

MISSION STATEMENT: “The City of Mound, through teamwork and cooperation, provides, at a reasonable cost, quality services that respond to the needs of all citizens, fostering a safe, attractive and flourishing community.” “The Dock and Commons Commission is an advisory body to the City Council. One of the Commission’s functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters. Mound Ordinances require that certain documents and information be included in applications. The Docks and Commons Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application. For each agenda item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application.”

NOTE: COMMISSIONERS WILL BE CONTACTED BY STAFF PRIOR TO THE MEETINGS TO ASSESS ATTENDANCE. FAILURE TO RESPOND BY NOON ON THE DAY OF THE SCHEDULED MEETING WILL BE CONSIDERED AN ABSENCE AND MAY RESULT IN CANCELLATION OF THE MEETING DUE TO LACK OF A QUORUM. RSVP: Kevin Kelly @ 952-472-0613 or asc@cityofmound.com

DOCK AND COMMONS COMMISSION
6:00 P.M. Meeting at Mound City Council Chambers
5341 Maywood Road

Thursday, March 20, 2025

AGENDA

	Pages
1. Approval of Agenda	
2. Approval of January 16, 2025 Regular Meeting Minutes	1-4
3. Comments and suggestions from citizens present (No more than 3 minutes allowed per speaker)	
4. Wait List Lottery	
5. 2025 Brighton Commons Rip Rap	5-9
6. Jennings Cove Multiple Slip Move	10-15
7. Request for Shared Docks Discussion	16-37
8. Reports: <ul style="list-style-type: none">- City Council Representative- Staff- Commissioners	
9. Adjourn	

City Council Meeting Minutes are on line at www.cityofmound.com. If you would like a paper copy, please let us know and we will provide one to you.

MOUND DOCKS AND COMMONS COMMISSION MINUTES
January 16, 2025

The Mound Docks and Commons Commission met on Thursday, January 16, 2025, at 6:00 p.m. in the City Council Chambers of the Centennial Building at 5341 Maywood Road in Mound.

Present: Chair Derrick Hentz, Commissioners Heidi Peterson, James Vettel and Jesse Jensen and Representative Kevin Castellano

Absent: Dave Olson

Others Present: Administrative Services Coordinator/City Clerk Kevin Kelly,

Derrick Hentz called the meeting to order at 6:03 p.m.

1. Approval of Agenda

MOTION, by Peterson, seconded by Vettel, to approve the agenda. All voted in favor. Motion carried.

2. Oath of Office by City Clerk Kevin Kelly

A. Commissioner Heidi Peterson – Non-Abutter

Kelly administered the Oath of Office to Commissioner Peterson.

3. Election of Officers - Chair and Vice Chair

Members discussed interest in the role and time commitment of being Chair and Vice Chair. Hentz sought out commissioners to take over the Chair position. Peterson said she would take the Chair position and Hentz said he was willing to take over as Vice Chair for 2025.

MOTION, by Vettel, seconded by Jensen, to nominate Heidi Peterson as Chair of the Docks and Commons Commission. All voted in favor. Motion carried.

MOTION, by Jensen, seconded by Vettel, to nominate Derrick Hentz as Vice Chair of the Docks and Commons Commission. All voted in favor. Motion carried.

Peterson took the gavel and ran the meeting as Chair.

4. Approval of Meeting Minutes – November 21, 2024

MOTION, by Hentz, seconded by Vettel, to approve the minutes from the November 21, 2024 DCC Meeting. All voted in favor. Motion carried.

5. Comments and suggestions from citizens present

No one came forward.

6. 2025 Brighton Commons Rip Rap Update

Kelly said Dock Administration is looking into improving another portion of the Brighton Commons in 2025. Kelly said he has reached out to all of the abutters along Brighton Commons north of Manchester Road who have not had their shoreline improved. Kelly said he has heard back from four of these abutters and there are two abutting property owners who have expressed positive interest in doing a cost share with the City. Kelly added those properties are the first two north of Manchester Road.

Kelly said if there are only two Brighton Commons abutters who are in on doing a cost share the Dock Program should go ahead with those properties as they are contiguous. Kelly said he will also reach out directly to the other abutting properties along the Commons to engage their interest.

Kelly said the remaining shoreline has been rated as a “2” and is in need of stabilization. Kelly added that the Manchester Road right of way has a stormwater outlet with red rock rip rap which was put in by the Metropolitan Council.

7. Jennings Cove Multiple Slip Location

Kelly said the Jennings Cove location was affected by the three-year drought which made the slip hardly usable later in the boating season. Kelly said the portion of the slip that is proposed to be moved are the northernmost sections of the slip which includes slips E, F, G and H. Kelly said Beachside Access further east on Three Points would be the area for the slip to be placed.

Peterson asked if the four slips are rented out to license holders. Kelly said yes they have continuously been rented out. Kelly said he has heard back from one of the four license holders who have expressed interest in moving.

Castellano asked if slips A-D would stay. Kelly said yes.

Peterson said there are minimum wake signs out in the lake in the area of Beachside Access where the removed slips would be located.

Kelly said he spoke to the Lake Minnetonka Conservation District (LMCD) about setbacks at Beachwood and if four watercraft would be allowed. Kelly said the proposed site has two private properties on each side of Beachside Access. Kelly said he received positive feedback from the LMCD about the move. Kelly said the LMCD informed him that since the City isn't adding any watercraft to the dock program or adding more dock structures to the Dock Program it most likely would be allowed.

Kelly said the Beachside site at one time housed two dock locations. Kelly said there used to a shared dock there with a single use dock so there were three license holders using the location in the past. Kelly said there is a single straight dock with one watercraft currently at Beachside.

Hentz asked about the Lakeside site which holds a two-boat multiple slip. Kelly said Lakeside is on the opposite end of Beachside Lane on the eastern end of Three Points.

The DCC gave Kelly positive feedback to do more research on the cost to move the northern half of the Jennings Cove Multiple Slip to Beachside. Peterson said to go ahead with the investigation.

8. 2024 Annual Dock Report

Kelly presented the 2024 Annual Dock Report. Kelly said all of the 47 Lost Lake Slips were rented with 23 going to Villa owners and 24 to Mound residents. Kelly said the 10 slips on the floating boardwalk will go to Artesa residents in 2025. Kelly said he has received completed license applications and fees from Artesa staff. Kelly said it was a smooth process working with the Artesa staff. Kelly said the Mound residents who have been on the floating boardwalk have been informed of their place on the seniority list at Lost Lake and their chance to remain at Lost Lake. Kelly said Artesa will have the first right of refusal for those slips.

Kelly said the number of Boat Storage Units (BSUs) used in Dreamwood was down in 2024. Kelly said 49 of the 53 maximum allowed watercraft were used in Dreamwood. Kelly said every year there are at least two Dreamwood license holders who get their applications in on the morning of the first day applications are received.

Kelly said there was some discussion about limiting the use of watercraft a few years ago as the BSU numbers were in the 530 range. Kelly said the watercraft numbers have dropped a small amount to the 510-515 range out of 590 maximum BSU's. Kelly said there were 11 abutters who did not moor a watercraft and there were five abutters who did not put in a dock in 2024.

Kelly said 24 of the 32 Canoe/Kayak rack spaces have been rented in 2024. Kelly said the highest from the ground spots are the most difficult Canoe/Kayak Rack spot to rent out. Kelly said the rack at Twin Park had three users in 2024 which is the highest use since it was installed. Peterson asked if people know about the Canoe/Kayak Racks being available. Kelly said he will inquire about using City social media to fill the remaining spots.

Kelly shared the additional following statistics for the 2024 season:

- Six discontinued/grandfathered "secondary" shared dock sites remain
- Wait list decreased to 229 applicants in 2024 which is down 19 from 2023
- Ten wait list applicants moved off of the wait list and into the Dock Program
- There were two openings filled in Woodland Point and one in Dreamwood
- There were two wait list applicants in the Top 40 who became primary shares in the Dock Program

Kelly said Barry Blievernicht did another great job in 2024 particularly with communicating with licensees and is expected to return for 2025.

Kelly added that there were no boats towed in 2024 and said he hasn't towed a boat in three years now.

Hentz asked if the Beachside Access site would be a good spot for a Canoe/Kayak Rack. Peterson said there might be parking issues if there is even more use at the location. Kelly said the Dock Program has put adding more Canoe/Kayak racks on hold. Kelly said there would have to be a demonstrated need to move forward with another Canoe/Kayak Rack. Kelly said the preference would be for residents to walk to the site if a Canoe/Kayak Rack was installed.

9. Reports

Castellano said the Council has scheduled the annual combined Planning Commission/City Council Meeting for February 18th as a discussion of important priorities for the year.

Castellano said the Council is creating a priority list for goals to be completed in 2025. Castellano said the Council appointed representatives to various committees and commissions.

Castellano said the Minnetonka Flats project on Commerce Blvd. is being built out.

Castellano said Michelle Herrick was sworn in as a new City Council member and Sheri Wallace was appointed to the Planning Commission.

