

JAMES G. PENBERTHY

ITEM 8A

M E M O R A N D U M

TO: Members of Tonka Bay City Council and Robert Rys  
FROM: James G. Penberthy  
DATE: September 22, 2000  
RE: Proposed Fire Lane Ordinance and Resolution Procedure

I enclose drafts of proposed ordinance and resolution with cross outs and added language for your review and comment.

We will need to have information in regard to costs associated with maintaining the fire lanes, information on the mechanics of having a "dockmaster", if any, and parking sign language for the "launch area" and for the "launch wait area".

The signage will be done by separate Resolution once the council determines language and placement. Once that decision is made we will need to submit the information to Chief Litsey and Ken Potts for comment.

Some other questions we should address are as follows:

1. As written, "snowmobile parking" is quite broad and would include parking for snowmobiles, trailers, automobiles, trucks or anything associated with snowmobiling. This kind of use occurs presently at Manitou Park each season, hence the broad language. Does council want to limit this kind of parking to Manitou Park? Does council want to be more restrictive or specific? It is important to keep in mind that this resolution applies only those persons requiring a license under the ordinance licensing snowmobile activity. It does not regulate snowmobile related parking by persons who do not need a license.

Respectfully submitted,

  
James G. Penberthy

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TONKA BAY, HENNEPIN COUNTY, MINNESOTA, AMENDING CITY CODE CHAPTER IV BY ADDING PROVISIONS REGULATING COMMERCIAL USE OF FIRE LANES.

THE CITY COUNCIL OF THE CITY OF TONKA BAY, HENNEPIN COUNTY, MINNESOTA ORDAINS AS FOLLOWS:

Section 1. The Tonka Bay City Code shall be amended by adding Section 480 as follows:

Section 480.01. PURPOSE

As the use of Lake Minnetonka by Tonka Bay residents and others for boating, fishing, swimming, water skiing and other uses continues to increase each year, the council is faced with increasing problems in providing as much lake access as is possible to all persons while at the same time having to deal with the necessary consequences which follow as a result of increased use of those accesses. The council recognizes that the interests of residents are to some extent in conflict with the interests of persons using the fire lane accesses and persons in the business of using those fire lane accesses for commercial purposes. The council is mindful to complaints about the extent and manner of fire lane usage for such purposes. The council finds that as lake use and the use of fire lane accesses increases, procedures and standards which have been adequate in the past have become inadequate and the danger to the public health, safety and welfare has increased. The council finds that the following requirements are in the best interest of the City, promote public safety, health, welfare, attempt to eliminate road and parking congestion on public streets and the fire lanes and attempt to restrict excessive noise, pollution and fumes.

In adopting these regulations the council has in mind the amount of public parking provided at the fire lanes, the congestion of traffic, the intensity of public use, the character of the fire lanes and adjacent properties and other factors which it deems relevant.

The council also adopts these regulations in an attempt to provide for the enjoyment of these resources by all who wish to use them while at the same time attempting to assure that these uses will not reduce that enjoyment for those same persons.

Section 480.02. DEFINITIONS

Subd. 1. The following definitions apply in this Chapter and in any Resolution passed by the council pursuant to this ordinance, provided, however, the council may change any definition by resolution. References hereafter to "sections" are, unless otherwise specified, references to

this Chapter. Defined terms remain defined terms whether or not capitalized.

- (a) Commercial: Done primarily for sale or profit. The term "commercial use" as used herein means an activity including but not limited to the following types:
- (1) Boat and snowmobile repair;
  - (2) Fishing guide services;
  - (3) Personal watercraft and snowmobile rental;
  - ~~(4)~~
- ~~(b) Launch:~~
- ~~(c) Launch Area:~~
- ~~(d) Launch Wait Area:~~
- (e) Person: Individual, firm, corporation, partnership, other legal entity or association of one or more individuals.
- (f) Vehicle: Every device in, upon or by which any person or property may be transported or drawn upon a highway, lake, stream, channel or trail and shall included but not be limited to automobiles and other motor vehicles, boats, personal watercraft, snowmobiles, trailers, and parts thereof except devices moved by human power.

