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Covering The Greater Lake Minnetonka Area

AUGUST 8, 2019

Lakeshore Weekly News

BREAKING NEWS ONLINE AT WWW.WEEKLYNEWS.COM



PHOTO BY LARA BOCKENSTEDT
Painter Judith Anderson from St. Louis Park drives out occasionally to illustrate scenes from the Carver Park Reserve.

LOWRY turns 50

Lowry Nature Center celebrates half-century of making the outdoors accessible to all

BY LARA BOCKENSTEDT
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VICTORIA — The Lowry Nature Center is celebrating a half-century of widening nature's door to Twin Cities residents.

When the center opened in 1969, it was the first public nature center in the area. It gave the somewhat rare opportunity of experiencing an

outdoor classroom to those who traveled from across the region and state.

Parents who went to the center when they were children are now bringing their own little ones to the center. Teachers who were once students visiting the center now organize field trips for their own students.

The Lowry Nature Center estimates some 1.5 million

Lowry to 16 >



IMAGE COURTESY OF THE THREE RIVERS PARK DISTRICT

Pictured is a program for children during one of the earlier years of Lowry Nature Center.



PHOTO BY MELISSA TURTINEN

Nancy Edwards, right, poses for a photo with her attorney Erick Kaardal after she signed an agreement with the city of Orono to suspend prosecution against her.

Prosecution suspended

Orono dock controversy case comes to a close

BY MELISSA TURTINEN
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ORONO — The case against a woman who was charged with illegally renting out her Lake Minnetonka dock and Orono home has been resolved.

For the better part of the last year, 75-year-old Nancy Edwards has been at the center of a dock controversy involving the city of Orono.

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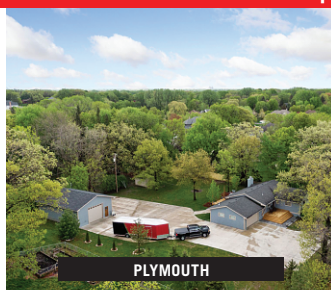
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Built on a Family Foundation

DOCK

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She owns a cottage, which she inherited from her father, on Lake Minnetonka's Crystal Bay. In order to pay her property taxes, as she's on a fixed income, she rents her home for \$3,000 a summer to a Chaska man and his two children. As part of their agreement, her tenant is allowed to dock his boat at her slip — Edwards has a dock, but does not have a boat.

But the city of Orono said she was illegally renting out her dock and her home without a license, which violates city code. She was charged with a boat rental violation and a rental dwelling violation, both misdemeanors that carry penalties of fines and/or jail time if there's a conviction.

On Thursday, Aug. 1, the city and Edwards signed an agreement to suspend prosecution.

"I could hardly drive over here, and I'm still shaky, but I'm glad it's over," Edwards said, following the agreement, but noted she would have liked going in front of a jury to talk to people about the issue. "I'm glad it's over. I really am. And that it didn't go all the way to the Supreme Court."

In order to come to the agreement to suspend prosecution, Edwards had to comply with city ordinances. To do so, Edwards, on May 13, filed paperwork to add her name to the title of the boat, which took care of the boat rental violation. Then, more recently, her tenant signed a new lease agreement that meets the requirements of the city's ordinance, bringing her into compliance for that violation.

Now, all Edwards has to do is pay \$500 in fees (she has six months to do so) and not be arrested or charged with a similar offense in the next year, and everything will be dropped, explained Erick Kaardal, Edwards' pro-bono attorney. Essentially, the case is over. "It's done," he said.

"Nancy, you won today, because you get to keep your house," Kaardal said.

In a comment to Lakeshore Weekly News about the agreement, Orono Mayor Denny Walsh said, "The case has been put on stay, and will be dismissed if she stays in compliance for the next year, due to the fact Nancy Edwards has complied with the Orono-related codes."

Peter MacMillan, the attorney representing the city of Orono, told the paper via email on Aug. 2 that "Provided there are no violations of the terms of the agreement, the case will be dismissed at the end of one year. No additional court appearances are anticipated and the dismissal will be administratively processed by court staff."

"This is what happens to innocent people when they're properly represented — you



PHOTO BY MELISSA TURPINEN

Nancy Edwards, left, poses for a photo on May 13 with her attorney Erick Kaardal. They're holding paperwork filed the same day that shows her name is now on the title of the boat that is docked at her slip. Kaardal said at the time they hoped this would be a step toward getting the charges against Edwards dropped.

come into compliance and then things get dismissed," Kaardal said, later noting Edwards wouldn't have been able to live without the \$3,000 in rental income she gets from her tenant, but she can maybe live without the \$500 she has agreed to pay.

He noted it was "critical" for Edwards to comply with the law in order to come to a resolution with the city, "But, not surprising ... bad laws sometimes have huge exceptions" and Kaardal and his legal team found them.

Kaardal noted his legal team did not think Orono's ordinances were enforceable against Edwards (a district judge disagreed and denied motions to dismiss the charges back in April), "But you came into compliance so even the city couldn't disagree. So it's a really good resolution," Kaardal said.

Cities can choose whether to pursue civil or criminal charges in cases like this, Kaardal said, but will usually give a resident notice and work with them to become compliant before moving forward with charges. That didn't happen in Edwards' case, he said, and added this all could have been worked out before the prosecution started.

"Orono made its decisions there, but the prosecutor did a nice job" in the fact that he agreed not to prosecute after Edwards became compliant, and didn't prosecute the fact the city said Edwards, historically, was not in compliance with city ordinances, Kaardal said.

LOOKING FORWARD

For Edwards, this case has been about more than

just keeping the \$3,000 in annual income from renting out her home. She has said someone had to stand up to government overreach, and she became the face of it in the Lake Minnetonka area.

