



**CITY COUNCIL REGULAR MEETING AGENDA
MONDAY, OCTOBER 8, 2018; 6:00 PM**

Council Questions and Staff Response

Questions from Alderman Jamie Mathy: (in bold)

Staff Response: Jeffrey Jurgens, Corporation Counsel

- 1. The ordinance and the Exhibit A each have different definitions of what construes a dock. The Exhibit is far more expansive. Which one applies?**

There are two different definitions. One defines who must receive a dock permit. This is a more basic and traditional definition of a dock and does not include swim platforms, etc. The Water Department requested that the construction standards contain a more expansive definition of a dock so that there are also clear standards on a variety of additional dock formations, like swim platforms, trampolines, boat houses, etc. However, these do not require a separate permit.

- 2. What is considered a temporary dock? There is no definition at all.**

"Temporary" is given its common definition, meaning that is the dock is designed to last for a limited time and/or seasonal.

- 3. There is a section (i) that is written kind of confusing. It says that no dock shall be on another lake holder's property, but then it says that written permission can be obtained to build it on someone else's property. I think we need clarity as to what the intention is here. Is this for off-lake leaseholders only? Or can people who don't live at the lake obtain permissions to have a dock on someone else's property?**

The language says "a dock cannot be constructed in front of another Lake leaseholder's leased marginal land, provided that a Lake front lease holder may grant permission" to allow such a dock. The idea behind this is that generally you cannot construct a dock in front of another's leased property, unless the lease holder gives permission to do such. This is just added flexibility for the lease holders, including that someone who has a waterfront lease could potentially allow someone who leases an off-the-lake lot to add a dock to the waterfront lessees lot, provided that both leaseholders enter into an agreement with each other that allows the off-the-lake leaseholder to erect the dock, and the dock is properly permitted by the City via an application including by the waterfront lessee.

- 4. Do permanent swim platforms count at docks?**

Swim platforms are not docks that are required to obtain a permit, however swim platforms must comply with any applicable Construction Standards (i.e., the placement restrictions) and registered in advance with the Water Department. There is no fee.

5. **How do owners of existing docks tell if they need to request and/or pay for multiple dock permits?**

The Water Department will help answer and assess these questions. People can also look at Exhibit B to determine if a dock for permitting purposes has been identified next to their leased property, which differentiates between lots that have multiple docks versus multiple slips.

6. **If you read Section 4 of the ordinance, and combine it with Section 3.1b of the Exhibit A, generates questions. Specifically, does the size of a lot affect 15' dock restriction from property lines?**

No, the setback is not dependent on the lot size. However, for existing docks, the 15' setback only applies to docks off of public access land.

7. **Some of the lots are so small, 15' is difficult. Additionally, some properties have permanent docks that have been in place for years.**

If the dock is in the 15' setback on a public access point, it will have to be relocated to allow others to share the public access. If this is in front of a leased residence, then the dock can be kept "AS IS". The primary concern here is with the public access areas. That said, as a best practice, the Water Department may look to enforce the 15' setback rule for new dock permits on all land. This will help prevent any encroachment from one (1) lot onto the neighboring lot. The Water Department receives frequent complaints that neighboring docks have been built close to the lot lines which makes it difficult for people to park their boats or utilize their access.

8. **The way it reads, if your permanent dock is within the 15' of a property line, you cannot replace the decking on your existing dock, but elsewhere it says we are going to hold people accountable for maintenance.**

To encourage maintenance and consistent monitoring of dock conditions, minor replacing of decking is allowed and does not trigger implementation of the new construction standards. In fact, the proposed provisions allow all of the following without triggering the new construction standards: (1) replacing or repairing handrails, guardrails and benches; (2) replacing existing hardware and fasteners on deck decking, framing and boat lifts; (3) sealing of cracks in a seawall or bulkhead cap or face; (4) repair or sealing of the pilasters of an existing seawall or bulkhead; and/or (5) minor decking repairs that do not constitute full replacement of decking.

9. **Would it be easier to put the \$50 annual permit fee on the annual lake lease bill? It seems cumbersome to have people worry about bills due at very different times.**

That might be an option that can be offered. Otherwise, the Water Department is trying to tie this to the boat registration program that is in place. Currently, the Water Department tracks all yearly boat stickers in an Excel spreadsheet with all of the pertinent information and envisions doing the boat dock registration in a similar manner.

10. **Do the Lake leases require a public hearing prior to establishing a permitting process for docks?**

No, the Lake leases provide, in Section 10, that those leasing and occupying the leased premises are subject to reasonable rules and regulations as may be adopted by Lessor from time-to-time after notice of hearing on such proposed rules and regulations is given to Lessee. The adoption of a formal permitting process for docks at Lake Bloomington are not the adoption of "rules and regulations" as such relates to the leased premises. Rather, this dictates the permitting requirements for those that want to place a dock on non-leased land owned by the City (i.e., Lake Bloomington). In addition Section 11, where it discusses access and use of the Lake for boating, swimming, fishing and other recreational uses, provides rules and regulations can be put in place without an advance public hearing. Permitting of a dock is even a step further removed as it is not on the leased premises, is not a guaranteed right of any person, not a rule or regulation and docks are not covered by the lease. Accordingly, no public hearing is required.

10. *RULES & REGULATIONS. Lessee and those occupying the leased premises are subject to such reasonable rules and regulations as may be adopted by Lessor from time to time after notice of hearing on such proposed rules and regulations is given to Lessee*