#### Section 480.03. LICENSE REQUIRED

- Subd. 1. It shall be unlawful for any person to utilize a Class II or Class III Fire Lane for a commercial use without first obtaining a license to do so from the City Council.
- Subd. 2. Nothing in this ordinance shall be construed to require licensing of uses which are not commercial.

#### Section 480.04. APPLICATION

- Subd. 1. The application for the license shall be made in writing to the City on such form as the City may from time to time promulgate and shall include such information as may be required by the City including but not limited to:

- (a) Each applicant's name, address, e-mail address

if applicable, telephone number, facsimile number and current information with respect to how to contact the applicant or designee in the event of an emergency.

The applicant or designee shall be available at all times during the hours prescribed by this ordinance.

- (b) A certificate of insurance on a form approved by the City:
  - (1) Verifying that an insurance policy has been issued to the applicant by an insurance company licensed to do business in the State of Minnesota;
  - (2) Verifying the applicant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the use of the fire lanes by the applicant, its officers, agents, employees and permittees;
  - (3) Naming the City as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;
  - (4) Requiring the City to be notified thirty (30) days in advance of cancellation of the policy; and
  - (5) Indicating comprehensive liability coverage, automobile liability coverage, workers' compensation and umbrella coverage established by the City in amounts sufficient to protect the City and carry out the purposes and policies of this Chapter.
- (c) If the person is a corporation, a copy of the certificate required to be filed under applicable Minnesota statutes as recorded and certified to by the Minnesota Secretary of State.
- (d) The correct Serial Number, license number and accurate description of each vehicle to be used by applicant pursuant to said license.

Section 480.05. ISSUANCE OF LICENSE; CONDITIONS

Subd. 1. If the City Council determines that the applicant has satisfied the requirements of this Chapter, the City Administrator may issue a license.

Subd. 2. The City Council may by Resolution impose reasonable conditions upon the issuance of the license and the performance of the applicant thereunder.

Section 480.06. TIME OF APPLICATION

Subd. 1. Each applicant shall submit a completed application by January 15 of the year being applied for. The council may issue licenses upon compliance with such conditions as it may find necessary and adopt by Resolution in accordance with the terms of this section.

Section 480.07. DENIAL OF LICENSE

Subd. 1. No license shall be granted:

- (a) To any applicant who in the past two (2) years has failed to comply or is presently not in full compliance with the requirements of this Chapter.

Section 480.08. INSPECTION

Subd. 1. Licensee shall make licensee's vehicles and work site available to the City Administrator and any other persons designated by the City Council for inspection at all reasonable times during the license period.

Section 480.09. REVOCATION OF LICENSE

Subd. 1. Licensees hold licenses issued pursuant to this Chapter as a privilege and not as a right. The City reserves its right, as provided herein, to revoke any license, without a fee refund, if there is a breach of the terms and conditions of any statute, ordinance, rule or regulation, or any condition of the license. A breach by the licensee shall include, but not be limited to the following:

- (a) Any material misrepresentation of facts in the application for the license;

- (b) The failure to maintain the required insurance.

- ~~(c)~~

Subd. 2. If the City Council determines that the licensee has committed a breach of a term or condition or any statute, ordinance, rule, regulation or any condition of the license, the Council shall direct the City Administrator to make a written demand upon the licensee to remedy said violation. The demand shall state that continued violations may be cause for revocation of the license.

Subd. 3. Within Seventy-Two (72) hours of receiving notification of the breach, licensee shall contact the City Administrator with a plan for its correction. The City Administrator shall submit said plan to the City Council for consideration at its next regularly scheduled meeting. Licensee's failure to contact the City Administrator, or licensee's failure to submit a plan, or licensee's failure to implement the plan once approved, shall be cause for immediate revocation of the license.

Subd. 4. For the purposes of this section, the written demand described in Subd. 2. above shall be deemed complete upon deposit in the United States Mail by the City Administrator postage prepaid and directed to licensee at the address contained in the application for the license.

#### Section 480.10. DURATION OF LICENSE

Subd. 1. Licenses shall run from January 1 of the year for which a license is requested through December 31 of that same year.

