024 (Prepared June 6, 2024)
TO: LMCD Board of Directors
FROM: Thomas Tully, Manager of Code Enforcement
CC: Jim Brimeyer, Interim Executive Director
SUBJECT: Multiple Dock License (Reclassification of BSU) and Variance Request for Caribbean Marina & Restaurant in Tonka Bay

ACTION
Board approval of Findings of Fact and Order for a New Multiple Dock License for the Caribbean Marina & Restaurant, located at 135 Lakeview Ave, 100 Sunrise Ave, and 110 Sunrise Ave in Tonka Bay, MN 55331

BACKGROUND
The LMCD held a public hearing on May 22, 2024 to consider the application of Shawn Wischmeier ("Applicant") for a New Multiple Dock License at the Caribbean Marina & Restaurant, located at 135 Lakeview Ave, 100 Sunrise Ave, and 110 Sunrise Ave in Tonka Bay, MN 55331 for a reconfiguration.

On May 22, 2024, the LMCD Board voted to have legal counsel and staff draft Findings of Fact and Order for approval of the variance request with conditions. The draft of the Findings of Fact and Order is attached, as well as the memos and presentations from the hearing.

BUDGET
N/A

STRATEGIC PRIORITIES
Operational Effectiveness, Clear & Timely Communications, Effective Governance, X Lake Protection, Other

ATTACHMENT
1. Findings of Fact and Order
2. Board Memo of May 22, 2024 without attachments
3. Proposed Site Plan

**Type:** Commercial Marina  
Reclassification of BSUs  
**Date:** June 12, 2024  
**PID(s):** 27-117-23-24-0050  
27-117-23-24-0051  
27-117-23-24-0052  
**Address:** 135 Lakeview Ave  
100 Sunrise Ave  
110 Sunrise Ave  
Tonka Bay, MN 55331

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

IN RE:

Application of Caribbean Marina &  
Restaurant (Tonka Bay Property Holdings,  
LLC) for Reconfiguration of a  
Nonconforming Structure located at 135  
Lakeview Ave, 100 Sunrise Ave, and 110  
Sunrise Ave in the City of Tonka Bay

**FINDINGS OF FACT  
AND ORDER**

The Lake Minnetonka Conservation District (“LMCD”) received an application from Caribbean Marina & Restaurant (Tonka Bay Property Holdings, LLC) (collectively, the “Applicant”) for a Commercial Multiple Dock License for property owned by the Applicant located at 135 Lakeview Ave, 100 Sunrise Ave, and 110 Sunrise Ave, Tonka Bay, MN 55331 (“Subject Property”). The Subject Property includes, and this Order applies to, the parcels identified with PIDs 27-117-23-24-0050, 27-117-23-24-0051, and 27-117-23-24-0052. In 2019 the LMCD Board of Directors (“Board”) issued a Commercial Multiple Dock to the Applicant for the Subject Property in 2021 and 2022. The Applicant is now seeking approval for the reclassification of nine (9) BSUs from Transient to Rental. The Board provided the Applicant and the general public an opportunity to be heard at the public hearing held on May 22, 2024. Now, based on the proceedings and the record of this matter, the Board hereby makes the following Findings of Fact and Order:

**FINDINGS OF FACT**

- a. The Subject Property is located in the City of Tonka Bay, on Lower Lake South, which is part of Lake Minnetonka (“Lake”).
- b. The Subject Property is currently licensed as a Commercial Marina.
- c. The Applicant proposes to convert nine slips from transient classification to rental slips, and to reaffirm the variance previously granted to the Subject Property with no changes. The Applicant does not propose to change the outside dimensions of the dock structure.
- d. The Subject Property contains approximately 440 feet of 929.4 NGVD shoreline.

- e. The Board previously determined the Subject Property has a total preserved density of 147 boat storage units (“BSUs”) and a total preserved linear footage of approximately 3,709 feet.
- f. The Applicant desires to reconfigure the nonconforming Commercial Multiple Dock within the same envelope under Article 2, Chapter 8 of the LMCD Code of Ordinances (“Code”).
- g. The Applicant submitted a site plan with its application, which is attached hereto as Exhibit A and is incorporated herein (“Site Plan”). Exhibit A includes the Site Plan for both the 2022 configuration and the 2024 proposed configuration.
- h. The Applicant is proposing to reclassify nine (9) “Transient ” slips under the current application to Rental.
- i. The Board may approve the proposed reconfiguration under Section 2-8.11 of the Code as the dock will remain within the previously approved dimensional limitations.
- j. The LMCD received no comments from the MN DNR, MCWD, or The City of Tonka Bay.
- k. The proposed reconfiguration, as reflected in the Site Plan, satisfies the limitations in LMCD Code, Section 2-8.11. The proposed reconfiguration does not exceed the maximum allowed total linear footage for the BSUs, remains with the existing perimeter, does not extend further into the Lake than the current structure, and does not create any new nonconformities.
- l. Pursuant to Section 2-8.19 of the Code, the unused BSUs, linear footage, and perimeter resulting from the reconfiguration are preserved. For the purposes of documentation, the proposed reconfiguration in BSUs for the 2023 configuration results in 19 unused BSUs and 217 unused linear footage. Any proposal to use these additional BSUs and linear footage will require the issuance of a new Commercial Multiple Dock License and compliance with the applicable provisions of the Code.
- m. The Board finds the requested reclassification of nine (9) BSUs within the nonconforming structure, as reflected in the Site Plan and supported by the previously issued Variance, complies with Article 2, Chapter 8 of the Code and that it is appropriate to issue the requested Commercial Multiple Dock with the conditions as indicated below.

### **ORDER**

ON THE BASIS OF THE FOREGOING AND THE RECORD OF THIS MATTER, IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. Approvals. The following approvals requested by the Applicant are hereby approved and issued for the Subject Property, subject to the conditions identified herein:
  - (a) Reclassification of Use. The new Commercial Multiple Dock license for the

reclassification of use for a nonconforming dock includes approval of a final configuration for 2024. The configuration includes a total of 128 BSUs, including one transient slip, as shown on the Site Plan (Exhibit A). This Order replaces the Order issued in 2023 and all other orders previously issued for the Subject Property, except the previously approved Variance.

(b) Variance. The Variance previously issued for the Subject Property remains in effect and is hereby reaffirmed to approve the continued encroachment of the dock structure across the western extended side site line as shown on the Site Plan.

2. Conditions. The approvals granted in this order are subject to, and conditioned upon, compliance with the following:

(a) The Applicant shall place and maintain “no parking” signs along the easternmost dock section at an interval of no less than one every 50 feet.

(b) The Applicant shall place and maintain a fence or other form of continuous barrier along the easternmost dock section to discourage watercraft parking along that section of dock. The barrier shall continue to the end of the reconfigured E dock. The fence may be a rope structure, fencing, or other barrier approved by LMCD staff, similar to the barrier provided for the existing dock.

