

MINNETONKA BEACH - Dock Committee

Chair:

Vibhu Sharma

Members:

Jack Foss, Steve Inglis, Jim Knudsen, Dan Van Handel, Todd Pottebaum & Jeff Steinke

Staff/Other:

Steve Howarth, Council Liaison

Pat Melvin, City Administrator

**Dock Committee Meeting Agenda
August 17, 2020 @ 5:30 P.M.**

- 1. Call to Order**
- 2. Approve Agenda**
- 3. Approve Minutes**
 - 3.1. June 18, 2020 Unapproved Dock Committee Meeting Minutes
 - 3.2. July 8, 2020 Unapproved Dock Tour Notes
- 4. New Business**
 - 4.1 Welcome Council Liaison Steve Howarth
 - 4.2 Accept Dock Committee resignation from Tom Schriefer
 - 4.3 Discussion regarding updating Dock Ordinance
- 5. Old Business**
 - 5.1 Rassatt installation and removal of Beach Docks- Sharma
 - 5.2 insurance of docks- Steinke
 - 5.3 wait list priority for handicapped residents - Pottebaum
 - 5.4 location of jet ski slips currently at Dock 16 and possibly at Dock 12
 - 5.5 review equipment storage in fire lanes and on city property
 - 5.6 restricting dock slip waiting list to two preferences
 - 5.7 allowing multiple property owners to be listed for each address not rented
 - 5.8 clarification on waiving boat slips and priority on waiting list- Melvin
 - 5.9 inspection processes and timelines
- 6. Adjournment**

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City of the Village of Minnetonka Beach
Dock Committee Meeting Minutes – UNAPPROVED
June 18, 2020 ~ 7:00 p.m.

Present: Committee Members: Tom Schriefer, Todd Pottebaum, Jeff Steinke, Vibhu Sharma, Jack Foss and Council Liaison Andrew Myers.

Absent: Jim Knudsen

New Members: Vibhu Sharma and Daniel Van Handel.

Staff: City Administrator Patrick Melvin

1) Council Liaison Myers called the meeting to order at 7:05 p.m.

2) Approve Agenda

Myers asked that the Oath of Office for new member Dan Van Handel be added as item 3.3 on the agenda.

(Van Handel motion, Steinke second to approve the June 18, 2020 agenda with the above noted addition. All ayes). Motion passed.

3) Committee membership

3.1 Certificate of Appreciation to Andrew Myers for his three years of service on the Dock Committee.

3.2 Oath of Office-Vibhu Sharma. Andrew Myers and members welcomed Vibhu to the group.

3.3 Oath of Office- Danial Van Handel. Andrew Myers and members welcome Dan to the group.

4) Approve Minutes of October 8, 2019 Dock Committee meeting

(Sharma motion, Pottebaum second to approve the minutes of the October 8, 2019 Dock Committee meeting minutes.) Motion passed.

5) New Business

5.1 Elect Committee Chair – Vibhu Sharma volunteered to serve as Committee Chair and cited reasons why he would be a good chairperson including his desire to garner support and work collaboratively. Jeff Steinke spoke in support of Vibhu as a chair based on his experience with him previously while on the Minnetonka Beach Dock Committee.

(Van Handel motion, Steinke second to approve Vibhu Sharma as the Dock Committee Chairperson.) Motion passed.

5.2 Dock Committee Meeting Schedule – Vibhu felt that meeting quarterly or more frequently was in the best interest of the Dock Committee as previously too much time passed between meetings. Steinke agreed and suggested maybe meeting more during summer months as issues are occurring. Vibhu will work with Pat Melvin and the City calendar to bring back to next meeting.

5.3 Committee goals and objectives- Steinke felt that doing a survey would be helpful to get resident input since he has a perspective that is limited to the dock where his boat is at. There was agreement from the group to seek resident input for the Dock Committee's 2020/21 goals. Vibhu felt that a tour of the docks would be beneficial to the group perhaps on a Saturday. Vibhu and Pat will schedule a tour date.

