# LINDBO LANDING

Attachments:

1. Current renewal application
2. Survey
3. April 24, 1990 City Council Meeting Minutes
4. Staff Memo – April 20, 1990
5. 1990 Marina Application, Correspondence
6. Resolution #82-4

blank

RECEIVED

FEB 17 2016

CITY OF TONKA BAY

**CITY OF TONKA BAY**
4901 Manitou Road
Tonka Bay MN 55331
952-474-7994
www.cityoftonkabay.net

**MARINA LICENSE APPLICATION**
**Renewal without Change**

License Year: 2016 No. of Boats 42

I, DON WESTMAN, 285 WEST POINT RD, 6125991894
(name of owner) (address) (phone)
certify that no changes are to be made in the "dock use area" or the number of boats stored for lake use by LINDBO LANDING MARINA at 285 WEST POINT RD.
(business name) (address)
during the 2016 season, that the maximum number of boats stored at docks will be 42, at moorings _____, and dry stored for lake use _____, that the locator map, survey (or plat), site plan, and dock construction detail on file with the city for last year's application will be applicable to the license being applied for, and that I will obtain a new license from the City of Tonka Bay before making any changes.

**CHECK THE NATURE OF SERVICES AND INDICATE PARKING PROVIDED:**

| SERVICE PROVIDED | CHECK IF APPLICABLE | NO. OF PARKING SPACES |
|---|---|---|
| Boat Storage | ✓ | |
| Launching Ramps | | |
| Sales | | |
| Service | | |
| Boat Rentals | | |
| Restaurant | | |
| Other: | | |
| Sanitary Facilities | ✓ | No. Units: 1 |
| Boat Toilet Pumping Service | | |

1. Base Fee and Yearly Renewal $270.00
2. 42 units at $5.00 per unit = 210.00

**TOTAL FEE** 480.00

I further certify that the information provided herein and all attachments hereto are true and correct statements, and I understand that any license issued may be revoked by the City. I consent to permitting officers and agents of the City to enter the premises at all reasonable times to investigate and determine compliance with Section 520.

Date 10 FEB 2016 Authorized Signature D S Westman
Title OWNER
Relationship to Owner SAME

APPROVED:
Date of City Council Meeting: March 9, 2016

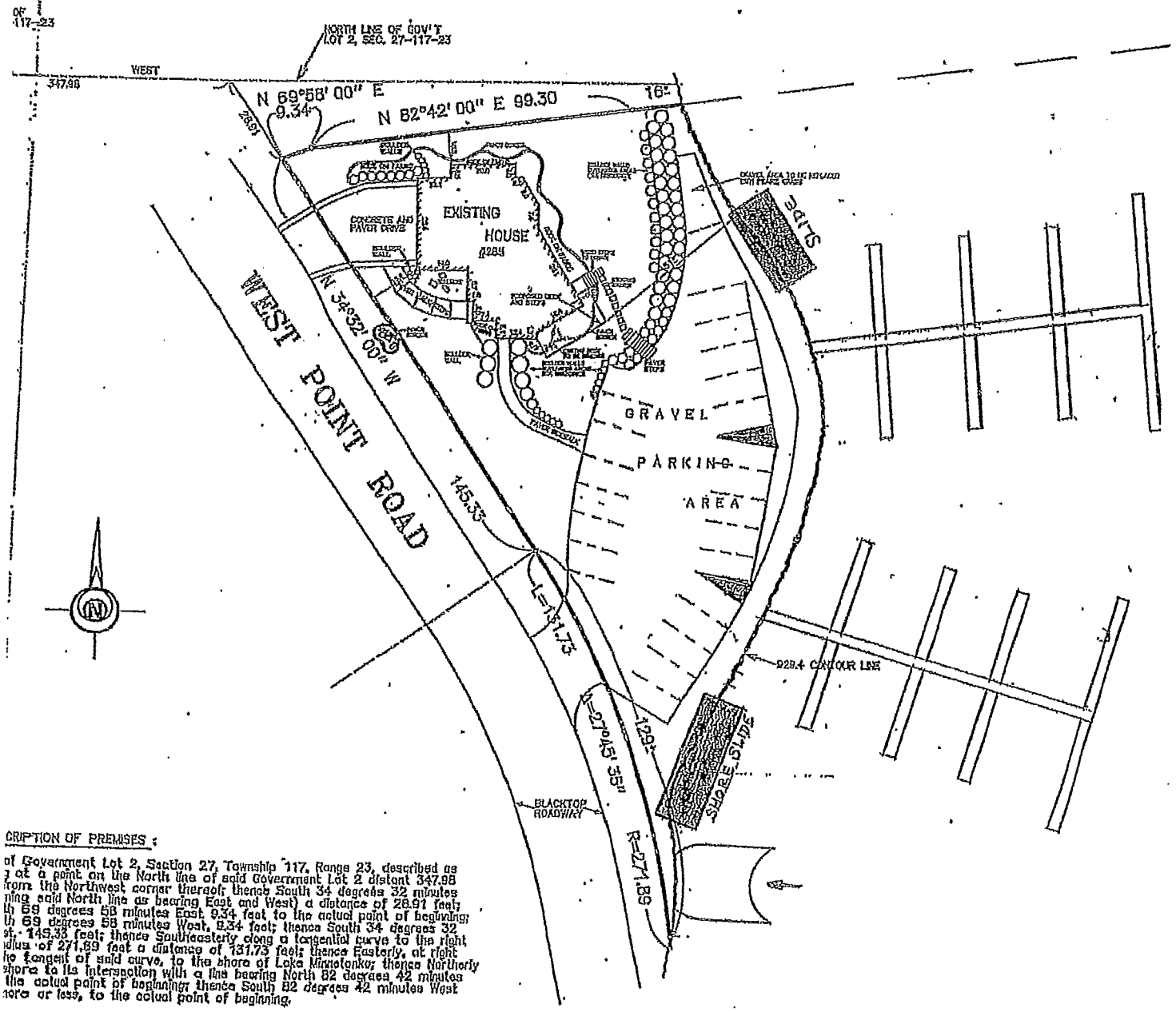
By: _____ Date: _____
Lindy Crawford, City Administrator

12 MARCH 2011
DON WESTMAN
LINDBO LANDING

CERTIFICATE OF SURVEY FOR

# ANCHOR CONSTRUCTION & DESIGN

IN GOV'T LOT 2, SEC. 27-117-23
HENNEPIN COUNTY, MINNESOTA




CRIPTION OF PREMISES :

of Government Lot 2, Section 27, Township 117, Range 23, described as
g at a point on the North line of said Government Lot 2 distant 347.98
from the Northwest corner thereof; thence South 34 degrees 32 minutes
ning said North line as bearing East and West) a distance of 28.91 feet;
th 69 degrees 58 minutes East 9.34 feet to the actual point of beginning;
th 69 degrees 58 minutes West, 9.34 feet; thence South 34 degrees 32
st, 145.33 feet; thence Southeasterly along a tangential curve to the right
dius of 271.89 feet a distance of 131.73 feet; thence Easterly, at right
he tangent of said curve, to the shore of Lake Minnetonka; thence Northerly
shore to its intersection with a line bearing North 82 degrees 42 minutes
the actual point of beginning; thence South 82 degrees 42 minutes West
nore or less, to the actual point of beginning.

denotes iron marker

rings shown are based upon an assumed datum.

shows the boundaries of the above described property, the
an existing house and shed, the location of all visible
, and the proposed location of a proposed deck thereon.
purport to show any other improvements or encroachments.

| DESCRIPTION |
|---|
| NORTHERLY PORTION OF GRAVEL AREA PROPOSED TO BE RECLAIMED WITH PRAIRIE GRASS SEED |

GRONBERG AND ASSOCIATES, INC.
CONSULTING ENGINEERS, LAND SURVEYORS, & SITE PLANNERS
445 NORTH WILLOW DRIVE
LONG LAKE, MN 55356

I hereby certify that this survey was prepared by me, or under my direct supervision, and that I am a duly registered Civil Engineer and Land Surveyor under the laws of the State of Minnesota.

SCALE 1"=20'
DATE 7-9-07
JOB NO. 07-273

Arundel Variance (Cont'd.)

3 ft. variance for the addition of possible stairs and a 3 ft. side yard setback variance for construction of a deck for the reasons as stated. Ottum seconded. Roll call vote: Ayes 4.

8.E. Outline - Dredging/Riprap Project

Bendjebar gave a background report on this proposed project for dredging and riprapping the Woodpecker/Crabapple channel and city docks. He said cost estimates have been received and a decision must now be made on whether to move ahead. Major problems to be resolved are finding a method for the City to finance its share and determining if there is interest on the part of Woodpecker Ridge Rd. residents in acquiring the city property between the road and channel for the purpose of including them in the channel assessment. He discussed an outline that was prepared showing who will be affected, a method for determining assessments, and a breakdown of the components of the project. It appears the most important part will be the channel dredging and improvement. The report showed a potential 83 units to be assessed, with a per unit cost of $1,325. He felt the next step should be to send questionnaires to affected property owners and dock renters to determine their interest in the project. Ottum felt the City has an obligation to protect the property of the owners living on the channel and recommended getting competitive bids for dredging and riprapping and also meet with a consultant on financing options. Haug felt the City must be assured there is interest from the people who will be affected. Joanne Fagan felt that if present dock renters want to drop out because of possible increased fees, the City can go down the list to find enough interested residents. Larry Bursch, 50 Crabapple Lane, wants the project to proceed. Larry Niccum asked if all Woodpecker residents will be required to buy the property along the lagoon. Haug feels there will be a fair offer so that all would want to take advantage. Niccum felt the channel should be fixed and the docks area done later, adding that if the docks cannot cover their own costs, they should not be used. Bendjebar moved that the City Administrator be directed to survey the property owners on Crabapple Lane and Woodpecker Ridge Road as to their interest and possibly transferring property on the lagoon to the lots on Woodpecker, and also that a separate survey be sent to dock renters to assess their interest in participation if there is an increase in fees or the possibility of an up-front payment that would guarantee use of their docks for a fixed number of years, and that a bond consultant be contacted regarding financing options. Ottum seconded and questioned how people could respond if it is not known what the costs will be. Bendjebar said the purpose is to find out what the people are willing to bear. Vote: Ayes 5. Responses to the survey will be requested back by May 8th.

