

Decision on Lake Minnetonka dock controversy could come by May

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ORONO — Nancy Edwards will have to wait a little longer to find out what will happen with her case, but she's thankful for the supporters she's gained along the way.

Edwards, 75, has been at the center of a dock controversy involving the city of Orono for months. She owns one of the last cottages on the north side of Lake Minnetonka's Crystal Bay, and has been renting her home to a man and his two children to help her pay her property taxes. As part of their agreement, her tenant is allowed to dock his boat at her slip.

But the city of Orono accused her of illegally renting out her dock and renting her home without a license, so she is charged with two misdemeanors and has been waiting for her chance to tell her story to a judge.

At a hearing on Jan. 16, Edwards found out she'd have to wait longer to find out if her case will be dismissed or not. That's because her attorney, Erick Kaardal, filed a motion to dismiss the charges, and at the hearing prosecutor Peter MacMillan asked for more time to respond to the motion.

"Today the prosecutor said he wanted to have more time to respond to the motion. I asked him to drop all the charges, but the city refused to drop the charges," Kaardal said after the hearing.

"I am just sick that it's not over," Edwards said. "[It's taking] way too long. I want to move on, just live my life and have this in the past."

The prosecution has until Feb. 1 to respond to the motion, and then Kaardal and Edwards have until Feb. 11 to reply, Kaardal explained. Hennepin County District Court Judge Ronald Abrams then has 90 days to issue his response, with Kaardal saying the judge will make a decision by early May.

"And we hope both charges are dismissed, but that's up to the judge, not me," Kaardal said.

THE CASE

Edwards was charged with a boat rental violation, to which Kaardal filed a motion to dismiss the charge. At the November 2018 hearing, a second charge — a rental dwelling violation — was added, so Kaardal asked for the hearing to be postponed. The hearing was rescheduled for Jan. 16.

Kaardal on Jan. 10 filed a supplemental motion to

dismiss both charges against Edwards. The motion argues Edwards isn't renting out the dock because her tenant is granted access to the dock as part of their agreement, in which case the Lake Minnetonka Conservation District regulations trump city rules. Conservation district rules allow for one boat to be at a dock that is not registered to the property owner, which is what is happening with Edwards' dock, the motion says.

In response to the rental dwelling violation charge, the motion notes that in some circumstances property owners need to get a license from the city of Orono to rent their home. But the motion argues Edwards falls within an exception of those licensing requirements because she shares her living space with her tenant.

The motion also argues the city code that requires such a license went into effect in April 2018 without a retroactive provision and Edwards' agreement with her tenant began in December 2017, so "Edwards' agreement is not affected by the code provision she is accused of violating," the motion adds.

"Nancy is being prosecuted, but we don't understand why because she's complied with the law. There must be some systemic issue here, some problem with Orono and we don't know what that is, but we're trying to figure that out," Kaardal said after the hearing.

'NANCY AND THE EVOLVING DOCK STORY'

A dozen people were there to support Edwards at the Jan. 16 hearing, and hundreds more have shown their support for the 75-year-old Orono resident through the appropriately named Facebook group "Nancy and the Evolving Dock Story."

"She's providing a service to the community by fighting this. A lot of people would just knuckle under — for every one Nancy, there's nine others that are bullied and the cities get what they want ... and these tactics shouldn't be part of our fabric," Guy Sanschagrin of Shorewood said after the hearing. "It's a civic duty."

This case has drawn the attention of many homeowners on Lake Minnetonka, with Kaardal saying there are "undoubtedly" people in Orono who are in Edwards' situation, adding it's an "important story for Orono" and all of Lake Minnetonka be-



PHOTO BY MELISSA TURTIMEN

A dozen supporters joined Nancy Edwards (third from the left) at the Ridgedale Regional Service Center on Jan. 16, 2019. The city of Orono has accused Edwards of illegally renting her dock and a rental dwelling violation.



FILE PHOTO

This is the boat and dock at the center of the controversy in Orono over an ordinance. To be clear, the paddleboat on the right belongs to Edwards. The boat on the left, however, is owned by a Chaska man.

cause "these issues overlap" and many other "Lake Minnetonka cities are doing the same thing."

"I certainly didn't start out thinking I would be the face of something like this," Edwards said after the hearing.

As for her Facebook page, Edwards called it a "life-saver." Because there was so little going on with her case, she started writing stories about her life to help her pass the time and so "people could get to know me other than this dock issue," she told Lakeshore Weekly News.

"I never knew I was funny until I started writing these stories," Edwards said, noting her stories have been "wildly popular."



Nancy Edwards cuddles her 17-pound "kitten" named Budha at her home in Orono on the shore of Crystal Bay. Edwards likes to play piano, follow politics and landscape the yard.

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