

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

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**CITY OF TONKA BAY
MARINA LICENSE APPLICATION
Renewal without Change**

License Year: 2015

No. of Boats 42

I, DON WESTMAN, 285 WEST POINT RD, 612 5991894
 (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 at 285 WEST POINT RD.
 (business name) (address)

during the 2015 season, that the maximum number of boats stored at docks will be 32, at moorings _____, and dry stored for lake use 10, 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:

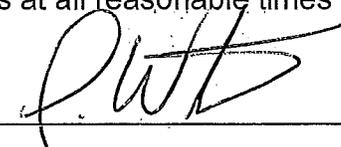
SERVICE PROVIDED	CHECK IF APPLICABLE	NO. OF PARKING SPACES
Boat Storage	X	21
Launching Ramps		
Sales		
Service		
Boat Rentals		
Restaurant		
Other:		
Sanitary Facilities	X	No. Units: 1
Boat Toilet Pumping Service		

FEES

- | | |
|---|-------------------------|
| 1. Base Fee | \$150.00 |
| 2. Yearly Renewal | \$120.00 |
| 2. <u>42</u> units at \$5.00 per unit = | <u>210.00</u> |
| TOTAL FEE | \$ <u>480.00</u> |

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 2/13/2015

Authorized Signature 
 Title OWNER
 Relationship to Owner SELF

APPROVED:

Date of City Council Meeting: March 10, 2015

By: _____
 Joseph Kohlmann, City Administrator

Date: _____

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 Ragan 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, Bendjebbar 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, Bendjebbar 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

M E M O

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.

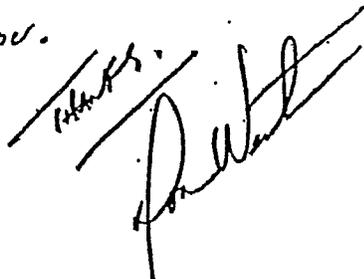
5. Landscape Plan - Westman will be presenting a landscape plan to the Council at the meeting. I have informed him that the council would like to see some improvement to the property and the ordinance complied with.
6. Dock Extension - The dock extension plan for low water is not really part of this 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 McDONALD
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 STRAMMEN AT LAICD 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,


4971

4-12 1990 75-860/919

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

PAY TO THE ORDER OF City of Tonka Bay \$ 138.00

ONE HUNDRED THIRTY EIGHT & 00/100 DOLLARS

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

MEMO _____

Don B. Westman

⑆091908603⑆ 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

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

Owner's Name DONALD B. WESTMAN

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

Business Name: DENNIS BOATS 55304

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

The following must accompany the application:

- va. 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 SHORE SLIDES} ~~in the water at moorings~~ is 10

3. The maximum number of motorized or sail boats drystored for lake use is _____

4. Public Liability Insurance: Amount \$ 1 Million Company WEST BEND MUTUAL

5. L.H.C.D. approval for current year Yes _____ No X # 093 56 79

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

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.