(c) The fueling dock platform shall not exceed ten feet in width.

(d) No portion of dock platform, other than the fueling dock, may exceed eight feet in both width and length.

(e) Allow for the nine transient slips identified on the Site Plan to be reclassified as rental slips. Any proposal to change or increase the number of transient slips shall require the Applicant to apply for a new Commercial Multiple Dock License.

(f) The Commercial Multiple Dock License issued herein is unique to the Applicant. Upon transfer of ownership of the Subject Property to another individual or entity, such individual or entity will be required to apply for a new license and any other approvals that may be required.

(g) Failure of the Applicant to comply with any relevant regulation of the LMCD or other regulatory body may result in revocation of this approval.

(h) Watercraft stored at this dock facility shall not extend beyond 200 feet from the 929.4-foot elevation contour. Overall length is defined as the horizontal measurement for the foremost to the outermost points of the watercraft including all equipment and attachments.

- (i) The lighting at this dock facility must be in compliance with a submitted lighting plan approved by the LMCD staff. The lighting plan must provide safe lighting of the dock and minimize nuisances to adjacent properties.
  - (j) No temporary low water variances shall be granted during the period when the Lake level falls below elevation 928.0 National Geodetic Vertical Datum.
  - (k) Dock structures shall be constructed and maintained in strict compliance with the Site Plan (Exhibit A) and in good condition.
  - (l) Future reconfiguration of the site, including the addition of banked BSUs or liner footage will require a new survey.
  - (m) The Subject Property must be maintained and operated in compliance with all other provisions of this Code, and other applicable regulations, ordinances and state law.
  - (n) The Applicant shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinance and shall obtain all other permits or permissions that may be required associated with its dock facility and the Subject Property.
  - (o) Nothing herein is intended to, or shall be construed as, regulating any land-based activities of this Marina occurring above the ordinary high-water level.
3. Authorizations. The LMCD staff is hereby authorized and directed to issue the approved commercial multiple dock license for the Subject Property and to take such other actions as may be needed to ensure compliance with this Order and the requirements of the Code.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation District this 12<sup>th</sup> day of June 2024.

\_\_\_\_\_  
Ann Hoelscher, Chair

ATTEST:

\_\_\_\_\_  
Mike Kirkwood, Secretary

**EXHIBIT A**  
Site Plan

(attached hereto)

**EXHIBIT A**  
P

(attached hereto)



## LAKE MINNETONKA CONSERVATION DISTRICT

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

**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, 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 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
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**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.

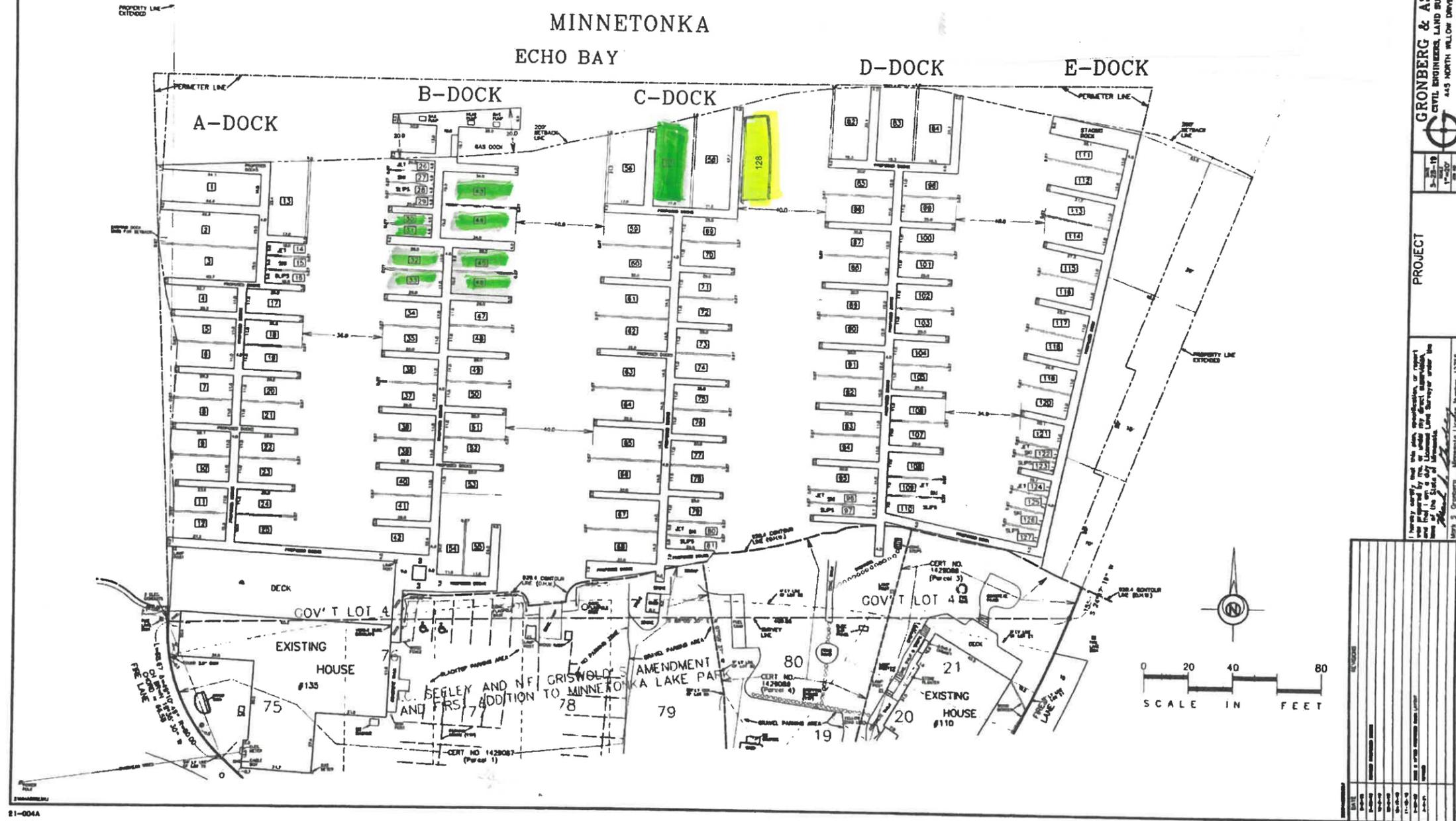
Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the following:

- (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

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

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

DATE: 11/15/22  
 DRAWN BY: J. J. GRONBERG  
 CHECKED BY: J. J. GRONBERG  
 SCALE: AS SHOWN  
 SHEET NO. 21-004A



## ITEM 10A

### LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** June 12, 2024 (Prepared May 29, 2024)

**TO:** LMCD Board of Directors

**FROM:** Raina Gabler, Executive Assistant for Code Enforcement & Operations

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

**SUBJECT:** Application to Amend the Findings of Fact and Order and New Multiple Dock License from The Cove Homeowners Association (formerly Woodland Cove HOA)

#### ACTION

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Board consideration of request for an amendment to The Findings of Fact and Order and subsequent New Multiple Dock License for of The Cove Homeowners Association conforming multiple dock structure, located at including Outlot A; Outlot J; Lots 2-11, Block 3; Outlot X; and Outlot Y, north to south along Woodland Cove Parkway, Minnetrista, with shoreline on Halsted Bay, and board consideration of public input as part of the public hearing process.