Kelly said one item which will be on the March DCC meeting agenda will be a review of the DCC work rules. Kelly said the work rules haven't been amended in many years.

Kelly said the Cardinal Lane Right of Way Rip Rap was installed in December. Kelly said a number of trees were taken down in the area and the change on Cardinal Lane has been significant with all the work which has taken place. Kelly said he and Public Works Superintendent Dustin Koskela conducted a tree survey over areas of Dock Program property which were not covered by the original city tree inventory review. Kelly said they hadn't surveyed Devon Commons yet. Kelly said there may not be a catastrophic number of diseased trees as once feared, but the Dock Program will continue to be mindful of the budget for tree removal.

9. Adjourn

MOTION, by Castellano, seconded by Hentz, to adjourn the meeting at 7:05 p.m. All voted in favor. Motion carried.



MEMORANDUM

Date: March 20, 2025

To: Docks and Commons Commission

From: Kevin Kelly, Administrative Services Coordinator/City Clerk

Subject: 2025 Brighton Group Rip Rap Cost Share

In 2023 and again in 2024, the Dock Program has had cost shares for Rip Rap projects completed on Brighton Commons. The cost shares were agreed to by abutting property owners and the City.

On December 13, 2024, Dock Administration sent out letters to the remaining abutting properties on Brighton Commons north of Manchester Lane to gauge their interest in taking part in a cost share in 2025.

Dock Administration heard back from three Brighton Commons abutting property owners at 2957 and 2971 Cambridge Lane and 4994 Manchester Road.

The abutters at 2971 Cambridge and 4994 Manchester have agreed to the cost share while the abutter at 2957 Cambridge doesn't believe he should have to pay a cost share as the common's property adjacent to his abutting property hold non-abutter dock sites. There is one non-abutter dock within the extended property line of the 2957 Cambridge property and one on the extended property line between 2957 and 2971 Cambridge. There also is a non-abutter dock on the Leslie Road right-of-way and another on the Manchester Road right-of-way.

There were no non-abutter docks present in Brighton Commons in the areas of the 2023 and 2024 Brighton Commons rip rap projects.

Below is the approximate linear shoreline of the property mentioned above:

South to North – Linear shoreline lengths of Project Area

- 30' - Manchester Road Right-of-Way (ROW) (There is 10-12 feet of shoreline which needs rip rap. The majority of the ROW has red rock rip rap at the storm water outlet which was placed by the Metropolitan Council recently)
- 47' – 4994 Manchester Road
- 40' – 2971 Cambridge Lane
- 80' – 2957 Cambridge Lane
- 15' – Leslie Road Right of Way (There is privately paid rip rap that was placed in 2016. Concept Landscaping recommended in 2024 to reset this rip rap).

Dock Administration recommends going ahead with seeking bids from vendors to do the cost shares for at least the area of the two abutting commons and the portion of shoreline at the Manchester Road right-of-way which has not been rip rapped in many years. Once receiving the bids staff can communicate with the DCC on the bids received.

Staff have reached to abutters on Brighton Commons of other areas of contiguous rip rap to continue progress. Thus far there is no interest from contiguous areas but there may be an opportunity from two other abutters taking the cost share in 2026.

The DCC recommended and the City Council approved the 2025 Capital Outlay budget to continue the cost share projects on Brighton Commons. The Dock Fund budget item for Capital Outlays has been approved at \$35K for 2025. The Dock Fund Capital Plan has set a \$35K target for capital outlays through 2028 in order to complete the rip rap program for Brighton Commons.

Dock Administration is looking to the DCC for discussion and action on the rehabilitation of the Brighton Commons. Dock Administration is looking for the DCC to make a motion and take action on either of the following options.

- Approval to seek bids for 2025 Rip Rap Project
- Develop the scope of work for project
- Offer cost shares to the property owners at 2957 Cambridge and 4994 Manchester

N

A

N

N

A

A

N

2971

2957

4994

Leslie Rd

Cambridge Ln

Manchester Rd







MEMORANDUM

Date: March 20, 2025

To: Docks and Commons Commission

From: Kevin Kelly, Administrative Services Coordinator/City Clerk

Subject: Jennings Cove Slip - Move of Northern Half to Beachside

Staff and Commission discussed at the January DCC Meeting that there would be research on the cost to move the northern four slips of the Jennings Cove Multiple Slip to Beachside Access. A quote for \$2,200.00 was received from Splash Docks to do this work.

Splash Docks would remove the entire slip complex from Jennings Cove and reconfigure the Jennings site to be a four-boat multiple slip similar to the Idlewood Multiple Slip which was installed in 2021.

The remaining dock material not used for the reconfigured Jennings slip will be placed on the shoreline. This material will be moved by the City Parks Crew to Beachside. The material will then be used as a straight, four-boat multiple slip, installed for the 2026 boating season.

If approved by the DCC, all of the Jennings slip license holders and the Beachside dock licensee would be notified of the move which would occur after the boating season. All Jennings Slip holders will be offered the opportunity to move to the Beachside Slip based on seniority order. The dock licensee will also be offered a spot on the slip if they choose to remain on the site. They can also take an open dock site in 2026.

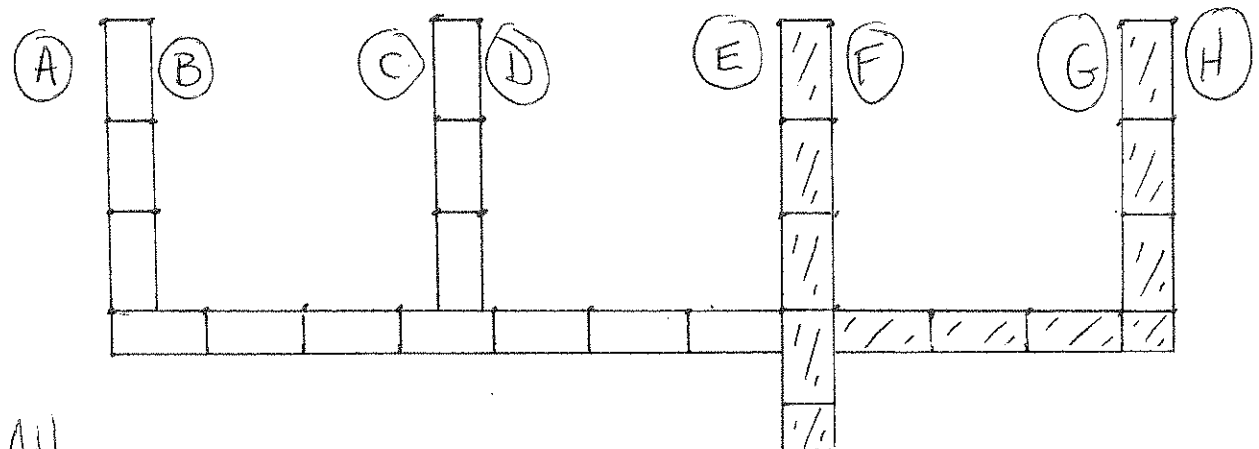
The City Council will have the opportunity to weigh in on the change to the Dock Map Addendum prior to the removal of the multiple slip.

Staff is seeking a motion for:

The approval of the move of the northern half (four slips) of the Jennings Multiple slip to the Beachside Access site and to reconfigure the remaining four-boat multiple slip.

If the DCC does not entertain or votes down the motion, the Jennings Cove site and the Beachside Access will remain as it currently arranged in the Dock Map Addendum.

City of Mound
"Jennings Cove"



Slip Size - All
22' x 10'

