

***CITY OF GRAND MARAIS***  
***MINUTES***  
***August 11, 2010***

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

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

Members absent: None

Staff present: Mike Roth, Kim Dunsmoor, Len Bloomquist and Chris Hood by telephone

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 Kennedy, seconded by Lenz to approve the agenda and payment of bills. Approved unanimously.**

Chris Hood, City Attorney, discussed his memo regarding the Minnesota Supreme Court's Recent Variance Case – Change in Interpretation of Undue Hardship Legal Standard. Under the legal standard, cities do not have authority to grant a variance unless the property cannot be put to a reasonable use. Under this interpretation, most variances would be denied. The city should incorporate the interpretation change in the code and build flexibility into the code by changing standards where many variances have been granted. The League of Minnesota Cities will probably pursue legislative changes.

**Motion by Kennedy, seconded by Costello to refer the Memorandum regarding the Minnesota Supreme Court's Recent Variance Case – Change in Interpretation of Undue Hardship Legal Standard to the Planning Commission and ask them to consider language that would allow an alternative setback in certain situations where homes were previously built within the setback building greater flexibility in the setback standard and complying with the court ruling. Approved unanimously.**

Dan and Linda Quick are requesting a variance to construct a two-story addition to their existing single family home located 5' within the required 10' side yard setback on their property zoned R-1 located at 113 7<sup>th</sup> Avenue West. Although the Planning Commission held a hearing and recommended approval of the variance, the recent court case requires the city council to deny the variance request. The Quick's may wait to see if the legislation changes, change their plan and proceed, or wait for the Planning Commission process to change the ordinance.

**Motion by Kennedy, seconded by Lenz to deny the Quick Variance Request based on the Minnesota Supreme Court Ruling because there is already a reasonable use on the property. Approved unanimously.**

The council discussed the flag proposal for Harbor Park. The original design plan did not allow for individual flag memorials. Alternate sites where a flag memorial would be appropriate are: Coast Guard Station, Compass Park, and Joynes' parking lot.

Scott Sorenson, Stone Harbor, discussed their request to place kayak storage approximately 10' X 20' on the beach near the southeast edge of the city's retention pond. There will not be any unnecessary cutting of trees or vegetation. Mayor Hakes received a phone call that did not think that the area was a good spot to place kayaks and a phone call from Cathi Williams that stated if the lease was granted, her business would also want a lease to store kayaks to keep it fair. The city has not developed a policy to deal with these types of requests so we handle them on a case by case basis. There is a \$50 per month lease fee and the lease runs from May 1 to November 1. The city has not heard back from Jack Stone regarding the lease, so the council will wait to hear from him.

Len Bloomquist, Street Supervisor, provided a quote for the purchase of a new street truck. The quote is through the State Cooperative Purchasing Venture. The City participates in the CPV where we can purchase goods using prices that the State sets through an annual bidding process. The City can rely on the leverage of the State bid process rather than needing to go through a separate bid process. This F550 truck will be used as a plow and sander in the winter and to haul material in the summer and replaces a F350 with a smaller box. Our replacement schedule budgets \$60,000 for the replacement of this truck: the total quote for the new truck is \$62,392.34. Delivery will take 11-17 weeks.

**Motion by Kennedy, seconded by Costello to approve the purchase of the F550 4x4 truck from Midway Ford Commercial Fleet and Government Sales and the dump body, plow and sander from Crysteel Truck Equipment. Approved unanimously.**

The council discussed the burn pile. City Administrator Roth spoke with Tim Nelson and learned that there are special permits for burn piles county-wide that are operated by homeowner's associations. The US Forest Service has two locations that they are willing to discuss by County Road 6 and by the Lindskog Road. There is a process to ask for the permit. There are a lot of problems with the existing location with smoke and people dumping items that cannot be burned. If there is no name attached, the city has to haul the items to Pederson's Disposal and pay for it. If the city operates a burn pile outside the city limits, staff would need to check the pile every day, the pile may be larger, and people may feel free to dump items that should not be burned. If we install a gate at the pile, we would need to staff the entrance or we will end up with stuff being dumped at the gate. There are residences near both locations. The city could purchase a chipper and limit the size of debris to 4". The pile has been burned 6 – 7 times since January and there is no way to guarantee that the hospital and school will not get smoke. We have not set limits on who can use the location and there is no way to regulate the use. A Public Hearing is scheduled for September 29<sup>th</sup> at 5:00 p.m.

Scott Sorenson, Stone Harbor, reported that Jack Stone is in agreement with the proposed lease.

**Motion by Sivertson, seconded by Costello to approve the Lease Agreement for Use of Public Property between the City of Grand Marais and Stone Harbor, LLC. subject to**

**changes discussed and authorizing Mayor Hakes and City Administrator Roth to execute the lease following execution by Stone Harbor LLC. Approved unanimously.**

The Grand Marais Fire Department has received a grant from the MN DNR to purchase 5 handheld radios. The total cost of the radios is \$3,750 with the state paying \$1,800 of that.

**Motion by Costello, seconded by Hakes to approve the Volunteer Fire Assistance Grant Agreement between the State of Minnesota through its Department of Natural Resources, Division of Forestry and the Grand Marais Fire Department. Approved unanimously.**

ECFE is requesting a street closure on 4<sup>th</sup> Avenue West between Co Rd 7 and the Fire Department on Saturday August 21<sup>st</sup> during the fair.

**Motion by Kennedy, seconded by Lenz to approve the street closure on 4<sup>th</sup> Avenue West between County Road 7 and the Fire Department on Saturday, August 21<sup>st</sup>. Approved unanimously.**

Councilor Lenz' Report:

- 1) The golf course revenue is up \$13,000 over 2009, park revenue is up \$11,000 over 2009, and the pool revenue is down \$937 from 2009 while the marina revenue is flat.
- 2) The Park Board approved the WTIP Radio Event Application September 10-11. Vendors will be screened by WTIP.
- 3) The Park Board approved vending by the Cook County High School Baseball Team during the Fisherman's Picnic Tournament at the ball field.

City Administrator Roth's Report:

- 1) The Joint City/County Energy Efficiency Grant concept requires a community committee.
- 2) Will attend the Greater Minnesota Cities Coalition Meeting in Winona next week.

Mayor Hakes' Report:

- 1) Beth Swartz would like to present the school referendum to the City Council on August 25<sup>th</sup> and at the Joint City/County/School Tribe meeting on August 26<sup>th</sup>. The council would prefer to hear the presentation only at the joint meeting.
- 2) Bruce Leng will discuss his building with the Mayor and City Administrator Roth some time after Fisherman's Picnic.

Councilor Kennedy's Report:

- 1) The affordable housing request was withdrawn at the Planning Commission meeting.

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

There being no further business, the meeting adjourned at 6:28 p.m.