Kaardal — who has represented three Orono residents, including Edwards, in land-use issues — has been critical of the city's code and overreach. He commended Edwards for fighting city hall, saying her muster and might to continue in the months-long case is something many people do not have the time or means to do, and she is an inspiration to others in similar situations.

"You're an example of fighting city hall and surviving," Kaardal told Edwards in a huddle with her three supporters and reporters outside the courtroom after she signed the agreement. "...You can't fight city hall and win, but you can fight city hall and survive. And the reason you drew me in, is you wanted to survive. You wanted to keep your rental income so you could stay in your house."

Edwards hopes to see change in the future so property owners can have more control over their property, she told the newspaper in an interview in May. And her attitude about that did not change after she signed the agreement.

"I'm glad it's over, but I'm really disappointed that we didn't set a precedent so other people don't have to go through this. And who else would, anyway?" Edwards said on Aug. 1, noting she has the time and will aggressively work so people in the community are "aware of

Support for Edwards

The day after Edwards agreed to pay \$500 in fees associated with her case, people in the Lake Minnetonka community rallied to help her pay it.

Teresa Maki, who has been one of Edwards' supporters for much of the past year, set up a GoFundMe page the morning of Aug. 2. Within three hours, the page had raised \$315 from 13 people. By Sunday, Aug. 4, the page raised \$540 from 25 people, exceeding the \$500 goal, the page said.

The page describes Edwards' situation, saying she "stood up against government overreach so if you agree that Orono needs to stop interfering in its citizen's lives, please consider supporting Nancy."

In a post in the Nancy's Musings Facebook group on Aug. 2, Edwards said she is "blown away" by the fundraising effort, adding it "touches me and makes my heart sing. Thank you." The GoFundMe website is www.gofundme.com/f/nancy-and-her-dock.

what's happening here."

While walking out of the Hennepin County Courthouse at Ridgedale with a few of her supporters on Aug. 1, Edwards said she will continue to push for the city's land-use ordinances to be amended or removed altogether. She has even toyed with the idea of running for

Private dock rental rules by city

Many Lake Minnetonka cities have private dock rental regulations outlined in city code, including:

■ **Greenwood:** the city "does have control over the renting of private docks through Section 430 on commercial marinas," Dana Young, city administrator for Greenwood and Deephaven, said. City code Section 430 says "no person shall operate a commercial boat dock business or be engaged in the business of docking, mooring, or storing boats without a license," which can be obtained by the city.

■ **Minnetonka Beach:** City Administrator Susanne Griffin said the city does not allow the renting of docks. This regulation can be found in Section 906 of city code.

■ **Minnetrista:** the city "does not allow rental of docks," Community Development Director David Abel said. This regulation can be found in Chapter 6 of the city code.

■ **Orono:** the city does not allow private dock rentals. This regulation can be found in city code Section 78-367.

■ **Shorewood:** the city "does not permit dock owners renting out their docks for nonresident use," Planning Director Marie Darling said. This regulation can be found in city code Section 1201.03, Subdivision 14c.

■ **Tonka Bay:** the city "requires a commercial marina license for anyone who rents out more than two dock slips," City Administrator John Tingley said. This regulation can be found in city code Section 510 and 520.

There are a few cities on Lake Minnetonka that do not have dock rental ordinances or defer private dock rental regulations to Lake Minnetonka Conservation District's code of ordinances, which does not include language specific to renting a residential dock. Those cities include:

■ **Deephaven:** "The city of Deephaven does not have any ordinance that regulates whether lakeshore owners can rent out their docks," Dana Young, city administrator for Deephaven and Greenwood, said.

Orono City Council.

"The ordinance has to be eliminated or amended," Edwards said. "There's a lot of ways they could have exceptions to this and they don't. It's a one-size-fits-all, and it sure didn't fit me."

In the meantime, though, she'll go back to being the dancing grandma in sun-

■ **Excelsior:** City Manager Kristi Luger said the city does not regulate private docks, it defers to the LMCD's regulations.

■ **Mound:** Director of Finance and Administration Catherine Pausche said the city does not regulate private shoreline, it leaves it up to the auspices of the LMCD.

■ **Spring Park:** City Administrator Dan Tolsma said "We do not have an ordinance to regulate rental activities on residential docks."

■ **Victoria:** For docks on Lake Minnetonka, the city defers to the LMCD code. "There are many reasons as to why this is the case, but the most prudent is that the city does not, nor Carver County, have public access to the lake to enforce," Victoria Senior Planner Paul Moretto said. There are different regulations for other bodies of water within city limits. Those regulations can be found in city code, Article 28, Section 28-27.

■ **Wayzata:** Chapter 321 in city code deals with dock use within city limits. It does not mention whether property owners can rent out their dock.

■ **Woodland:** Dale Cooney, zoning coordinator for Deephaven, Greenwood and Woodland, said "It doesn't look like [private dock rental] is prohibited, unless it is akin to a commercial business endeavor." The regulations can be found in Chapter 6 of city code.

LMCD Executive Director Vickie Schleuning said although there isn't language in LMCD Code that's specific to private dock rentals, "ownership of property and ownership of watercraft does affect how many boats are allowed in the dock-use area, and potentially other items."

There are other regulations imposed by other government entities that may apply, Schleuning said.

"It is up to the property owner to identify the other regulations that may apply to the proposed undertaking and to raise any concerns he or she may have concerning those regulations with the entity that enacted them," she added.

glasses at local bars (she only dances to funk and soul, she says); sharing her stories in a Facebook group created after news spread about the dock controversy, now named Nancy's Musings; and planning an end-of-summer party at her cottage with her friends and supporters.