- Shore -



Remove

Canary Park

Dove Ln

Canary Park

Jennings Rd

Dove Ln

12

Proposed Idlewood Multiple Slip

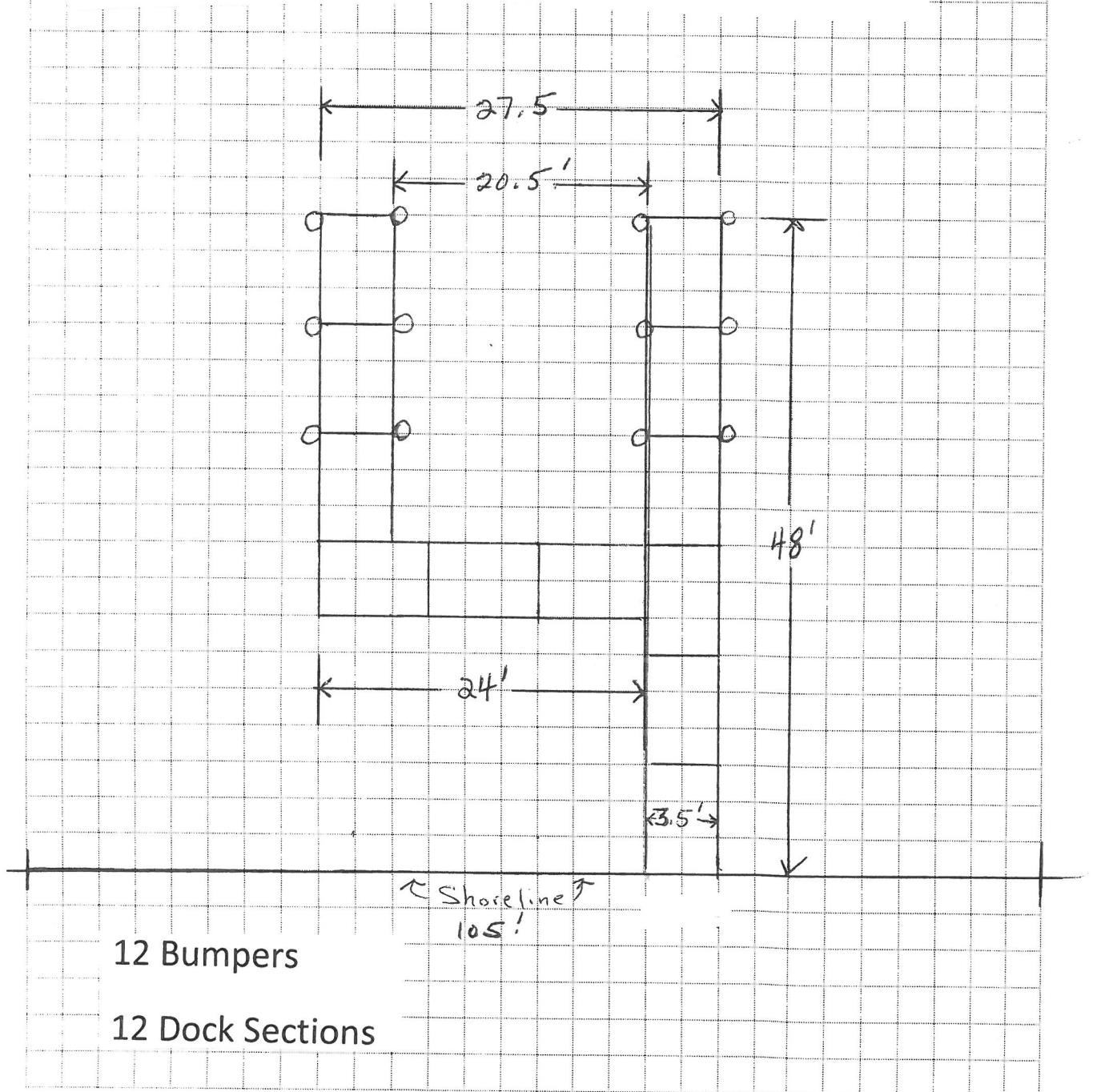
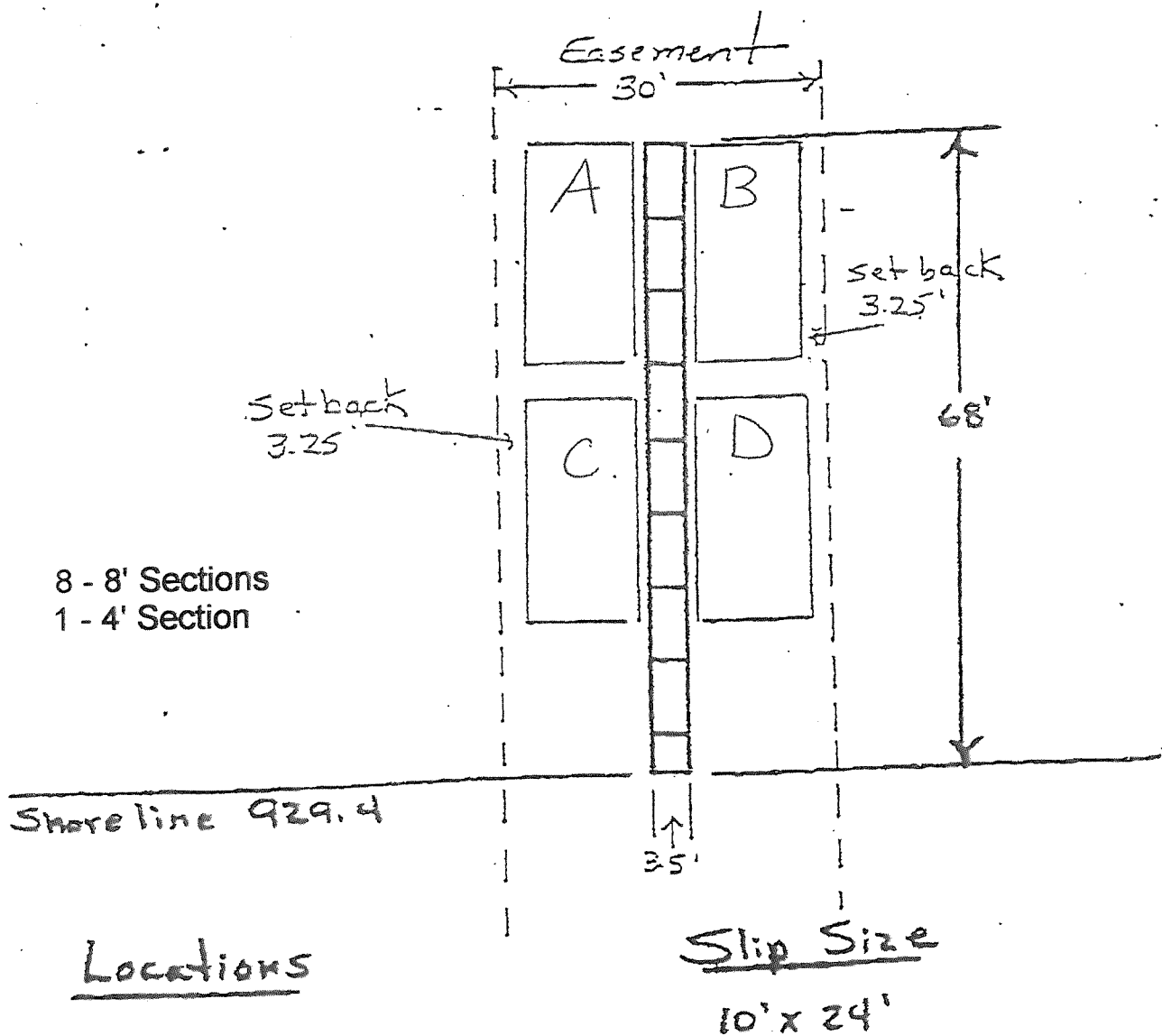


EXHIBIT 3 TO SETTLEMENT AGREEMENT



Bluebird Ln nearest address - 1543 Bluebird
 Eagle Ln nearest address - 1566 Eagle
 Finch Ln nearest address - 1576 Finch

Splash Docks LLC
1040 Trebbiano Ln N
Watertown, MN 55388

Estimate

Date	Estimate #
3/12/2025	40

Name / Address
City of Mound Kevin Kelly 2415 Wilshire Blvd Mound, MN 55364

			Project
Description	Qty	Rate	Total
Remove 8' Dock Section	23	40.00	920.00
Remove 4' Dock Section	2	30.00	60.00
Remove Mud Plate from pipe	46	10.00	460.00
Install 8' section	12	40.00	480.00
Install 4' section	2	30.00	60.00
Install Mud Plate	24	10.00	240.00
Sales Tax		7.525%	0.00
Thank you for your business.			
Total			\$2,220.00



MEMORANDUM

Date: March 20, 2025

To: Docks and Commons Commission

From: Kevin Kelly, Administrative Services Coordinator/City Clerk

Subject: Discussion on Change to Dock Sharing

Wait List Applicant John Zevenbergen has asked for the DCC to reconsider a portion of the 2021 ordinance decision made to eliminate the secondary share program.

Mr. Zevenbergen would like the requirements to be able to share to be less stringent than a wait list applicant making it into the Top 40 of the wait list.

In 2021, the DCC approved a change in the secondary share program which the City Council agreed with. The City Council approved Ordinance 03-2021 which went into effect in May of 2021. The DCC meeting minutes and memos from 2021 and Ordinance 03-2021 are included in this memo.

Statistics around dock sharing:

- Wait List Applicants in the Top 40 who joined the Dock Program as primary shares
 - 2022 – Two
 - 2024 – Two
- There are six residents who are still “grandfathered-in” secondary shares
 - One of these secondary shares is in the wait list Top 40 for the first time in 2025

3-7-25

Kevin Kelly, City of Mound, MN

Dock Commission

Subject: Request for Review of Dock Sharing Eligibility Criteria

Dear Kevin and Dock Commission,

Below is an email I sent to Kevin. He asked me to include this as a memo.

Hi Kevin,

I hope you're doing well. Thank you for taking the time to discuss dock sharing with me the other day. I appreciate your willingness to engage on this topic.

As we discussed, I would like to request that you bring the issue of dock sharing eligibility to the Dock Commission at your next meeting. Specifically, I ask that you reconsider the current restriction that limits eligibility to the top 40 people on the waitlist for dock sharing.

