

MINNETONKA BEACH - Dock Committee

Chair:

TBD

Members:

Jack Foss, Steve Inglis, Jim Knudsen, Dan Van Handel, Lucian Panait, Todd Pottebaum, Jeff Steinke & Chip Zawislak

Staff/Other:

Vibhu Sharma, Council Liaison
Pat Melvin, City Administrator

**Dock Committee Meeting Agenda
February 11, 2021 @ 6:00 P.M.**

1. Call to Order
2. Approve Agenda
3. Committee membership
 - 3.1 Oath of Office for Lucian Panait
 - 3.2 Oath of Office for Chip Zawislak
 - 3.3 Liaison to the Dock Committee
 - 3.4 Election of Chair and Vice Chair
 - 3.5 Designate a contact for dock installation at the Beach
 - 3.6 Establish future meeting dates
4. New Business
 - 4.1 Review June 18, 2020 Minutes and identify goals for 2021
5. Old Business
 - 5.1 Update on Dock 9
 - 5.2 Update on Dock 10 (Schussler lawsuit)
6. Adjournment

Join Zoom Meeting

<https://us02web.zoom.us/j/85697386172>

Meeting ID: 856 9738 6172

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OATH OF OFFICE
UTILITIES COMMISSIONER

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

OATH OF OFFICE

I, **Lucian Panait**, do solemnly swear, that I will support the Constitution of the United States, the Constitution of the State of Minnesota, and that I will faithfully and impartially discharge the duties of Dock Committee Member of the City of the Village of Minnetonka Beach in the County of Hennepin, to which I have been appointed, to the best of my knowledge and ability, so help me God.

Lucian Panait

Subscribed and sworn to before me this 11th day of February 2021.

Patrick Melvin, City Administrator



OATH OF OFFICE
UTILITIES COMMISSIONER

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

OATH OF OFFICE

I, **Chip Zawislak**, do solemnly swear, that I will support the Constitution of the United States, the Constitution of the State of Minnesota, and that I will faithfully and impartially discharge the duties of Dock Committee Member of the City of the Village of Minnetonka Beach in the County of Hennepin, to which I have been appointed, to the best of my knowledge and ability, so help me God.

Chip Zawislak

Subscribed and sworn to before me this 11th day of February 2021.

Patrick Melvin, City Administrator

Minnetonka Beach
DOCK COMMITTEE
RULES OF PROCEDURE DRAFT
Adopted by Council: 10/15/2019

The following Rules of Procedure are adopted by the City of Minnetonka Beach to facilitate the performance of its duties and the exercising of its functions as a Dock Committee created by the City Council under Resolution 2007-49.

DOCK COMMITTEE ROLE. The Dock Committee was established to review and recommend changes to the City Ordinance relating to Docks, to develop and recommend administrative procedures to implement the recommended changes and provide recommendations to the City Council on matters relating to the City's Dock program.

COMPOSITION. The Committee membership consists of nine (9) members, appointed by the City Council with no specified terms of office with geographic representation across the various City dock locations. One member is appointed from and by the City Council to serve as liaison and is not a voting member.

Section 1. MEETINGS

1.1 **Time and Day.** Meetings of the Dock Committee shall be held at least twice per year at a date and time established by the Chair unless otherwise established by majority vote of the Committee.

1.2 **Special Meetings.** The Chair, or two members of the Committee, may call special meetings. Special meetings may be called only when such meetings comply with the advance notice requirements of the statutes of the State of Minnesota's open meeting law (3 days).

1.3 **Place.** Unless circumstances dictate otherwise, meetings shall be held in City Hall.

1.4 **Quorum.** Five (5) Dock Committee members shall constitute a quorum for the transaction of business.

a) Whenever a quorum is not present, the members present may adjourn the meeting or hold the meeting for the purpose of listening to interested parties on such matters that are on the agenda.

b) No official action shall be taken at a meeting where a quorum is not present.

1.5 **Attendance.** Committee members are expected to attend all meetings. Circumstances arise which may preclude attendance. Whenever possible, Committees shall notify City of a potential absence prior to the meeting.

1.6 **Vote.** Except as otherwise specified in these rules, voting shall be by voice. A member shall have their vote on a particular issue recorded.

1.7 **Recommendation.** No Dock Committee recommendations shall be forwarded

to the City Council unless such recommendation receives the vote of the majority of the members of the Committee present. If a Committee vote on a motion is tied and no subsequent motions are made, the item may be forwarded to the Council with no recommendation.

Section 2. ORGANIZATION

2.1 Election of Officers. The Committee shall elect a Chair and Vice Chair from its membership. If no one receives a majority, balloting shall continue until one member receives majority support. If necessary, the Chair shall appoint a Vice-Chair.

a) If the Chair retires from the Committee or steps down as Chair before the next organizational meeting, an election of officers can occur at the next Dock Committee meeting.

b) If the Chair and Vice-Chair are absent from a meeting, the Committee shall appoint a temporary Chair.

2.2 Tenure. The Chair shall take office immediately following their election and shall hold office until their successor is elected and assumes office.

2.3 Duties. The Chair shall preside at meetings, appoint committees and perform such other duties as may be ordered by the Committee.

a) The Chair shall conduct the meeting so as to keep it moving as rapidly and efficiently as possible and shall remind members, witnesses and petitioners to stick to the subject at hand.

b) The Chair shall not move for action but may second motions and may vote.

c) The Chair reports Committee recommendations to City Council.

Section 3. PROCEDURE

3.1 Parliamentary procedure. Parliamentary procedure governed by *Roberts Rules of Order* shall be followed at meetings where hearings are held, with the exception of Section 2.3b. At special meetings and when obviously useful the Committee will hold group discussion not following any parliamentary procedure except when motions are before the Committee.