6. Old Business

6.1 **Review application and standards for boat slips-** It was brought up that in the past property owners have allowed other family members to use their boat slip and how this has upset some individuals. Van Handel felt it was too difficult to enforce and encouraged the group to avoid getting caught in this level of detail since the boat already is required to be registered to the property owner. The group agreed.

Vibhu suggested that the Dock Committee do an inspection annually to check on docks and ensure that the boats are registered to the appropriate property owner. Steinke was going to investigate insurance especially as it pertained to docks since the docks are owned by multiple parties all contributing to a portion of installation and acquisition of their section costs.

There was a question about a dock on the right side of the Beach which currently does not have a boat yet in it. Per the application the boats are required to be in by June 15. Pat will research further.

6.2 The request was made to see the waiting list. Pat will send a copy out. The group thought there may be a willingness to consolidate some of the unused smaller slips, 6 x 14, and make them into fewer larger slips.

6.3 Some members expressed appreciation that the City protected the rights of non-riparian homeowners to have access through the firelanes. The City prevailed however the individual suing the City has an opportunity to appeal the ruling to a high court. That decision will have to be made in July and the Dock Committee will be kept informed.

6.4 Myers provided a brief history of the Beach dock installation. He acknowledged how difficult it is because of the different dock pieces and the need to be more precise of installation therefore not everybody wants the job. He believes that they City has been able to get a good pricing from Cody and encouraged the Dock Committee to recommend to the Council to approve the three year contract at a cost of \$13,120 for installation and another \$13,120 for removal during that three year period.

There was some discussion about the Dock Committee helping residents to obtain dock installation through this same vendor if his price is good as it recently did for individuals on Dock 10.

(Van Handel motion, Pottebaum second to recommend to the City Council that they contract with Rassatt Companies, LLC for three years of installation at \$13,120 for installation and \$13,120 for removal of docks at the Beach area.) Motion passed.

The group then review the outstanding agenda items as listed below to determine if they should be on the next Dock Committee agenda:

- 1) Define "Dock User" i.e. who is considered family and should proof of insurance be Required (from Minutes)- Jeff Steinke is looking into insurance
- 2) Review Section 3C, Compliance to ensure dock installers are paid properly and on

- time (from Minutes)- Dock Committee did not feel this was their role
- 3) Review page 3 section on priorities and consider giving residents with disabilities special priority (from Minutes)- Todd Pottebaum will research further
 - 4) Discussion regarding request to relocate existing 6 x 14 slip to the Beach area- keep on agenda for next time
 - 5) Is waiting list separate for boat and jet ski slips? The consensus of the group was that the list was for all boat slips- real question is should dock committee reconfigure to consolidate jet ski slips into fewer large boat slips near the Beach? This will be held for next agenda.
 - 6) Clarify Section G- if two boat slips become available within a week of each other for a selected location and the resident declines because of not having a boat should the residents be moved to the bottom of the waiting list or should they be allowed to decline in two different boating seasons before being moved to the bottom of the list? – Pat will work to better define
 - 7) Section D- Should home owners of multiple properties in Minnetonka Beach be given multiple slips or be listed multiple times on the waiting list- the group felt yes however this will be put on next agenda so public is aware this is being discussed and decided upon.
 - 8) Section C- Adding language that the City will not assign boat slips to property owners in arrears for utilities or who have not previously followed the Policy by removing dock, lift and other equipment during the winter months – Group felt this should be brought to Council's attention for resolution. Andrew inquired if in some locations the equipment could be left over the winter on the City property. Melvin will inquire with the City Attorney about this possibility.
 - 9) Inspection processes and timelines- this was addressed earlier in the agenda

7) Adjourn

(Steinke motion, Van Handel second to adjourn at 8:30 p.m. All in favor.) Motion passed.

Minutes taken by City Administrator Patrick Melvin.

City of the Village of Minnetonka Beach

Dock Committee Notes

July 8, 2020 ~ 5:30 p.m.