I believe reducing the eligibility from the entire waitlist to just the top 40 was an extreme measure, especially considering your comments during the meeting when this rule was presented. You mentioned that there were only about 15 people participating in dock sharing across all of Mound, which makes the new restriction seem somewhat out of proportion to the actual demand. As a result, the Dock Commission decided to defer this matter to the City for further consideration.

I believe, the core purpose of the dock program remains to provide Mound residents with access to Lake Minnetonka through the use of City-owned docks. With the current rule limiting eligibility, many docks sit underutilized, with only one boat occupying a space. Several dock owners I've spoken to are open to sharing, but they are hesitant to share with individuals they don't know, leading to empty dock spaces.

Therefore, I respectfully urge you to consider increasing the eligibility threshold, perhaps to the top 100 or 150 people on the waitlist. Expanding eligibility would allow more residents to benefit from the program while also generating additional revenue for the City at no added cost.

Thank you for considering my request. I look forward to hearing your's and the Dock Commission's thoughts on this matter.

John E. Zevenbergen
2542 Lost Lake Rd.
Mound, MN 55364

**CITY OF MOUND
ORDINANCE 03-2021**

**AN ORDINANCE AMENDING CHAPTER 78 OF THE MOUND CITY CODE AS IT
RELATES TO WATERWAYS**

The City Council of the City of Mound ordains:

SECTION 1. The City Council of the City of Mound hereby amends Chapter 78 Waterways, Article V. Dock and Slip Licensing, Section 78-100 Definitions of the Mound City Code as follows:

Sec. 78-100. Definitions.

Secondary Site Holder means an individual resident who shares a dock site with a Primary Site Holder but is not a Dock License holder.

SECTION 2. The City Council of the City of Mound hereby amends Chapter 78 Waterways, Article V. Dock and Slip Licensing, Section 78-103 Regulations of the Mound City Code as follows:

Sec. 78-103. Regulations. Section 78-103 Regulations of the Mound City Code be hereby amended as follows:

(e) License Holders From Dedicated Neighborhoods. Primary Site Holders from the Dreamwood, Woodland Point or Wychwood subdivisions must remain at their dedicated neighborhood slip or dock location until the time their year on the wait list would reach position 40 or less on the wait list. From that year forward, the primary license holder is eligible to request an open site in the general dock program.

(ef) Dock Use Area Combining. Two adjoining, Primary Site Holders may combine their dock use areas into one combined larger dock use area for the installation of one dock. They must, however, continue to apply for and pay for their separate dock site locations. Upon notice to the City of their termination of participation in the combined dock facility, they shall each be entitled to return to such separate dock site locations.

(g) Primary Dock Share. Two Primary Site Holders are allowed to share a single dock site if the dock site is considered by Dock Administration to be a shareable location. A wait list applicant is eligible to be a primary dock share in the year when that person reaches position 40 or less on the wait list. A maximum limit of two BSUs will be required on all primary dock shares.

(hf) Secondary Site Holder. ~~Dock Administration considers Secondary Site Holders as a legal non-conforming use of a Licensed Dock Site.~~ Existing Secondary Site Holders as of the 2020 boating season are grandfathered in and considered a legal non-conforming use of a Licensed Dock Site. No new Secondary Site Holders will be added to a Licensed Dock Site and this practice will be discontinued after the last Secondary Site Holder is no longer participating in the Dock Program. ~~Primary Site Holders may elect to add a Secondary Site Holder. A Secondary Site Holder is a user on a dock that is licensed to a Primary Site Holder.~~ The Secondary Site Holder is not a licensee, and may continue to use the licensed dock only at the discretion of the Primary Site Holder, and is subject to the provisions of this section and the following conditions:

- ~~(1) The dock site is considered by the Dock Administration as being a shareable location. This is subject to their discretion and can change as boat sizes change or other unforeseen issues arise.~~
- ~~(2) Before being eligible to be a Secondary Site Holder, that individual must have been on the waiting list the previous season and must have renewed their waiting list application for the current season.~~

~~(3-)~~(1.) No Secondary Site Holder shall have past due property taxes, municipal utility fees, including but not limited to water and sewer bills, and penalties and interest thereon.

- ~~(3) The application be amended adding the Secondary Site Holder and includes all information as is stated in Sec.78-101. All applicable fees must be paid at time of adding Secondary Site Holder.~~

~~(4-)~~(2.) On non-abutting dock sites, a grandfathered Secondary Site Holders can claim priority rights to become that sites' Primary Site Holder when all of the following have occurred:

- a. The Primary Site Holder does not renew his or her application within the timeframe listed within this Section.
- a. The Secondary Site Holder has participated in the program a minimum of two consecutive full boating seasons on the site not being renewed. The full boating season requirement is met when the secondary site holder is added between January 1st and May 31st of the license year.

If both of these criteria have not occurred, the City is not obligated to provide a dock or slip to the Secondary Site Holder.

~~(6)~~ (3.) On non-abutting dock sites, a grandfathered Secondary Site Holders who ~~has~~ shared the same non-abutting dock site with the same Primary Site Holder for 15 full boating seasons or more may request to be a Primary Site Holder on a vacant site.

The remaining letters (g) through (l) will be renamed (i) through (r).

Passed by the City Council this 11th day of May, 2021.

Mayor Raymond J. Salazar

Attest: Kevin Kelly, City Clerk

Published in the **Laker- Pioneer** the 22nd of May, 2021.

Effective the 23rd day of May, 2021.



MEMORANDUM

Date: January 21, 2021

To: Docks and Commons Commissioners

From: Catherine Pausche, Director of Finance & Administrative Services

Subject: Potential 'loopholes' around Wait List requirements

The Docks & Commons Commission mandate is to review matters relating to the City's dock program, including City Code Chapter 78 Waterways language and policies that may need to be reexamined in light of changing circumstances. Dock Administration requests that the DCC consider if the following two situations need to be reevaluated in order to improve the fairness of the Wait List procedure. It should be noted that a typical person on the Wait List is now estimated to wait 6 – 7 years before being offered a spot in the Dock Program.

Shared Dock Sites

In 2020, the City placed a moratorium on adding new shared sights as we seek to determine how to manage the increased demand for BSUs. At that time, another change was made to require grandfathered shared sites to pay the full \$325 dock fee for their BSU. The City Code allows a person who has been on the shared site for two consecutive boating seasons and the Primary Site Holder does not renew, the person sharing can take over as the Primary Site Holder. We often see this rule evoked after the 2 season requirement suggesting it is a way people are managing to get into the program faster and in some cases, at the sight they most desire (i.e. neighbors allow new neighbors to share before moving away).

Dedicated Commons

The dock program also has three 'dedicated' commons/subdivisions, where certain off-lake properties are eligible to obtain a site on the dedicated commons before someone on the waitlist (outside of the subdivision) can be offered the site. The primary examples are Dreamwood, with 29 non-abutting sites with a long wait list, and Woodland Point, with 20 non-abutting slip sites and only two on the wait list in 2020. Woodland Point slip sights are basically a straight dock with 2 BSUs on each side – creating crowding and in some instances, severe restrictions on boat length. The Woodland Point neighborhood has less population density which results in lower demand and less wait times to be offered a spot.

Because people new to the dock program often accept a less desirable site and then immediately request a transfer, a pattern has developed that Woodland Point residents are accepting the first available within Woodland Point and then moving the following year to a more desirable site in the regular program (non-dedicated).

Recommendation

Dock Administration recommends the DCC consider the following options:

- 1) Grandfather existing shared sites and eliminating the option here forward.

- 2) For those 18 Secondary Site Holders whom have been grandfathered, increase the number of years before a Secondary share can become the Primary from 2 to 6 years, otherwise, they need to return to the waitlist at a position relative to had they remained on the wait list the entire time (treat as a temporary assignment for the first 6 years)
- 3) Woodland Point: Require new Woodland Point residents to remain within the dedicated Woodland Point sites for a minimum of 6 years before requesting to be moved to a site within the general program.

Excerpt from City Code Chapter 78 regarding Secondary Site Holders.

Sec. 78-103. Regulations.

(f) *Secondary Site Holder.* Primary Site Holders may elect to add a Secondary Site Holder. A Secondary Site Holder is a user on a dock that is licensed to a Primary Site Holder. The Secondary Site Holder is not a licensee, and may continue to use the licensed dock only at the discretion of the Primary Site Holder, and subject to the provisions of this section and the following conditions:

- (1) The dock site is considered by the Dock Administration as being a shareable location. This is subject to their discretion and can change as boat sizes change or other unforeseen issues arise.
 - (2) Before being eligible to be a Secondary Site Holder, that individual must have been on the waiting list the previous season and must have renewed their waiting list application for the current season.
 - (3) No Secondary Site Holder shall have past due property taxes, municipal utility fees, including but not limited to water and sewer bills, and penalties and interest thereon.
 - (4) The application be amended adding the Secondary Site Holder and includes all information as is stated in Sec.78-101. All applicable fees must be paid at time of adding Secondary Site Holder.
 - (1) On non-abutting dock sites, a Secondary Site Holder can claim priority rights to become that sites' Primary Site Holder when all of the following have occurred:
 - a. The Primary Site Holder does not renew his or her application within the timeframe listed within this Section.
 - a. The Secondary Site Holder has participated in the program a minimum of two consecutive full boating seasons on the site not being renewed. The full boating season requirement is met when the secondary site holder is added between January 1st and May 31st of the license year.
- If both of these criteria have not occurred, the City is not obligated to provide a dock or slip to the Secondary Site Holder.
- (6) On non-abutting dock sites, a Secondary Site Holder who has shared the same non-abutting dock site with the same Primary Site Holder for 15 full boating seasons or more may request to be a Primary Site Holder on a vacant site.