#### Section 480.11. FEE SCHEDULE

Subd. 1. Fees shall be paid to the City pursuant to the fee schedule set out in Section 402.01 of this code. All fees are intended to reimburse the City for expenses incurred in administering the license including but not limited to processing of the application and inspections. License fees shall not be pro-rated.

#### Section 480.12. VALIDITY

Subd. 1. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

#### Section 480.13 PENALTIES

Subd. 1. Any person violating any provision of this Ordinance

shall be guilty of a misdemeanor.

This Ordinance shall become effective from and after its passage and publication.

Adopted by the City Council of Tonka Bay this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk, Administrator

First Reading:  
Second Reading:  
Publication:

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TONKA BAY, HENNEPIN COUNTY, MINNESOTA ESTABLISHING RULES AND REGULATIONS FOR THE USE OF CLASSES II & III FIRE LANES AND IMPOSING CONDITIONS UPON THE GRANTING OF LICENSES TO CERTAIN PERSONS USING SAID FIRE LANES

WHEREAS, the City of Tonka Bay has adopted an ordinance in Chapter IV of the City Code as Ordinance No. \_\_\_\_\_, as Sections 480.01 through 480.\_\_\_\_ regulating commercial use of Fire Lanes; and

WHEREAS, said ordinance provides for the imposition of conditions to the granting of licenses for said commercial use; and

WHEREAS, it is the desire the City Council to adopt said conditions by Resolution and also to adopt rules and regulations for all persons using said Fire Lanes; and

WHEREAS, the City Council determines that it is in the best interests of the community with respect to its health, safety and general welfare to adopt said conditions, rules and regulations.

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

RULES AND REGULATIONS FOR ALL USERS OF CLASS II AND CLASS III  
FIRE LANES

1. No person shall use the designated launch area of the fire lane for a period of time exceeding fifteen (15) minutes to launch a vehicle.
2. No person shall launch more than ~~one vehicle in each fifteen (15) minute time period~~ **four vehicles at any one time.**
3. No person shall launch a vehicle in the designated launch area or park a vehicle in the designated parking area between the hours of 9:00 P.M. and 6:00 A.M.
4. No person shall operate any vehicle on shore when said vehicle is intended to be used on the water or ice and when said vehicle is launched at the fire lane. This rule shall not apply to persons operating vehicles arriving at the fire lane under their own power from another location and passing through the fire lane to gain access to and operate on the lake.

ADDITIONAL CONDITIONS WHICH ARE A PART OF ALL LICENSES GRANTED FOR  
THE COMMERCIAL USE OF FIRE LANES

All licenses granted for the commercial use of fire lanes pursuant to Chapter IV Section 480 of the City Code shall be subject to the following conditions:

1. All rules and regulations described in paragraphs 1 through 4 above with respect to RULES AND REGULATIONS FOR ALL USERS OF CLASS II AND CLASS III FIRE LANES.
2. Licensee shall provide off site and off street parking for all of licensee's customers and guests and shall shuttle said persons to the fire lane except that Licensee may use Manitou Park for snowmobile parking .

Passed at a regular meeting of the Tonka Bay City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll Call Vote: Ayes-  
Nays-  
Abstain-  
Absent-

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk, Administrator

## ORDINANCE NO. 2000-5

### AN ORDINANCE OF THE CITY OF TONKA BAY, HENNEPIN COUNTY, MINNESOTA, AMENDING CITY CODE CHAPTER IV BY ADDING PROVISIONS REGULATING COMMERCIAL USE OF FIRE LANES.

