

**DEEPHAVEN BOAT COMMITTEE  
WEDNESDAY, SEPTEMBER 10, 2014  
MINUTES**

**Call Meeting to Order**

Chairman David Irwin called the meeting to order at 7:03 p.m.

**Members Present**

David Irwin, Doug Ruble, Jim van Bergen, Tom Drummond, David Matteson, Brian Larson, and City Administrator Dana Young

**Members Absent**

Warren Nelson

**May 14, 2014 Minutes**

The Committee approved the May 14, 2014 minutes on a motion by Tom Drummond, seconded by David Matteson. Motion carried 6-0.

**Matters from the Floor**

Lake Minnetonka Conservation District (LMCD) Liaison David Gross was present to update the Committee on some potential changes in LMCD regulations that could impact the use of buoys and the configuration of the dock use area.

David Gross stated that commercial marina owners petitioned the LMCD to consider making certain rule changes that would make the operation of commercial marinas easier. The LMCD told the marina owners to get together to develop a consensus on which issues to bring to the LMCD. He stated that the marina owners came up with three suggestions that resulted in ordinance changes, including:

1. The granting of a Special Density License currently requires amenity points but the marina owners successfully argued that the marina itself is an amenity. He stated that every commercial marina can now have a 1:10 ratio of boats to water frontage or up to their current number of Boat Storage Units.
2. Marina owners are now allowed to use more space by extending the setback from 100' from the shoreline to 200'. He stated that the marina owners argued that the additional distance would get them out of the shallow water and most of the marina docks were at 180' anyway.
3. Marina owners have more discretion within their dock use area to move mooring spaces around subject to the approval of the LMCD Executive Director instead of a required public hearing.

David Gross stated that the LMCD now intends to meet with Yacht Clubs, who are currently meeting to discuss their own common interests.

And finally, David Gross stated that after meeting with the Yacht Clubs, the LMCD intends to meet with municipal marinas to discuss their common interests. David Gross stated that the municipalities need to decide what LMCD rules & regulations need to be changed. He stated that he would recommend the following:

1. Request a mix a boats that best meets the needs of our residents, such as permitting powerboats on buoys. He noted that the LMCD allows the City of Mound the discretion to place boats wherever they would like. He stated that the City of Deephaven should have this same ability.

2. Request that municipalities be allowed the ability to reconfigure or reorganize their dock use area the way we would like. .
3. Request a 200' setback. He stated that we may not need it now but may want this additional setback in the future. In addition, the Carson's Bay docks, which are currently at 140', would no longer require a variance.

David Gross stated that all these changes were likely but the LMCD would probably not allow an overall increase in Boat Storage Units.

David Irwin asked about the timing of the LMCD's review of municipal marinas.

David Gross stated the LMCD is likely to review municipal marinas very soon, perhaps enabling the changes to go into effect for the 2016 season. He also recommended that the City consider submitting two District Mooring Permits – one for the renewal of the current District Mooring License without Change and the other a new District Mooring License that requests permission to moor powerboats on buoys.

Motion by Jim van Bergen to recommend that the City submit dual permit applications, one application on the renewal of our current license and the second a new application to permit powerboats on buoys. Seconded by Tom Drummond. Motion carried 6-0.

### **Management Report**

Dana Young provided the following Management Report:

- 34 out of 53 buoys were leased this year
- The St. Louis Bay dredging project was postponed this year due to high water levels

### **Dock Attachments**

Dana Young stated that he reviewed dock attachments with the Public Works Foreman and there are two leaseholders at Slip #42 & 52 in St. Louis Bay that share a board connected to the dolphin poles. He stated that a letter will be sent requiring them to remove the attachment.

David Matteson asked about other attachments such as cleats and hooks that have been installed.

Dana Young stated that our Public Works Foreman indicated that he doesn't have a problem with these types of attachments but any further action on attachments would be at the discretion of the Boat Committee.

### **Boat Lift Policy**

Discussion was held on the development of a Boat Lift Policy. The Committee reviewed a policy adopted by the City of Excelsior.