MEMORANDUM

Date: March 18, 2021

To: Docks and Commons Commissioners

From: Kevin Kelly, Administrative Services Coordinator

Subject: Shared Docks and Wait List Requirements

Dock Administration is encouraging the implementation of a more equitable and orderly process for residents to get in the Dock Program. As was noted in memorandum and discussed during the January 21 DCC Meeting, most wait list applicants are on the wait list for at least seven years before the applicant has a chance to get in the Dock Program. The exceptions to this lengthy wait are applicants in dedicated neighborhoods and those who have come off the wait list and become shares on the dock of a license holder.

Shared Dock Sites

The official City recognition of the sharing of dock sites began in at least the 1980's before the number of docks available was exceeded by residents wanting into the Dock Program.

- In the 1990's the Wait List was created.
- In 1996 the Commons Task Force "encourage(ed) increased shared dock usage" in an attempt to remove docks from the "front of some abutter's homes" and to reduce the size of the wait list.
- Since 2001, the City Code was amended to allow a wait list participant to be a share on a dock after one year on the wait list and applying for a second consecutive season.
- The wait list grew from the twenties in the 1990's to 120 in 2012 to over 225 in 2021.
- Many applicants who applied in 2016 will not get into the Dock Program in 2021.

In 2020, the City placed a moratorium on adding new shared sights and required existing shares to pay the full \$325 dock fee for their BSU as the reasons for instituting this option no longer seemed justified/fair.

The City Code currently allows:

- A wait list applicant to be a share (secondary site holder) on a dock site after the first year on the wait list and have applied for a second year
- A secondary dock holder can take over a dock site abandoned by a Primary after two years at the dock. This happened in 2019.

A recent example that serves as a good illustration of how the City Code allows unequal access to the Dock Program is as follows. A new resident of the City got on the wait list in 2017; was a secondary in 2018 and moved out of the City in the summer of 2020. This former resident of Mound spent 2 ½ years on a Commons dock site while all the other wait list applicants from 2017 will be waiting at least two more years before getting into the dock program.

With the exception of Dreamwood, where shares are part of the settlement agreement, there are 17 sites in the regular Dock Program that are shared.

If the Commission is not willing to recommend eliminating the share option, Dock Administration recommends revisiting the waitlist requirements (1 year to be eligible to share) and the number of years before someone can become the primary site holder of the site (currently

2 full seasons as a share) or 15 seasons as a share to request to move to a vacant site to make the first two requirements more commensurate with the regular wait list experience.

Dedicated Commons

The DCC requested more data on the number and instances license holders in dedicated neighborhoods took sites in general dock program locations outside their neighborhood. Listed below are the three ‘dedicated’ commons/subdivisions; Woodland Point, Dreamwood and Wychwood. These three neighborhoods only allow inland residents from the neighborhood to be eligible to obtain a site on designated shoreline areas.

Statistics from the three neighborhoods are as follows:

- Wychwood – five docks available to non-abutters
 - eight on the wait list
 - only one opening the last six years
 - Nearly all residents wait to get in the general dock program
- Dreamwood – 29 dock sites available
 - Nine on the wait list
 - Seven openings the last five years
 - Two from 2017 still on wait list
- Woodland Point – 20 slip sites available
 - Six on the wait list
 - eight openings in the last five years
 - Two holdovers on wait list from 2020

There are two Dreamwood residents who are in the general dock program.

- One has been in the Dock Program for over 20 years and the other (in 2018) stayed on the wait list until they were able to get a spot in the general dock program.

There are over a dozen Wychwood residents in the dock program who have gone to the general dock program through the wait list.

Often people new to the dock program accept a less desirable site in the dock program and then immediately request a transfer to another more desirable location. A pattern has developed of Woodland Point residents accepting the first available site within Woodland Point and then moving soon after to a more desirable site in the regular (non-dedicated) dock program.

This activity takes opportunities from wait list applicants to get into the dock program.

Four of the eight spots on Jennings Cove Multiple slip were taken by Woodland Point residents in 2020. One of the four has dropped out in 2021. The following list is recent activity:

- 2013 – Two were placed on Jennings, one straight from the wait list the other from a WP slip
- 2017 – One placed at Jennings Cove after seven years in Woodland Point
- 2019 – One placed after one year at a Woodland Point slip
- 2020 - Request from a Woodland Point person to move to Jennings multiple (first on the wait list in 2018).
- 2020 - Request from Woodland Point resident for a dock location in General Dock Program has been at a WP slip since 2010.

Woodland Point residents have had the shortest wait to get into the dock program than any other resident in the City. 2020 was the first year there has been a wait for Woodland Point residents to get in since 2016. A Woodland Point resident moving to Jennings multiple is definitely taking the place of someone on the regular waitlist.



Recommendations

Dock Administration recommends the DCC consider the following options:

- 1) Grandfather existing shared sites and eliminate the option going forward *or*
- 2) Only allow shares after the waitlist applicant reaches the TOP 40 of the wait list.
- 3) Woodland Point: Require new Woodland Point residents to remain within the dedicated Woodland Point sites for a minimum number of years before requesting to be moved to a site within the general program.

Below is an excerpt of code language in the Waterways Code:

City Code Chapter 78 regarding Secondary Site Holders.

Sec. 78-103. Regulations.

(f) *Secondary Site Holder.* Primary Site Holders may elect to add a Secondary Site Holder. A Secondary Site Holder is a user on a dock that is licensed to a Primary Site Holder. The Secondary Site Holder is not a licensee, and may continue to use the licensed dock only at the discretion of the Primary Site Holder, and subject to the provisions of this section and the following conditions:

- (1) The dock site is considered by the Dock Administration as being a shareable location. This is subject to their discretion and can change as boat sizes change or other unforeseen issues arise.
- (2) Before being eligible to be a Secondary Site Holder, that individual must have been on the waiting list the previous season and must have renewed their waiting list application for the current season.
- (3) No Secondary Site Holder shall have past due property taxes, municipal utility fees, including but not limited to water and sewer bills, and penalties and interest thereon.
- (4) The application be amended adding the Secondary Site Holder and includes all information as is stated in Sec.78-101. All applicable fees must be paid at time of adding Secondary Site Holder.
- (1) On non-abutting dock sites, a Secondary Site Holder can claim priority rights to become that sites' Primary Site Holder when all of the following have occurred:
 - a. The Primary Site Holder does not renew his or her application within the timeframe listed within this Section.
 - a. The Secondary Site Holder has participated in the program a minimum of two consecutive full boating seasons on the site not being renewed. The full boating season requirement is met when the secondary site holder is added between January 1st and May 31st of the license year.

If both of these criteria have not occurred, the City is not obligated to provide a dock or slip to the Secondary Site Holder.

- (6) On non-abutting dock sites, a Secondary Site Holder who has shared the same non-abutting dock site with the same Primary Site Holder for 15 full boating seasons or more may request to be a Primary Site Holder on a vacant site.

RE: Moratorium on the Dock Sharing program

We are writing to express our concern for the Moratorium placed on the Dock sharing program and proposed possible changes.

One of the reasons we love Mound is because of the unique Dock Program. As the City website states, the docks are to be appreciated and safeguarded as a special quality of life feature only our community can offer.

It was very sad to hear of proposed changes that would significantly reduce the quality of the program that has been in place for decades, by making it extremely difficult to ever get dock space near your home.

We live on Lost Lake Rd where the Dock program and dock sharing is used as intended by several families. Dock sharing with other neighbors. I live directly across the road from the docks and observe almost everyone walking from their homes in our neighborhood to the docks with their families, friends and neighbors. We believe almost everyone using the Lost Lake Rd docks lives here. This provides a great sense of community. We would hate to lose that.

In 2020 there was a "moratorium" placed on new sharing in the dock sharing program. We never heard a specific reason for it other than someone in Admin. or the commission had issues with it.

We heard they were considering continuing the "moratorium" in 2021. I attended the January dock commission meeting and learned the Admin. was calling it a "loophole" in the Waitlist program, and proposing the option of cancelling adding anyone to the Sharing program.

Technically if there is a moratorium placed on a policy or program it is temporary and because of a problem that needs to be corrected or resolved before the program can continue. We think the problem that was made last year was the fee increase. If that was the problem then now the moratorium should be lifted.