THE CITY COUNCIL OF THE CITY OF TONKA BAY, HENNEPIN COUNTY,  
MINNESOTA ORDAINS AS FOLLOWS:

Section 1. The Tonka Bay City Code shall be amended by adding Section 490 as follows:

#### **Section 490.01. PURPOSE**

As the use of Lake Minnetonka by Tonka Bay residents and others for boating, fishing, swimming, water skiing and other uses continues to increase each year, the Council is faced with increasing problems in providing as much lake access as is possible to all persons while at the same time having to deal with the necessary consequences which follow as a result of increased use of those accesses. The Council recognizes that the interests of residents are to some extent in conflict with the interests of persons using the fire lane accesses and persons in the business of using those fire lane accesses for commercial purposes. The Council is mindful to complaints about the extent and manner of fire lane usage for such purposes. The Council finds that as lake use and the use of fire lane accesses increases, procedures and standards which have been adequate in the past have become inadequate and the danger to the public health, safety and welfare has increased. The Council finds that the following requirements are in the best interest of the City, promote public safety, health, welfare, attempt to eliminate road and parking congestion on public streets and the fire lanes and attempt to restrict excessive noise, pollution and fumes.

In adopting these regulations the Council has in mind the amount of public parking provided at the fire lanes, the congestion of traffic, the intensity of public use, the character of the fire lanes and adjacent properties and other factors which it deems relevant.

The Council also adopts these regulations in an attempt to provide for the enjoyment of these resources by all who wish to use them while at the same time attempting to assure that these uses will not reduce that enjoyment for those same persons.

#### **Section 490.02. DEFINITIONS**

Subd. 1. The following definitions apply in this Chapter and in any Resolution passed by the Council pursuant to this ordinance, provided, however, the Council may change any definition by resolution. References hereafter to "sections" are, unless otherwise specified, references to this Chapter. Defined terms remain defined terms whether or not capitalized.

(a) Commercial: Done primarily for sale or profit. The term "commercial use" as used herein means an activity including but not limited to the following types:

- (1) Boat and snowmobile repair
- (2) Fishing guide services
- (3) Personal watercraft and snowmobile rental

(b) Person: Individual, firm, corporation, partnership, other legal entity or association of one or more individuals.

(c) Vehicle: Every device in, upon or by which any person or property may be transported or drawn upon a highway, lake, stream, channel or trail and shall include but not be limited to automobiles and other motor vehicles, boats, personal watercraft, snowmobiles, trailers, and parts thereof except devices moved by human power.

### **Section 490.03. LICENSE REQUIRED**

Subd. 1. It shall be unlawful for any person to utilize a Class II or Class III Fire Lane for a commercial use without first obtaining a license to do so from the City Council.

Subd. 2. Nothing in this ordinance shall be construed to require licensing of uses that are not commercial.

### **Section 490.04. APPLICATION**

Subd. 1. The application for the license shall be made in writing to the City on such form as the City may from time to time promulgate and shall include such information as may be required by the City including but not limited to:

(a) Each applicant's name, address, e-mail address if applicable, telephone number, facsimile number and current information with respect to how to contact the applicant or designee in the event of an emergency. The applicant or designee shall be available at all times during the hours prescribed by this ordinance.

(b) If the person is a corporation, a copy of the certificate required to be filed under applicable Minnesota statutes as recorded and certified to by the Minnesota Secretary of State.

(c) The correct serial number, license number and accurate description of each vehicle to be used by applicant pursuant to said license.

### **Section 490.05. ISSUANCE OF LICENSE; CONDITIONS**

Subd. 1. If the City Council determines that the applicant has satisfied the requirements of this Chapter, the City Administrator may issue a license.

Subd. 2. The City Council may by resolution impose reasonable conditions upon the issuance of the license and the performance of the applicant thereunder.

#### **Section 490.06. TIME OF APPLICATION**

Subd. 1. Each applicant shall submit a completed application by January 15 of the year being applied for. The Council may issue licenses upon compliance with such conditions as it may find necessary and adopt by Resolution in accordance with the terms of this section.

#### **Section 490.07. DENIAL OF LICENSE**

Subd. 1. No license shall be granted:

(a) To any applicant who in the past two (2) years has failed to comply or is presently not in full compliance with the requirements of this Chapter.

#### **Section 490.08. INSPECTION**

Subd. 1. Licensee shall make licensee's vehicles and work site available to the City Administrator and any other persons designated by the City Council for inspection at all reasonable times during the license period.