3.2 Correspondence Items. Matters for discussion that do not appear on the agenda shall be considered and discussed by the Committee only when initiated and presented by the staff or a member of the Committee and shall be placed at the end of the regular agenda.

3.3 Conflict of Interest. No member of the Committee who has a personal or financial interest, directly or indirectly, in any manner coming before the

Committee shall vote thereon.

3.4 **Agenda.** The agenda shall be approved by majority vote of the quorum.

Section 4. MISCELLANEOUS

4.1 **Suspension of Rules.** The Committee may suspend any of these rules by a unanimous vote of the quorum.

4.2 **Amendments.** These rules may be amended at any regular meetings by a majority vote of all the members of the Committee.

4.3. **Review.** The Dock Committee Rules of Procedure shall be periodically reviewed and adopted by the Dock Committee.

2021 Annual Council and Staff Assignments

Mayor Jaci Lindstrom

City employees, administration, City finances, Police Commission, emergency preparedness, prosecuting and consulting attorneys, tax assessor, zoning administrator, Chair to Long Range Planning Committee, Met Council, Hennepin County, St Martins Church, Weed inspector.

Council Member Steve Howarth (Mayor Pro Tem)

Liaison to Utilities Commission, liaison to Lake Minnetonka Communications Commission, Police Commission alternate, Long Range Planning Committee, consulting engineers, water, building inspections, safety compliance.

Council Member Susan Enlow (Recorder)

Liaison to Planning Commission, Fire Commission, City insurance, minutes, recording, resolutions, ordinances.

Council Member Tracey Breazeale (Recorder Pro Tem)

Liaison to Park Commission, liaison to Civic Committee, Fire Commission alternate, Minnehaha Creek Watershed District, DNR, liaison to LMCD.

Council Member Vibhu Sharma (Treasurer Pro Tem)

Liaison to Finance Committee, liaison to Dock Committee, Department of Agriculture, animal control, sanitation, streets, voter services, community health, Lafayette Club.

Treasurer Chris Zinn

Financial reports – monthly and annually, banking, investing, budget, audit, Chair of Finance Committee, Long Range Planning Committee.

Personnel Sub-Committee

Mayor Lindstrom, Council members Enlow and Breazeale.

Public Works Superintendent (Jason Hilgers)

Assistant Weed Inspector, Utilities Commission.

City Administrator (Pat Melvin)

Data Practices Responsible Authority and Compliance Official, Deputy Clerk in City Clerk's absence.

City Clerk (Heidi Honey)

Elections, Record Retention.

Planning and Zoning Administrator (Phil Carlson, Stantec)

Variance requests, land use issues, Planning Commission.

City Engineer (Darren Amundsen, Stantec)

City Attorney (Ron Batty)

LMCD Representative (Dennis Klohs)

**ROLES AND RESPONSIBILITIES OF CITY COUNCIL LIAISONS
CITY OF THE VILLAGE OF MINNETONKA BEACH**

Adopted by the Minnetonka Beach City Council – April 10, 2017
Amended – 4.9.2019

GENERAL

A Council liaison is a Council member that is assigned to a specific committee and commission by the Council every two years following an election or occurs at the discretion of Council. Council liaisons serve as nonvoting members of the committees and commissions.

Council liaisons are expected to attend committee and commissions meetings that they are assigned to as liaisons and expected to obtain substitutes when unable to attend. Liaisons are informed of committee and commission activities through agendas and minutes, work plans, and annual reports. Attendance by a Council liaison should not affect the normal structure of a committee or commission meeting. Attention should not be focused on the Council liaison and his or her input. If a specific expectation is critical to a particular agenda item, the expectation is discussed with the liaison by the chair prior to the meeting, and whether the liaison will be able to meet those expectations.

ROLES AND RESPONSIBILITIES

1. Facilitates communication between the City committees and commissions and the Council.
2. Provides procedural direction and relays Council's directives and positions to the committee and commissions; acts as a spokesperson on behalf of Council when so directed by the Council.
3. Gathers information and remains informed about committee and commission activities and when requested, provides reports of such activities to Council.
4. Monitors, identifies and helps resolve problems that may exist with respect to the effective functioning of the committee or commission.
5. Takes a lead in filling vacancies on the committees or commissions.
6. Mentors new committee and commission members by providing suggestions and relevant information regarding City structure, policies and procedures.

EXPECTATIONS:

1. The Council liaison should not be an advocate, give direction or influence a decision of the committee or commission. Nor should any Council liaison privately lobby any committee or commission member outside of the meetings in an attempt to influence his or her vote.
2. When a Council liaison is speaking, writing or responding to questions in matters of the committee or commission, he or she must speak only on behalf of City Council, not as an individual, unless clearly stated.
3. All conflict of interest and circumstances giving rise to a perceived conflict of interest should be avoided. Council liaisons must avoid the appearance of favoritism towards people or matters with whom the liaison is affiliated.

REVIEW AND UPDATE

This Council policy shall be reviewed every two years by the Council and updated as appropriate.

2021 Meeting and Event Calendar
City of Minnetonka Beach



January

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- City Council
- Civic Committee
- Park Commission
- Planning Commission
- Recycling
- Civic Event
- Truth in Taxation mtg
- Dock Committee
- Finance Committee
- Utilities Committee
- Election related
- Bd of Review April 12

Meeting dates and times are subject to change. Dates can be confirmed by calling City Hall.

- Note:**
- Holiday - City offices closed
 - Saturday pick up - Trash/Recyc

Minnetonka Beach Civic Activities:

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June 7 - Aug. 30: Monday Fun Day

July 18, 2021 - Summer Picnic

August 3, 2021 - Nat'l Night Out

City of the Village of Minnetonka Beach
Dock Committee Meeting Minutes – APPROVED
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.

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

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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).