Now, the discussion of continuing the moratorium is being reasoned as the Share program is being considered as a "loophole". By definition, a loophole is: 1: a means of escape especially: an ambiguity in the text through which the intent of a statute, contract, or obligation may be evaded.

We don't think this is the case or intent of the Dock Share program. It has functioned as designed in the meeting that people could move from Sharing to Primary in as little as 2 years and someone could be added just not fair. Yes, that is possible according to the Share program rules. We also understand this is a quite rare occurrence and don't think it justifies a moratorium or cancellation of a program.

The commission also reported that there are only about 18 dock owners sharing, out of 400. Should the dock commission be looking for ways to incentivize and encourage more people to share with the community and better utilize the dock spaces rather than leave spaces open? Why aren't more neighborhoods like the people on Lost Lake Rd.?

We are all for change when a law or program really isn't serving its purpose. But when it's functioning as designed most of the time; why not let it continue as written and supported by the majority of the community in Mound.

We encourage you to please continue the Dock and Sharing program as it has functioned for many years.

Thank you for your time,

John & Penny Zevenbergen
2542 Lost Lake Rd.
Mound, MN 55364

MOUND DOCKS AND COMMONS COMMISSION MINUTES
January 21, 2021

The Mound Docks and Commons Commission met on Thursday, January 21, 2020, at 7:00 p.m. via ZOOM videoconferencing.

Present: Chair Derrick Hentz, Vice Chair Susan Gardner, Commissioners Heidi Peterson, Linda Muller and Dave Olson and Council Representative Paula Larson.

Absent: None

Others Present: Mark Wegscheid, John Zevenbergen, Catherine Pausche, Director of Finance and Administration and Kevin Kelly, Administrative Services Coordinator.

Chair Derrick Hentz called the meeting to order at 7:04 p.m.

1. Approval of Agenda.

MOTION, by Muller, seconded by Hentz, to approve the agenda. All voted in favor. Motion carried.

2. Oath of Office.

Pausche administered the Oath of Office to Commissioners Muller and Olson.

3. Election of Officers – Chair and Vice Chair

Hentz asked if any of members present wanted to take on the officer positions. None of the Commissioners responded. Gardner stated she would like to stay on as Vice Chair. Hentz said he could stay on as Chair.

MOTION, by Muller to re-appoint Hentz as Chair and to re-appoint Gardner as Vice Chair. Olson seconded the Motion. All voted in favor. Motion carried.

4. Approval of Meeting Minutes – November 19, 2020.

MOTION, by Olson, seconded by Muller, to approve the minutes from the November 19, 2020 DCC Meeting. All voted in favor. Motion carried.

5. Comments and Suggestions from Citizens Present:

John Zevenbergen, 2145 Lost Lake Road asked about sharing dock sites and was redirected by Pausche to join the conversation when item number seven in the agenda is addressed. No one else came forward.

6. Mark Wegscheid 2465 Lost Lake Road Non-Abutter Status Reconsideration

Mark Wegscheid, 2465 Lost Lake Road, presented his request for his non-abutter status to be changed to abutting status at the Lost Lake docks. Wegscheid said his property is one of three

which abut the property line of Lost Lake Park and his property is the only one which is not granted abutter status of the three. Wegscheid noted this discrepancy previously and wanted to bring it to the DCC to see what could be done. Wegscheid said staff produced documents reading the history of the Lost Lake Park and housing development and said there was no definitive reason he could find on why his property was excluded from being granted abutter status. Hentz said he reviewed the documents as well and asked a couple of questions about the history of the development of Lost Lake Road and which properties are considered part of the development. Olson and Pausche discussed the drainage easement on one of the abutting properties and noted the property at the NW corner of Lost Lake Road and Bartlett is also part of the development. Hentz noted the other abutting property at 2563 Lost Lake Road has the access easement to allow neighbors to get to their docks. Hentz asked Wegscheid if he had access directly to the park and docks and noted Wegscheid's property faces the cattails and not the open area of the lake which is between the other two abutting properties. Muller asked if there are similar abutting dock sites which also face cattails. Kelly answered there are areas on the north end of the Island in Black Lake which have docks extending through marsh to open water. Kelly added those sites are both private shoreline and Dock Program docks which needed variances from the Lake Minnetonka Conservation District for length to get through the cattails. Olson asked if the extended property line of an abutter must be within open water and Pausche stated this wasn't in the City Code. Gardner asked about the walkway and whether it was constructed and Olson said it is about 15 feet long though it wasn't built to the specifications in the easement agreement. Gardner asked about whether elevation had something to do with 2465 not being included as an abutting dock property. Pausche thought the abutting property status of the two had more to do with the public easements on each of the two properties. Gardner and Muller each stated they didn't think there was enough justification to not award abutting status to 2465 as it is abutting the parkland. Hentz said the same could be said for shoreline and the other houses around the corner on Lost Lake Road. Pausche said this question from Hentz was important to the abutting status request. Peterson also asked if the lack of access to open water was part of the reasoning to not grant the abutting status to 2465. Wegscheid said the difference between his and the other properties on Lost Lake Road which Hentz said could also request abutting status is that those properties are not abutting the park. Pausche said the parcel of the park property includes the cattails which wrap around the Lost Lake Road properties. Wegscheid said when was the greater area of the cattails turned into a park. Kelly said the development and the park were tax forfeited property which the City and developer divided to create the subdivision and the park at the sale of the property. Kelly added the walk way easement was negotiated between the developer and the City to allow public access to the park which is surrounded by private property. Kelly added the documents presented don't expressly spell out why only the two lots were given abutting status. Wegscheid said the greater area of the marsh was not park at the start of the development. Hentz said the documents are not very descriptive though there are other properties which could make the same claim of abutter status as does Wegscheid. Wegscheid said he does mow the portion of the park which abuts his property but he noted he doesn't walk along the park to get to his dock but uses the public easement instead. Hentz said the definition of an abutting dock is the dock is assigned within the extended property line. Hentz added there are no docks in this area as all the docks at Lost Lake Park are to the south of the 2465 property as there is no access to the docks. Hentz said abutting Lot 17 (which is 2503 Lost

Lake Road) does have access to open water through its extended property lines. Pausche said the question is whether Wegscheid's property abutting the traversable parkland is justification enough to be granted abutting status. Pausche added the attorney opinion at the time was not to be too restrictive to grant access to Lost Lake Park. Peterson asked if the abutting status is granted to 2465 then would the next owner of the property would be granted a dock without going on the wait list. Kelly said that would be the case and the dock would be changed from non-abutter to abutter. Olson read the document on page 18 of the agenda stated that "lots 17 and 18 in said subdivision would be considered abutting properties" and asked if this was acted upon. Pausche said the City Council Resolution (page 12) assigned two abutting docks to 2563 and 2503 Lost Lake Road. Gardner questioned whether this a good decision due to all the other odd shaped lots on the lake which are granted abutting dock rights. Gardner and Hentz both said the DCC can make a recommendation to the Council as an advisory body.

MOTION, by Olson seconded by Peterson, to recommend amending Resolution 88-15 dated January 16, 1988, to include Lot 16 which would be changed from non-abutting to abutting status due to the fact of the unique nature of the land which is traversable to the Lost Lake Park boundary. During discussion Hentz said he doesn't think Lot 17 has a strong case for abutting status much less for Lot 16. Five voted in favor, Gardner, Muller, Peterson, Olson and Larson and one Hentz voted against approval. Motion carried.

7. Discussion on Wait List Loopholes

Pausche stated the Dock Program has changed over the years since the sharing of dock sites with wait listed residents has been allowed. Pausche said the wait list has grown to 200 residents and it takes five to seven years on the wait list to get into the Dock Program. Pausche said the City is seeing more people move to the City because of the Dock Program and more new and existing abutting residents are looking to add more watercraft to dock sites.

Pausche said recent changes to sharing of docks included the 2020 moratorium on new dock shares and increasing the fee from \$175.00 to \$325.00 to make the cost level with existing dock license holders. Pausche said Dock Administration thought this a good time to look into ending the share program and grandfather in existing shares or amending the share program further. Pausche said there have been some areas of the Commons which sharing docks more frequently with new neighbors allowing some wait list applicants the opportunity to get on the lake much earlier than most others on the wait list.

Pausche noted some Woodland Point residents who take a dedicated neighborhood slip site often get a slip the first year of signing up and others who request a transfer from a Woodland dedicated slip site to the general program soon after. Pausche said the result is Woodland Point multiple slip holders can potentially get on a slip in a year and in the regular program within two while others on the wait list will have to wait five to seven years.

Peterson asked about the number of Woodland Point residents who have been moving into the general dock sites after a short time period in Woodland Point. Peterson said she has heard that people in the Woodland Point neighborhood want to stay close to their house and walk to their boat. Kelly said there have been license holders moving from Woodland Point nearly

every year mostly to the Jennings Cove multiple slip. Peterson said she didn't see this as a concern as Jennings Cove site has filled with sediment and isn't a very desirable location. Staff responded that Woodland Point is a dedicated neighborhood and Jennings Cove is a multiple slip in the general dock program which could be opened to all wait list applicants.