9.A. Marina Application - Don Westman
Marina Application - Miles Lord, Jr.

Don Westman submitted an application for a marina license for the Dennis Boats property, formerly owned by Grace Dennis, deceased. Westman's application is for 42 slips, the same as granted Dennis, and the fee of $201 has been paid. Westman also submitted a landscape and parking plan in compliance with ordinance requirements. Westman added that inasmuch as there has been a question on the ownership of the property, he presented a certificate of title which shows him to be the fee owner. Haug reminded Westman that public launching and trailer parking on

Marina Application (Cont'd.)

West Point Road are not allowed. Westman said he understood this and would confine parking to the parking lot. He also said he will be discussing the proposed dock plan with the LMCD.

Miles (Mick) Lord, Jr. introduced himself as representing the heirs to the property, who were present, and also presented a marina application for this property along with a copy of Mrs. Dennis's will granting the property to her nieces. Lord said a lawsuit has been initiated by the heirs to regain the property, adding that one of the nieces now resides at the property and is receiving dockage fees which are being placed in a trust account.

Mayor asked Attorney for advice on this matter. Attorney stated that the City has two applications and can grant a license to Westman, subject to his meeting the conditions of the ordinance; and in view of the fact that there is a dispute, in the event the court decides Westman does not have right to title, the license can be revoked and the application then considered from Mick Lord. He added it appears that according to the certificate of title, Westman is the fee owner and the will has no bearing on the property. Lord contended the Council should grant two licenses because the heirs have possession of the property. Leroy Berg, one of the heirs, suggested the Council delay a decision until after the court hearing has been held on April 30th. Attorney asked if both parties could work together as far as the City is concerned. Berg did not feel this was possible. Marv Bjorlin, LMCD representative, brought up that to date neither party has applied for a dock license from the LMCD. Westman said he has applied and it will be considered on their agenda tomorrow night. Lord said that by not having a license, the heirs would suffer economic loss. Attorney said the City must have accountability for compliance with the ordinance. After further discussion, Bendjebar moved to grant Don Westman a marina license, subject to meeting all the conditions of the ordinance and conditions 1-8 of Resolutions 82-4 and approval from LMCD of their dock plan; and in the event he loses ownership, the license would be revoked and the Council will accept the application from Mick Lord and grant a license subject to the same conditions. Ottum seconded. Discussion: Concerns about adequate parking spaces and congestion on West Point Road were brought up from several residents. Vote: Ayes 4.

9.B. Rezoning Petition

Larry Murray, 145 West Point Court, presented a petition and fee for an application to rezone the Dennis Marina property from commercial to residential. The petition signers, several of whom were in attendance, are requesting that a marina license not be issued, citing the zoning as a non-conforming use in a residential neighborhood, parking and congestion problems, etc., with a potential for increase if the business is expanded. Mayor accepted the petition and said a public hearing would be scheduled to consider the request. Ottum moved to accept the petition and set a public hearing for May 22 to consider the application. Johnson seconded. Ayes 4.

9.C. Tree Trust Agreement - Res. No. 90-25

Ottum moved, Bendjebar seconded, approval for the Administrator to make application to hire a youth for park and maintenance work through the Tree Trust Summer Youth Employment Program. Roll call vote: Ayes 4.

Approved
4-24-90

CITY OF TONKA BAY

MEMO

DATE: April 20, 1990

TO: City Council

FROM: Kirk McDonald KMD

SUBJECT: Marina License Application - Don Westman

Don Westman is the new owner of the Dennis Marina and because there is a change in ownership, a new application is required along with the approval of the City Council. Please find the following materials enclosed:

1) Application including:
   - A) Letter to Administration
   - B) Letter to Council with copy of check
   - C) Completed Application for New or Revised Marina License
   - D) Zoning Map identifying site
   - E) Plan for site - docks, parking, etc.
   - F) Alternate Plan - dock extension due to low water levels

2) Resolution #82-4 outlining conditions under which previous license was granted, and

3) Tonka Bay Commercial Marina Ordinance

Comments

1. License Fee - The fee that has been submitted is incorrect. The cost of the license is $201.00 (42 slips @ $3.00 per unit = $126.00 + $75.00 base fee = $201.00). The mistake was made by the City--when the commercial dock fees were increased several years ago from $1.50 to $3.00 per unit we changed the "renewal" application but not the "new or revised" application (which we seldom use). The application that Westman completed shows 42 units @ $1.50 = $63.00 + $75.00 base fee = $138.00. The difference in the fees is $63.00 and I have contacted Westman - he will bring a check for the additional amount to the meeting. The error in the form has been corrected.

2. Public Hearing - While the ordinance states that a public hearing is required for a new initial application, the City Attorney and I feel it is not necessary for only a change of ownership. A public hearing was not held when the Tonka Bay Marina changed ownership in 1985.

3. Property Owner List Requirement - The ordinance requires the applicant to furnish a list of property owners within 350 feet of the marina for public hearing purposes. Since no hearing is required, this is not necessary.

4. Number of Docks/Slips - The number of docks/slips requested in the application is exactly the same number that was granted to Grace Dennis - 32 boat spaces in the water and 10 boats on wood slides near the shore.

   I contacted Gene Strommen at the LMCD and he said that the number of docks is grandfathered in because this is only a change of ownership. He said as far as the LMCD is concerned, if there are no changes in number of slips--the marina can continue to operate as is.

5. Landscape Plan - Westman will be presenting a landscape plan to the Council at the meeting. I have informed him that the council would like to see some improvement to the property and the ordinance complied with.

6. Dock Extension - The dock extension plan for low water is not really part of this application process. The Council has already given its approval for an extension if the LMCD approves it. Westman will be appearing at the April 25th LMCD meeting to seek their approval on this extension.

TO: KIRK MC DONALD

FROM: DON WESTMAN

SUBJECT: MARINA APPLICATION

I HOPE THE INFORMATION ENCLOSED IS ADEQUATE FOR YOUR NEEDS. OBVIOUSLY, I WOULD LIKE TO RESOLVE THE PERMIT ISSUES AS SOON AS POSSIBLE SO THAT I MAY BEGIN THE DOCK INSTALLATION.

MY DISCUSSIONS WITH GENE STROMMEN AT LAMCD INDICATE THAT THE ONLY ISSUE RELATED TO THEIR APPROVAL IS THE PROPOSED ALTERNATE DOCK PLAN -- THIS I HOPE TO RESOLVE WITH THEM AT THEIR NEXT MEETING WHICH I BELIEVE IS TWO WEEKS FROM NOW.

I DO HAVE SOME QUESTIONS RELATED TO THE SET BACKS AS THEY APPLY TO MY LANDSCAPING PLANS -- I AM PROCEEDING WITH THE PLANS PENDING FURTHER CONSIDERATION BY YOU.

THANKS.

DON

DON B. WESTMAN
LIC. W-235-149-085-412
6420 GAME FARM ROAD 472-3350
MOUND, MN 55364

4971

4-12 19 90 75-860/919

PAY TO THE ORDER OF City of Tonka Bay $ 138 00

One Hundred Thirty Eight & 00/100 DOLLARS

MOUND BANK State Bank of MOUND
OFFICES AT SPRING PARK • MOUND
472-2121
MOUND, MINNESOTA 55364

MEMO

Don B. Westman

⑆091408603⑆ 0 760 264⑈ 4971

April 12, 1990

City of Tonka Bay
4901 Manitou Road
Tonka Bay, MN 55331

Re: Don Westman
Marina License Application

In accordance with Section 2 "Application" of Ordinance 90, the following summarizes items a through h.

1. Items a, b, c, and e are contained within the contents of this application.

2. Item d: A professional plan to enhance the property landscape in accordance with the specifications outlined in Ordinance 90 are being prepared for your review.

   It is the general intent of the applicant to significantly improve the landscape appearance. Final plans are anticipated to be completed prior to 4/24/90.

3. Item f: Normal hours of operation are between 7:00 am and 10:00 pm. Exceptions to this are normal fishing activity and private boat use.

4. Item g: Security is provided via dock area lighting and personal observation.

5. Item h: The names and addresses of property owners within 350 feet of the business premises are attached.

If any additional information is required, please contact me.

