

City of the Village of Minnetonka Beach
Dock Committee Workshop Minutes
May 21, 2024 ~ 5:30 p.m.

Present: Chair: Jeff Steinke, Todd Pottebaum, and John Whitaker and Council Liaison Tracey Breazeale
Absent: Jack Foss, Jim Knudsen, Dan Van Handel, Lucian Panait, and Chip Zawislak.

Guests: Richie Anderson

Staff: City Administrator Heidi Honey, Public Works Superintendent Jason Hilgers, City Clerk Jane Burgess, LMCD Representative Dennis Klohs

1. Welcome and Introductions

2. Restate the Dock Committee's Objective From City Council

Steinke stated the Dock Committee explored the idea of reconfiguring the Swim Beach docks at the last meeting. The City Council provided direction to the committee and asked that they address the following: consistent with the City Mission Statement and Comprehensive Plan, the Dock Committee will explore and recommend to City Council opportunities to enhance the broader resident experiences at and around the swim beach to improve: lake views, safety and water quality, while preserving non-riparian dock access.

3. Presentation of Richie Anderson's Latest Swim Beach Dock Configuration Vision

Anderson expressed concerns about water quality at the swim beach and hypothesized: if the docks were arranged to provide better water flow and sunlight in the littoral zone, it may be possible that there would be less beach closures due to E.coli. He reviewed the current dock configuration. He initially suggested configuring all of the docks to the south side of the beach near the firelane as a PUD. Steinke stated the feedback on that configuration was that it impacts views of sunsets. Anderson then proposed a configuration with all docks on the north side of the swim beach. This configuration impacts the swim beach area, and the swim beach would need to be moved to the south. The configuration would put docks out 200 ft. Anderson then reviewed water depths along Shoreline Dr and stated that people who live on Shoreline are able to put docks in, but he does not know how deep the water is. There was discussion about the length of pole needed due to the muck on the bottom of the lake. Current docks are in about 6.5 ft of water and this proposal is approximately 11 ft. Anderson stated conceptually he is trying to provide a solution and the dock slip holders may need to incur some costs. His focus was on water quality and beach closures from elevated ecoli tests. There was a discussion about the configuration of docks in Excelsior. Whitaker said the city docks are different than Excelsior because the city dock faces southwest and is hit by much more wind and waves than the Excelsior docks. Whitaker asked about having the angle as proposed face northwest. Anderson stated this is the best design that could be proposed for the docks on the north. There was discussion about moving the swim beach, which would entail moving other things. There was discussion about splitting slips between the north and south ends. There was discussion about the possibility of reconfiguring not improving water quality.

Objectives were improving water quality and also opening views at the beach. The opening of the views would be a clearer objective to measure and hopefully the water quality would also improve. Anderson stated the first configuration he presented improves views of the sunset. He suggested moving that configuration to the north 20 ft, providing for a 40 setback. Both ends could be open to enter from either side. The dock would parallel 252 ft of the beach, and over 50% of the shoreline would remain open. There is 604 or 608 ft of shoreline. Anderson explained that a PUD is a special density license, and municipalities can go out 200 ft if they have a PUD but 50% of the shoreline must remain open.

There were comments that there is a view at the swim beach now. The view corridor has shrunk because slips have been moved there over the past 20 years. There was discussion about the canopies impacting views and they could be removed. Other organizations on the lake do not allow canopies. There was discussion about the difficulty of maneuvering in the proposed configuration, and instability with the strong winds. Steinke reviewed the proposed options:

all docks on the south, all docks on the north, modified all on south but moving 20 ft to the north, and there was a request to see docks split between the north and south.

There was discussion about other configurations, moving out further, and moving slips to the interior of the docks to widen the view. There was additional discussion on the causes of E.coli and suggestions about ways to increase water flow. Dudley stated every house has turned over across from the swim beach docks since the docks have been configured as they are today who enjoy the view and may not want to see a reconfiguration or have the view changed. To make the docks look better he suggested uniformity by requiring the docks to be the same. Ratzlaff suggested matching canopies. The city does ask that any new canopy be green for this reason. Dudley stated it would be difficult to go out further due to the muck on the bottom. Breazeale stated the swim beach park is one of the primary parks, and the City needs to consider neighbors views but also look at the views for all of the other residents who use the beach. She stated there has been creep over time with adding a few docks, mismatched canopies being added to all of the slips, and she suggested moving a few of the end slips would open up the views and help water circulate better which may help with E.coli levels. Ratzlaff suggested going out further and moving two current slips to the interior of the dock and see how that works before doing a larger reconfiguration.

Pottebaum suggested that when there is turnover at the beach, two slips are eliminated over time at the swim beach and relocated. Klohs said this is about not taking away something from non-riparians and there are no locations in the city that are comparable. There is no place to move the slips that compares with the swim beach. There was discussion about eliminating canopies over time to improve the view.