Pausche reiterated the staff recommendations to grandfather in existing shared sites and then do away with future shares. Pausche added the existing shares will need to be on the dock for six consecutive years to assume the dock when the primary gives up their license. The final recommendation Pausche made was Woodland Point residents needed to stay in the Woodland Point neighborhood a minimum of six years before they can take a location outside of the neighborhood.

Olson said since there are a good number of dock holders who are not sharing he was wondering if there was a way to get more use out of docks which holds only one licensee watercraft to make it easier to share.

A discussion ensued between Olson and Pausche about regulating the number of watercraft which can be held at a single dock site and Pausche stated the concern about the rising increase in watercraft has been addressed by the DCC.

Hentz stated Dock Administration has been working on tightening up some of the regulations on dock and watercraft use as there have been instances where regulation of certain activity has been vague and there wasn't concrete information and standards to base decision making.

Hentz was also looking for the number of shared dock sites in which a share assumes a dock fairly quickly. Peterson also asked about the specific number of instances where this is happening.

John Zevenbergen, 2542 Lost Lake Road, or Lot 3 on the Lost Lake Map discussed earlier, said he understands there was a moratorium on new shared sites. Zevenbergen said there have been neighbors who had been sharing on docks but have moved out of Mound and the docks those former residents were on are now going to be open if there is a continued moratorium. Zevenbergen said he has talked to neighbors and they are willing to share their dock with him.

Zevenbergen asked if a share does leave would that site then be a shareable sight for someone new who is on the wait list. Hentz stated the dock belongs to the primary and the primary dock licensee can decide whether they want to share their dock or not. Hentz added this can lead to some wait list applicants getting on the lake much earlier than most others on the wait list due to having a relationship to a primary dock license holder.

Pausche stated this discussion will continue in March with more statistics.

MOTION, by Olson seconded by Hentz, to table the discussion on dock sharing and wait list "loopholes" to the next scheduled DCC Meeting. All voted in favor. Motion carried.

MOTION, by Hentz seconded by Gardner, to extend the meeting past 9:00 by ten minutes to complete the agenda. All voted in favor. Motion carried.

8. Discussion on dredge project history and planning

Pausche said the City did a shoreline study to prioritize rip rap projects and staff are looking to put together a sub-committee of DCC Members and staff to outline the parameters and the criteria of a dredging program. Linda Muller and Dave Olson volunteered to be the DCC Members.

MOTION, by Hentz seconded by Peterson, to appoint Linda Muller and Dave Olson to the Dredge Study sub-committee. All voted in favor. Motion carried.

9. 2020 Annual Dock Report

Kelly stated Mike Miller returned as City Dock Inspector in 2020 and has continued to do a great job. Kelly said Miller has done a great job and provides additional value to the Dock Program and the City as a whole.

Kelly provided statistics of dock and slip usage in 2020. Kelly said all the Lost Lake slips were rented in 2020 and a number of non-resident applicants were turned away. Kelly stated it looks like there will be more townhome and Mound residents renting these slips in 2021 which may push all non-residents from Lost Lake.

Kelly said the usage in Dreamwood was below the allotted level of watercraft as two non-abutters did not moor watercraft in 2020.

Kelly said 521 watercraft were licensed which is in line with recent years.

Kelly added that all 16 Canoe/Kayak spots were rented out in 2020.

Kelly stated the wait list grew to 201 applicants in 2020. Kelly said it is already looking like the wait list will grow in 2021 based on the early number of applications which have arrived. Kelly added there were three Woodland Point and one Dreamwood resident who moved off the waitlist onto sites within their dedicated commons and two temporary assignments who will return to the waitlist in 2021.

Kelly said there were 16 abutter docks didn't moor a watercraft in 2020 and seven of those sites did not put in a dock at all which is the prerogative of abutters as written in the City Code.

Kelly said he towed the same watercraft three different times in 2020.

10. 2021 Calendar

Pausche said the next meeting will be in March and then in September and November.

11. Reports

DCC Minutes – January 21, 2021

Larson stated the City budget and a 5% levy increase were approved by the Council in December. Pausche said the only thing she will add is the new City website should be up and running in early February.

MOTION, by Hentz, seconded by Gardner, to adjourn the meeting at 9:11 p.m. All voted in favor. Motion carried.

Submitted by: Kevin Kelly

MOUND DOCKS AND COMMONS COMMISSION MINUTES
March 18, 2021 - DRAFT

The Mound Docks and Commons Commission met on Thursday, March 18, 2020, at 7:00 p.m. via ZOOM videoconferencing.

Present: Chair Derrick Hentz, Vice Chair Susan Gardner, Commissioners Heidi Peterson, Linda Muller and Dave Olson and Council Representative Paula Larson.

Absent: None

Others Present: Bob Edgar, John Zevenbergen, Joseph Robberts, Scott Jarmus, Jeff Kuiper, Johnnele Chapman, Jami Doolittle, Lania Gustafson, Brian Tramonte, Laura Tramonte, Pete Berridge, Michael Kline, Director of Finance and Administration Catherine Pausche and Administrative Services Coordinator Kevin Kelly.

Chair Derrick Hentz called the meeting to order at 7:05 p.m.

1. Approval of Agenda.

MOTION, by Muller, seconded by Hentz, to approve the agenda. All voted in favor. Motion carried.

2. Approval of Meeting Minutes – January 21, 2021.

MOTION, by Gardner, seconded by Peterson, to approve the minutes from the January 21, 2021 DCC Meeting. All voted in favor. Motion carried.

3. Comments and Suggestions from Citizens Present:

Jeff Kuiper, 1761 Shorewood Lane, made a request for a boat lift at his multiple slip site at Lakeside. Kuiper said it is a straight dock which he shares with one other resident and he has been at the slip for 4 or 5 seasons. Hentz said lifts on slips haven't been approved at this time due to questions about storage and logistics. Hentz added that if he wanted to use a lift he should consider moving to a regular dock site where storage can be accommodated.

Pausche announced that this would be her last DCC Meeting as she is resigning on her 15th anniversary with the City on September 1st.

Lania Gustafson, 1673 Canary, asked why the slip at Jennings Cove is part of the general dock program and not the settlement agreement. Kelly said the slip is in the Woodland Point neighborhood and there were docks in the area prior to the multiple slip replacing them. Kelly said this area was never part of the lawsuit in the neighborhood regarding use and placement of docks.

4. Wait List Lottery

Hentz said normally the DCC would chose the names of the new wait list applicants but staff did the drawing due to the constraints of remote meetings.

MOTION, by Hentz, seconded by Muller, to accept the results of the drawing of the 2021 wait list lottery. All voted in favor. Motion carried.

5. Woodland Point Renter Eligibility

Kelly said Jami Doolittle, a property owner in Woodland Point (WP), contacted him on behalf of her tenant to advocate on her behalf to get on the wait list for Woodland Point. Kelly said he responded to Ms. Doolittle that renters were not eligible to be in the WP portion of the wait list as the Settlement Agreement (SA) of the neighborhood did not allow people who were not residents *and property owners* to get a slip location in Woodland Point. Kelly informed Ms. Doolittle that her tenant could be on the wait list for an opportunity in the general dock program. Kelly said item No. 36 in the SA for WP spells out the recourse a party has if they dispute an item in the SA. Kelly said those disputes must be made in Court and not through the City.

Jami Doolittle said she lives in Watertown and is the owner of the property at 5139 Woodland Road. Doolittle said she purchased the property in 2012 and was informed by Mound staff at that time her tenants could be part of the WP dedicated slip program. Doolittle said a tenant did take part in the WP program in the past. Doolittle said she has only recently been informed that tenants could not take part in the WP program. Doolittle disputes the findings of staff that a resident has to be a property owner as well to be eligible for a dedicated WP slip site.

Peterson stated she has lived in WP for 20 years and is familiar with the Settlement Agreement. Peterson said the SA contains the definition of a non-abutter as a person who owns private property in the neighborhood who is not an abutter. Peterson said the confusion may have resulted from the fact that all residents of the neighborhood have an easement to access the former commons and street ends. Peterson added this is a binding contract between abutters and non-abutters. Peterson said item No. 10 in the SA states the priorities on how the slips will be assigned and it lists Woodland Point non-abutters as first and second priority and the third priority are Non-Woodland Point Mound residents. Peterson said non-abutters are defined in the SA as owners of private property.

Kelly said the WP SA is clear as to who is eligible for a slip. Kelly added the Dreamwood neighborhood Settlement Agreement defines those who are eligible for a dock site as residents of the neighborhood and does not specify have to be property owners. Pausche said the Woodland Point SA expressly defines non-abutters as residents *and property owners*, which she felt was intentional.

Peterson and Gardner discussed the settlement agreements of the two dedicated neighborhoods and the difference between the eligibility requirements.