Present: Chairperson Vibhu Sharma and Committee Members: Steve Inglis, Todd Pottebaum, Jeff Steinke, Jim Knudsen, Daniel Van Handel.

Absent: Andrew Myers, Jack Foss & Tom Shriefer

Staff: City Administrator Patrick Melvin

Dock 2

The boat assigned to slip 2-1 has trouble getting out of slip due to location of neighboring Kiesel dock. Question as to setback required from property line of residential dock at 1901 Lake Road. There was also a suggestion to flip slip 2-1 to the other side of the dock allowing more clearance for that boat to get out.

Docks 5-7

A boat lift and other dock parts were noted onshore. The members inquired how the City will remove these items if they are not claimed and whether or not some dock slip permit holders should be allowed to store their dock equipment during the non-boating season due to the difficulties associated with having to remove equipment.

Dock 10

No action needed at this time.

Dock 11

No action needed at this time.

Dock 12-16

The Committee needs to discuss if we should limit any PWC/Jetskis to be only in front of Dock 14 or 16.

Dock 17-21

The challenge of docks not being extended further out especially if the slips closer to shore are not assigned at time of dock and lift installation was discussed. Individuals on those docks save money and the dock is much more stable if not extended so far because the water depth really increases further out. There was a suggestion to possibly consolidate the inside slips, closer to shore, which are typically 6 x 14 jet ski slips to make one bigger boat slip and put it on the outside of existing short dock configuration. This will require discussion with LMCD.

Dock 8-9

Jim led discussion about Dock 8-9. The property, 2406 Lafayette Road being for sale adjacent to the City dock and the fact that the City dock previously crossed into the residents dock area but the owner at that

time was okay with allowing that. Now one of the two docks will have to be moved over pending sale of the house as the realtor has already inquired. The two docks accommodate 6 boats and the suggestion was made that if the LMCD would allow the dock to be extended out further the configuration could be changed to three boats on either side of one long dock.

Pat Melvin

To: Suzanne Schriefer
Subject: RE: FW: Dock Committee - Meeting with Rassatt Docks

From: Suzanne Schriefer <ssschiefer@gmail.com>
Sent: Sunday, August 16, 2020 8:15 AM
To: Pat Melvin <cityadmin@ci.minnetonka-beach.mn.us>
Subject: Re: FW: Dock Committee - Meeting with Rassatt Docks

Dear Mr. Melvin,

I have appreciated the opportunity to serve on the Minnetonka Beach Dock Committee for many years. Due to work commitments I cannot continue on the Dock Committee. Please accept my letter of resignation. Best wishes to the Committee on its future work.

Sincerely,

Tom Schriefer

Pat Melvin

To: Pat Melvin
Subject: RE: Dock Committee - Meeting with Rassatt Docks

From: Vibhu Sharma <vrs1@pm.me>
Sent: Thursday, August 6, 2020 12:59 PM
To: Pat Melvin <cityadmin@ci.minnetonka-beach.mn.us>
Cc: Jaci Lindstrom <jlindstrom@ci.minnetonka-beach.mn.us>; Steve Howarth <showarth@ci.minnetonka-beach.mn.us>
Subject: Dock Committee - Meeting with Rassatt Docks

Dear Pat,

As you were aware, Cody Rassatt and I met today at Noon at the Beach. We had a very good discussion. Items of note:

1. He will remove the City from the contractual obligation of the installation and removal of docks at the Beach. It will be between the dock permit holder and Rassatt Docks. I did indicate that if he has any dock permit holder not pay, he should let me know.
2. Docks shall be installed within 30 days of the official ice out on Lake Minnetonka.
3. Docks shall be removed starting on October 17.
4. He would like emails of beach dock permit holders in order to more efficiently communicate and to send bills. Can we provide them to Cody?
5. Email for Jeff Steinke so they can coordinate a proposal for the installation and removal for the dock permit holders at dock #2. This was a request from Jeff.
6. How do we handle replacement of broken decks for the common area? For example, three sections on Dock 15. Cost is approximated \$265 per section. Do we need to notify the dock permit holders at such location for permission? I believe we should notify and advise that sections are being replaced at the cost split between the dock permit holders at such location.
7. Need contact information Elizabeth on Dock 16 as she has not been billed.