Sincerely,

Don Westman

Fee attached _____ License Year 1990

Number of Boats 42

CITY OF TONKA BAY
4901 Manitou Rd.
Tonka Bay, Mn. 55331

Can be Reached at Phone No.
(H) 472-3350 (W) 422-2121

## APPLICATION FOR NEW OR REVISED MARINA LICENSE

Owners Name DONALD B. WESTMAN

Owner's Address 6420 GAME FARM ROAD MOUND MN. 55364 Phone 472-3350

Business Name: DENNIS BOATS

Street Address 285 WEST POINT ROAD TONKA BAY, MN. 55331 Phone 472-3350

The following must accompany the application:

- ✓a. Legal description
- b. Overall site plan
- c. Landscape Plan
- d. Access Roads
- e. Proposed Hours of Operation
- f. Method of maintaining security on premises
- g. Names and addresses of neighbors within 350'

Data:

1. The maximum number of boats stored in the water at docks is 32
2. The maximum number of boats stored ~~in the water at moorings~~ IN STORE SLIPS is 10
3. The maximum number of motorized or sail boats drystored for lake use is _____
4. Public Liability Insurance: Amount $ 1 Mill. Company WEST BEND MUTUAL #093 56 79
5. L.H.C.D. approval for current year Yes _____ No X
6. Check the nature of services and parking provided:

| | | | |
|---|---|---|---|
| a. | Boat storage 42 | No. of Parking Spaces | 21 |
| b. | Launching ramps _____ | " | _____ |
| c. | Sales _____ | " | _____ |
| d. | Service _____ | " | _____ |
| e. | Boat rentals _____ | " | _____ |
| f. | Restaurant _____ | " | _____ |
| g. | Other (explain) _____ | " | _____ |
| | _____ | TOTAL | 21 |

Name DENNIS BOATS

7. Sanitary facilities are provided: Yes ✓ No ____, No. of Units 2

8. Boat toilet pumping service is provided: Yes ____ No ✓.

9. All applications: Base Fee . . . . . $ 75.00

42 Availability units @ $1.50. . . + 63.00

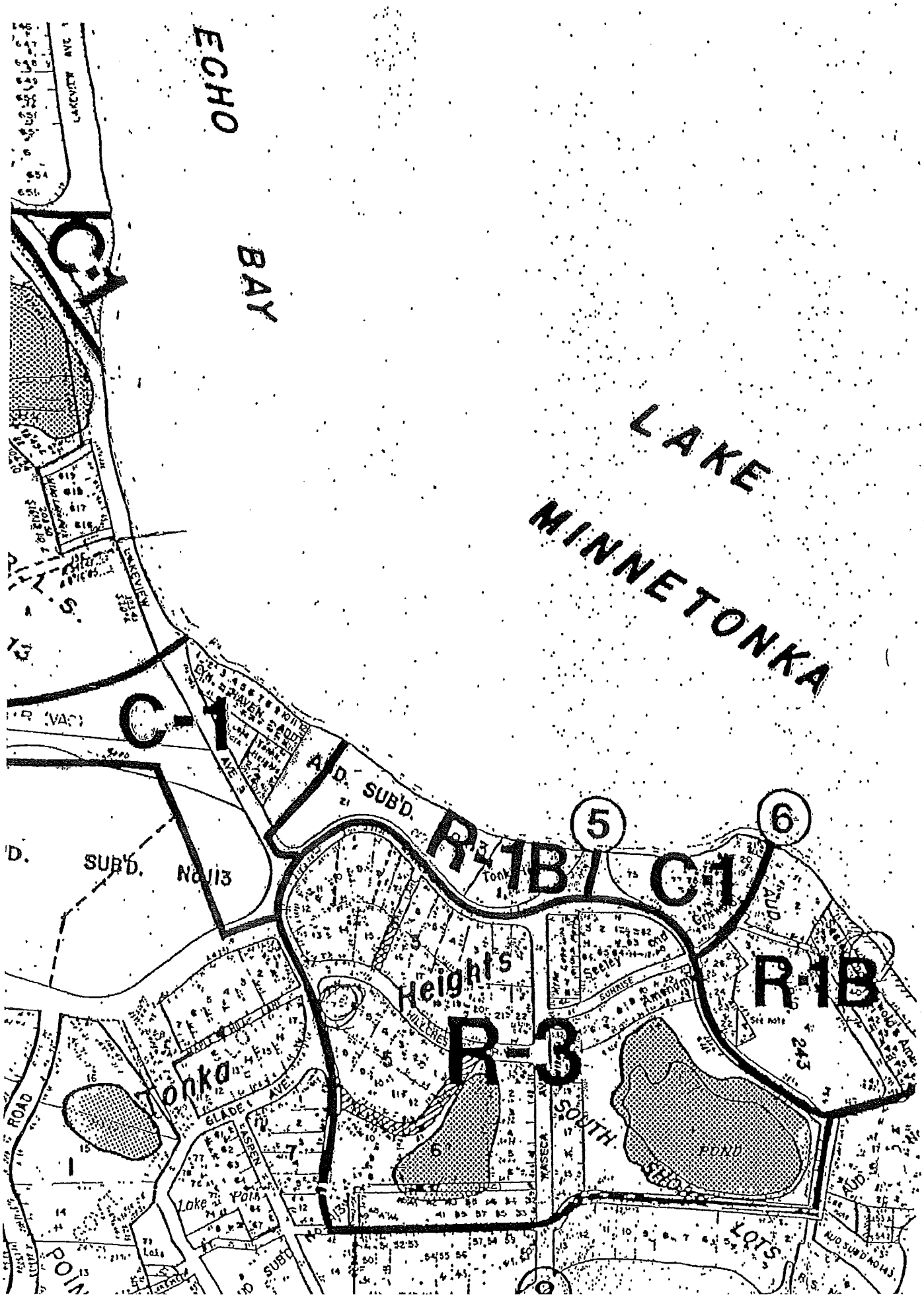
TOTAL FEE ENCLOSED $ 138.00

I certify that the information provided herein and the attachments hereto are true and correct statements and I understand that any license issued may be revoked. I consent to permitting officers and agents of the City to enter the premises at all reasonable times to investigate and to determine whether compliance has been made with Ordinance #90.

Date 4-11-90 Authorized Signature Donald B. Hartman

Title Owner/Operator

Relationship to Owner Self


ECHO
BAY
LAKE
MINNETONKA
C-1
C-1
R-1B
C-1
R-1B
R-3
5
6
Heights
Tonka
SOUTH
SHORE
LOTS
POND
SUB'D.
No 113
GLADE AVE.
ASPEN
WASECA
SUNRISE
Seeley
Amendm
Lake Point
LAKEVIEW
ROAD
243

RESOLUTION NO. 82-4

WHEREAS, Grace E. Dennis, hereinafter referred to as Dennis, has applied for a commercial boat dock business pursuant to Ordinance No. 90 of the City of Tonka Bay; and

WHEREAS, Dennis has paid the appropriate fees for said license to the City of Tonka Bay; and

WHEREAS, the Dennis application is her first application therefore requiring a Public Hearing; and

WHEREAS, the City Council of the City of Tonka Bay held a Public Hearing on February 9, 1982 at a regularly scheduled meeting to consider the application; and

WHEREAS, no one from the audience spoke against the application; and

WHEREAS, the City Staff has had an opportunity to review said application and make recommendations thereon;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tonka Bay as follows:

1. That Dennis is issued a license for commercial boat docking pursuant to Tonka Bay Ordinance No. 90.

2. That Dennis shall be allowed 32 boat spaces (in the water) located at 6 seasonal docks as shown on attached survey. Said docks shall be constructed such that they will meet or exceed the sideyard setback requirements as established by the Lake Minnetonka Conservation District as measured by the property lines extended into Lake Minnetonka.

3. That Dennis shall be allowed spaces for 10 boats on woodslides located on and near the lakeshore as shown in the attached survey.

4. That no later than July 1, 1982 Dennis will establish the barrier and landscape the parking lot as shown on the attached survey, including a definition of an entry and exit either by using shrubbery or railroad ties.

5. That Dennis will not allow boat launching by the general public and will regulate and control the use of the gravel boat launch located on the most southerly portion of the Dennis property.

6. That there will be no sales of gas, repair of boats or the serving of food or drink on the Dennis property.

7. That Dennis will provide a minimum of 21 parking places as shown on the attached survey.

8. That the City does not give permission for the erection, maintenance or continued use of the dock on the southern portion of the survey labeled as existing dock.

PASSED at a regular meeting of the Tonka Bay City Council this 22nd day of February, 1982.

# CURLY'S MINNETONKA MARINA
# DBA CARIBBEAN

Attachments:

1. Current renewal application
2. Survey
3. LMCD E-mail – 3/13/09
4. 1999 Survey
5. April 26, 1977 Council minutes
6. March 22, 1977 Memo and Attachments from Gordon Koch, owner
7. April 13, 1993 Council Minutes

blank

RECEIVED

FEB 22 2016

CITY OF TONKA BAY

**CITY OF TONKA BAY**
4901 Manitou Road
Tonka Bay MN 55331
952-474-7994
www.cityoftonkabay.net

**MARINA LICENSE APPLICATION**
**Renewal without Change**

License Year: 2016 No. of Boats 148

I, Terri Biedler, 206 Sundance Rdg, Buffalo, MN 55313, 763-607-1177
(name of owner) (address) (phone)
certify that no changes are to be made in the "dock use area" or the number of boats stored for lake use by Curly's Minnetonka Marina, Inc. at 135 Lakeview Ave.
(business name) (address)
during the 2016 season, that the maximum number of boats stored at docks will be 148, at moorings 0, and dry stored for lake use 0, that the locator map, survey (or plat), site plan, and dock construction detail on file with the city for last year's application will be applicable to the license being applied for, and that I will obtain a new license from the City of Tonka Bay before making any changes.