#### **Section 490.09. REVOCATION OF LICENSE**

Subd. 1. Licensees hold licenses issued pursuant to this Chapter as a privilege and not as a right. The City reserves its right, as provided herein, to revoke any license, without a fee refund, if there is a breach of the terms and conditions of any statute, ordinance, rule or regulation, or any condition of the license. A breach by the licensee shall include, but not be limited to the following:

(a) Any material misrepresentation of facts in the application for the license.

Subd. 2. If the City Council determines that the licensee has committed a breach of a term or condition or any statute, ordinance, rule, regulation or any condition of the license, the Council shall direct the City Administrator to make a written demand upon the licensee to remedy said violation. The demand shall state that continued violations may be cause for revocation of the license.

Subd. 3. Within seventy-two (72) hours of receiving notification of the breach, licensee shall contact the City Administrator with a plan for its correction. The City Administrator shall submit said plan to the City Council for consideration at its next regularly scheduled meeting. Licensee's failure to contact the City Administrator, or licensee's failure to submit a plan, or licensee's failure to implement the plan once

approved, shall be cause for immediate revocation of the license.

Subd. 4. For the purposes of this section, the written demand described in Subd. 2. above shall be deemed complete upon deposit in the United States Mail by the City Administrator postage prepaid and directed to licensee at the address contained in the application for the license.

#### **Section 490.10. DURATION OF LICENSE**

Subd. 1. Licenses shall run from January 1 of the year for which a license is requested through December 31 of that same year.

#### **Section 490.11. FEE SCHEDULE**

Subd. 1. Fees shall be paid to the City pursuant to the fee schedule set out in Section 402.01 of this code. All fees are intended to reimburse the City for expenses incurred in administering the license including but not limited to processing of the application and inspections. License fees shall not be pro-rated.

#### **Section 490.12. VALIDITY**

Subd. 1. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

#### **Section 490.13 PENALTIES**

Subd. 1. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor.

This Ordinance shall become effective from and after its passage and publication.

Adopted by the City Council of Tonka Bay this \_\_\_\_\_ day of \_\_\_\_\_, 2000

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk, Administrator

First Reading: September 26, 2000  
Second Reading: October 24, 2000  
Publication: November 1, 2000

OCT 5 2000

September 28, 2000

Ken Pittel  
70 Pleasant Avenue  
Tonka Bay, Minnesota 55331

Mr. Robert Rys  
City of Tonka Bay  
4901 Manitou Road  
Tonka Bay, Minnesota 55331

Dear Mr. Rys,

In regards to the town meeting held September 26, 2000 and the Ordinance and Resolutions that will affect Bay Rentals, Inc. , and we presume the many other commercial companies that use the fire lane boat ramp and Manitou Park every day of the year. We would like to make mention of these before the next meeting so the council will have time to revue them. As I mentioned, my partner Ken Harrington and myself will be out of the country on the October 10th meeting date and would like to be a part of these decisions. We ask that you not vote on these until the following meeting, or if you do vote and our concerns are looked upon favorably we would accept that, obviously.

As I mentioned during the Matters from the floor portion of the meeting, these complaints against us parallel the problems with the Linbo Marina transient parking problems, which actually turned out not to be a problem at all. As for the people I have mentioned. Mrs. Highland should of moved to the country if she doesn't like activity instead of between two marinas, across from a restaurant and public boat launch. Mr. and Mrs. Kellogg , who worry about people using the public beach, stood in front of all of us and told us she is really worried about people suing them if they get hurt on their property. When in realty they would sue Tonka Bay who really owns the land in question. Another seasonal complainer, is Mr. Froborg who even I can't interpret what he wants. Anyway I think you get the picture, there isn't a problem and there never was until these people made it a problem. There is one week or so of busy summer business that we all deal with once or twice a year. Because of this these complainers and their council member friend, a council members relative and neighbors form a committee. without complete representation, to pass ordinances for a problem that never existed[ just like the Linbo parking problem]. We should take back the land being used between the Wecota beach and Linbo landing on both sides of the street and make public parking and lake access for the public. This would make these complainers use the public ramps and the parks that they are trying to take away from the rest of us.

