

CITY OF GRAND MARAIS  
MINUTES  
May 13, 2009

Mayor Hakes called the meeting to order at 4:30 p.m.

Members present: Sue Hakes, Tim Kennedy, William Lenz, Jan Sivertson and Kay Costello

Members absent: None

Staff present: Mike Roth, Don Davison, Ben Silence and Kim Dunsmoor

Mayor Hakes invited the public to speak during a period of open forum. Open Forum is limited to one half-hour. No person may speak more than 5 minutes or more than once. No one spoke.

Jef Cerniak spoke about the noise ordinance proposal. Noise ordinances are very varied across the country. He was shut down while playing on top of the Gun Flint Tavern last year at 10:00 p.m. A reasonable way to deal with noise is to measure the sound where the complaints are received from: the property line is not where people are complaining about the noise. This is a tourist town and measuring noise where the complaint is coming from is a better way to protect businesses.

Bruce Block said that he was walking in the street the night the Gun Flint Tavern music was shut down and thought the music was nice.

Bob Glirbas stated that the music is not as bad as the noise from vehicles and snowmobiles. Bob was more interested in safety issues. People are parking in crosswalks and not being ticketed. There is a parking space in front a hydrant by the museum. There are no stop signs on 1<sup>st</sup> Street and 7<sup>th</sup> Avenue West and 6<sup>th</sup> Avenue West or by the angled 2<sup>nd</sup> Street by Johnson Foods. If you are going to allow ATV's to ride on streets, there should not be kids riding on ATV's. Snowmobiles should not be allowed on the bike trail between the post office and Johnson's Foods.

**Motion by Costello, seconded by Lenz to approve the Agenda; April 29, 2009, Minutes; and Payment of Bills. Approved unanimously.**

Bruce Block and Mike Raymond are requesting a variance from shoreline setbacks to allow an addition to the Sydney's Custard Shop commercial building on property located in the DW district. The addition will extend 20'5" closer to the lake and 14'3" to the North located at North 134' of Government Lot 4, Section 21, Township 61N, PID#80-021-3430. The Planning Commission held a public hearing on May 6, 2009. None of the neighbors appeared in support or opposition to the request. John Haluska sent written concerns about the operation of the restaurant. The commercial restaurant is an intended use. The Planning Commission recommended approval of the variance with the following conditions: a nautical style fence of posts and rope shall be constructed

along the south property line to deter trespassing on the neighboring parcel, trash and recycling shall be removed in a timely manner and stored in covered containers and screened from the beach and Broadway Avenue, any trees and shrubs removed during construction will be replaced in order to stabilize the beach gravel and the city requires an at your own risk of loss clause due to proximity to the lake and potential storm damages.

**Motion by Kennedy, seconded by Sivertson to approve Resolution 2009-07 to Approve Variance from Lake Superior Vegetation Line Setback Regulations for PID#80-021-3430. Approved unanimously.**

Mike Raymond is requesting a variance from shoreline setback to allow an addition to the Red Pine Realty building to add vacation rental space and office space located at North 134 feet of Government Lot 4, Section 21, Township 61N, PID#80-021-3430. The Planning Commission held a public hearing on May 6, 2009. One neighbor, Mark Sandbo, Shoreline Hotel Manager, spoke in favor of the variance. The parcel is zoned DW and vacation rentals are an allowed use. The Planning Commission recommended approval of the variance with the condition that any trees and shrubs removed during construction will be replaced in order to stabilize the beach gravel.

**Motion by Kennedy, seconded by Costello to approve Resolution 2009-08 to Approve Variance from Lake Superior Vegetation Line Setback Regulations for PID#80-021-3430. Approved unanimously.**

Ben Silence, Fire Chief, showed the council the existing coverage area and the proposed expanded coverage area. The fire department is already responding to this area: however, the expanded area will make it easier for dispatch and to get grants for rural areas. In addition, the people in the expanded area would pay for fire services on their property taxes – estimated at \$20 per parcel.

**Motion by Lenz, seconded by Costello to inform the county that we are willing to accept the additional fire coverage territory. Approved unanimously.**

The council discussed the noise ordinance issue. There is a current noise ordinance: however, it is geared more toward industrial noise. A new ordinance should focus commercial entertainment noise. There are differences between noise policies in the recreational campground and the city businesses. The recreational campground users may need to be reminded that this is a city, not a wilderness campground, and that noise will emanate from the city. A waiver or notice may help campground users know what to expect regarding commercial noise. An ordinance should address the season from Memorial Day to the middle of October and develop a standard that allows music, outdoor theatre, etc. as long as it is not offensive or endangering. Time and volume are issues. The ordinance should not be too technical, be more lenient, business friendly and simple to enforce. The ordinance should create a level of understanding, find a balance between business and residents and create predictability. The Sheriff should be included in the discussion. A draft ordinance will be available at the May 27, 2009, meeting.