Can you please share this email with the Dock Committee.

Let me know if any questions. Overall, a very good outcome.

Regards,

Vibhu

Vibhu Sharma | +1 (612) 803-1320

Pat Melvin

From: Jeff Steinke <Jeff.Steinke@RyanCompanies.com>
Sent: Monday, July 6, 2020 11:30 AM
To: Pat Melvin
Cc: Vibhu Sharma
Subject: RE: Dock Committee tour July 8, 2020

Hi Pat and good Monday morning.

I may have mentioned that my insurance agent said that my dock isn't currently insured, but for \$50 he can add it to my homeowners policy as "other location". To do so, he asked for the address of dock 2. Is there such a thing? If so, wld you share that.

Copying you, Vibhu, as this may be a topic for the committee.

Thx much & good day.

Jeff Steinke

Senior Vice President
Ryan Companies US, Inc.
533 South Third Street, Suite 100
Minneapolis, MN 55415
Jeff.steinke@ryancompanies.com
612 492 4464

ryancompanies.com



From: Pat Melvin <cityadmin@ci.minnetonka-beach.mn.us>
Sent: Sunday, July 05, 2020 4:20 PM
To: Andrew Myers <amyers@ci.minnetonka-beach.mn.us>; Daniel Van Handel <Daniel.VanHandel@mngastro.com>; Jack Foss <jackfoss2003@yahoo.com>; Jeff Steinke <Jeff.Steinke@RyanCompanies.com>; Jim Knudsen (jrknud@aol.com) <jrknud@aol.com>; Steve Inglis (milne@mchsi.com) <milne@mchsi.com>; Todd Pottebaum (toddp@quality-resource.com) <toddp@quality-resource.com>; Tom Schriefer (ssschrifer@gmail.com) <ssschrifer@gmail.com>; Vibhu Sharma (vrs3@pm.me) <vrs3@pm.me>
Subject: Dock Committee tour July 8, 2020

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Please see the attached agenda for the July 8, 2020 Dock Committee tour. The tour will start at 5:30 and more details will be distributed in advance of that meeting. Please feel free to contact me if you have any questions.

Patrick Melvin,

Minnetonka Beach City Administrator

2945 Westwood Road

906 Docks: Construction and Use.(1) Permits, Docks.(A) Definitions.

- a. The term "**Dock**" means and includes any dock, wharf, pier, boathouse or other structure or combination of wharves, piers, or other structure constructed or maintained in or over the Lake, whether floating or not, including all "Is", "Ts" or posts which may be a part thereof, whether affixed or adjacent to the principal structure.
- b. The term "**Unrestricted Watercraft**" means any boat or vessel for use on or stored on the public waters of the lake which is:
 - i. 16 feet or less in length and unmotorized; or
 - ii. 16 feet or less in length and which uses a motor of 10 horsepower or less; or
 - iii. 20 feet or less in length and unmotorized, and which is propelled solely by human power.
- c. The term "**Restricted Watercraft**" means any boat or vessel for use on or stored on the public waters on the Lake except for unrestricted watercraft as defined herein.
- d. The term "**Boat Storage Units**" means a space or facility available for mooring, docking or storing a watercraft to be used on the Lake. Boat Storage Units does not include such a space or facility located on land unless it is used in conjunction with a commercial dock.

(B) Permit Required. No person shall erect, keep or maintain a dock on or abutting upon any public street, road, park, or public property, public waters and Dock Use Areas without first securing a permit therefore from the Council. For the purpose of this section, a "person" shall include a family unit as a single permit holder. Family unit is defined as immediate family residing at the real property in Minnetonka Beach.

