



## MEMORANDUM

Date: April 30, 2021

To: Mayor & City Council

From: Catherine Pausche, Director of Finance & Administrative Services

Subject: Proposed Ordinance amending Chapter 78 Waterways

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The proposed changes in the attached Ordinance amending Chapter 78 of the Mound City Code were discussed at the March 18, 2021 Docks & Commons Commission meeting and at the April 20, 2021 City Council Special Meeting Workshop.

Dock Administration's recommendations stem from the desire to create a more equitable and orderly process for residents to get into the Dock Program. The majority of wait list applicants are on the wait list for at least seven years before being offered a spot in the Dock Program. The exceptions to this lengthy wait are those who have come off the wait list and become shares on the dock of a primary license holder and those living in dedicated neighborhoods.

### **Background - Shared Dock Sites**

The official City recognition of the sharing of dock sites began in at least the 1980's before there was any kind of wait to get into the program. In the 1990's the official 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.

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 to better reflect the true value and to be fair to others in the program.

The City Code currently allows a secondary dock holder (share) to take over a dock site abandoned by a Primary after two years of sharing the dock, or can request a separate new site after sharing for 15 years. Often neighbors will share with new neighbors, sometimes moving out themselves soon afterward, which prevents the dock site from being offered to the regular wait list. With the exception of Dreamwood, where shares are part of the settlement agreement, there are 17 sites in the regular Dock Program that are currently shared. Another potential concern is the ability of the Primary to put a boat in their name that really belongs to a non-resident. While there are risks for the non-resident to hand over their title, making it less likely, Staff has seen instances of this occurring.

### **Recommendation**

The Docks & Commons Commission recommended grandfathering in existing shares and changing the wait list requirement to make it more commensurate with the regular wait list experience. This is achieved in the proposed ordinance by requiring a share to get within the top 40 on the waitlist before being eligible and then licensing the share and requiring a maximum of 2 BSUs per shared site.

Continued.....

### **Background - Dedicated Commons**

The Dock Program has 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 dedicated commons. The City Code is silent on if and when these dock licensees can request a spot in the regular program.

Wychwood has 5 docks available to non-abutters, Dreamwood has 29 and Woodland Point has 20 slip sites (4 boats at a straight dock X 5). 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. Because 4 boats at a straight dock can be a logistical challenge and limit boat size, some Woodland Point residents take a less desirable spot initially and request to move to the regular program the following year. Technically it means a Woodland Point resident can get a spot in Year 1 in Woodland Point and move to the regular program in Year 2, taking a regular spot away from someone else on the regular waitlist who will wait 7+ years to earn a spot.

### **Recommendation**

Similar to the recommendation for shared sites, the majority of the Docks and Commons Commission agreed with Staff's recommendation to require residents in dedicated neighborhoods to stay in those dedicated neighborhood sites until such time they would get within the top 40 of the waitlist before requesting a site in the regular program to make it more commensurate with the rest of the wait list applicants.

Staff recommends approval of the attached Ordinance amending Chapter 78 of the Mound City Code as it relates to Waterways and the attached Resolution authorizing publication by title and summary. Please let Catherine know if you have any questions at (952)472-0633 or via email at [catherinepausche@cityfomound.com](mailto:catherinepausche@cityfomound.com).

**ORDINANCE AMENDMENT TO BE ACTED UPON AT MAY 11,  
2021 CITY COUNCIL MEETING (POSTED APRIL 30, 2021)**

**CITY OF MOUND  
ORDINANCE \_\_-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 1<sup>st</sup> and May 31<sup>st</sup> 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.

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Mayor Raymond J. Salazar

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Attest: Kevin Kelly, City Clerk

Published in the Laker- Pioneer the \_\_\_\_ of \_\_\_\_, 2021.

Effective the \_\_\_\_ day of \_\_\_\_, 2021.

**CITY OF MOUND, MINNESOTA  
RESOLUTION NO. 21-**

**RESOLUTION AUTHORIZING PUBLICATION OF AN  
ORDINANCE BY TITLE AND SUMMARY, AS IT RELATES  
TO WATERWAYS**

**WHEREAS**, the City Council of the City of Mound has adopted Ordinance No. 21-\_\_ amending Chapter 78 of the Mound City Code as it relates to Waterways;

**WHEREAS**, Minnesota Statutes, Section 412.191, subdivision 4 allows publication by title and summary in the case of lengthy ordinances; and

**WHEREAS**, the City Council determines the following summary will clearly inform the public of the intent and effect of the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Mound hereby determines to publish the following summary language, which is hereby approved, in lieu of publishing the full text of the Ordinance:

**CITY OF MOUND  
ORDINANCE NO. \_\_-2021**

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

The City Council of the City of Mound approved the above-referenced ordinance. The ordinance amends Chapter 78 of the Mound City Code as follows:

- Amends Sec. 78-100. Definitions. *Secondary Site Holder* to clarify Secondary Site Holders are not licensed dock holders;
- Adds a new Sec. 78-103. Regulations. (e) to require license holders in dedicated neighborhoods to remain on a dedicated neighborhood dock until they would have reached 40 or less on the wait list prior to requesting a dock site in the regular program.
- Adds a new Sec. 78-103. Regulations. (g) *Primary Dock Share* to require a potential share to reach 40 or less on the waitlist or to be a current licensee in order to be eligible to share and to limit shared sites to a maximum of two BSUs.
- Amends Sec. 78-103. Regulations. (f) *Secondary Site Holder* to grandfather in existing shared sites as of the 2020 season.

A copy of the entire text of the ordinance is available for public inspection at city hall and at the Westonka Public Library in the City.

Passed by the City Council this 11<sup>th</sup> day of May, 2021.

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Mayor Raymond J. Salazar

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Attest: Kevin Kelly, City Clerk