By coming to these meetings the last few times, I see that there are at least three council members that are looking out for our community and I really appreciate this regardless of the council decisions for Bay Rentals. I see these three council members looking at what's brought up and making decisions based on what's good for the city, not what their individual friends want. So I hope these council members look deep into these complaints and see that there isn't any problem. Find a fair way to deal with it that doesn't drive people out of the city or make hard ships, so we can't do business in Tonka Bay. In which the complainers would get their way. Whatever the city passes or doesn't pass, if Bay Rentals, Inc. wants to play then we will play by the rules.

Having said the above please find below our comments to the rules and resolutions.

Bay Rentals doesn't have a problem with buying a license to operate within the city and we don't have a problem with the time limits at the ramps. As I mentioned we are the quickest ones in and out of there. In regards to starting boats out of water there isn't any problem there either, although I see many people start their motors before getting off the trailer to make sure they start. I do have a problem with the Insurance ordinance that I think will force most of the commercial businesses that would normally buy the license to avoid buying one and use the ramp illegally. They won't be monitored because they have done so for years and are not targeted like Bay Rentals. The Insurance ordinance is an added not needed expense to add to the Insurance Company's profits for coverage that the city already has for the public for every day use public or private. We can , or any boat on the lake can come to the ramp by lake for instance, and just like anybody else Bay Rentals customers are the public, get hurt and the cities insurance policy covers this! What you're asking us to carry is an additional policy as if our office was set up at the lake ramp. We are just dropping boats in the lake at the ramp and should be covered within the city policy because the people who use our services, are the public. This insurance policy request should not supersede the laws of the

State of Minnesota that allows us to do business in this state. I would be a little more concerned about the people between Wecota beach and Linbo Landing that have illegal docks on Tonka Bay property having somebody get hurt in an area that Tonka Bay is not covered, suing Tonka Bay rather than normal ramp use in which you are covered. These people better get additional policy coverage before you ask us to get unnecessary coverage.

If this ordinance passes as you have it written, be prepared to get all serial numbers and liability information, workers compensation information, and the rest of the ordinance requests from all these companies which would include towing vehicles, boat repair, all marinas cars, trucks, tractors etc. that boat transport companies use, along with each employees vehicles information. You have to realize that these are the companies that supply the lake with docks, boats, building supplies etc. These companies also put in most boats in the lake. The above companies will now avoid you and not buy licenses that they would have purchased, because this ordinance is to complicated to abide by and won't and can't be done.

Bay Rentals is prepared to provide the City of Tonka Bay with a General Liability Policy which will insure the City against Bodily and Property damage that might happen because of use by Bay Rentals customers in the ramp and adjacent areas. This insurance cost as I mentioned before is already covered by the City's own policy and if still needed we ask that you try to keep your requested limits down because of the high cost to us to provide this.

The rest of the insurance topics then should not be needed for Tonka Bay, because we feel that State Laws already cover this. My insurance carrier told me that this should protect Tonka Bay for what he thinks the City wants and to try to provide the other components would not be realistic in terms of costs. Bay Rentals water vehicles are inspected each season and have safety stickers put on by the Water Patrol. So our machines are already documented and the above General Liability Policy should cover the rest. If you can actually believe that you can get all these companies to get you this information on every device they use you will need a full time employee for Tonka Bay to stand at the ramp. Otherwise you're targeting just Bay Rentals and stand open for illegal discrimination and Bay Rentals will be prepared to challenge this portion of the ordinance.

The off street parking portion requiring us to provide off site parking for our customers also has concern to us. Tonka Bay has already determined that they don't want parking restrictions and this ordinance won't and can't be enforced. Bay Rentals has stated that during the busiest times we only have at the maximum five to six cars if that, parked legally in Tonka Bay. We also have been working on moving our business lake drop off sites around to different landings, trying to alleviate this whole problem anyway. If you pass this ordinance it falls into an area of something you would like to do but can't enforce. So this is one that we would also like tabled.

In summary Bay Rentals, Inc. feels that all these rules are a bit of an over kill to try to get the complainers way. But in the same text if we look at what they want and what we are willing to do, there is a just end.