(C) Permits for Multiple Use. A permit may be issued for the placing and maintenance of a dock to be used by more than one person or family unit as defined in the preceding paragraph. In such event, each person or family unit using a dock shall be deemed to be a separate permit holder. The Council may require the sharing of dock space between and among permit holders at its discretion. Failure of permit holders to cooperate in the maintenance or transfer of dock hardware shall constitute a forfeiture of all permits on the offending dock. Permits are issued only for the benefit of individuals living in the household and not for the benefit of others that do not reside at the residence.

(D) Owner Defined. The term "owner" means an owner of real property in

Minnetonka Beach upon which a residential house is constructed, being

constructed or remodeled whether or not the owner resides in it during the construction phase.

- (E) **Nonresident Owner Defined.** The term "nonresident owner" shall mean an owner who does not occupy his property as his regular and usual residence from Memorial Day to Labor Day of the application year, unless the residence cannot be occupied due to construction or matters of physical safety that would prevent the occupancy of the property from Memorial Day to Labor Day.
- (F) **Renter Defined.** The term "renter" shall mean an individual or a family unit that does not own real property in Minnetonka Beach, however, leases real property
- (2) **Application for and Issuance of Permits.**
- (A) **Separate Permit Required.** Each dock or boat storage unit shall require a separate permit and is limited to one restricted watercraft. Application shall state, among other things, the names and addresses of the applicants, if more than one person or family unit will be using the dock or boat storage unit, the description of such dock, and a description and drawing or sketch of the proposed dock and of the location or proposed location of such dock, and such other information as may be required by the application form. Application for such permit shall be filed with the City Clerk who shall check the applications and report to the Council. No such permits will be authorized or issued by the Council until it shall have first determined that such proposed dock, or the maintenance of any such dock at the time of the passage of this section, complies substantially with the terms of this section. All such applications shall be considered by the Council. Boat registration numbers shall be registered with the City Clerk (a copy of a watercraft registration issued by a State authority shall be provided to the Clerk), and subsequently verified to the boat in the dock. All dock permit holders shall inform the City Clerk within ten days if the permit holder sells or vacates such property, or becomes a nonresident for purposes of this Section during the calendar year.
- (B) **Permit for Unrestricted Watercraft.** A permit holder for a restricted watercraft may also place an unrestricted watercraft at the dock or boat storage unit assigned to such permit holder for restricted watercraft. Only restricted watercrafts are eligible for City Dock Permits for dock or boat storage units.
- (C) **Permits: Priorities.** The City of Minnetonka Beach is able to issue a limited number of dock or boat storage unit permits given the capacity of the public properties available for dock use and boat storage. In order to

create a fair and equitable policy for issuing those permits, a system of

priority is hereby established. Priorities shall be determined as of March 15 of each year. However, should any dock permit holder for a given year change his or her status and therefore his or her priority rating, then the dock previously assigned to that party may be reassigned by the City at any time throughout the calendar year. The priorities are as follows:

- (i) **First Priority.** Upon application dock permits shall be first issued to residents of property in Minnetonka Beach whose property abuts Shoreline Drive and Lafayette Bay and defined as:
 1. 3022 Shoreline Drive: Lot 1, Block 1, Lot 1 including adjacent south ½ of VAC Brooks Ave VAC also including adjacent part of Lafayette Ave. VAC. PID 16-117-23-32-0015
 2. 2512 Shoreline Drive: Addition Name: REG. LAND SURVEY NO. 1660 Metes and Bounds: TRACTS A B AND D. PID 15-117-23-32-0087
- (ii) **Second Priority.** A resident owner shall have a second priority on any City dock site or boat storage unit location. The resident owner shall have the first priority over any other resident owner as to any dock or boat storage unit that he or she occupied during the previous dock season.
- (iii) **Third Priority.** A nonresident owner shall have third priority with the understanding that, irrespective of prior years' dock location(s), their priority begins after all first and second priority owners have been assigned to dock sites or boat storage unit locations.
- (iv) **Fourth Priority.** A renter shall have fourth priority on all locations vacant on April 1 of each year. Irrespective of prior years' dock location(s), their priority begins after all first, second and third priority owners have been assigned to dock sites or boat storage unit locations.
- (v) **Fifth Priority.** Non-riparian and Lafayette Ridge Association residents who wish to obtain a second permit shall have fifth priority on all locations vacant on April 1 of each year. Irrespective of prior years' dock location(s), their priority begins after all first, second, third and fourth priority owners have been assigned to dock sites or boat storage unit locations.
- (vi) **Sixth Priority.** Riparian residents who have reached the maximum

