TO: Mayor and City Councilmembers

CC: Jim Dickinson, City Administrator
    Dave Carlberg, Community Development Director

FROM: Brett Angell, Associate Planner

SUBJECT: Public Hearing: Consider an Ordinance Establishing No Wake Restrictions on Crooked Lake During High Water

DATE: July 7, 2015

REQUEST
The City Council is requested to review and consider an ordinance regulating no wake restrictions for Crooked Lake during times of high water levels. The Council is also requested to hold a public hearing to take input from residents on the proposed ordinance.

BACKGROUND
At the June 24, 2014 City Council Workshop Meeting, the Council discussed establishing emergency no wake restrictions on Crooked Lake due to high water. At the meeting, the Council gave staff direction to create a no wake ordinance for Crooked Lake for periods of high water.

The proposed restriction will come into effect any time the lake level reaches 861.6 feet above sea level (FASL) and will be removed after three (3) consecutive days below 861.6 FASL. The ordinary high water level for Crooked Lake is 862.1 FASL, but it was determined that since this level has not been reached in approximately 30 years, the level of 861.6 FASL would protect shorelines and the water resource while accommodating all compatible recreational uses to the extent feasible as required under Minn. Rule 6110.3200. The restriction will limit all watercrafts to a slow no-wake speed, which is approximately five (5) miles per hour and under.

Coordination with the City of Coon Rapids
The City has been working with the City of Coon Rapids to draft identical ordinances to create consistency for all of Crooked Lake. Once adopted by both City Councils, a joint powers agreement will be created for the enforcement of the no wake restrictions as required by the Minnesota Department of Natural Resources. This item will also be going to the Coon Rapids City Council on July 7, 2015.

Public Input Period
The City of Andover posted the proposed ordinance for public comment for a 30-day period during the month of May as required by the Minnesota DNR. A notice was published in the Anoka County Union, copies were left at the front desk at City Hall, copies were sent to the Crooked Lake Homeowners Association, and notices were posted on City of Andover social media pages. The City did not receive any public input during that time period.
CITY OF ANDOVER
COUNTY OF ANOKA
STATE OF MINNESOTA

ORDINANCE NO. ___

AN ORDINANCE REGULATING THE SURFACE USE OF CROOKED LAKE.

THE CITY COUNCIL OF THE CITY OF ANDOVER DOES HEREBY ORDAIN AS FOLLOWS:

CITY CODE TITLE 8: PUBLIC WAYS & PROPERTY

CHAPTER 7

WATERCRAFT ON CROOKED LAKE

SECTION:

8-7-1: Purpose
8-7-2: Definitions
8-7-3: Watercraft Speed Limitations
8-7-4: Information, Notices And Markings
8-7-5: Exemptions From Provisions
8-7-6: Enforcement
8-7-7: Violation A Petty Misdemeanor

8-7-1: PURPOSE: As authorized by Minnesota Statutes 86B.201, 86B.205, and 459.20, AND Minnesota Rules 6110.3000 – 6110.3800 as now in effect and as hereafter amended, this Ordinance is enacted for the purpose and with the intent to control and regulate the use of waters of Crooked Lake in the Cities of Andover and Coon Rapids, Minnesota, to promote its fullest use and enjoyment by the public in general and the citizens of the Cities of Andover and Coon Rapids in particular, to insure safety for persons and property in connection with the use of said waters; to harmonize and integrate the varying uses of said waters; and to promote the general health, safety and welfare of the citizens of the Cities of Andover and Coon Rapids, Minnesota.

8-7-2: DEFINITIONS: The following words and phrases, in accordance with Minnesota Statute 86B.005, when used in this chapter, shall have the meanings set forth as follows:

OPERATE: To navigate or otherwise use a watercraft.
PERSON: Includes an individual, partnership, corporation or any body of persons, whether incorporated or formed as an association or not.

CROOKED LAKE: That body of water that is shared between the cities of Andover and Coon Rapids and assigned the lake identification number of 02008400 by the Minnesota Department of Natural Resources.

HIGH WATER: An elevation of 861.6' or greater above mean sea level on Crooked Lake as determined by the Coon Creek Watershed District.

SHORE: The line separating land and water which shifts as lake levels increase and decrease.

SLOW NO-WAKE: The operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than five (5) miles per hour.

WATERCRAFT: Any contrivance used or designed for navigation on water, as defined in Minnesota Statutes Section 86B.005, Subdivision 18.

8-7-3: WATERCRAFT SPEED LIMITATIONS:

A. No person shall operate a watercraft at greater than a slow no-wake speed on the entire Lake when the water level reaches eight hundred sixty one point six feet (861.6') sea level, as measured by the City of Andover and the Coon Creek Watershed District gauge.

B. When the water level of Crooked Lake reaches 861.6' sea level, the City Administrator or designee shall arrange to have notice of the no-wake provision posted at all public water accesses and sent to the Crooked Lake Area Association. In addition, notice of said restrictions shall be posted at Andover City Hall, Coon Rapids City Hall, City of Andover website and Coon Rapids website.

C. The slow no-wake speed shall be in effect twenty-four (24) hours a day for the entire duration the high water provision is in effect.

D. When high water levels have subsided and have remained below an elevation of 861.6' sea level for three (3) consecutive days, said restriction shall be promptly removed.
8-7-4: INFORMATION, NOTICES AND MARKINGS: The Cities of Andover and Coon Rapids shall be responsible for informing the public and posting notifications at the Crooked Lake Boat Landing and all other public access points as necessary to give reasonable notice to the speed restrictions established.

8-7-5: EXEMPTIONS FROM PROVISIONS:

A. Authorized resource management, emergency and enforcement personnel, when acting in the performance of their duties, shall be exempt from the provisions of this chapter.

B. Temporary exemptions from this chapter may be granted to local, state or federal law enforcement agencies.

8-7-6: ENFORCEMENT: Primary responsibility for enforcement of this chapter shall rest with the Anoka County Sheriff's Office. This, however, shall not preclude enforcement by other licensed peace officers.

8-7-7: VIOLATION A PETTY MISDEMEANOR: Any person violating any provision of this chapter shall be guilty of a petty misdemeanor as defined by state law and subject to the penalties therefore.

8-7-8: EFFECTIVE DATE: This Ordinance shall be in effect from and after the date of its passage and publication.

Adopted by the City Council of the City of Andover on this 7th day of July, 2015.

CITY OF ANDOVER

ATTEST: ________________________________

Julie Trude, Mayor

Michelle Hartner, Deputy City Clerk