**Motion by Costello, seconded by Sivertson to hire Ann Ward as part-time Library Clerk. Approved unanimously.**

At the last meeting, Tom Stockman was returned to the full-time property maintenance worker position. After a lot of discussion and the personnel committee recommends hiring a full-time property maintenance supervisor and layoff 2 part-time positions. Neither of the two part-time positions has made it through probation yet and the layoffs are a financial issue. The employees should stay on until a supervisor is hired if they are willing.

**Motion by Hakes, seconded by Lenz to hire a full-time property maintenance supervisor, retain our full-time property maintenance worker, and layoff two part-time positions upon successful hire of a supervisor starting date. Approved unanimously.**

**Motion by Kennedy, seconded by Costello to approve Grand Marais State Bank Resolutions 2009-04 and 2009-05 and North Shore Federal Credit Union Resolution 2009-06 updating signatories for City of Grand Marais and Public Utilities Commission accounts. Approved unanimously.**

**Motion by Kennedy, seconded by Sivertson to approve the Second Reading of Ordinance 2009-01 An Ordinance of the City of Grand Marais, Minnesota, Annexing Land Located in the Unincorporated Area of Cook County, Minnesota, Pursuant to Minnesota Statutes § 414.033 Subdivision 2(2), Permitting Annexation by Ordinance. Ayes: Hakes, Costello, Sivertson, Kennedy      Nay: Lenz**

Councilor Kennedy's Report:

- 1) The 1% Sales Tax Committee is waiting for the legislature to make a comment about the language changes. The biomass idea will need to be defined further with different groups looking at it from different angles. The PUC may want to discuss the project with SMMPA as a city utility opportunity.

Councilor Sivertson's Report:

- 1) The EDA met twice to discuss a leaner proposed budget that would cut the director's salary and time by 4/5ths and layoff the part-time position.
- 2) Cedar Grove Business Park abandoned the new sign idea, found the old sign and have installed it on the property. The EDA has discussed TIF as a possible way to help pay for the bond. The litigation is progressing favorably.
- 3) Stephen Holz and Chris Norman have approached the EDA with an affordable housing idea utilizing a lot in the Cedar Grove Business Park. They have been asked to return with a proposed development plan. The proposed lot is the best spot for a business, is the best spot for rezoning because it is next to R-2 zone and is a large parcel of land for a city lot.

Councilor Lenz' Report:

- 1) The marina docks and pier should be finished next week. With the new configuration, it is taking longer than anticipated. The piling driver was damaged when a burr got into the motor. It has been repaired.
- 2) The Army Corp of Engineers is reinforcing the outer breakwall.

Mayor Hakes' Report:

- 1) Harbor Friends voiced concerns about wetlands in the park. A piece of plywood was found in the wetland area. A small amount of gravel was deposited in the wetland by melting plowed snow. The city will remove the plywood and will put up a fence similar to another fence in the area. In addition, snow hauled in from other places may need to be dumped elsewhere.
- 2) The next worksession will be to discuss a short list of capital improvement projects that can be made shovel ready so we are ready if funding becomes available. There will be no public works money for IRR in 2009. The transportation committee may have funding. An email will be sent to Oberstar's office.

City Attorney Davison's Report:

- 1) The Brennan case has been settled with guidelines. The new assessment will be \$32,000 with the remaining \$15,200 deferred. If the property is split or a multiple housing project is built, the deferred amount will be reinstated. This deferment is active for 20 years.

**Motion by Kennedy, seconded by Costello to approve the Brennan settlement as presented. Approved unanimously.**

City Administrator Roth's Report:

- 1) Attended the MCMA Conference in Nisswa. The speakers were excellent: one spoke about the importance of a sense of humor and another spoke about the communication styles between men and women.
- 2) The Joint City/County/School/Tribe Meeting is May 28<sup>th</sup> in Grand Portage.

**Motion by Costello, seconded by Kennedy to adjourn the meeting. Approved unanimously.**

There being no further business, the meeting adjourned at 6:36 p.m.