1. Bay Rentals, Inc. will buy a license to operate in Tonka Bay.
2. Bay Rentals, Inc. will provide an insurance policy to protect Tonka Bay from our customer use within reason if still required.
3. Bay Rentals, Inc. will reduce the noise as requested voluntarily.
4. Bay Rentals, Inc. will abide by launch times of operation.
5. Bay Rentals, Inc. will as we stated move our rentals around to different ramps and work on just using the Tonka Bay ramp sparingly, voluntarily with hopes of getting a permanent location that won't bother a sole.

As you see Bay Rentals, Inc. is willing to work within Tonka Bay City's rules and views. Is the City of Tonka Bay willing to help the many others and us by not making so many laws that in most cases we don't need. Is the counsel willing to look deep into the making of these rules and see that just like Linbo Landing, that there isn't a real big problem, thus warranting no action.

All this because seven to ten days a year the ramp is full. other than that except in the minds of these complainers, there isn't any problem!

Kind Regards,



Ken Pittel

President, Bay Rentals, Inc.

**RESOLUTION NO. 00-58**

**A RESOLUTION ESTABLISHING RULES AND REGULATIONS  
FOR THE USE OF CLASS III FIRE LANES**

WHEREAS, the City Council finds that as lake use and use of fire lane accesses increase, procedures and standards which have been adequate in the past have become inadequate and the danger to the public health, safety and welfare has increased; and

WHEREAS, the City of Tonka Bay desires to regulate the use of Fire Lanes by imposing conditions for said use; and

WHEREAS, it is the desire of the City Council to adopt said conditions by Resolution and also to adopt rules and regulations for all persons using said Fire Lanes; and

WHEREAS, the City Council determines that it is in the best interests of the community with respect to its health, safety and general welfare to adopt said conditions, rules and regulations.

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

**RULES AND REGULATIONS FOR ALL USERS OF CLASS III  
FIRE LANES**

1. No person shall use the designated launch area of the fire lane for a period of time exceeding fifteen (15) minutes to launch a vehicle. "Person" shall be defined as: "individual, firm, corporation, partnership, other legal entity or association of one or more individuals. "Vehicle" shall be defined as: "every device in, upon or by which any person or property may be transported or drawn upon a highway, lake, stream, channel or trail and shall include but not be limited to automobiles and other motor vehicles, boats, personal watercraft, snowmobiles, trailers, and parts thereof except devices moved by human power."
2. No person shall launch more than four vehicles at any one time.
3. No person shall launch a vehicle in the launch area or park a vehicle in the designated parking area between the hours of 11:00 p.m. and 7:00 a.m. Launch area and parking area are as designated on Attachment "A".
4. No person shall operate any vehicle on shore when said vehicle is intended to be

## Clare Link

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**From:** jkohlmann [jkohlmann@cityoftonkabay.net]  
**Sent:** Friday, August 10, 2012 12:08 AM  
**To:** Clink@cityoftonkabay.net  
**Subject:** Fw: Biffs

-----Original Message-----

From: "Michelle Koyama" <shellykoyama@gmail.com>  
Sent 8/7/2012 10:39:46 PM  
To: jkohlmann@cityoftonkabay.net  
Subject: Biffs

Hi Joe,

Tonight at about 10:00 PM, my husband Joel and I were down buttoning up our boat at the municipal dock and witnessed a group of girls tip over the Biff port a potty. Joel ran after them, however they sped away in their car before we could get any real identifying information. All we know was that it was a bunch of giggling girls, and they were in a light brown tan sedan.

At first it seemed that they were teasing a friend in the outhouse, however in the end it seemed that they were on a mission to tip it over. I was in the outhouse literally just minutes before this happened, and realize I had incredibly lucky timing.

This brings up another point about what can and should be done at the fire lane access on Lakeview. We are residents on Sunrise and are part of the group concerned about the increase in businesses using the ramp. How often do the out door toilets get tipped in the city? The public urination is certainly not O.K, however drawing in teens to the area and having outhouses tipped seems to be even less desirable.

Thanks,

Michelle Koyama  
Joel Koyama  
35 Sunrise Ave.  
Tonka Bay, MN 55331

8/10/2012