The following motions are offered depending on whether the Board wished 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 The Cove HOA including Outlot A; Outlot J; Lots 2-11, Block 3; Outlot X; and Outlot Y, north to south along Woodland Cove Parkway, in the City of Minnetrista, for final action at the June 26, 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 for The Cove HOA for including Outlot A; Outlot J; Lots 2-11, Block 3; Outlot X; and Outlot Y, north to south along Woodland Cove Parkway, in the City of Minnetrista for final action at the June 26, 2024, LMCD Board Meeting based on...

#### **APPLICATION SUMMARY & BACKGROUND**

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The applicant Heidi Corradi on behalf of The Cove HOA submitted an application for a New Multiple Dock license including Outlot A; Outlot J; Lots 2-11, Block 3; Outlot X; and Outlot Y, north to south along Woodland Cove Parkway, in the City of Minnetrista. The Applicants property has approximately 8,816 feet of 929.4ft shoreline.

In summary, the applicant proposes the following changes to the Current Findings of Fact and order which was approved by the LMCD Board on April 26, 2017:

- A change for the dock structure boat storage units (BSUs) numbered 29-44 which are assigned in pairs or triples to specific single-family homes. These homes border the northern most of the Site's shoreline. These homes were assigned the paired BSUs due to the sheltered nature of the sites northern most shoreline, which was deemed to have a protected native species at the time of development. This proposal would allow for the 16 BSUs numbered 29-44 to be separated and assigned seasonally or permanently to other single-family homes within the Cove HOA.
- The Site has two dock structures located along the Southern most side of the shoreline, BSU's numbered 68-117. These BSUs are allowed to be reassigned annually but are limited to a maximum of 20 BSU reassignments a year. The applicant is proposing to increase the total number of BSUs allowed to be reassigned within this section seasonally from 20 to 25.
- Maintain existing variances on the site
- No structure would be added or relocated
- No BSU size would increase

## **PUBLIC COMMENTS**

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Minnetrista were provided information regarding the application on May 31, 2024. City and agency comments are due by June 10, 2024. Comments received as of June 6, 2024 are summarized below. Any comments received after June 6, 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 June 6, 2024, will be shared at the June 12, 2024 Board Meeting.

- Two phone inquiries from members of the public requesting more information regarding the potential changes
- One clarification note from the Applicant stating that this Multiple Dock License is for the residents of "The Cove HOA" which is a sub-division of the Woodland Cove. This application is not meant to allow for the entirety of the development to be able to use. It is intended only for members of the Sub-HOA and the 89 units incorporated in it.

## **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 June 6, 2024 edition of the Sun Sailor (official LMCD newspaper) and the June 1, 2024 edition of the Laker Pioneer. On May 31, 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**

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Based on the 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 change to assign boat storage units (BSUs) numbered 29-44 (currently assigned in pairs or triples) to be assigned as singles to specific single-family homes by the Cove HOA.
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**

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

**ATTACHMENT**

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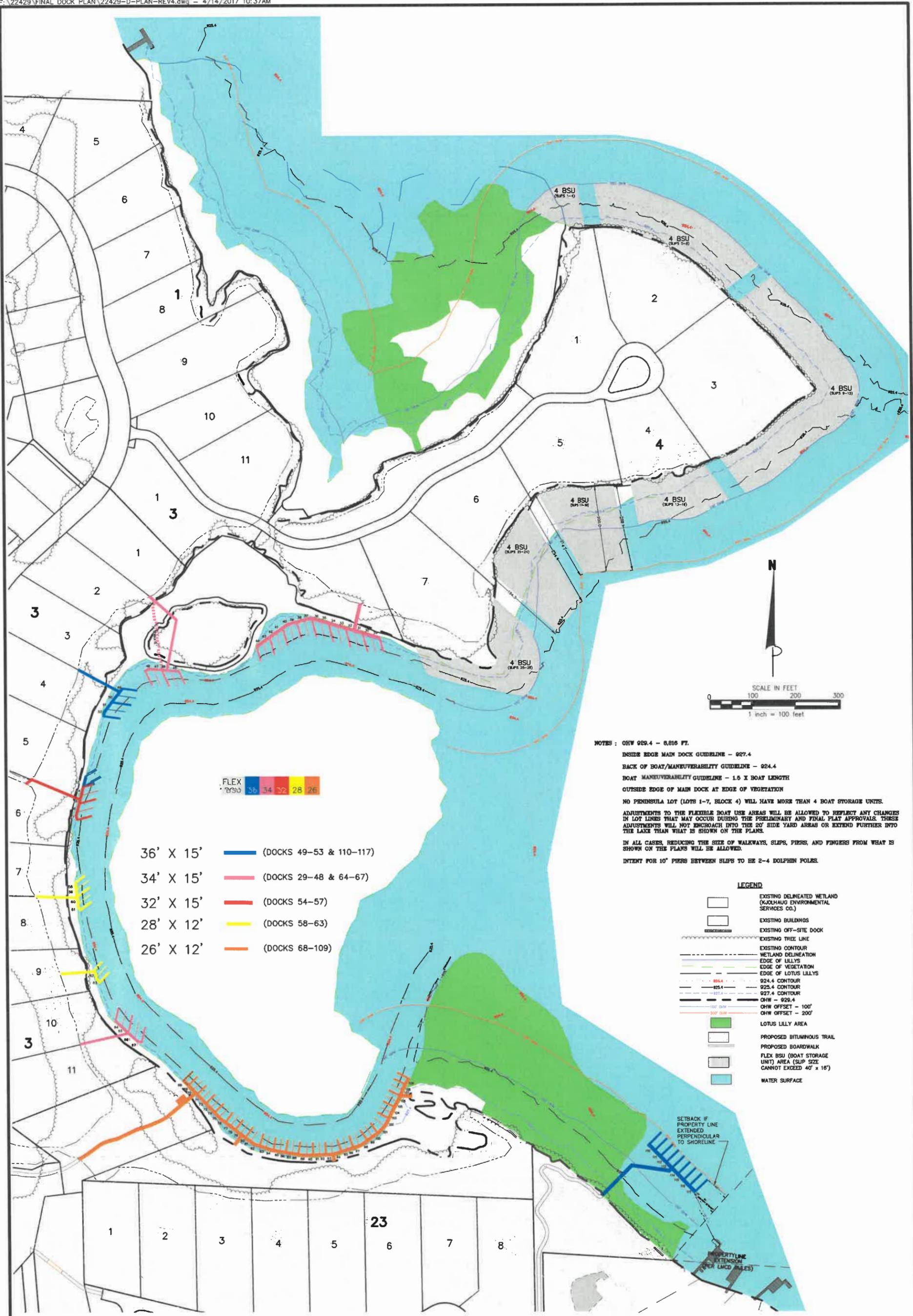
1. Location Map
2. Current Site Plan
3. Proposed Site Plan
4. Application Narrative (as submitted by Applicant)
5. Multiple Dock License Application
6. Public Hearing Notice (Sun Sailor & Laker Pioneer)
7. Public Hearing Notice Mailing

