

Manhattan Beach City Council Meeting.

August 2nd. 2011

Meeting was called to order by Mayor Allen @ 7:02 pm.

Members present were, Mayor Paul Allen, Clerk/Treasurer Barb Hanson/Wannebo, Council members: Janis Allen, Clyde Brodt and Marlene Yurek.

The Pledge of Allegiance was recited.

Mayor Allen asked that the agenda be amended to include,
New Business: Semi Annual meeting.

Marlene made the motion to approve the minutes of the last meeting, Janis seconded. The motion carried.

Treasurer's Report:

Claims and Receipt List's are attached.

Barb asked if anyone had any questions about the Claims or Receipt List, none were asked.

Barb & Paul explained the \$16.67 receipt from Crow Wing County was for the Cities portion of a traffic violation within the City of Manhattan Beach.

Janis made the motion to approve the Claims List. Marlene seconded. The motion carried.

Open Forum

Kista Brunkhorst spoke about the music at Manhattan Beach Lodge and the noise issue. Mrs. Brunkhorst stated that she does not feel that the music has been a big noise issue and that Manhattan Beach Lodge is being punished that citizens should have know that they bought next to a lodge and should expect noise, that its not that many times a year. She also asked that the City Council and the Mayor to do their jobs and be fair with the new ordinance proposals.

Mayor Allen read a letter to the public from John and Mary Zeizbach (Former owners of Manhattan Beach Lodge) stating that they ran the Lodge with no music and were profitable, that their business was based on a fine dining in a relaxing experience on Trout Lake.

Many other property owners spoke about the noise issue from the Lodge, disorderly patrons, and the fact they have been leaving their properties during the music events. Many stated that they did not want the Lodge to fail, they are asking the Lodge to be more considerate to the rest of the neighborhood. The citizens asked that the Council address the issue and enforce the City Ordinances to bring Manhattan Beach Lodge into compliance and not be allowed to continue to break the law.

Planning & Zoning:

Paul stated that he had received a call from Ken Anderson of the City of Crosslake, asking if he had heard about a camping event that was scheduled to be held at Manhattan Beach Lodge. The proposed camping event is in part of the City of Crosslake and part in the City of Manhattan Beach this would be a violation of the Manhattan Beach City Ordinances. Kista Brunkhorst did state that they had canceled the camping event and was no longer being planned. The Mayor asked that it be reflected in the City minutes that the camping event had been canceled by Kista Brunkhorst and that the Mayor had sent a letter stating this was going to be a violation and she had received it.

Unfinished Business:

The City Attorney did review the Liquor Ordinance No 1.08 for Premises Licensed. Mayor Allen read a letter from the City Attorney, (this is on file with the minutes). The original application asks the applicant to state where alcohols will be sold. On the application for Manhattan Beach lodge this question was answered (Entire Building). The City Attorneys letter stated that alcohol was being sold on the patio and out of the “boat house” these areas were not listed on the liquor license application and are not legal areas to sell alcohol. That the City needed to notify Manhattan Beach Lodge that they needed to amend their liquor license to include the patio and “boat house”. This was asked about due to the League of Minnesota Cities stating that insurance companies were not paying claims that didn’t include all areas where alcohol is sold. Mayor Allen asked that the Clerk send a letter to Manhattan Beach Lodge stating that they needed to fill out a new Liquor License application to include the patio and boat house to be in compliance with the license. Marlene made the motion to have the Clerk send the letter, Janis seconded. The motion carried. Clyde Brodt obtained from this vote.

Manhattan Beach Lodge Noise Complaints/ Mayor Allen received two bids to provide decibel testing. ESI offered to do the testing and On Site Acoustic Testing. Due to client privilege information this part of the meeting can be closed for Council discussion. Marlene made the motion to discuss this in a closed session. Janis seconded. The motion carried. Janis made a motion to have the closed session follow the Council meeting. Marlene seconded, the motion carried.

City Attorney Review/ Amended Liq. Ordinance Sec. 1.91 Prohibited Noises. The City Attorney stated that the amendment to this ordinance would be redundant. And that it should be rescinded. Marlene made the motion to rescind the motion, Janis seconded. The motion carried.

City Attorney Review/Amend Ordinance No. 0811 Special or Outdoor Events. Mayor Allen read the entire Ordinance with the Attorneys opinion. Janis made the motion to recess the meeting and hold a public hearing Aug. 23rd. 2011 @ 7pm. to discuss this Ordinance. Marlene seconded, the motion carried unanimously. The entire proposed Ordinance amendment is on file with the minutes and on file in the Clerks office.

Open Forum

New Business:

Amend Zoning Ordinance/ No. 0811B An Ordinance Amending Manhattan Beach Zoning And Subdivision Ordinance Sec. 10 Subd. Enforcement Sec. 10 Subd. 1 Violations and penalties and titled “An Ordinance relating to Violations and Penalties. Marlene made the motion to include this in the Public Hearing Aug. 23rd. 2011 @ 7pm. Janis seconded, the motion carried. This Proposed Ordinance is included in the minutes and on file at City Hall.

Mayor Allen had received information that the City did not meet the standards for MPCA decidable levels. Proposed Ordinance No. 0811A “An Ordinance amending Manhattan Beach Zoning and Subdivision Ordinance Sec. 6 Subd. 4 Nuisance Standards A.” Performance standards, item 2 Noise titled “An Ordinance Relating to S1.401983 of The American Standards Institute, Specification for sound level meters”. This would correct this and put the City in Compliance with the state stat. Janis made the motion to include this discussion at the Public Hearing on Aug. 23rd. 2011 This entire proposed Ordinance is included in the minutes and on file at City Hall.

City Hall Building/Staining Bids. Janis made the motion to table this until the next meeting, Sept. 6th. 2011 Barb seconded the motion carried.

The Semi-Annually meeting was discussed and it was agreed that the expence and time involved for so few people it was agreed to for go it for this year. Marlene made the first motion, Janis seconded. The motion carried.

Open Forum

Janis made the motion to recess the meeting for a closed session, Marlene seconded. The meeting was recessed at 8:07 pm.

Barb Hanson/Wannebo
Clerk/treasurer

Council Member/Mayor