Docks: Construction and Use

number of watercraft as permitted by the LMCD including any variances allowed by the LMCD for their property and who wish

to obtain a permit shall have sixth priority on all locations vacant on April 1 of each year. Irrespective of prior years' dock location(s), their priority begins after all first, second, third, fourth and fifth priority owners have been assigned to dock sites or boat storage unit locations.

- (D) **Location**. The Council will by resolution approve the permit application and upon approval designate the location where permit holders may place docks and boat storage units and no docks and boat storage units shall be authorized in locations other than those designated. However, historical precedent will govern unless contrary to current law. The city will vigorously defend this precedent to the LMCD. Boathouses are permitted in all areas designated by the Council except for locations at the end of designated fire lanes. The location of all Docks will be "staked" (pole at shoreline and inland with sufficient distance inland to provide sightline on property line enabling dock placement to be in compliance and consistent from year to year).
- (E) **Applications: Deadlines**. Applications for dock permits may be made between January 1 and March 1 of each year.
- (F) **Applications: Processing**.
- (i) Previous year's permit holders may be given until March 1 to reapply and pay the appropriate fees.
 - (ii) On or after March 1 any remaining municipal dock or boat storage unit permits will be assigned to applicants in order of priority.

If a permit is not approved by the City any fees paid shall be refunded to the applicant within 60 days.

- (G) **Waiting List** – A waiting list shall be retained in order of priority first, and time submitted second, and used to assign the applicant in the event of reasonable turnover of slip holders. Such waiting list is available upon request. Individuals requesting to be on the waiting list shall submit their request to the City Clerk in writing. When slips become available, individuals on the waiting list shall be contacted by the City. The individual may pass on the available dock or boat storage unit location and retain their place on the list only one time. If a subsequent opportunity is passed up, the individual will go to the bottom of the waiting list for that respective dock or boat storage unit location.

- (H) **Watercraft Eligibility.** Only restricted watercrafts are eligible for City Dock Permits for dock or boat storage units. Restricted watercraft

exceeding the following standards shall be eligible to obtain a dock or boat storage unit permit only at special designated areas or at regular permit areas only after other applicants have been assigned and it has been determined that the docking of a watercraft of that size will not interfere with the City of the Village of Minnetonka Beach's goal of allocating dock permits to the greatest number of Minnetonka Beach residents consistent with preservation of the character, health, safety and welfare within Minnetonka Beach.

- (i) **Beam.** No watercraft shall have a beam exceeding nine (9) feet.
- (ii) **Length.** No watercraft shall exceed twenty-six (26) feet in length from bow to stern as per a watercraft registration issued by a State authority.
- (iii) **Limitations.** All watercraft shall be subject to available dock or boat storage unit spaces and seasonal water levels of Lake Minnetonka.

(3) **Rules and Regulations.**

- (A) **Dock and Boat Storage Unit Location.** The Council shall establish rules and regulations and administrative policies to implement the issuance of dock and boat storage unit permits and their enforcement and shall determine and approve the location of each dock and boat storage units. With respect to docks erected or maintained by owners of land abutting upon any street, road or public property intervening between such property and the shore of Lake Minnetonka, such docks shall be constructed and maintained midway between the intersections of the opposite side lines of the property of such applicant, as extended, with the shore of Lake Minnetonka; except that variations may be permitted by the Council where it appears impracticable to so locate such dock and where it further appears that any such dock or proposed dock constructed elsewhere will not interfere unreasonably with the use or enjoyment of said waters of Lake Minnetonka by the public or other adjoining lot owners abutting upon any such street or public property.

