

**BAD AXE LAKE ASSOCIATION MEETING**  
JULY 10th 2010, CAMP WILDERNESS DINING HALL  
President's report/ meeting agenda

1. Welcome
2. Recommended payments for 2010-2011:
  - COLA membership: \$120
  - Freshwater festival contribution: \$50
  - Water testing fee: \$145
  - Aquatic Invasive Species (AIS) contribution: \$150
  - MN Waters membership: \$100
3. COLA items:
  - Strategy Management Session representative needed (Mary Ann will be 1, we need 2)\*
  - Alternate representative needed for COLA to represent Bad Axe
  - COLA Lawsuit\*
    - Review lawsuit summary and discuss request for individual donations
    - Discuss request for Bad Axe Lake Ass'n donation of \$120
4. AIS representative needed for Bad Axe. Volunteers?
5. Review 'Restore the Shore' tree sale opportunity for Lake Association members.
6. Review data on fish inventory done by DNR in June 2010.\*
7. Suggestions for projects for the year?
  - mention current balance of funds for Association
  - muskie stocking again? Last done in 2007
8. Reports
  - Treasurer's Report (Betty)
  - Lake Condition (Don or John)
  - Loon Population (Judy or Betty)
  - Wildlife Updates
    - Beaver trapping (Andy)
  - COLA (Mary Ann)
  - Isle 'O Dreams update (Dave or Cammie)
  - Camp Wilderness update (Andy)
    - Discuss when the siren is sounded, and for how long
    - New campfire area
9. Elections (none this year)
10. Dues
  - Keep even or raise? Last raised in 2009.
11. Other business
  - thoughts on meeting time (evening better than supper, etc)
  - should we look for a speaker for next year?
    - Suggestions on topics/persons of interest
  - comments / issues from membership
12. Adjourn

\*indicates attached sheet with more information

# **WHAT IS YOUR VISION FOR HUBBARD COLA**

All of us—Lake Associations, Lakeshore Property Owners and Partners—are stakeholders in the future of our lakes in Hubbard County. Together, we can ensure that future generations will continue to enjoy our clean water resources in Hubbard County.

## **JOIN US FOR A “STRATEGY MANAGEMENT” PLANNING SESSION: FRIDAY, AUGUST 6, 2010—9 AM—4 PM ST. JOSEPH’S AREA HEALTH SERVICES LOWER LEVEL CONFERENCE ROOMS A, B & C**

The Strategy Management Planning Event will be led by Louis E. Schultz, Process Management LLG, who lives on Long Lake and is an active member of the Long Lake Area Association. Strategy Management starts with a strategic planning process that explores, in detail, things that can affect the organization in the near future followed by a self-assessment to identify areas to be addressed and a prioritized portfolio of projects is developed.

Hubbard COLA will use this strategic planning system to chart their future and the actions to improve their performance. We value your participation in charting our course.

COLA would like to invite Lake Association Presidents (or designee), COLA Reps (or designee) and our Partners to attend our Strategy Management Planning Event. We would like each lake association to have two representatives. If your president or reps are unable to attend, please appoint a designee, so your lake association is represented in this very important planning event to help determine the future direction of Hubbard COLA.

For further information, please contact Dan Kittilson, 732-5566 or Ken Grob, 732-0364

## SUMMARY

### **COLA, Middle Crow Wing Lakes Association (MCWL) and Ed Mutsch v. Hubbard County, Dan and Donna Rehkamp and DNR**

The Rehkamps filed an application with Hubbard County to convert their Eagle Landing Resort located on Fifth Crow Wing Lake (a recreational development lake of approximately 392 acres) into a Planned Unit Development ("PUD") known as Rice Bay. The PUD included the existing 6 cabins and sites for an additional 5 cabins for a total of 11 cabins. The application for the PUD requested that the common dock required by the Shoreland Management Ordinance ("Ordinance") for this development have 11 permanent boat slips (1 for each cabin), rather than the maximum number of 3 permanent boat slips allowed by the Ordinance for the 3 cabins in Tier 1 (267' back from the ordinary high water mark). The Ordinance allows only one permanent docking space for each dwelling unit or site within Tier 1 of a PUD.

The Ordinance provides that a PUD is a conditional use and requires a Conditional Use Permit be approved by the County Board. The Planning Commission recommended to the County Board approval of a Conditional Use Permit with 11 boat slips, even though it was contrary to the Ordinance. The County Board then approved pursuant to the Ordinance a Conditional Use Permit for this PUD with a common dock for 3 permanent boat slips.

The Rehkamps still wanted 11 boat slips and requested a variance. On March 15<sup>th</sup> the Board of Adjustment (BOA) illegally granted a variance to permit 11 permanent boat slips.

