

CITY OF GRAND MARAIS
NOISE ORDINANCE PUBLIC HEARING
MINUTES
June 24, 2009

Mayor Hakes called the hearing to order at 5:00 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

The current proposed ordinance amends the existing noise ordinance to provide an exception for live music Sunday – Thursday noon – 10:00 p.m. and Friday – Saturday and Holiday Sundays noon – 12:00 midnight. The council's desire is to keep the ordinance simple and easy to enforce.

Jan Nosker stated that the EPA made a determination that noise is harmful to health. MPCA's Rule 70.30 sets a limit of 65 decibels at the property line. Grand Marais has a generic ordinance now that is okay.

Written comment was received from Nancy Nosker.

Andy Brostrom spent 25 years as a quality control expert. If something needs to be controlled, it needs to be measured and monitored. Most city ordinances measure the noise at the complaint site. The alternative that gives time limits just limits the problem and also limits the businesses ability to make income for local waitresses, bartenders and bands. Limiting business sets a dangerous precedent and is not a good policy.

Sheriff Falk explained that it is easier to enforce if time is the limit. He would rather his limited staff be concerned with public safety issues than measuring noise levels and calculating distances.

Mary St. John lives between the Birch Terrace and GunFlint Tavern. They have called the law enforcement center on both establishments. The noise affects watching TV and sleeping.

Bob St. John said it is a short summer and they have to close the windows. He visited the GunFlint Tavern and the speakers were facing the homes. He requested some compassion to turn the music down.

Nancy Nosker said it is not a case of time. The EPA determined that complaints do not represent the magnitude of the problem because only a small number of people affected complain. The logical solution is to turn the music down a bit. On 9/1/07, Nancy complained and a deputy went to shut the GunFlint Tavern down: however, the owner

said he had a permit from the city. One hour later, the owner of the GunFlint Tavern made a complaint against the Birch Terrace. Please make the ordinance based on decibel levels. We can feel and hear the neighbor's music across the street. Give them the right to music as long as they keep it at home.

Jeff Gecas, GunFlint Tavern, said a couple years ago, they had complaints that the music was too loud so he had his bands play in front of the bar facing the lake rather than west toward the homes. There is a lot of give and take that can be done. Common sense is to turn the music down. We only need to entertain the patrons on the deck. Using a decibel meter at the site of the complaint makes sense. Generally the music is played from 9:00 p.m. to 1:00 a.m., but is usually done by 12:30 p.m. We only have the opportunity to have music on the deck about 5-6 weekends per year due to the weather. Most bands are not set up to play acoustically. Maybe a solution is to have bands change to non-amplified music after midnight. If we turn the music off at midnight, patrons leave.

Jane Shinnors, Harbor Inn, said we have a business conflict between a good night's sleep and GunFlint Tavern's music. The rooms on the Tavern side do not have air conditioning. Our quiet hours are from 10:00 p.m. to 8:00 a.m. In 2007, we had many complaints: however, there were no complaints in 2008. It really depends on the type of music. The rooms on the lakeside have air conditioning that can drown out the music and we have warned guests when a festival or music may be happening. We need to respect the decibel level as well as the time. Midnight is too late, 11:00 p.m. would be okay.

Jef Cerniak, musician, has sympathies for the citizens, law enforcement and businesses. He knows law enforcement doesn't want to be hall monitors, but thinks decibel levels are the way to go. Meters would get the noise down to a science to measure the noise from the complainers site. Perhaps metering could be done by a volunteer or part-time employee rather than a deputy. Many times the patrons are louder than the band. Maybe everyone could be satisfied by metering because it is not discretionary. The wind can change the decibel level. A business could buy a decibel meter to try to keep the music at a certain level at the property line.

Todd Miller, musician, moved to Grand Marais because of the creative big shoulders of this community. Grand Marais is special. Music is a form of art. He prefers to play Rock and Roll; unfortunately, drums cannot be muted. He has reduced noise by playing inside with headphones and tries really hard to keep the noise down, but it is not creative and there is no passion in playing drums lightly. Birch Terrace changed the way they do karaoke and there were no complaints last year. Live music should be until 1:00 p.m. He is looking for a way to preserve music creativity. People don't get warmed up until 11:00 p.m. Acoustic is a taste issue and he doesn't want to have to comply with that. Please do not make the time earlier than midnight and differentiate between indoor and outdoor music.

Michelle Gill lived on County Rd 7 and could hear the music there. In the past year, she lives at Nosker's Cabins and has been very sick. She needs to be stress free and the loud music is an issue. She doesn't tolerate loud music very well. Please limit the noise. I think I speak for others with health problems.

Joan Farnum lives next to Nosker's Cabins and said that two years ago, the music/noise was pretty bad, but there were no issues last year after the GunFlint Tavern reconfigured their space. The non-deputy trying to enforce noise with a decibel meter could be dangerous. She was tickled with the hour change for people during the week because she thought the proposal was for midnight every night. It seems like the businesses are trying to help out.

Rhonda Silence thinks the current proposal is a lose-lose situation. It doesn't help those that don't want noise and it is not helping the businesses. Patrons may be louder than if the music is shut off. A volunteer monitor could call a deputy if there is a problem. It is nice to see a lot of give and take from both sides of this issue. Apologies to the Sheriff, but decibel metering seems the most fair.

John Gorski has lived on both sides of the Birch Terrace and a couple blocks from the GunFlint Tavern. There should be separate indoor and outdoor standards. Indoors with windows and doors closed should have no restrictions. Just deal with the outdoor music.

Jan Nosker said there is no difference in measuring the point of the complaint if it is indoor or outdoor. There is no reason to make a differentiation. Decibel meters can be purchased for \$2,000 and can record to a computer.

Nancy Nosker said she feels much more optimistic now after this hearing and after talking with the Jeff Gecas of the GunFlint Tavern. If the businesses are willing to turn the music down and baffles can be constructed to block the sound uphill.

Jef Cerniak wished the council good luck and said there is really no difference if the music is indoors with the windows open.

Mayor Hakes thanked the people who spoke for being respectful and clear in their comments.

Motion by Kennedy, seconded by Lenz to adjourn the Public Hearing. Approved unanimously.

There being no further comments, the meeting was adjourned at 6:10 p.m.