**CHECK THE NATURE OF SERVICES AND INDICATE PARKING PROVIDED:**

| SERVICE PROVIDED | CHECK IF APPLICABLE | NO. OF PARKING SPACES |
|---|---|---|
| Boat Storage | ✓ | 91 |
| Launching Ramps customers only | ✓ | no addt'l pkg needed |
| Sales | | |
| Service slip customers only | ✓ | no addt'l pkg needed |
| Boat Rentals | | |
| Restaurant | ✓ | 25 |
| Other: | | |
| Sanitary Facilities | ✓ | No. Units: 6 |
| Boat Toilet Pumping Service | ✓ | |

1. Base Fee and Yearly Renewal $270.00
2. 148 units at $5.00 per unit = 740.00
**TOTAL FEE** 1010.00

I further certify that the information provided herein and all attachments hereto are true and correct statements, and I understand that any license issued may be revoked by the City. I consent to permitting officers and agents of the City to enter the premises at all reasonable times to investigate and determine compliance with Section 520.

Date 2/20/16 Authorized Signature Terri Biedler
Title President / owner
Relationship to Owner _____

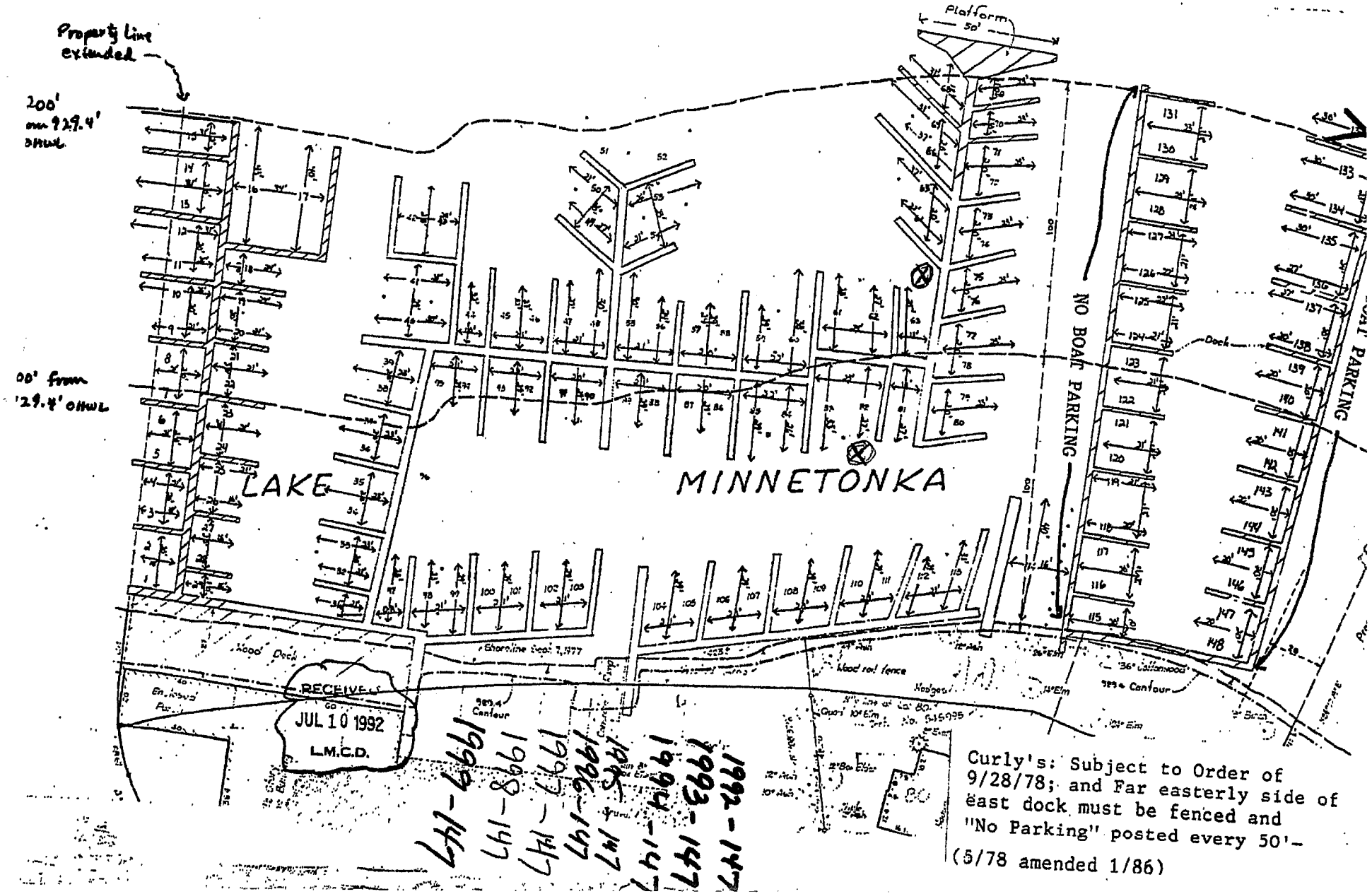
APPROVED:
Date of City Council Meeting: March 9, 2016

By: _____ Date: _____
Lindy Crawford, City Administrator

CURLY'S MINNETONKA MARINA, INC.

LOWER LAKE SOUTH, TONKA BAY

New survey approved with
stipulation that the dock
on the east side which ex
beyond 200' is to be remo
within 5 years or sooner
maintenance is done. 4/22




Curly's: Subject to Order of 9/28/78; and Far easterly side of east dock must be fenced and "No Parking" posted every 50'-

(5/78 amended 1/86)

**Jessica Loftus**

**From:** Judd Harper [jharper@lmcd.org]
**Sent:** Friday, March 13, 2009 12:09 PM
**To:** Jessica Loftus

Jessica-
Teri from Curly's Minnetonka Marina , Inc. (Caribbean) has requested that I send you a note that the stipulation on the 7/10/92 approved site plan for Curly's has been complied with. The stipulation states "New survey approved with the stipulation that the dock section on the east side which extends beyond 200' is to be removed within 5 years or sooner if maintenance is done. 4/22/92" This northernmost BSU (#132) on the east dock has been removed. Call me if you have any questions.

Judd Harper
Administrative Technician
Lake Minnetonka Conservation District
(952)745-0789

Salary Committee:
Reid announced Committee is in process of updating the policy for Village employees. Bauman made up a questionnaire which has been distributed to employees to complete. The Salary Committee will meet again on Tuesday, May 3rd. A report will be made on May 10th.

Animal Warden:
Reid reported there has been much discussion among surrounding Villages - Deephaven, Excelsior, Shorewood and Greenwood - in regard to cost of setting up a joint dog catcher system. They have some tentative costs. Reid explained that the starting point would be a common dog ordinance for the five Villages. The Council members all agreed that this was a good concept.

8:09 p.m. - Public hearing re Curly's Marina. Clerk read notice. Mayor explained requirement of hearing pursuant to new Tonka Bay Marina Ordinance. Gordon Koch, owner and operator, was represented by Jim Grathwol, Atty., 1421 E. Wayzata Blvd., Wayzata. He explained that launching of boats would be restricted to owners renting his slips and there would be no gasoline, bait or fishing supplies sold. He also explained that the area presently taken up by trees and rental cottages would be cleared and set aside for parking spaces.

He explained that Mr. Koch had recently purchased lots 19, 20 and 21, which are presently zoned commercial. Mr. Koch plans to construct two docks on these lots with provisions for 35 additional sailboat slips.

City Atty. Larson gave his opinion that diagram submitted by Koch with his application was not satisfactory and a survey was required. Jim Penberthy, representing the Land Use Advisory Committee, stated that the majority of the Committee also felt the Marina Ordinance required a survey. Council members expressed their opinions which confirmed the opinions of Attorneys Larson and Penberthy.

Mayor then asked for comments from those in favor of granting Koch's application as submitted. The following persons were then heard.

Allan Rudell, 75 Birch Bluff Road, supported Koch's application. Stated he found the Caribbean to be run very well and said it would be a shame to deny him the application.

Richard Peterson, 265 Lakeview Ave., stated he lives 400 ft. from Marina and never had occasion to complain about the operation. He said he always found G. Koch cooperative.

Bob Howe, 120 Lakeview, is in favor. He lives across the street from the Caribbean and said the Club has been run very well since Koch took over.

Marge Pierce, 25 Haseca, said she has lived in the area for 30 years and the place is a lot more quiet since G. Koch has operated it and that he has run a very good establishment.

Len Lambert, 240 Sunrise Ave., stated he has lived here ten years and has had no problem or complaints and would vote for an application.

Gil Helland, 255 Lakeview said G. Koch runs a very good establishment.

Jon Dunn, 15 Interlachen Place, is in favor. He stated there is a big demand for boat slips and this is a place where it could be controlled. He said G.Koch runs a good establishment and is concerned about people in the Village.

Jim Connolly, 25 Lakeview, supports Koch's request for application.

Vern Haug, 485 Lakeview, stated Koch runs a pretty good business, is very cooperative, and as a business man he would vote for it.

Ken Luke, Woodpecker Ridge Rd., is in favor of it. He questioned whether docks were adequate for sailboats.

Pat Pfeffer, 420 Lakeview, is in favor of taking down cottages and making a parking area.

Martin McGrath, 215 Woodpecker Ridge Rd., said if docks are going to be added he would like to see them used for sailboats.

The Mayor then asked for comments from the floor from those opposed to Koch's application as submitted. The following persons were then heard.

Kathy Sackrison, 30 Florence Drive, was concerned about having buffer zone for green areas.