- (B) **Other Laws Incorporated.** Chapter 1, Section 1.07 and Chapter 2, Sections 2.01, 2.015, 2.02, 2.03, 2.04, 2.12 of the Lake Minnetonka Conservation District Code of Ordinances, and amendments thereto, are hereby adopted into this Ordinance by reference as though said sections

were fully set forth herein. Such ordinances are applicable to all residents of the City.

- (C) **Compliance.** The Council or such officer as may be designated by the Council for the purpose, will inspect or cause to be inspected on an annual

basis, any dock erected or maintained upon, or abutting upon, any such public streets, road, park or public property, and if it shall appear that any such dock has not been constructed or is not being maintained in accordance with the application therefore or the plans or location thereof as approved by the Council or if it shall appear that such dock has become in such condition that it no longer complies with the requirements of this section or it shall appear that the dock is not maintained in a safe manner, the Council by its clerk will forthwith notify the owner thereof in writing specifying the way or ways in which said dock does not comply with this section, after which said owner shall have twenty (20) days to remove such dock or make the same comply with the terms of this section and the terms of the application and issuance of the permit therefore. In the event such owner shall fail, neglect or refuse to remove such dock or make the same comply with the terms of this section within such period of twenty (20) days, the license therefore will be revoked by direction of the Council and by notice in writing to the owner thereof issued by the City Clerk. The notices herein required will be given in writing by the City Clerk by mail directed to such dock owner at the address given in the application for the erection of such dock or in the notice of transfer of such permit. Such violations may result in the loss of rights under all Sections of this code.

- (D) **Non-eligible Applicants.** No permit shall be issued to:

(i) Any business organization, including but not limited to corporations, partnerships or limited partnerships.

(ii) A person for the benefit of another. The permit holder shall be the actual user of the dock. If it is determined that a dock is being used in violation of this section, the Clerk shall proceed in the manner set forth in Section 906 (3) (C).

(iii) No permit shall be assignable or transferable.

- (4) **Leasing or Renting of Docks Prohibited.** No person shall rent or lease mooring space on any dock located within the corporate limits of the City whether located on public or private property.

- (5) **Term of Permit, Installation and Removal of Docks and Placement of Watercraft.** All permits issued pursuant to this section shall have a term from

Docks: Construction and Use

March 15 to December 31 of the calendar year in which issued. Every dock, including boat lifts and other appurtenances, constructed or installed pursuant to a permit issued hereunder shall be installed by the permit holder on or before June 15 and removed by the permit holder on or before December 31 of the year that the permit was issued. Watercraft shall be placed in the dock on or before June 15 of the year that the permit was issued.

(6) **Penalties.** No person shall erect or maintain a dock without securing a permit therefore as herein provided, nor shall any person fail to comply with any of the requirements herein set forth. The Council may remove or cause to be removed any dock for which no permit has been issued in accordance with this section or for which any permit shall have been revoked as herein provided, at the expense of the owner thereof who may also lose all rights under all Sections of this code. Any permit holder who does not comply with provisions of this ordinance shall be subject to having such permit revoked by the City Council.

(7) **No Vesting of Interest; Non-assignability.** The granting of a permit under this section shall not vest in the permit holder any right of re-issue or continued use other than those rights specifically provided for herein.

(8) **Permit Fee.** An annual fee as may be established by the City Council from time to time shall be charged each permit holder for a dock permit to cover the cost of license fees charged by the LMCD, City administration, compliance and enforcement of all sections of this code. The annual fee per dock or boat storage unit shall be based on the following criteria:

Size of dock or boat storage unit calculated based on total square feet using the following parameters:

- Tier 1 – 200 square feet or less;
- Tier 2 – Greater than 200 square feet and less than 301 square feet; or
- Tier 3 – Greater than 300 square feet.