**Application for New (Amended) Multiple Dock License**

**Property:** Lake front belonging to The Cove Homeowners Association, Outlot A; Outlot J, Lots 1-11, Block 3; Outlot X; Outlot Y, running north to south along Woodland Cove Parkway, Halsted Bay.

*For illustrative purposes only. Hennepin County Interactive Property Map, 5/30/2024*





- 36' X 15' (DOCKS 49-53 & 110-117)
- 34' X 15' (DOCKS 29-48 & 64-67)
- 32' X 15' (DOCKS 54-57)
- 28' X 12' (DOCKS 58-63)
- 26' X 12' (DOCKS 68-109)

**NOTES :** OHW 929.4 - 8,816 FT.  
 INSIDE EDGE MAIN DOCK GUIDELINE - 927.4  
 BACK OF BOAT/MANUEVERABILITY GUIDELINE - 924.4  
 BOAT MANUEVERABILITY GUIDELINE - 1.5 X BOAT LENGTH  
 OUTSIDE EDGE OF MAIN DOCK AT EDGE OF VEGETATION  
 NO PENINSULA LOT (LOTS 1-7, BLOCK 4) WILL HAVE MORE THAN 4 BOAT STORAGE UNITS.  
 ADJUSTMENTS TO THE FLEXIBLE BOAT USE AREAS WILL BE ALLOWED TO REFLECT ANY CHANGES IN LOT LINES THAT MAY OCCUR DURING THE PRELIMINARY AND FINAL PLAT APPROVALS. THESE ADJUSTMENTS WILL NOT ENCRGOACH INTO THE 20' SIDE YARD AREAS OR EXTEND FURTHER INTO THE LAKE THAN WHAT IS SHOWN ON THE PLANS.  
 IN ALL CASES, REDUCING THE SIZE OF WALKWAYS, SLIPS, PIERS, AND FINGERS FROM WHAT IS SHOWN ON THE PLANS WILL BE ALLOWED.  
 INTENT FOR 10' PIERS BETWEEN SLIPS TO BE 2-4 DOLPHIN POLES.

**LEGEND**

- [Symbol] EXISTING DELINEATED WETLAND (KJOLHAUG ENVIRONMENTAL SERVICES CO.)
- [Symbol] EXISTING BUILDINGS
- [Symbol] EXISTING OFF-SITE DOCK
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- [Symbol] EXISTING CONTOUR
- [Symbol] WETLAND DELINEATION
- [Symbol] EDGE OF LILLYS
- [Symbol] EDGE OF VEGETATION
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- [Symbol] 924.4 CONTOUR
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- [Symbol] OHW - 929.4
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- [Symbol] PROPOSED BITUMINOUS TRAIL
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- [Symbol] WATER SURFACE

SETBACK IF PROPERTY LINE EXTENDED PERPENDICULAR TO SHORELINE

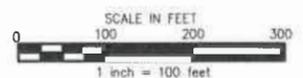
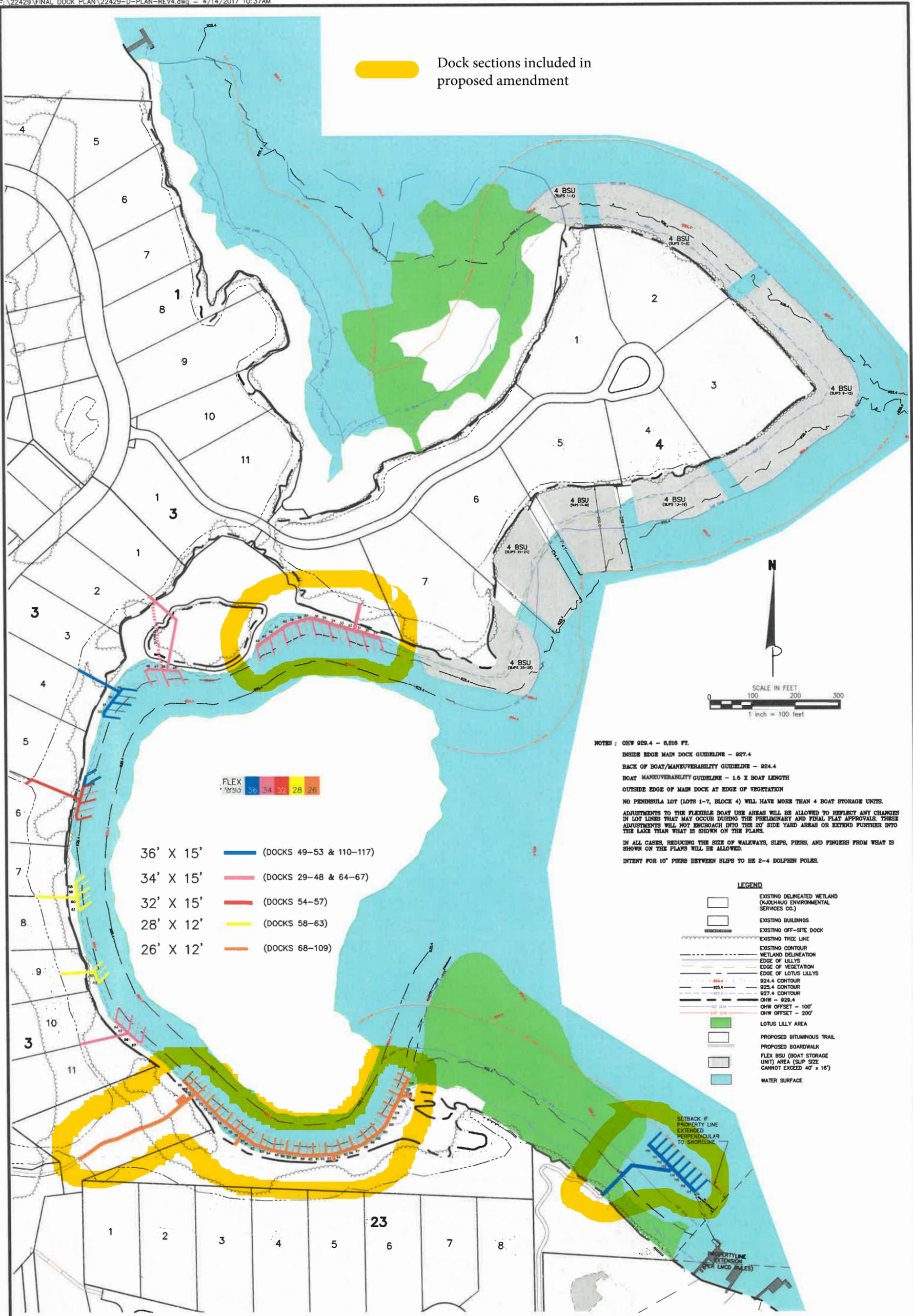
CAD FILE 22429-D-PLAN PROJECT NO. 22429 3.1	DATE 10/1/10	DRAWN BY CJK
	REVISIONS	
12/5/10 REV. PER CLIENT		
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THE COVE HOMEOWNERS ASSOCIATION-FORMERLY WOODLAND COVE  
 LMCD MULTIPLE DOCK REALLOCATION/MODIFICATION  
 MINNETRISTA, MINNESOTA  
 CITY OF MINNETRISTA, MULTIPLE DOCK LICENSE, RENEWAL WITH CHANGE  
 FOR  
 THE COVE HOMEOWNERS ASSOCIATION  
 301 C. AIR SON P. ARKWAY, SUITE 1.00, MINNEAPOLIS, MN 55305