George Frisch, Atty., representing Mark Johnson, 120 Sunrise Ave., stated that the application should be denied for the following reasons:

1. Lack of sanitation facilities on Koch property.
2. Diagram of dock layout is incomplete - a survey should be required.
3. In his opinion additional traffic on lake would violate spirit of LMCD ordinance.
4. Proposed plan provided inadequate parking facilities.
5. Expressed opinion that Koch is operating under non-conforming use under present zoning code and this use should not be expanded.
6. Expansion of public marina would be inequitable to private property owners who are permitted only one dock per lot.

He presented a petition opposing the license grant signed by 50 neighbors in the area.

Louis Maravelas, 55 Lakeview, stated there would be no control of people coming by road or water, and said it would endanger safety and general welfare of the people who live in that area.

Gary Hoffman, 180 Lakeview, also felt the application should be denied and gave the following reasons:

1. Would impair view of the shoreline and have a detrimental environmental impact.
2. Stated that larger sailboats have replaced smaller motor boats and cited LMCD index factor of boat per acre of water.
3. He opposed the proposed length of docks.
4. Stated that boat density problem would exist on Echo Bay.
5. Stated that additional problems would be involved due to increased storage of boats
6. Mentioned the use of buffer zones between commercial and residential areas.
7. Stated that winding roads make boat storage in the area hazardous for traffic.
8. Stated that Aaker home had been used as residential and therefore was sold as residential property.
9. Complained about garbage disposal cans located on property.

George Schallberg, 130 Lakeview Avenue, is opposed to the use of lots 81 and 82 for any commercial purposes.

Doris Danielson, 380 Lakeview, complained about cars speeding past her house at 40 and 50 miles per hour, keeping her awake at night.

Bernell Knutson, 5844 Portland Ave. So., Mpls., rents out duplex next to Caribbean. Does not condone expansion of dock area. Favors Corps of Engineers idea of cutting down on docks rather than increase number of docks.

Gordon Holm, 65 Lakeview, opposes increase in boat slips and stated the small narrow road cannot stand any more traffic.

Stella Maravelas, 55 Lakeview, stated there is no guarantee additional slips will always be for sailboats, that there is too much outside traffic and there are lots of children on Waseca.

Dick Skundberg, 130 Sunrise, asked where the boat trailers are going to be stored.

Mayor then asked for comments from those in favor of granting application, in rebuttal.

Vern Haug reiterated his opinion that Koch ran a first class establishment but stated he did not believe it should be expanded; if it doesn't meet the ordinance he is against it.

Jim Grathwol stated that G. Koch is concerned about boat traffic in the bay and has requested that the area be marked "quiet water" area.

Louis Maravelas stated he thinks G. Koch is overexpanding now and that he should be satisfied with what he is doing.

Bev Plathe, 20 Bay St., pointed out that other villages were reviewing similar requests and felt that Tonka Bay should therefore deny Koch's request.

K. Sackrison stated we should examine other things in the ordinance as well as the issue at hand.

Gordon Koch, owner and operator of Caribbean, stated all the traffic on Tonka Bay Road is not coming from the Caribbean.

Gary Hoffman stated the L.M.C.D. has recommendations concerning dock expansion.

Mr. Steffen, 55 Sunrise, objects to dust raised by traffic at Caribbean.

Mrs. Bottenfield, 110 Lakeview, stated her company on Saturdays and Sundays have a difficult time trying to find a parking space because of the cars parked for the Caribbean.

Ms. Bruzek, 85 Lakeview, objects to boats coming close to their dock and being a threat to swimmers.

Public hearing was closed at 10:06 p.m.

Mayor Froberg asked Council for their views on the application submitted by Koch. All members agreed a survey should be presented with application. The Ordinance requires that each Marina present a survey with application. Bauman moved that Section 2

subsection (c) of Ordinance #90 be interpreted by the Council to require a survey, seconded by Reid. 5 ayes.

Reports (cont.)

Liquor Store

Sherman urged everyone to visit the liquor store to see the changes that have taken place. She commented they want to advertise on the outside and recommended we do more advertising than we originally planned. Sherman moved Herb Olson be given a $100.00 per month raise beginning April 15th, that he was promised when he became manager, seconded by Froberg. 5 ayes. Sherman recommended a new perpetual inventory system be established at the liquor store as suggested by Mr. Parkin. The Hansen Co. of St. Louis Park was recommended as an excellent accounting firm to do this. Mr. Greg Murphy of the Hansen Co. attended the Council meeting. Froberg moved, seconded by Reid, that we have Mr. Murphy meet with the liquor committee to come up with alternative methods of inventory control systems and the cost of each type. 5 ayes. It was also recommended the liquor committee get a quote from another accounting firm. Sherman agreed to do this.

Sherman commented there is a need for a better cash register at the liquor store. Mr. Maravelas volunteered to look into obtaining a used cash register for us. Sherman recommended we look into air conditioning the liquor store.

L.M.C.D.

Bauman explained Excelsior passed a dock ordinance at their last meeting and there is presently a dock moratorium in Excelsior.

Mayor announced that the Shorewood Planning Commission would be holding a meeting April 28th to discuss the marina on Gideon's Bay proposed by John Cross. Carroll moved we pass a resolution stating Council's opposition to John Cross's proposed marina on Gideon Bay because residential citizens of Tonka Bay are critically affected, seconded by Sherman. 4 ayes; Froberg abstained. Motion carried.

Bauman stated Orr-Schelen estimated cost of $900 would be necessary to produce topographical maps at a scale of 1 in.-20 ft. for Parks 1 and 3.

Water and Sewer

In regard to Frank Osborne's appeal for reduction in sewer and water utility rates because of freeze up this past winter, Bauman recommended we do not make any compensation in rates at this time, ~~as others were also affected.~~

Bauman referred to letter from Shorewood regarding study of feasibility of a joint municipal water system.

Bauman informed Council our 1977 apportionment of Hennepin County aid to municipalities is $4,147.25. It was decided to hold funds and add them to 1976 funds. Bauman will work with Earl on expenditure of funds.

Clerk reported findings on costs of loud speaking systems for hall. No action taken.

Earl reported Excelsior has hired a forester, Robert Anderson, who will be available to us. He will be asked to appear at the next meeting.

Adjournment:

Meeting was adjourned at 11:45 p.m. by motion of Carroll, seconded by Sherman. 5 ayes.

March 22, 1977

City of Tonka Bay
Tonka Bay, Minnesota 55331

Re: Application for Dock Lincesning under Ordiance No. 90.

a. The correct legal description of the premises is as follows:

All of Lot 80 and that part of Lots 16, 17, 18, 19, 20, 21 and 79, "I. C. Seeley and W. F. Griswolds Amendment and First Addition to Minnetonka Lake Park" described as follows: Beginning at the most Easterly corner of said Lot 16; thence Southwesterly along the Southeasterly line of said Lot 16 a distance of 28 feet; thence North on a straight line to the Southwest corner of said Lot 80, which line is assumed to be a due North and South line for the purposes of this description; thence Northerly along the Westerly line of said Lot 80 to the shore of Echo Bay, Lake Minnetonka; thence Easterly along said shore to a line drawn North 17 degrees 13 minutes 50 seconds East from the point of beginning; thence South 17 degrees 13 minutes 50 seconds West to the point of beginning.

That part of Lots 17, 18, 19, 20 and 21 and that part of the land lying between the Northerly line of Lot 21 and the shore of Lake Minnetonka, in "I. C. Seeley and N. F. Griswolds Amendment and First Addition to Minnetonka Lake Park,", all described as beginning at the most Easterly corner of Lot 16, in said addition; thence North 17 degrees, 13 minutes, and 50 seconds East to the shore of Lake Minnetonka (assuming a line drawn from a point on the Southeasterly line of said Lot 16 distant 28 feet Southwesterly along said Southeasterly line from the most Easterly corner of Lot 16 to the Southwesterly corner of Lot 80, in said addition as bearing North and South); thence Easterly along said shore to its intersection with the Northeasterly continuation of the Southeasterly line of said Lot 21; thence Southwesterly along the continuation of the Southeasterly line of said Lot 21 and along the Southeasterly line of Lots 21, 20, 19, 18 and 17 to the point of beginning according to the recorded plat thereof.

Lots 14, 15, 75, 76, 77, 78 and that part of Lots 16, 17 and

79 and that part of the land lying between the Northerly line of Lots 75, 76, 77, 78 and 79 and the shore of Lake Minnetonka, "I. C. Seeley and N. F. Griswolds Amendment and First Addition to Minnetonka Lake Park", all described as beginning at a point on the Southeasterly line of said Lot 16 distant 28 feet along said Southeasterly line from the most Easterly corner of said Lot 16; thence North 153.99 feet, more or less to the Southwesterly corner of Lot 80, "I. C. Seeley and N. F. Griswolds Amendment and First Addition to Minnetonka Lake Park" (assuming said line as bearing North and South); thence North 7 degrees, 8 minutes and 37 seconds West along the Westerly line of said Lot 80 and its extension to the shore of Lake Minnetonka; thence Westerly along said shore to its intersection with the Northerly continuation of the curve in the Southwesterly line of said Lot 75; thence Southerly along said curve and Southeasterly along the Southwesterly lines of said Lots 75, 76, 77 and 14 to the most Southerly corner of said Lot 14; thence Northeasterly along the Southeasterly lines of said Lots 14, 15 and 16 to the point of beginning.