Tiers shall be weighted for the determination of costs such that the costs allocated to a Tier 3 dock or boat storage unit shall be greater than the costs allocated to a Tier 1 dock or boat storage unit, as follows:

- Tier 1 – One (1).
- Tier 2 – One point 5 (1.5).
- Tier 3 – Two (2).



City of Deephaven

Mooring Wait Lists – General Information

- **YOU MUST OWN OR RENT RESIDENTIAL DEEPHAVEN PROPERTY, RESIDE IN DEEPHAVEN BETWEEN MAY 15TH AND OCTOBER 1ST, AND BE OVER THE AGE OF 18 IN ORDER TO SIGN UP ON A DEEPHAVEN MOORING WAITING LIST.**

Please Note: Per City Ordinance, property owners take priority to renters on all mooring wait lists. Renters who are assigned a mooring are assigned that space for one boating season only and are not guaranteed a space the following year unless there are no property owners requesting that type of space.

- **You can sign up for one or all of the seven types of moorings; each list you sign up for requires a \$5.00 one-time fee.** (Example: if you sign up for the canoe rack list, you would pay \$5.00 with your application, if you signed up for canoe rack and buoy, you would pay \$10.00 with your application.)
- **You do not need to sign up every year,** once you have been placed on a waiting list your name remains on the waiting list(s) until you move out of Deephaven, or request that your name be removed, or you have been offered that type of mooring space twice, and you have declined both offers.
- **You may check your position(s) on the waiting list(s) by accessing the city website www.cityofdeephaven.org** or by calling city hall at 952-474-4755. The waiting lists are also posted in the Deephaven Council Chambers.
- **You cannot select which bay, or exact mooring space, you want right away.** You must accept the mooring space and bay you are offered at first – but then you may sign up on the “rotation waiting list” asking for your preferred bay or space. When that space becomes available I will move you there first, prior to filling open spaces from the waiting lists.
- When you reach the top of a waiting list you can decline your first offer and remain in that same waiting list position and a “first decline” date will be placed by your name. You must accept your second offer in a future boating season or your name will be removed from that waiting list.

Please feel free to contact me if you have any other questions or concerns.

Deborah Hicks, Marina Operations Clerk

Docks: Construction and Use
 number of watercraft as permitted by the LMCD including any
 variances allowed by the LMCD for their property and who wish

to obtain a permit shall have sixth priority on all locations vacant on April 1 of each year. Irrespective of prior years' dock location(s), their priority begins after all first, second, third, fourth and fifth priority owners have been assigned to dock sites or boat storage unit locations.

- (D) **Location.** The Council will by resolution approve the permit application and upon approval designate the location where permit holders may place docks and boat storage units and no docks and boat storage units shall be authorized in locations other than those designated. However, historical precedent will govern unless contrary to current law. The city will vigorously defend this precedent to the LMCD. Boathouses are permitted in all areas designated by the Council except for locations at the end of designated fire lanes. The location of all Docks will be "staked" (pole at shoreline and inland with sufficient distance inland to provide sightline on property line enabling dock placement to be in compliance and consistent from year to year).
- (E) **Applications: Deadlines.** Applications for dock permits may be made between January 1 and March 1 of each year.
- (F) **Applications: Processing.**
- (i) Previous year's permit holders may be given until March 1 to reapply and pay the appropriate fees.
 - (ii) On or after March 1 any remaining municipal dock or boat storage unit permits will be assigned to applicants in order of priority.

If a permit is not approved by the City any fees paid shall be refunded to the applicant within 60 days.

- (G) **Waiting List** – A waiting list shall be retained in order of priority first, and time submitted second, and used to assign the applicant in the event of reasonable turnover of slip holders. Such waiting list is available upon request. Individuals requesting to be on the waiting list shall submit their request to the City Clerk in writing. When slips become available, individuals on the waiting list shall be contacted by the City. The individual may pass on the available docks or boat storage unit locations during the saue boating season and retain their place on the list only one time. If a subsequent opportunity **in another boating season** is passed up, the individual will go to the bottom of the waiting list for that respective dock or boat storage unit location.