

## **LAKE MINNETONKA CONSERVATION DISTRICT ORDINANCE REVIEW COMMITTEE MEETING REPORT**

8:00 a.m., Tuesday, July 13, 2010

LMCD Office, 23505 Smithtown Rd, Suite 120, Shorewood, MN 55331

**Present:** Lisa Whalen, LMCD Board; Gabriel Jabbour, Tonka Bay Marina; Jerry Rockvam, Rockvam Boatyards; Judd Harper, LMCD Administrative Technician; Steve Hartig, Hennepin County Sheriff's Office Water Patrol; Dan Vasser, Hennepin County Environmental Health; Paige Robertson; Tom Casey.

### **Meeting Report**

The meeting report from the 5/20/10 Ordinance Review Committee (ORC) Meeting was accepted by the committee as presented.

### **Discussion of commercial sales on the lake proposal**

At the May 26, 2010 LMCD Board Meeting, Paige Robertson made a request to the LMCD Board to amend LMCD Code prohibiting commercial sales on the lake. The Board recommended forwarding this request to the ordinance review committee for discussion. Representatives from other regulatory agencies were invited to this meeting to provide feedback on potential commercial sales on the lake. The committee discussed the request and the ordinance concerning commercial sales on the Lake. Comments concerning this discussion were as follows:

- At the time that the commercial sales prohibition ordinance was adopted in the 1980s, the water patrol concern was public safety with boats converging to buy products from boats
- There are city concerns with commercial activities in residential areas around the lake
- If commercial sales on the lake are allowed for one person, you will have to allow it for all
- There are a number of requirements from the Hennepin County Public Health Department for food sales:
  - NSF certified equipment and surfaces for food preparation and handling
  - There are different standards for pre packaged food and non-packaged
  - There must be a "home base" on land
  - Products must be stored at a certified location-not at home or garage
  - There is a plan review process and annual inspections
- The Hennepin County Sheriff's Water Patrol has concerns with allowing commercial sales on the lake.
  - Potential personal injury incidents
  - Potential personal property incidents
  - People may swim or float on an air mattress to concession boat which would be unsafe with incoming boats
  - Boat congestion possibly blocking safety lanes
  - Will be difficult to enforce to verify if the merchants are licensed

Consensus of the committee was to not recommend changes to the current LMCD Code prohibiting commercial sales on Lake Minnetonka.

### **Discussion of advertising on canopies**

The committee discussed the advertising on canopies as follows:

- This year there are two residential sites with large logos and lettering on the side of large canopies on docks on Lake Minnetonka. There was one site with a banner tied to a canopy
- There have been many residents on the lake that have wanted to limit the color of canopies on the Lake and by allowing advertising on canopies, it would be worse
- Some felt current LMCD rules prohibit advertising on canopies this so they should be cited
- There was a question if LMCD code addresses logos and lettering on canopies or boat lifts
- The lakeshore property owner would be cited, not the company installing the sign or canopy.
- The consensus of the committee members felt that advertising on canopies should not be allowed
- There is a distinction between advertising signs and identification logos showing name of the manufacturer
- Many boat lifts and docks that have lettering or logos on them identifying the manufacturer
- There could be an ordinance amendment allowing manufacturer names or logos but limiting the size of this graphic
- There was question if the dock company with the logo and lettering on the canopy was actually the manufacturer of the canopy or just installed it
- The Code currently states that no advertising signs may be displayed from any dock other than an identifying sign which shall be no larger than six square feet in area
- There is no interest to try to change the boat lift industry by addressing product identification on the end of boat lift covers
- This should be addressed so there is not an expansion of large logos on canopies
- There should be a limit on the size of product identification logos and lettering on boat lift covers and canopies
- Advertising for other products or services should not be allowed
- There should be an inventory of the existing lifts covers around the lake and measure the logos and lettering
- This should be brought back to the committee and staff should consult with the district attorney to see if the code should be amended to address these situations

### **Other discussions**

There was no additional discussion.

Respectfully Submitted,

Judd Harper, LMCD Administrative Technician