Lots 81 and 82, "I. C. Seeley and N. F. Griswolds Amendment and First Addition to Minnetonka Lake Park".

b. The name and address of the applicant and owner of the land is: Curly's Minnetonka Marina, Inc.

c. An overall site plan drawn accurately to scale showing the location and dimensions of all present and proposed building, lot lines, road entrances and exits, boat ramp, signs, off-street parking, gas tanks and docks - see attached

d. A detailed landscape plan for setback areas, etc. see attached.

e. Location and surface of contiguous access roads. See attached.

f. Proposed hours of operation. Beer license and restaurant 12:00 noon to 1:00 a.m.

g. Method of maintaining security on the premises. Police

h. The names and address of all property Owners within 350 feet of the business premises. See attached.

Gordon H. Koch

March 22, 1977

(h)

Vern R. Fagen
~~Robert Ries~~
75 Lave View Avenue
Tonka Bay, Mn.

Ken Isarel
85 Lake View Avenue
Tonka Bay, Mn.

Ray Burg
87 Lake View Avenue
Tonka Bay, Mn.

Mark Johnson
120 Sunrise Ave.
Tonka Bay, Mn.

Rich Shundberg
130 Sunrise Ave.
Tonka Bay, Mn.

Simon Rick
~~Gary Carlson~~ — charged
140 Sunrise Ave.
Tonka Bay, Mn.

James Benson
150 Sunrise Ave.
Tonka Bay, Mn.

Mrs. Bauman
160 Sunrise
Tonka Bay, Mn.

Wayne Peterson
170 Sunrise Ave.
Tonka Bay, Mn.

George Schallberg
130 Lakeview Ave.
Tonka Bay, Mn.

F. R. How
120 Lakeview Ave.
Tonka Bay, Mn.

C. W. Battenfield
110 Lakeview Ave.
Tonka Bay, Mn

Gerald Anderson
100 Lakeview Ave.
Tonka Bay, Mn.

Charles Sjostrom
90 Lakeview Ave.
Tonka Bay, Mn.

Roland Pierce
25 Waseca
Tonka Bay, Mn.

Gary Thufftedal
35 Waseca
Tonka Bay, Mn.

Terrance Emery
15 Sunrise
Tonka Bay, Mn.

William Frommes
25 Sunrise
Tonka Bay, Mn.

R. J. Ebert
35 Sunrise
Tonka Bay, Mn.

Ed Stephen
55 Sunrise
Tonka Bay, Mn.

James Hatch
45 Sunrise
Tonka Bay, Mn.

Ed Stephn
66 Sunrise
Tonka Bay, Mn.
Ed. Stepeh
75 Sunrise
Tonka Bay, Mn.

Caribbean
135 Lake View Ave.
Tonka Bay, Mn.

(h) continued

Roland Pierce
Sunrise & Waseca Ave.
Tonka Bay, Mn.

Ned Gibowski
85 Sunrise Ave.
Tonka Bay, Mn.

Mr. Bradley
95 Sunrise Ave.
Tonka Bay, Mn.

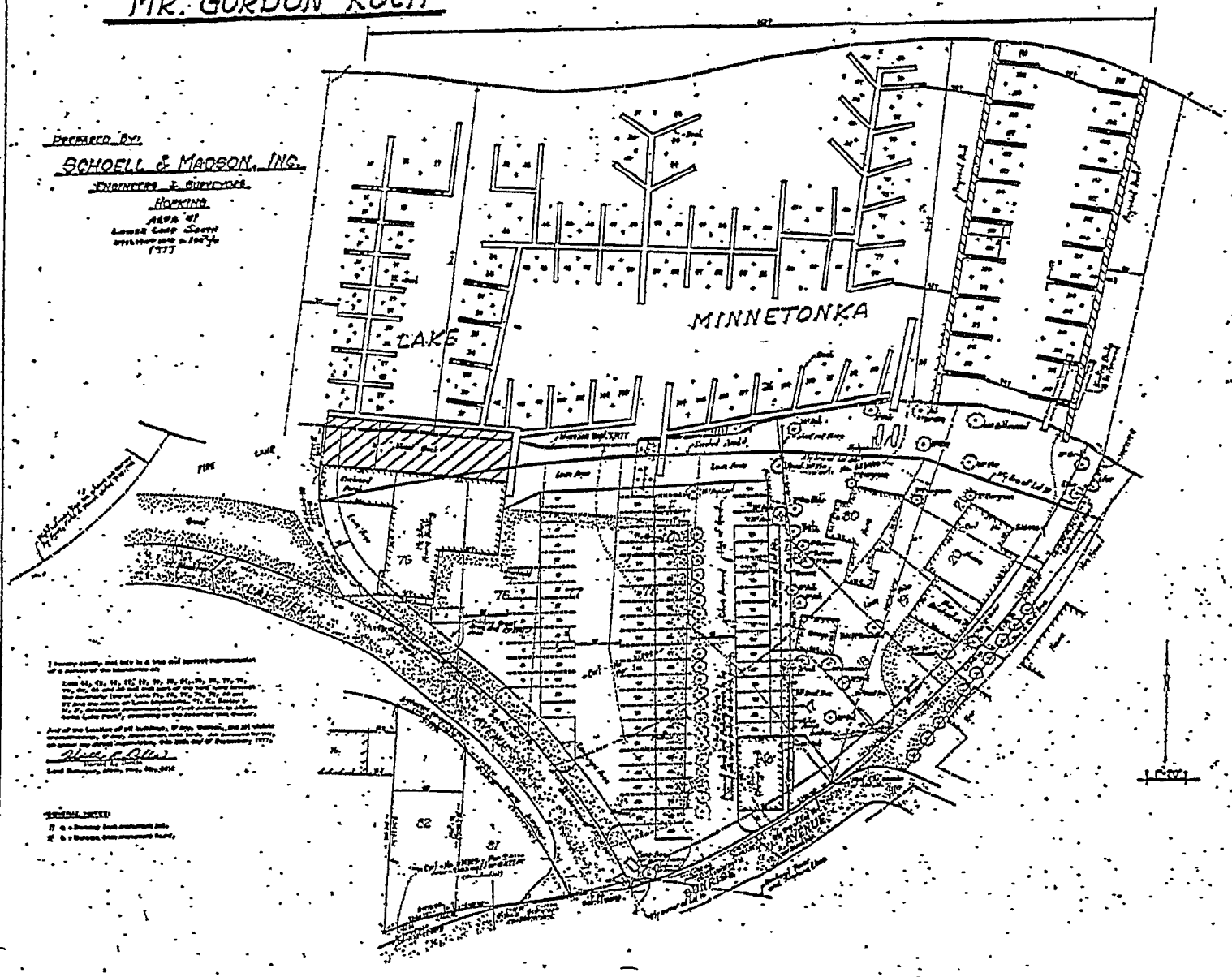
Frank Jahn
165 Lakeview
Tonka Bay, Mn.

T. L. Brunburg
175 LakeView Ave.
Tonka Bay, Mn.

Gary Hoffman
180 Lakeview
Tonka Bay, Mn.

SURVEY FOR:

MR. GORDON KOCH




PREPARED BY:

SCHOELL & MADSON, INC.

ENGINEERS & SURVEYORS

HOPKINS

variance can be transferred to the new homeowner and was advised by Penberthy that a variance has its own life and goes with the real estate. Anderson noted that at the first public hearing Rehkamp had the support of her neighbors and wondered if it would not be better if she had neighbors at this public hearing so the Council was sure they were aware of the amended request. Haug said he had no problem voting in support of the amended variance requests. Keller noted that basically the roof pitch was being altered and that there would be no change in the footprints of the house and Haug agreed. Senescall had no problem. Anderson moved to adopt a resolution granting Rehkamp a 10.6 foot variance from the 12 foot side yard setback requirement and a 5 foot variance from the 37.5 foot rear yard setback requirement to allow for the roof pitch to be an altered. Keller seconded and then requested that no wall height changes be allowed. Anderson amended his resolution to include that request. Roll call vote: Ayes 5.

8.C. Request from Minnetonka Plaza Businesses for Temporary Outdoor Tent Sale - May 6-8 - Callister said that the City recently received a request from Mary Vickerman of Gretel's, on behalf of Gretel's, A & H Gifts, and China and Crystal, to allow an outdoor tent sale in the Minnetonka Plaza parking lot May 6-8 from 10:00 a.m. to 8:00 p.m. Callister advised that open and outdoor sales is not listed as a permitted use in Section 12 of the zoning ordinance, however, it is allowed as a conditional use under Section 12, Subd. D.3. Callister and Penberthy agreed that this request is not a permitted use and it would be difficult to see how the City could approve the request under the existing ordinance. Haug had no problem with a sidewalk sale as a yearly event or allowing the entire shopping center sponsoring a special sale. He suggested the City write a letter recommending the entire shopping center to hold a yearly sale event. Senescall recommended the City do nothing as the request is not permitted under the ordinance. He moved to regretfully deny the request of Gretel's, A & H Gifts, and China and Crystals to hold a tent sale and cited that no provisions exist to allow such an event. Keller seconded. Ayes 5.

8.A. 8:30 p.m. - Consideration of 1993 Commercial Marina Licenses - The Caribbean, Tonka Bay Marina, and Lindbo Landing - Callister explained that per Council's directive, the City sent out notices to each commercial marina's neighbors to advise them that the commercial marina licenses were up for renewal and to solicit input from the neighbors regarding the businesses. Senescall added that it would be good a opportunity for the neighbors to voice their concerns directly to the marina owners.