There was discussion about E.coli testing done by Hennepin County which is paid by the city and some cities do not test the beach water any longer because they want to remain open, and some cities test with high levels of E.coli and chose to stay open. The city chooses to have the water tested and chooses to close the beach when levels are elevated about recommended levels. There was the question about if anyone has ever been sick from the E.coli. Burgess explained that this year will be a test for correct sampling procedures because last year Hilgers watched the person take a sample incorrectly. All of the testers are being educated on correct sampling procedures.

Breazeale asked what locations would be available to move slips to. Slips had been moved to the swim beach over time because other locations were difficult to use, the water depth is too shallow, there is no parking, it is too difficult to navigate the slip, or it is dangerous to cross a busy road or use steep stairs to access the dock. There was discussion about removing 2 slips over time to somewhere else. Steinke stated the slips have to go somewhere and cannot go away. Klohs stated all the lawsuits over the past 20 years deal with non-riparian access. James J Hill gave preference to non-lakeshore owners with the way the city was platted. The lawsuits were settled by relocating a slip to a comparable location. Historically, the city has not been run in a manner to negatively impact a future dock slip holder at the swim beach so moving a slip to a less desirable location would negatively impact a future dock slip holder. To make the views better, something needs to be eliminated. Rosendahl would hate to lose his view and hate to have the docks unsafe by moving out further. Ramaker again discussed moving a slip once someone gives up their slip, the one closest to the swim area would be moved and everyone would move over one to widen the swim area/view corridor. Pottebaum stated it is not ideal but people would just have to be on the wait list to get to the swim beach. Klohs stated they would have settled lawsuits 20 years ago if there were other comparable locations to move docks to. Anderson prefers the configuration with the docks to the south modified a bit and he does not think geese are the reason for the E.coli because many beaches have geese and do not have high levels of E.coli. Anderson left the meeting. He was thanked for his work on these reconfigurations.

Whitaker stated that the proposed configuration would not be stable being out further with the muck and the impact of the wind. It would be very difficult to maneuver into the slips and boats will be hit. His dock goes out 100 ft and with multiple poles and mud plates, it is still unstable with the muck. He does not think there is a safety issue because of the E.coli and nobody has reported being sick. He recommended that the city no longer tests the water and leave the beach open. Klohs mentioned wake boats water columns stirring up the sludge at the bottom of the lake what is residual from years ago prior to lake cities having city sewer systems.

Klohs stated that Anderson did a really good job on the configuration. He has been part of every lawsuit regarding non-riparian lake access. The only way the city ever agreed was if it could relocate slips to a comparable location. If slips are

removed from the swim beach, that impacts future slip holders. He thinks all slips need to remain there. E.coli will not be solved. Focus on view and safety and the proposed configuration is less safe to navigate than the present docks. The only thing left is the view. He suggested removing the canopies to open the view because it is better to lose canopies than to lose slips. He suggested a test with some of the slips not having a canopy. People have no legal right to a canopy. To ease the transition, it can happen over time. When someone moves, everyone shifts down and the new person is not allowed a canopy. The original ordinance that approved this existing configuration allows for canopies. Honey found evidence that people used to have to apply for a variance for a canopy ten to fifteen years ago and prior.

Rosendahl lives across from the swim beach and canopies of different colors do not bother his view. The views are only enjoyed 4 months over the year by most residents.

Breazeale stated that there has been a migration of docks and canopies added at the swim beach. The long-term impact may not have been discussed and, had the city known the impact, they may have made different decisions. The city does not want to relocate people and it wants people to have desirable locations but if they did not allow a boat house at the beach, but did allow them in other locations, those other locations may become more desirable. Staff explained that canopies are not allowed where there firelanes, so most of the docks do not have canopies.

Ratzlaff liked the idea of moving one slip to the interior part of the dock and he also suggested asking if anyone is interested in eliminating their boathouse.

4. Input from Dock Committee - There was no quorum of dock committee members.

5. Input form Visitors – Provided in item #3.

6. Q& A – Provided in item #3.

7. Consensus, Action Plan and Timing

Steinke stated they asked for fresh ideas and discussion about them. They cannot make any recommendations without a quorum. They would like to review the meeting notes and meet again later in summer before making a recommendation to Council. Burgess stated they will have some E.coli test results then also. Breazeale thought improving and opening up the view was very important. Hilgers agreed with Whitaker that the City should not close the beach based on E.coli levels. E.coli is always in water everywhere. Whitaker stated they swim every day in the same water and nobody get sick. It is a shame that Monday Funday gets cancelled from test results.

8. Adjourn – 7:07 pm

Minutes taken by City Administrator Heidi Honey.

Others present: Jim Dudley, Wayne Ramaker, John Rosendahl, Curt Ratzlaff, Jeff Melin