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 Professional Engineer under the laws of the State of Minnesota.  
 KURT QUAINANCE  
 Date: 10/1/10 Reg. No. 24675

**James R. Hill, Inc.**  
 PLANNERS / ENGINEERS / SURVEYORS  
 2500 W. CITY RD. 42, SUITE 120, BURNSVILLE, MN 55337  
 PHONE: (952)890-6044 FAX: (952)890-6244

 Dock sections included in proposed amendment



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CAD FILE 22429-D-PLAN PROJECT NO. 22429 3.1	DATE 10/1/10	DRAWN BY CJK
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THE COVE HOMEOWNERS ASSOCIATION-FORMERLY WOODLAND COVE  
 LMCD MULTIPLE DOCK REALLOCATION/MODIFICATION  
 MINNETRISTA, MINNESOTA  
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 PLANNERS / ENGINEERS / SURVEYORS  
 2500 W. CITY RD. 42, SUITE 120, BURNSVILLE, MN 55337  
 PHONE: (952)890-6044 FAX: (952)890-6244

Dear Tom:

We respectfully request that the North BSUs, specifically BSUs 29-44, be included in the reassignment dock group for the following compelling reasons:

1. As outlined in the 2011 license agreement, The Cove was granted 117 BSUs based on a 1-to-75-foot allowance. Due to the consolidation of properties within our community, eight allotted BSUs remain unused. Lots 1 and 2, as well as Lots 4 and 5 on Block 4, have been combined into single residences along Cove Point Road, resulting in an excess of dock capacity.
2. Within our Homeowners Association (HOA), 15 residents currently lack dock access, thereby limiting their ability to enjoy the waterfront amenities that are integral to our community's appeal and value.
3. Presently, among the eligible for BSUs (nos. 68-109), only three are available for reassignment, making the inclusion of additional docks crucial to meeting the demand within our community.
4. Five residents utilizing the North Docks possess only one watercraft each and are willing to allow seasonal usage by their neighbors. These docks would remain permanently assigned to the original property owners, ensuring continuity while fostering a sense of communal sharing and cooperation among residents.
5. The North Docks boast a separate parking lot and gated entry, ensuring that access to the docks does not interfere with or inconvenience any residential properties. This setup promotes safety, security, and ease of use for all residents and visitors.
6. Importantly, allowing the North Docks to reassign BSUs would not increase the overall allotted boat traffic, thereby maintaining compliance with regulatory standards and preserving the integrity of our waterway usage.

We would respectfully request the following changes to the Order issued on April 26th, 2017

Paragraph 1

- m. Remove pairing restrictions on docks 29-44 to allow seasonal reassignments
- n. Allow up to 25 BSU's to be reassigned seasonally within BSUs 29-44 and 68-117



MULTIPLE DOCK
NEW LICENSE APPLICATION
LAKE MINNETONKA CONSERVATION DISTRICT

For LMCD Use
Fee Amount: Check # Date Received:

1. CONTACT INFORMATION

Applicant: The Cove Home Owners Association Applicant Title (Owner, Authorized Agent, etc.): Authorized Agent
Address: 8100 Old Cedar Ave S Suite 300 Bloomington, MN 55425
Phone: 952-227-2715 Email: Heidi.Corradi@fsresidential.com
Owner of Site (if different from Applicant):
Address:
Phone: Email:

2. SITE INFORMATION

Site Name (Business) & Address/PID: The Cove Homeowners Association

Facility Use Classification (Check all that apply)

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

Facility Type

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

Site Shoreline Measurement of 929.4 ft OHW: 929.4 feet
Existing Boat Storage Unit Density: 117 Requested Boat Storage Unit Density: 117

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

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

Facilities & Services

- Restroom facilities Yes No If yes, number of indoor: and/or outdoor portable:
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

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

Total square footage of existing dock area and maneuvering space = \_\_\_\_\_ 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 8615 feet divided by 50 = 172.3 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**

N/A

Number of BSUs in Each Type	
Slips	
Slides	
Lifts	
Tie-ons	
Moorings	
Other	
<b>TOTAL BSU's</b>	

Number of BSUs for Each USE	
Rent or lease	
Service work	
Company use	
Private use	
Transient use	
Other	
<b>TOTAL BSU's</b>	

**Watercraft Storage Units (WSU) Computation**

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

<u>BSU</u>	<u>SLIP SIZE CATEGORIES</u>	<u>WSU</u>
<u>0</u>	BSU @ 1 WSU (each slip up to 20' long and /or up to 10' wide)	_____
<u>0</u>	BSU @ 1.5 WSU (each slip more than 20' up to 24' long and/or up to 11' wide)	_____
<u>48</u>	BSU @ 2 WSU (each slip more than 24' up to 32' long and/or up to 12' wide)	<u>96</u>
<u>69</u>	BSU @ 2.5 WSU (each slip more than 32' up to 40' long and/or up to 14' wide)	<u>172.5</u>
<u>0</u>	BSU @ 3 WSU (each slip more than 40' up to 48' long and/or up to 16' wide)	_____
<u>0</u>	BSU @ 4 WSU (each slip more than 48' long and/or more than 16' wide)	_____
<u>117</u>	<b>Total BSUs</b>	<b>Total WSUs</b> <u>268.5</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> _____ x \$7.50		<u>\$ waived</u>
<b>Total Fee Enclosed</b>		<u>\$ 500.00</u>

