

CITY OF GRAND MARAIS
MINUTES
April 8, 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 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.

Motion by Costello, seconded by Lenz to approve the agenda; March 25, 2009, Worksession Minutes with corrections; March 25, 2009, Minutes with corrections; and Payment of Bills. Approved unanimously.

Rhonda Silence and Betsy Perry, Cook County ATV Club, presented the council with general information about the club, DNR statistics and an economic study. An area that needs more clarification is the jurisdiction of the state-aid roads within the city limits that look and act like city streets. The previous council had decided not to create a prohibitive ordinance regarding ATV usage on city streets. The issue of jurisdiction can be resolved by the next meeting. If the streets come under the jurisdiction of the city, the general consensus would be to have uniform rules on all streets within the city and not create any prohibitive ordinances. This item was tabled until the April 29, 2009, meeting.

George Wilkes, Angry Trout Café, is requesting a variance from shoreline setbacks to allow an addition to the restaurant dining room and an addition to the outside deck area of their facility located in the DW district. The addition will extend 18" closer to the lake on the south side. It will also extend the dining area 5' to the west to construct a new 12' X 31' dining area on the east side of the building both entirely within the required shoreline setback. The project also includes a new dock to be constructed on the east side of the property. This is commercial zoned property located between Highway 61 and Lake Superior identified as Government Lot 5, Section 21, Township 61, Range 1E, PID#80-021-3210.

The meeting was recessed at 5:00 p.m. for an Annexation Public Hearing.

The meeting resumed at 5:48 p.m.

A public hearing was held April 1, 2009. The DNR provided a memo explaining that a permit was not required for the proposed dock. The commission discussed the issues of parking, pedestrian safety, traffic and access on Highway 61. The commission reviewed

the conditions set on the property as part of a variance granted in 1997 when the property was still in the Protected Resources Zone. The commission generally felt that the conditions were not necessary or no longer applicable. The commission found that restaurants are allowed in the DW zone, the existing building has been within 19' of the shoreline since 1992 and that building dining away from the shoreline would result in a less attractive dining room space and an ungainly and poorly designed building. The property is one of three privately owned urban waterfront properties protected by the inner breakwall. There is a history of commercial development at the shoreline in this area and most of the property is located within 40' of the shoreline. The current building is a remodeled commercial fishing building that has been on location for 75 years. The cement slab was installed by others in 1980. The type and intensity of use remains the same. The proposed building is modest in size, low in elevation, and built on the existing slab. The area has a history of commercial development on the shoreline. The bike path meets the requirement #2 from 1997 for the owner to provide easement across his property. The Commission recommends approval of the variance, removing requirements #3-6 of the 1997 variance, subject to all DNR approvals and rules, not considering any expansion of the slab, retaining the existing parking, and asking the council to consider the issues of congestion, parking and pedestrians by a 5-0 vote.

The council discussed pedestrian safety, congestion and parking issues. Mayor Hakes will call MNDOT to discuss safety issues on Hwy 61 and ask them to meet with the council. Mayor Hakes questioned if the 1' distance between the building and the dock would meet fire exit requirements. The building will need to meet all fire code requirements.

Motion by Kennedy, seconded by Costello to approve the Angry Trout Variance as recommended by the Planning Commission. Approved unanimously.

Councilor Lenz' Report:

- 1) Molly Hoffman, Harbor Friends, would like to give the park their outdoor classroom program. The program includes the field guides created by Harbor Friends, workbooks, volunteer guides and the mobile peddler kiosk. They have funding for this program through 2009 and would like to give the program to the park in 2010. This idea fits well with the Park Master Plan goals, but there is concern about the cost of the program. The Park Board tabled the request until the next regularly scheduled meeting.
- 2) The Park Master Plan Listening session had good attendance, there were a lot of ideas and combinations suggested. The Park Board will have a worksession on April 21 at 3:30 p.m. in the council chambers.

Councilor Costello's Report:

- 1) The quiet room is a nice reconfiguration of the space at the library. The library needs new carpeting: however, the board decided not to move forward until the 1% sales tax issue has been decided. The Library Board has a clear vision of where they want to go with the library expansion.

City Administrator Roth's Report:

- 1) The Trading Post would like the snow at the end of 1st Ave W to be removed because of parking issues. Generally throughout the winter, we have hauled the snow away: however, due to budget constraints and the time of the year with expected temperatures in the 40's for the next 10 days, city staff chose to let the snow melt where it is. The council discussion included: April is the slowest month of the year, there is plenty of parking downtown and we could reassess the situation before fishing opener.

Motion by Hakes, seconded by Sivertson to remove the snow on the street in front of the Trading Post if they are willing to split the cost 50/50 up to \$700 total.

Ayes: Hakes, Sivertson, Costello

Nay: Kennedy, Lenz

- 2) The auditors will be here April 27 – 29.

Mayor Hakes proclaimed April 19-25, 2009, National Volunteer Week in Grand Marais.

Motion by Lenz, seconded by Sivertson, to adjourn the meeting. Approved unanimously.

There being no further business, the meeting adjourned at 6:38 p.m.