The Caribbean - Haug read a letter received at the beginning of the meeting from Gordon Koch, owner of the Caribbean. Elaine Anderson, 20 Cedar Street, felt that Koch was a good neighbor and that she

had no complaints. Beth Turner, 85 Sunrise Avenue, said she lives directly across from the Kochs and whenever there are problems, she discusses them with the Kochs and everything turns out fine. John Kincade, Caribbean employee, would like to see more parking restrictions on Lakeview Avenue enforced. He said there are parked out-of-state cars that obstruct business traffic.

Tonka Bay Marina - Elaine Anderson, 20 Cedar Street, said she has no complaints with the operation since Gabriel Jabbour bought it last year.

Lindbo Landing - Larry Murray, 145 West Point Court, said he has been against this business's license for years. He noted that of the 14 area communities, Tonka Bay has the most boat slips per capita and that he never wanted the boat marina there. He felt the City was a bedroom community and he was not in favor of allowing more commercial business in the City. He thought there were too many cars parked at the marina. Don Westman, Lindbo Landing, asked if he could explain to the Council his proposed reconfiguration of his docks. He explained that the existing docks were in need of repairs and so he decided to alter them and change the configuration so instead of seven single docks into the lake, there would be two docks with four cross slips each. This would leave more room on the north side and noted that the LMCD setbacks would be observed. He said there would be new landscaping and the beach cleaned up. He also said he is in the process of receiving LMCD approval of this reconfiguration and was happy to receive the public input. He added that he will not be increasing the number of available slips of 42 but will be reducing the water storage units from 74 to 68. Judd Mowry, 445 Lakeview Avenue, wondered whether there would be enough room for the larger boats to maneuver between the docks. Westman said there was 30 feet between the two docks. Murray raised his concerns with the customer parking, noting that on July 4 each year several cars are parked all over. He did not think the residents wanted no parking signs posted. Westman said that if any problems exist with his customers, he would like to know of them and was willing to resolve any problems. Terry Forbord, 265 West Point Road, said he has some big concerns with the marina and was able to discuss most of those issues with Westman the night before, but had other concerns he would like to discuss with the Council. He felt that the marina was a noncompatible land use in the zone. He had concerns with the number of parking spaces, the landscaping of the marina, the public bathroom, the lighting, the possibility of paving the parking lot, and suggested a buoy be placed on the north side to reduce the wakes produced from the boats. Keller said that the road was too close to the lake and should not be paved. Clerk read a letter received from Tom Zalac, 210 West Point Drive, who was very supportive of Lindbo Landing.

Senescall then moved to approve all three commercial marina licenses for 1993. Penberthy suggested the City review the new configuration of Lindbo Landing. Haug said that the LMCD is currently reviewing it. Senescall added to his motion that all LMCD and City requirements be complied with. Sasanfar seconded. Keller said he respected Forbord's comments and concerns. He said that the marinas have been good neighbors over the years and felt that things have gotten better and hoped that this mutual respect continues. Senescall thought the reviewing process was a good one and would like to see it done again next year. He appreciated the neighbors' comments and added that the City was fortunate to have respectful commercial marina operators. Ayes 5. Motion passed.

Haug asked the Council if the City should not implement a policy to review multiple dock licenses for non-commercial marinas such as homeowners associations. He noted that there are 4 or 5 such associations in the City. He added that the LMCD reviews multiple dock requests and questioned why the LMCD should hold public hearings and not the City. Elaine Anderson said she recently sat in on an LMCD public hearing regarding the possibility of reconfiguring the Gideon's Point docks. She asked why the LMCD should have so much power to dictate what is appropriate without listening to the residents who are affected by the multiple docks. Senescall requested the Administrator research how many other area cities license multiple non-commercial docks.

9. MATTERS FROM THE FLOOR

Elaine Anderson, 20 Cedar Street, expressed her support of the South Shore Senior Center and that she felt it is was as important as the joint powers agreement. She did not think the City has been very supportive of the Center in the past and said it would be a tragedy if the community lost the Center.

Curt Larsen, 435 Lakeview Avenue, said he recently received a letter from the City which stated his dock extends too close to the property line and may extend onto the fire lane. He said he understood the City received an anonymous letter complaining about his dock. He said that the dock is placed where it has been located for the last 60 years. He felt that his property is unique in that when extending the property lines lakeward, the two lines converge which creates problems when placing the dock in. He said he bought a 30' cruiser last year. He said he was very concerned that the LMCD has been notified and does not know what next to do. Judd Mowry, 445 Lakeview, said that in his business all anonymous letters are thrown out and not considered. Haug said that the letter is of record and has started the wheels turning. Senescall asked if there is a history of this occurring. Larsen said that since he bought the property in 1986, he was never been approached about the dock situation. Senescall asked if there has been any

# TONKA BAY MARINA

Attachments:

1. Current renewal application
2. Survey
3. Stipulation for Settlement

blank

RECEIVED

FEB 11 2016

CITY OF TONKA BAY

CITY OF TONKA BAY
4901 Manitou Road
Tonka Bay MN 55331
952-474-7994
www.cityoftonkabay.net

# MARINA LICENSE APPLICATION
**Renewal without Change**

License Year: 2016 No. of Boats _____

I, Skipp LaJoy (marina manager), 220 Tonka Bay Road, (952)474-0292
(name of owner) (address) (phone)
certify that no changes are to be made in the "dock use area" or the number of boats stored for lake use by Tonka Bay Marina at 220 Tonka Bay Road
(business name) (address)
during the 2016 season, that the maximum number of boats stored at docks will be 78, at moorings 0, and dry stored for lake use 54, that the locator map, survey (or plat), site plan, and dock construction detail on file with the city for last year's application will be applicable to the license being applied for, and that I will obtain a new license from the City of Tonka Bay before making any changes.

**CHECK THE NATURE OF SERVICES AND INDICATE PARKING PROVIDED:**

| SERVICE PROVIDED | CHECK IF APPLICABLE | NO. OF PARKING SPACES |
|---|---|---|
| Boat Storage | ✓ | 81 |
| Launching Ramps | ✓ | 0 |
| Sales | ✓ | 10 |
| Service | ✓ | 10 |
| Boat Rentals | | |
| Restaurant | | |
| Other: | | |
| Sanitary Facilities | ✓ | No. Units: 3 |
| Boat Toilet Pumping Service | ✓ | |

1. Base Fee and Yearly Renewal $270.00
2. 132 units at $5.00 per unit = $660.00

**TOTAL FEE** $930.00

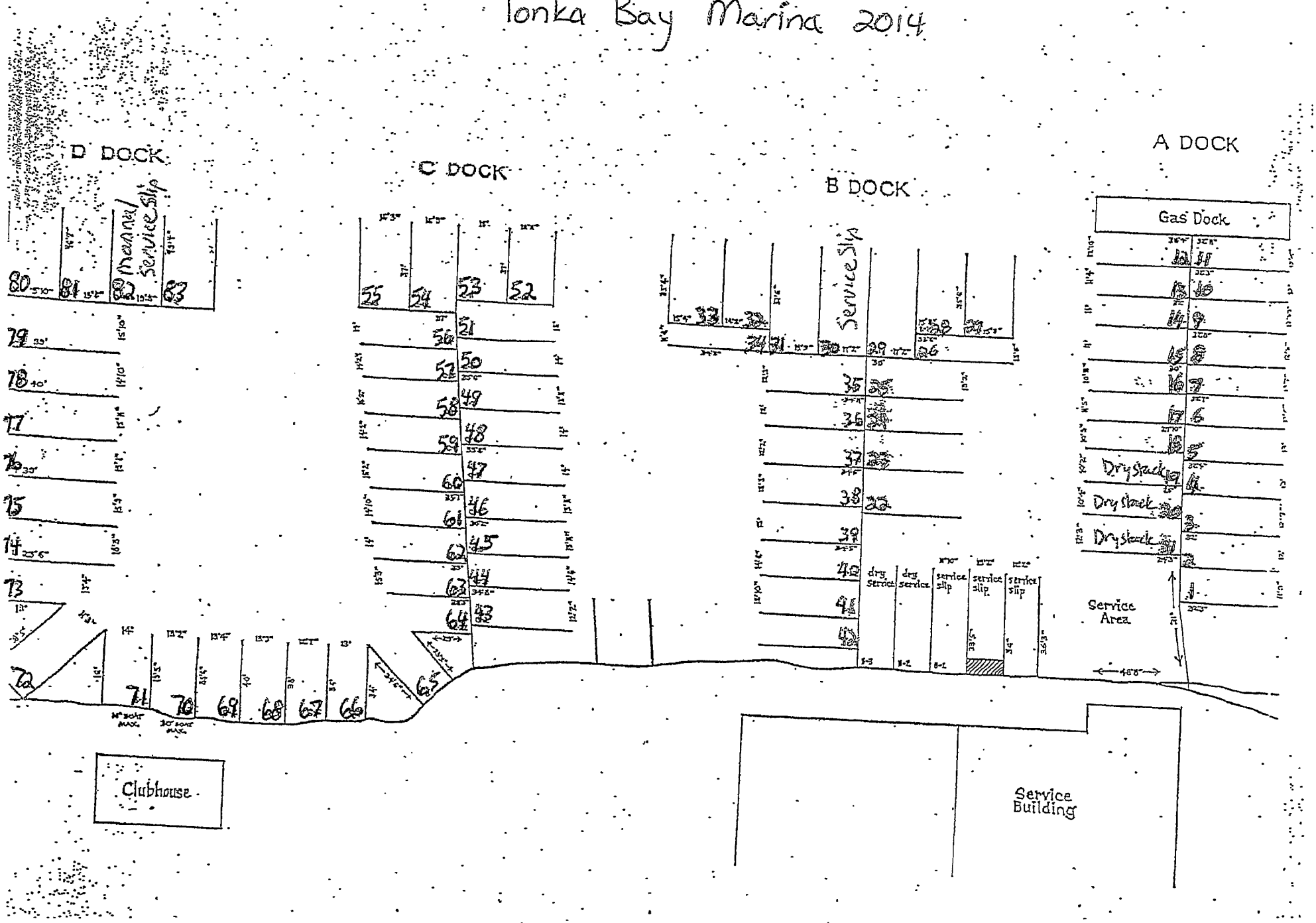
I further certify that the information provided herein and all attachments hereto are true and correct statements, and I understand that any license issued may be revoked by the City. I consent to permitting officers and agents of the City to enter the premises at all reasonable times to investigate and determine compliance with Section 520.