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

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

**Applicant's Signature:**

Name Alexis Cochrane Title Association Manager Date 5/14/24

**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, JUNE 12, 2024**

**THE COVE HOMEOWNERS  
ASSOCIATION PROPERTY  
LOCATED ON HALSTED BAY**

## -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 The Cove Homeowners Association. The Applicant is Heidi Corradi on behalf of the Cove HOA. The Applicant seeks to amend their previous Findings of Fact to remove pairing restrictions on docks numbered 29-44 to allow for seasonal reassignments. Additionally, the total number of BSUs allowed to be reassigned seasonally would be increased from 20 to 25. No adjustments are being proposed to the Applicants dock structure or side setbacks. All interested persons will be given an opportunity to comment. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

The meeting will be held at Wayzata City Hall, 600 Rice Street E, Wayzata, MN 55391. Information about meeting location and meeting logistics will be available on the LMCD website, [www.lmcd.org](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  
Laker Pioneer  
June 1, 2024  
1399473

Date: 05/24/24  
Account #: 440250  
Customer: LAKE MINNETONKA CONSERVATION DISTRICT  
Address: 5341 MAYWOOD ROAD SUITE 200 MOUND  
Telephone: (952) 745-0789  
Fax: (952) 745-9085

**Publications:**  
Laker Pioneer

Ad ID: 1399473  
Copy Line: June 12 PH The Cove  
PO Number:  
Start: 06/01/24  
Stop: 06/01/2024  
Total Cost: \$45.38  
# of Lines: 48  
Total Depth: 5.333  
# of Inserts: 1  
Ad Class: 150  
Phone # (763) 691-6000  
Email: [publicnotice@apgecm.com](mailto:publicnotice@apgecm.com)  
Rep No: SW700  
  
Contract-Gross



# LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** May 31, 2024

**TO:** Property Owner

**FROM:** Raina Gabler, Executive Assistant for Code Enforcement & Operations

**CC:** Thomas Tully, Manager of Code Enforcement

**SUBJECT:** Public Hearing Notice- Amendment to Findings of Fact and Order for The Cove HOA Multiple Dock License, Minnetrista, Halsted's Bay

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 amended Findings of Fact and Order for a conforming multiple dock structure. The shoreline is located in Halsted's Bay on the northern side of the development starting at Kings Point Park and continues southeast before running south along Woodland Cove Parkway in Minnetrista, MN 55331. The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the application to amend the Findings of Fact and Order. The applicant is Heidi Corradi on behalf of The Cove HOA.

The applicant proposes to allow for the splitting of previously "paired" BSUs for the use of other HOA members located within The Cove HOA and for an increase in allowed number of seasonal BSUs that The Cove HOA can reassign annually. No adjustments are being proposed to the Applicants dock structure or side setbacks and there is no proposed increase to BSU size. All interested persons will be given an opportunity to comment. An aerial image and proposed site plan are enclosed for your reference.

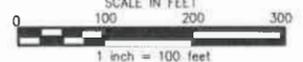
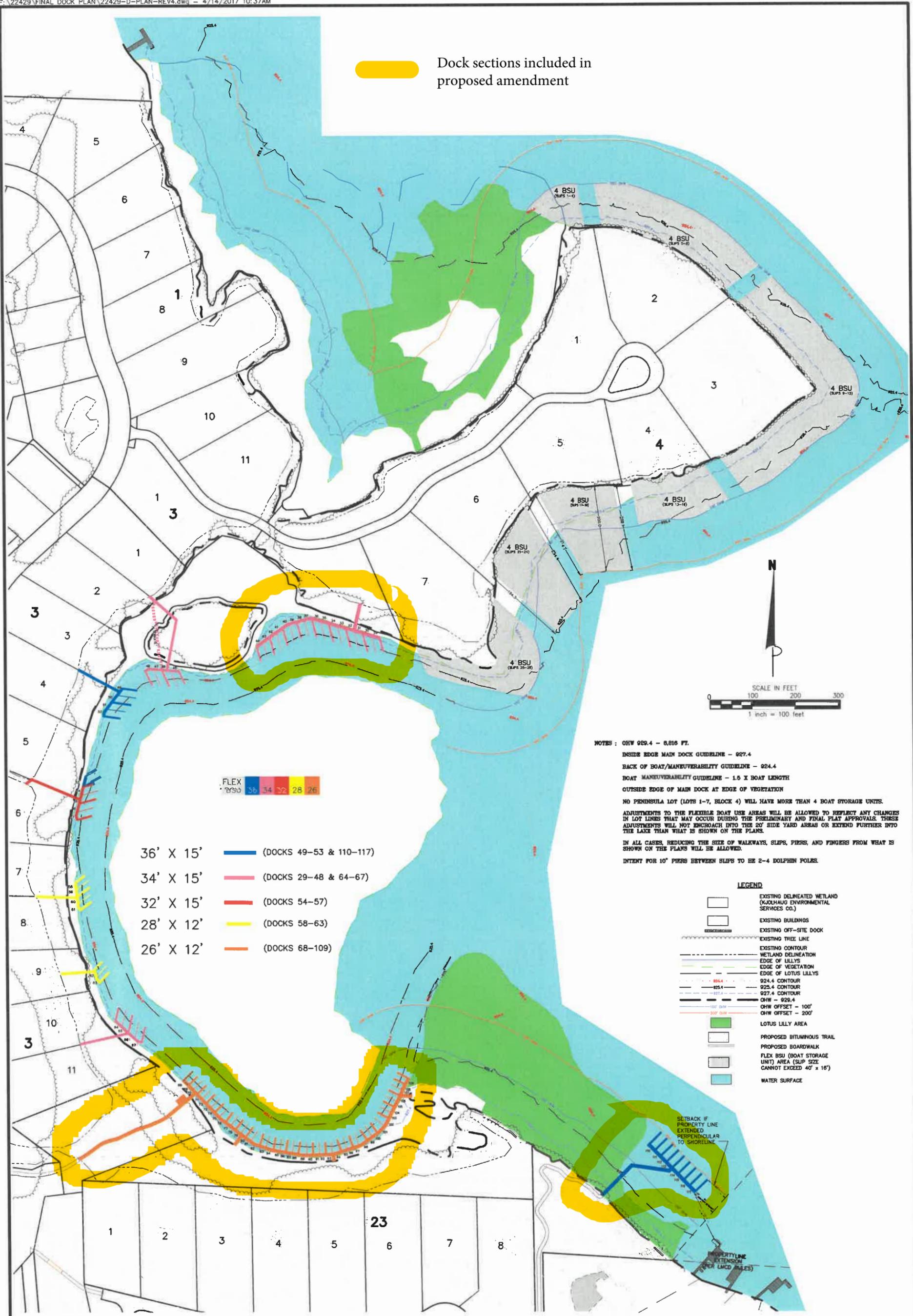
### Public Hearing Information

A public hearing will be held at 7:00 PM, June 12, 2024. The items detailed above will be reviewed and considered for approval. All interested persons will be given an opportunity to comment. Alternatively, please submit comments in writing to the LMCD (address below) or by emailing staff at [lmcd@lmcd.org](mailto:lmcd@lmcd.org).