Tom Drummond stated that Excelsior may have more of a need for a boat lift policy due to the fact that their marina is not protected so they are in somewhat of a unique and vulnerable position.

David Irwin stated that of all the cities he surveyed earlier this year, only one city explicitly prohibits dock lifts (Tonka Bay) and only two permit them (Excelsior and Minnetonka Beach). He stated that

the rest of the cities don't have a lift policy. He noted that Commission member Warren Nelson would argue in support of adopting a boat lift policy due to zebra mussels.

Brian Larson noted that boat lifts are not that easy to install or take out at the end of the season.

Jim van Bergen stated that Excelsior allows the lifts to be lowered and stay in the water for the winter. He also noted that Excelsior limits the number of lift vendors.

David Irwin stated that the Yacht Club contracts to have their boat lifts taken out and stored.

Brian Larson stated that he would want any proposed policy to be uniform but noted that he doesn't know if there is much interest in installing a boat lift.

David Irwin suggested that the Committee wait until we find out how well boat lifts have worked in Excelsior.

Tom Drummond asked if he could use Sea Legs for his pontoon boat. He stated that their applicability might depend on the overall water depth at his slip.

Dana Young stated that he would obtain the official dock lift policies from Excelsior & Minnetonka Beach for future Commission review.

### **Ten Year Rule / Waiting List**

David Irwin stated that he met with Mayor Skrede to discuss the Ten Year Rule and Waiting List issue and whether the use of rates as an incentive to move people off of docks was a viable concept. He stated that the Mayor was not in favor of using rates to force people off the docks but would support city-owned slide spaces to accommodate powerboats on buoys. He stated that the Mayor is not interested in scrapping the Ten Year Rule.

Dana Young stated that the Mayor may not be averse to discussing the possibility of extending the time period beyond ten years or in establishing a specific time period for those grandfathered leaseholders.

Brian Larson asked if any consideration has been given to asking the five longest tenured leaseholders to give up their slips when the Ten Year Rule leaseholders are required to give up their dock slips. He stated that he feels that the Ten Year Rule is unfair.

David Matteson stated that it is hard to have a 10-year lease when a boat costs between \$40,000-\$50,000.

David Gross stated that a lot of commercial marinas have empty slips and they would be delighted to rent a space to someone.

David Matteson stated that it is hard to resolve the inequity of having someone have the dock slip for only 10 years while there are others who have it forever.

Jim van Bergen stated that there is no incentive to give up your slip when you only have to pay \$750 per year for a slip.

David Gross stated that just because you get thrown off the city docks doesn't mean that you have to give up boating.

David Matteson stated that being on the waiting list doesn't mean you have to give up boating either, you can use commercial marinas as longer term residents will eventually enjoy the very special simplicity and opportunity of our Deephaven neighborhood docks. He stated that while he would prefer a longer time period than ten years for a dock, if the Council feels it is best to retain the ten year rule, he wished the Ten Year Rule would be applied equitably to everyone. He also stated that our current pricing is simple, fair and reflects the non-commercial nature of the docks and that raising rates beyond the cost of dock operation and improvements was a negative incentive and would not be in favor of that idea.

Tom Drummond stated that you see much more turnover in Excelsior due to the increased rates. He stated that our rates have to be brought closer to market rates.

Brian Larson stated that the only way to resolve the waiting list is to raise rates.

Further discussion was held on rates and on the development of the Ten Year Rule by the City Council.

#### **City Owned Slide Spaces**

Dana Young stated that there may be some interest in city-owned slide spaces to accommodate powerboats on buoys, if approved by the LMCD. He stated that further discussion would be held on this issue depending on the progress of this request before the LMCD.

#### **2015 Marina Fund Budget**

Administrator Young presented the 2015 Marina Fund Budget for Committee review.

#### **Other**

There was no other business to discuss this evening.

#### **Adjournment**

Motion to adjourn by Jim van Bergen, seconded by Tom Drummond. Motion carried 6-0. The meeting adjourned at 8:45 p.m. The next regularly scheduled meeting of the Boat Committee will be held on Wednesday, December 10, 2014.