MOTION, by Olson seconded by Hentz, to recognize the established Woodland Point Settlement Agreement and to stand by item 36 which states disputes must be taken up by petition to the court. Muller, Olson and Hentz voted in favor, Larson voted against and Gardner and Peterson abstained. Motion carried.

6. Discussion on shared docks sites and wait list requirements

Kelly relayed the origins of shared dock sites as part of the Dock Program. Kelly said the idea in the 1990's to promote shared dock sites was to get people off the wait list when the wait list was a new phenomenon; to remove non-abutter docks from the front of some abutting properties and to help older dock holders with maintaining their docks before multiple slips were added to the Dock Program. Kelly said the wait list has grown and applicants are waiting for quite a while to get in the Dock Program. Kelly added staff would also like to simplify the program by reducing the number of licensee classes. Kelly said if the share program is re-instated with so much interest in people getting on the lake the numbers of watercraft will grow significantly which will make management of the Dock Program far less orderly and predictable. Kelly also said there have been concerns in the recent past of potential additional value being exchanged between the license holder and share which is not allowed but hard to prove when there is collusion between the parties.

Kelly said the end of the share program wouldn't mean two dock program participants cannot share a dock as two primary dock holders do share docks currently. Kelly said shares are not license holders in the dock program and are only allowed to stay on the dock they are using at the benevolence of the primary dock holder. Kelly stated shares have been kicked off of docks in the past and having two primaries would protect both users of the dock from this happening. Kelly said this would require potential primary shares to be on the wait list a similar amount of time as the rest of the residents trying to get into the program, which creates a level playing field.

Muller asked who limits the number of shared docks and what is the approval process for allowing shares. Muller added that shares could really add to the number of Boat Storage Units (BSU's) in the dock program. Kelly said the code says a resident has to be on the wait list for one season and then can be a share on a dock at the beginning of their second season on the wait list.

Olson asked how many docks are possible as shares and Kelly said he thought at least 150 dock sites could be shares and there isn't a mechanism to limit shares outside of the moratorium which is in place. Olson said he would like to see more Mound residents be able to enjoy the lake and asked if the City would take the lead on finding shares to dock license holders who would be willing to have a share. Kelly said creating a new program and adding more complexity isn't something staff is interested in undertaking. Kelly added that the idea is for a more orderly process in which applicants on the wait list must get into the top 40 of the wait list before becoming a primary dock license holder at a dock in which they have been invited to share. Kelly also added the wait list applicant would have plenty of time to find a dock to share and inform Dock Administration that they have a dock site ready for them when they get into the top 40.

Kelly said there has been a pattern of Woodland Point residents moving from their dedicated slip locations in their neighborhood to general dock program locations which essentially take away opportunities from regular wait list applicants to get into the Dock Program. Kelly added that in the Dreamwood and Wychwood dedicated neighborhoods those residents have not been taking away opportunities because those residents have stayed at locations in their neighborhood or they have worked their way up the wait list like everyone else in the dock program. Kelly said code language changes should reference 'dedicated neighborhoods' all the same. Kelly recited statistics of Woodland Point residents who have taken spots in the general dock program with some of these license holders doing this shortly after getting a slip in Woodland Point. Kelly said the proposal is for Woodland Point license holders and the other two dedicated neighborhoods to not be able to move out of the dedicated sites to the general dock program until the same amount of time it would take for the person to get into the top 40 of the wait list. Kelly listed Dock Administration recommendations; which are to Grandfather in existing shares and eliminate the option going forward, only allow primary shares after the waitlist applicant reaches the top 40 and require dedicated neighborhood residents to remain within the dedicated neighborhood a minimum number of years.

Pausche said nearly all of the shares know the people they are sharing with and are generally people from their neighborhoods.

Hentz and Kelly discussed the recommendation of wait list applicants waiting until they reach the top 40 and how could it be tracked for dedicated licensees. Pausche said the dock program wait list spread sheet could keep track of this and Dock Administration would know when a Woodland Point or other dedicated neighbor would be eligible to move out of the dedicated neighborhood to the general dock program.

Michael Kline, 1630 Dove Lane, said he is one of the Jennings Cove licensees from the Woodland Point neighborhood and he said when he moved to Jennings people weren't using all of the slips there and some weren't mooring. Peterson and Hentz added they now are required to moor at their dock or slip site as a result of a recent code amendment.

Olson asked and Kelly concurred that there would be a rewrite of the code to make any changes.

Pete Berridge, 2522 Lost Lake Road, asked what the goal is for the change in the policy. Berridge said he thought from what he has heard tonight that the goal is fairness. Berridge said this is a worthy goal but couldn't the goal of the Dock Program be to maximize the number of BSU's or to limit the number of people on the lake or using the boat launch or to limit the number of people parking on the street and walking to their site or to promote Mound as a place to quickly get on the lake.

Kelly said the foremost concern is fairness and to make the process more orderly. Kelly added that another factor is to understand that the Dock Program has a finite number of BSU's which are licensed through the LMCD and an orderly process will allow the dock program to better

monitor the number of BSU's in the program. Kelly said there is increased demand from both abutters and non-abutters to add watercraft and Dock Administration is trying to stay ahead of potential problems with demand exceeding the City BSU allotment.

Berridge responded that wouldn't the goal be to promote shared sites to make Mound an attractive place where people can moor boats and not have to wait seven years. Berridge added he thought this can be achieved by Mound making a decision to increase shared sites.

Pausche said Mound's demographics are evolving where more new residents want to have more than one watercraft and often are asking for three or four which puts pressure on the 590 BSU's which the City is allowed.

Kelly said Dock Administration is not trying to restrict shares but to allow for the more orderly and equitable process for residents to get into the dock program from the wait list. Kelly added that two primary license holders can and do share docks and the City doesn't want to add the responsibility to find shares and shared sites for the dock program participants. Kelly said people can find their own shares like they currently are doing but now they will just have to wait until their time comes up like every other wait list applicant.

Pausche said the goal of the Dock Program is not to increase BSU's but to make processes more fair as the pressure from people in the Dock Program and new residents seek to maximize their number of watercraft.

MOTION, by Olson seconded by Peterson, to approve for further consideration of items 1, 2 and 3, grandfather in existing shares, allow shares for only wait list applicants in the top 40 and create a minimum number of years a Woodland Point/dedicated licensee must stay in dedicated neighborhood before moving into the general dock program. All voted in favor. Motion carried.

MOTION, by Hentz seconded by Olson, to extend the DCC Meeting for 15 minutes. All voted in favor. Motion carried.

7. Idlewood Multiple Slip

Kelly said the proposed Idlewood Slip has been discussed for the past few years as staff have looked at the cost and logistics of reconditioning this 105 foot shoreline site. Kelly said getting this site back in use will add four new slips to the dock program, years after two dock sites were suspended due to lift station construction/access issues. Kelly said the access to the Idlewood shoreline was improved at the end of 2020. Kelly said the City was able to get a vendor to build a small set of steps, added landscaped landings and reconditioned an existing walkway at a cost of \$5,000. Kelly said the City received four vendors bidding on the multiple slip project with one vendor submitting two different bids. Kelly said the initial capital planning for this project allowed for \$10,000 for the stairs and an additional \$10,000 for the slip structure. Kelly added that all the multiple slip bids would allow for this project to come in below the total cost estimate due to savings on the stairway.

Kelly said the Dock Program has required cost shares by licensees if an infrastructure improvement directly benefits a small group or individual. Kelly said there have been two stairway projects in the past where there was a cost share. Kelly said there is also one licensee who is paying \$100 a year for a stairway at Pebble Beach. Pausche said \$200 per Idlewood licensee for 5 years would recoup \$4,000 of the cost of the access improvements and multiple slip costs.

Pausche stated that Splash Docks had the low bid and is proposing a product which is the same style of slip the City has been using. Pausche added that Splash Docks is the Dock Program vendor for slip installation and removal.

MOTION, by Olson seconded by Peterson, to recommend acceptance of the RFQ from Splash Docks LLC. as presented and the proposed cost share. All voted in favor. Motion carried.

8. Rip Rap Project RFQ's

Kelly said the City received two bids for the project and staff have found the bids were much higher than estimated primarily due to the market for fieldstone which has greatly increased in cost. Kelly recommends holding off on this project for 2021 to monitor the costs of materials but to keep the two project areas in line to be completed when costs have dropped.

9. Reports

Larson stated a request for bids for the east entrance monument sign has been issued; the City Council discussed the manganese level in the City water supply and a letter is being sent out to notify residents of this matter; and the City is inviting residents to make suggestions via the website for the proposed Lost Lake/Harbor District Park being planned.

Pausche said the survey for the Harbor District Park Study is on the new City website which was rolled out recently. Pausche noted the Lifestyle Communities project is going forward as well.

Hentz thanked Pausche for her work on the DCC as Pausche said she is stepping down September 1st.

MOTION, by Peterson, seconded by Olson, to adjourn the meeting at 9:22 p.m. All voted in favor. Motion carried.

Submitted by: Kevin Kelly