Those desiring to participate in the hearing or to receive more information may also email the Manager of Code Enforcement at [tully@lmcd.org](mailto:tully@lmcd.org). 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).

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*For illustrative purposes only. Hennepin County Interactive Property Map, 5/30/2024*





## LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** June 12, 2024 (Prepared June 6, 2024)  
**TO:** LMCD Board of Directors  
**FROM:** Jim Brimeyer, Interim Executive Director  
**SUBJECT:** Adoption of 2025 Budget

### **ACTION**

---

Board discussion and potential approval of the 2025 Budget, and direction to staff to communicate with member cities. The following motions are offered depending on whether the Board wishes to approve or modify the request:

#### Approval

I make a motion to approve the 2025 Budget <subject to any stated modifications>, and direct staff to send to the member cities.

#### Denial

I make a motion to deny the 2025 Budget for the following reasons...

### **BACKGROUND**

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According to Minnesota Statutes 103B.635 Subd. 1, the LMCD Board must submit a budget for the next calendar year by July 1, 2024 to the governing body of each municipality in the District, with a statement of the proportion of the budget to be provided by each municipality.

The Budget Work Group (BWG) consists of Treasurer Nicloe Stone and Directors Gabel Jabbour, Deborah Zorn, Mike Kirkwood, Ann Hoelscher and Richie Anderson. The BWG presented some preliminary Budget recommendations at the May 8, 2024 LMCD Board Meeting. Since then, the BWG met with the Interim Executive Director on June 5, 2024 to finalize the 2025 Budget and is now seeking approval. The 2025 Budget is attached for review.

### **ITEMS OF NOTE**

#### **Amended Budget. 2024**

On May 8, 2024 several amendments were made to the 2024 budget. The amendments were made as follows: allocate funds to complete the Document Portal process; allocate funds under Contract Labor to pay the Interim Director and the Summer Intern; and, allocate funds for the increased costs of Meeting Video Recordings.

## Proposed Budget, 2025

### Income

The Income portion reflects a full year of increased Interest earnings and an increase in Code Compliance revenue based on recent annual results.  
There is no change in the respective City Levies.

### Expense

The Expense portion reflects a deletion of any AIS activity (to be funded by Hennepin County); an increase in the solar lights, an increase in legal civil activity and a decrease in legal criminal activity, a decrease in Computer Software to reflect the completion of the Document Portal software, funds for Contract Labor, sufficient funds for Communications Services and funds for contracting Drone Services, if needed.

The Save The Lake fund reflects a transfer from the STL fund balance, combined with donations, to pay the full amount for additional Water Patrol from Memorial Day to Labor Day.

## CONSIDERATIONS

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- Does the activity align with the mission and goals of the LMCD?
- What impact will the action have on Lake Minnetonka and its stakeholders, short-term and long-term?
- What are the short-term financial impacts of the actions?
- What are the long-term financial impacts and sustainability of the actions on the lake, lake community, organization, etc.?

## STRATEGIC PRIORITIES

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

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- Budget Calendar
- 2025 LMCD Budget
- City Levy Share



## LAKE MINNETONKA CONSERVATION DISTRICT

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

### Budget Calendar – 2025 Budget

March 6<sup>th</sup> – Preliminary discussion on 2025 at Officers Goup

March 13<sup>th</sup> – Appointment of Budget Workgroup (BW)

April 3<sup>rd</sup> – BW to discuss preliminary budget; review 2023 audit; develop investment schedule/liquidity needs, reserve fund balance, equipment & capital needs.

April 10<sup>th</sup> - BW to review spreadsheets and discuss budget options

April 17<sup>th</sup> – BW to review preliminary budget.

April 24<sup>th</sup> – Board discussion on 2025 preliminary budget

May 13<sup>th</sup> – May 28<sup>th</sup>, upon request, discuss preliminary budget with staff of member citie

June 5<sup>th</sup> – BW approves final 2025 budget

June 12<sup>th</sup> – Final review and adoption by LMCD Board

June 19<sup>th</sup> – 2025 budget presented to member cities

## Item 11A Attachment 2

	A	D	F	G
1				
2	 <b>LMCD 2025 Budget</b>	<b>2023 Budget</b>	<b>2024 Budget</b>	<b>2025 Budget</b>
3	<b>Income</b>			
4	<b>Grants &amp; Other Income</b>			
5	· Interest - Admin.	2,600.00	3,000.00	20,000.00
6	· Code Compliance	60,000.00	50,000.00	100,000.00
7	· Other Income - Admin.	6,190.00	3,000.00	0.00
8	<b>Total Grants &amp; Other Income</b>	<b>68,790.00</b>	<b>56,000.00</b>	<b>120,000.00</b>
9	3110M10 · Multiple/Perm. Dock Lic - Admin.	85,200.00	85,000.00	85,000.00
10	3120M10 · DMA license - Admin.	3,000.00	3,000.00	3,000.00
11	3130M10 · Deicing License - Admin.	6,600.00	6,000.00	6,000.00
12	3170M10 · Variances - Admin.	10,000.00	15,000.00	5,000.00
13	3240M10 · Charter Boats - Admin.	3,200.00	3,000.00	3,000.00
14	3280M10 · Liquor/Beer/Wine License - Admin.	19,000.00	19,000.00	19,000.00
15	<b>Total Licenses/Permits</b>	<b>127,000.00</b>	<b>131,000.00</b>	<b>121,000.00</b>
16	3020M10 · Municipal Dues - Admin.	255,000.00	255,000.00	255,000.00
17	3400M10 · Transfers In - Admin.	125,000.00	125,000.00	60,000.00
18	<b>Total Dues:</b>	<b>380,000.00</b>	<b>380,000.00</b>	<b>315,000.00</b>
19	<b>Total Income:</b>	<b>575,790.00</b>	<b>567,000.00</b>	<b>556,000.00</b>
20	<b>Expense</b>			
21	<b>AIS Management</b>			
22	4111M30 · AIS Grants	35,000.00	10,000.00	0.00
23	<b>Total AIS Management</b>	<b>35,000.00</b>	<b>10,000.00</b>	<b>0.00</b>
24	<b>Public Safety, Equipment</b>			
25	4160M10 · Boat Expense	750.00	1,000.00	1,500.00
26	<b>Public Safety</b>			
27	Solar Lights	5,000.00	3,560.00	5,000.00
28	4111M20 Public Service Education		3,000.00	3,000.00
29	<b>Total - Public Safety, Equipment</b>	<b>5,750.00</b>	<b>7,560.00</b>	<b>9,500.00</b>
30	<b>General &amp; Admin Expenses</b>			
31	4060 · Telephone/Internet	3,500.00	3,700.00	3,700.00
32	4070M10 · Webpage & Digital	590.00	500.00	500.00
33	4090M30 · DMV - EWM	50.00	40.00	40.00
34	4340M10 · Insurance - Admin.	4,500.00	6,000.00	6,000.00
35	4340M30 · Insurance W/C - EWM	1,400.00	0.00	0.00
36	4350M30 · Ins./Equip. - EWM	400.00	0.00	0.00
37	4360M10 · Subs/Memberships - Admin.	2,400.00	2,600.00	2,600.00
38	<b>Total General &amp; Admin Expenses</b>	<b>12,840.00</b>	<b>12,840.00</b>	<b>12,840.00</b>
39				
40	 <b>LMCD 2025 Budget</b>	<b>2023 Budget</b>	<b>2024 Budget</b>	<b>2025 Budget</b>
41	<b>Legal</b>			
42	4110M10 · Public Info Legal Fees - Admin.	1,750.00	2,000.00	2,000.00
43	4620M10 · Civil Legal Fees - Admin.	31,325.00	27,000.00	35,000.00
44	4640M10 · Prosecution Legal Fees - Admin.	30,000.00	30,000.00	20,000.00
45	4650M10 · Room & Board - Admin.	300.00		
46	4641M10 Other Legal Fees - Admin	4,025.00	4,000.00	2,000.00
47	<b>Total Legal</b>	<b>67,400.00</b>	<b>63,000.00</b>	<b>59,000.00</b>
48	<b>Office &amp; Supplies</b>			