The illegal action by the County in granting the variance for 11 permanent boat slips is so critical to the future development of property on our lakes and rivers that Ed Mutsch, MCWL and COLA felt that it was necessary to bring a lawsuit against Hubbard County, the Rehkamps and the DNR. They all felt that the action by the County threatens to undermine the protections provided by the Ordinance.

This lawsuit is for the benefit of all lakeshore owners in Hubbard County because it will help protect the quality of our lakes. We need to ensure that the County administers and enforces its Ordinance; otherwise we will end up with no standard rules and regulations regarding shoreland maintenance and development. Without the Ordinance being followed, the quality of our lakes will be adversely impacted.

COLA, MCWL and Ed Mutsch, the Plaintiffs, are represented by Chuck Diessner and Brian McCool of Fredrikson & Byron, P.A. ("F&B") in Minneapolis. F&B has agreed to provide some of its services without charge, including all of Chuck Diessner's services. COLA is responsible for the balance of the costs of the lawsuit.

The County is represented by Scott Anderson of Ratwik, Rozak & Maloney, P.A. in Minneapolis.

The Rehkamps are represented by James W. Reichert of the Reichert Law Offices in Maple Grove.

The Plaintiffs' Complaint against the County and the Rehkamps includes claims that:

- The BOA had no legal authority to grant the variance which authorized a use (11 boat slips) that is prohibited by the Ordinance.
- The variance did not relate to a nonconforming use for which there was particular hardship.
- The variance is not supported by findings based on the facts that establish the existence of practical difficulties.
- The County Board is the only body that can issue the Conditional Use Permit for the PUD. The BOA has no authority to modify or reverse the County Board's decision regarding the terms of the Conditional Use Permit.
- The Rehkamps sole remedy for challenging the County Board's approval of only 3 boat slips was to appeal to the District Court within 30 days. They never filed an appeal.
- Injunctive relief should be granted to prevent the County and Rehkamps from taking any action pursuant to the variance.

The current status of the lawsuit is as follows: The County, Rehkamps and DNR have all filed their answers to the Complaint. The Plaintiffs have dismissed the DNR from the lawsuit pursuant to an agreement reached with the DNR. F&B has served Discovery on the County which is a list of questions that the Defendants will have to answer in writing to F&B. The answers to the questions and the information in the produced documents will help F&B prepare the case, including the depositions to be taken of the Defendants.

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## RICE BAY PUD LAWSUIT—FUND RAISING

As a result of our lawsuit against Hubbard County, Hubbard COLA and the Middle Crow Wing Lake Association would like to announce the formation of our fund raising campaign. In our proposed funding plan, we would like you to take the following information into consideration:

1. As we start our fund raising efforts we would like to emphasize the following considerations:
  - a. COLA, MCWLA and Ed Mutsch, the Plaintiffs, are represented by Chuck Diessner and Brian McCool of Fredrikson & Byron, P. A. ("F & B") in Minneapolis. F & B has agreed to provide some of its services without charge, including all of Chuck Diessner's services. Chuck is a property owner on Potato Lake and consequently, has a personal interest in this illegal action by the County. COLA and MCWLA are responsible for the balance of the costs of the lawsuit.
  - b. This lawsuit is for the benefit of all lakeshore owners in Hubbard County, because it will help protect the quality of our lakes. We need to ensure that the County administers and enforces its Ordinance; otherwise we will end up with no standard rules and regulations regarding shoreland maintenance and development. Without the Ordinance being followed, the quality of our lakes will be adversely impacted.
2. COLA's & MCWLA funding plan will be a three-pronged approach:
  - a. First, our primary funding efforts will focus on individual lake property owners and/or lake association members. We are asking that individual lake property owners give serious consideration concerning a financial contribution for our legal fees. This is a combined effort of all the lakes in Hubbard County. We need each and every property owner's support. Please act promptly with your donation toward protecting our lakes for present & future generations.
  - b. Next, we will be organizing a state-wide advocacy campaign seeking support and financial resources from other conservation organizations such as other COLA's and Minnesota Waters.
  - c. Lastly, we are also asking lake associations to join our efforts to stop this illegal action and prevent it from happening again in the future. We are recommending that lake associations consider a contribution based on their 2010 dues structure for Hubbard COLA, which is \$4 per member of your lake association with a cap of \$600 maximum for any association. Again, I encourage your lake association's support, because we need a unified effort to stop this illegal action and protect our lakes.
3. We propose two funding alternatives:
  - a. Direct contributions to Hubbard COLA. These contributions will not be tax deductible. Lake Associations should use this option. Lake property owners can use this option if they prefer. It will provide operating funds that don't require special requests and approval from the Northwest Minnesota Foundation (NMF).
  - b. Direct contributions to the NMF—Hubbard COLA Fund. This option would be tax deductible. Any excess funds would remain in the project fund for future uses. COLA has established a permanent Charitable Fund with Northwest Minnesota Foundation.

DKK—6/22/2010