Date 2/10/2016 Authorized Signature Skipp LaJoy
Title Marina Manager
Relationship to Owner Employee

APPROVED:
Date of City Council Meeting: March 9, 2016

By: _____ Date: _____
Lindy Crawford, City Administrator

# Tonka Bay Marina 2014



FILE

STATE OF MINNESOTA — DISTRICT COURT

COUNTY OF HENNEPIN — FOURTH JUDICIAL DISTRICT

Paul A. Scherber, d/b/a Tonka Yacht Club and Marina,

Plaintiff,

v.

City of Tonka Bay, a municipal corporation,

Defendant.

STIPULATION FOR SETTLEMENT

File No. 84-12863

WHEREAS, Plaintiff has commenced an action against Defendant in the above-named court; and

WHEREAS, the parties through their respective attorneys, now desire to settle and reconcile their claims asserted in this matter.

NOW, THEREFORE, the parties agree as follows:

1. The City of Tonka Bay agrees to grant and does hereby grant the Tonka Bay Marina the right to dry-stack 54 boats on the premises, in the dry-stack building currently in existence, upon the following conditions:

a. Dry-stacking shall be defined as the storage of boats during the boating season with the intent of moving the boats in and out of storage for use on a regular basis. Dry storage shall be defined as the storage of boats on a long term basis anytime during the year which are not to be used for boating purposes on a regular basis.

b. The Tonka Bay Marina shall not allow any public launching of boats on the Marina premises. Launching should be limited to customers of the Marina who have contracted for the use of docks located on the premises. No launching to the public shall be allowed on a daily-fee basis.

c. That the Tonka Bay Marina will be allowed a total of three hundred fifty (350) boats on the marina property for winter dry storage of boats (inside and outside of buildings). The Tonka Bay Marina shall provide adequate parking at all times of the year, but particularly in the spring and fall of each year for the fall and spring preparation and maintenance of boats.

d. That the Tonka Bay Marina shall be allowed to provide seventy-eight (78) in-water dock slips for the docking of seventy-eight (78) boats. Additionally, the Marina must provide twelve (12) slips for transit use, including repair service and docking facilities for dry stack boats.

e. That the Tonka Bay Marina shall at all reasonable times make available to the City information relating to the ownership of boats placed anywhere on the premises, including the docks.

f. That the Tonka Bay Marina shall be allowed fifty (50) boats on the premises for brokerage purposes, including boats stored inside and outside of any building.

g. That the Tonka Bay Marina will be allowed twelve (12) transit slips, as indicated above, for service and dry-stack dockage.

h. That the Tonka Bay Marina will be allowed twenty-five (25) boats on the premises for service repair and maintenance purposes stored inside or outside of any building.

i. That the Tonka Bay Marina shall be allowed fifteen (15) boats on the premises for off-lake summer storage, which would be for boats which are stored on the premises in the winter and which are not put in the water at any time during the summer.

j. That except as provided in Paragraph c, at no time during the period of this agreement may the Tonka Bay Marina have more than two hundred twenty-two (222) boats on the premises during the boating season. Of this total maximum upper limits on boats, there may be

no more than fifty-four (54) dry stacked boats, seventy-eight (78) boats in rental water slips, fifty (50) boats for brokerage purposes, twenty-five (25) boats for service and repair purposes, and fifteen (15) boats for off-lake summer storage. For purposes of this agreement, boats shall be defined as a single water craft or portion of hull thereof, whether or not the boat is usable.

k. That at any time in the future the Tonka Bay Marina may put up a storage building on the west side of the road; that said building shall be no higher than twenty-two (22) feet or whatever is allowed by the current zoning and building codes at the time said building is constructed, whichever is lower. It is clearly understood by the parties that said building shall conform to all setback requirements and that the construction of any such building requires a building permit. The Tonka Bay Marina may use the proposed building only for the winter storage of boats and not for dry stacking.

l. That any new additional buildings that might be constructed on the east side of the road will be no higher than fifteen (15) feet or whatever is allowed by the current zoning and building codes at the time said building is constructed, whichever is lower, with the exception that any buildings which need to be replaced, which are currently in existence, will not exceed the size or height of the buildings to be replaced, as may be allowed by the zoning ordinance in effect at such time.

m. That the Tonka Bay Marina will give to the City property described in attached Exhibit A.

n. That at the option of the City, the Tonka Bay Marina will, at its own expense, construct a road running on the north side of the property referred to as the "ball park" property to the Marina for the purpose of ingress and egress of cars and boats to the Marina. It is understood that in order to construct said road it will be necessary for the City to grant Tonka Bay Marina a license over a small portion of City-owned property. Should the City decide to elect said option for the Tonka Bay Marina to construct said road, the City will give Tonka Bay Marina ninety (90) days written notice of said election. Said election must occur within two (2) years of the date of this Agreement or this provision becomes null and void.

o. Attached hereto as Exhibit B is a diagram showing the twelve (12) transit slips used for service, maintenance and repair and dry stack boat slippage. Said slips shall be appropriately designated as open slips.

p. That at all times Tonka Bay Marina will provide sufficient parking in accordance with Tonka Bay City Ordinances for all the boats located on the premises, in accordance with the formula as set out in the City Ordinance. A current parking diagram is attached hereto as Exhibit C.

q. That in the event the City Council believes that Tonka Bay Marina has violated one or more of the conditions of this Stipulation, the City shall give Tonka Bay Marina ten (10) days written notice of the alleged violation and shall set up a public hearing before the City Council, at which time the Tonka Bay Marina may appear and answer the alleged violations and argue why this agreement should not be revoked and terminated. The City Council by a majority vote of the Council may revoke and terminate said Agreement upon a showing of a violation thereof.

r. That the City Council has executed this agreement only because it finds that the premises are unique from other premises being used for marina purposes and that the premises include a large area of land and toppographical features which assist in the screening of the storage building, a large area available for adequate off-street parking. These premises in this respect are different from other marinas in the City of Tonka Bay along Lake Minnetonka.

CITY OF TONKA BAY

By: Ruth Sherman
Ruth Sherman, Mayor

By: _____
Kirk MacDonald
City Administrator

TONKA BAY MARINA

By: _____
Gerald E. Toberman,
President

APPROVED AS TO FORM:

FROBERG & PENBERTHY, P.A.

By: _____
James G. Penberthy
Attorney for the
City of Tonka Bay

MESHBESHER, SINGER & SPENCE

By: _____
Tracy R. Eichhorn-Hicks
Attorney for Gerald E.
Toberman/d/b/a Tonka Bay
Yacht Club and Marina

85042 27 117 23 Tonka Bay Yacht Club
JOB # SC/TWP/RG CLIENT NAME

EXHIBIT A

ADVANCE
SURVEYING & ENGINEERING CO.

(612) 474-0981
5300 HIGHWAY 101 SOUTH, MINNETONKA, MINNESOTA 55343

# Boundary Survey for:
# Tonka Bay Yacht Club

LEGAL DESCRIPTION:

That part of Lot 1, AUDITOR'S SUBDIVISION NUMBER 113, Hennepin County, Minnesota, described as follows: The bearings in the following description are based on the bearing datum of Registered Land Survey Number 1374 in said Hennepin County; Commencing at the most easterly corner of Tract A, of said Registered Land Survey Number 1374; thence South 32 degrees 50 minutes 18 seconds East a distance of 355.30 feet; thence North 86 degrees 29 minutes 40 seconds West a distance of 167.28 feet; thence South 24 degrees 22 minutes 40 seconds East a distance of 39.50 feet, the point of beginning of the land to be described; thence South 44 degrees 51 minutes 26 seconds West a distance of 351.14 feet; thence South 9 degrees 46 minutes 59 seconds West a distance of 172.50 feet to the Northerly right of way line of Tonka Bay Road; thence southeasterly, easterly and northeasterly 207.83 feet along a circular curve, concave to the north-west, chord bearing North 78 degrees 30 minutes 10 seconds East, radius 205.76 feet, central angle 57 degrees 52 minutes 19 seconds; thence North 49 degrees 34 minutes 00 seconds East a distance of 86.63 feet; thence northeasterly 134.27 feet along a tangential curve, concave to the southeast, radius 344.52 feet, central angle 22 degrees 19 minutes 50 seconds to an intersection of said northerly right of way line of Tonka Bay Road with a line bearing South 24 degrees 22 minutes 40 seconds East from the point of beginning; thence North 24 degrees 22 minutes 40 seconds East from the point of beginning; thence North 24 degrees 22 minutes 40 seconds West a distance of 289.62 feet to the point of beginning.

Date of Preparation: March 12, 1985

Date of Revision: April 2, 1985