	A	D	F	G
49	4080 · Postage	3,000.00	3,000.00	3,000.00
50	4100M10 · Printing - Admin.	1,260.00	2,000.00	2,000.00
51	4140M10 · Office Equipment R&M - Admin.	6,000.00	8,000.00	8,000.00
52	4160M10 - Watercraft/Vehicle Maint	(above)	(above)	(above)
53	4220M10 · Office Supplies - Admin.	1,700.00	2,500.00	2,500.00
54	4230M10 · Meeting Exp. - Admin.	12,000.00	8,700.00	8,700.00
55	4320M10 · Office Rent - Admin.	22,000.00	22,000.00	24,000.00
56	4400M10 · Mileage/Exp's - Admin.	400.00	400.00	400.00
57	4410M10 · Training/Prof. Devel. - ADM	500.00	1,000.00	2,000.00
58	4520M10 · Furniture & Equip - Admin.	750.00	1,000.00	1,000.00
59	4530M10 · Comp. Sftwr & Hdwr - Admin.	3,515.00	10,000.00	4,000.00
60	4531M30 · Software & Hardware/Training	500.00	500.00	940.00
61	4550M10 Document Scanning	35,000.00		
62	<b>Total Office &amp; Supplies</b>	<b>86,625.00</b>	<b>59,100.00</b>	<b>56,540.00</b>
63	<b>Personnel Expenses</b>			
64	4020M10 · Salaries-002 - Admin	246,050.00	224,000.00	224,000.00
65	4024 Contract Labor - Interim & Intern		55,000.00	55,000.00
66	4021M10 · ER Share of Admin FICA/Medicare .0765	17,700.00	19,000.00	15,300.00
67	4022M10 · ER PERA - Admin .075	17,500.00	18,000.00	15,000.00
68	Cola .03			6,720.00
69	HEALTH INSURANCE: (4*\$781)			
70	HSA: (4*\$127.50)			
71	DENTAL (4*\$63.83)			
72	DISABILITTY (4*\$7.67)			
73	LIFE INSURANCE (4*16)			
74	4380M10 · Employee Benefits - Admin.	33,750.00	40,000.00	35,600.00
75	<b>Total Personnel Expenses</b>	<b>315,000.00</b>	<b>356,000.00</b>	<b>351,620.00</b>
76	<b>Professional Services- ADM</b>			
77	4040M10 · Auditing - Admin.	11,500.00	10,000.00	14,000.00
78	4180M10 · Professional Services - Admin.	6,000.00	3,000.00	3,000.00
79	4181M10 · Professional Comp. Serv.- Admin.	2,500.00	4,000.00	4,000.00
80	4182M10 · Media (Cable/Internet) - Admin.	3,500.00	9,000.00	9,000.00
81	4183M10 · Prof/ Serv. - Communications	30,000.00	32,500.00	32,500.00
82	Contract Drone Services			4,000.00
83	<b>Total Professional Services- ADM</b>	<b>53,500.00</b>	<b>58,500.00</b>	<b>66,500.00</b>
84	<b>Total Expense</b>	<b>576,115.00</b>	<b>567,000.00</b>	<b>556,000.00</b>
85	Capital - Tonka Bay Dock			10,000.00
86				
87	 LMCD 2025 Budget	2023 Budget	2024 Budget	2025 Budget
88	Save the Lake Fund Balance		42,000.00	55,000.00
89	Transfer to STL	750.00	750.00	750.00
90	Donations	43,050.00	46,050.00	45,000.00
91	<b>Total Revenues</b>	<b>43,050.00</b>	<b>88,800.00</b>	<b>101,750.00</b>
92	Save the Lake Expenses			
93	Operating Expenses	1,800.00	1,800.00	1,800.00
94	Dedicated Water Patrol		87,000.00	100,000.00
95	<b>Total Operating Expenses</b>	<b>1,800.00</b>	<b>88,800.00</b>	<b>101,800.00</b>



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

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

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

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

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

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



# LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** June 12, 2024 (Prepared June 6, 2024)

**TO:** LMCD Board of Directors

**FROM:** Thomas Tully, Manager of Code Enforcement

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

**SUBJECT:** Watercraft for Hire Workgroup (Rental Boats)

**SUMMARY**

The Watercraft For Hire Workgroup met on May 20, 2024 to further discuss the topic of Rental Watercrafts on Lake Minnetonka.

**UPDATE**

After the conclusion of the WFH Work group former Vice Chair of the LMCD Jake Walesch is drafting the proposed changes to the Rental Code to Article 6, which will be presented to the LMCD Legal Council for review.

- Implementation of a Rental Watercraft License from the LMCD and Inspection done by the HCSWP office
- Include port of call requirement on application and we make policy to tell cities where they are listing. This will be tracked by LMCD
  - They confirm port of call once a year
- Implement regulation that “no person shall park or leave unattended a watercraft licensed for rental at a make ready dock located at any launch for greater than 20 minutes”
- Potential Limit to 20 occupants and 30 feet for rental boats-

**BUDGET**

N/A

**STRATEGIC PRIORITIES**

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