

**DRAFT**

**Manhattan Beach City Council Meeting.**

July 5<sup>th</sup>. 2011

Meeting was called to order by Mayor Allen @ 7:00 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:** Liquor Ordinance Section 1.08 Premises Licensed

**New Business:** Manhattan Beach Lodge Noise Complaints.

**New Business:** Ordinance for Special or Outdoor Events/Amend Liquor Ordinance No. 8-12

Janis made a motion to amend the Agenda, Marlene seconded. The motion carried.

**Approval of last months meeting minutes:**

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

**Open Forum**

The Mayor asked that if anyone wanted to speak to please state your name and address and limit the time spent speaking due to the large amount of people at the meeting. The Manhattan Beach Lodge noise issue was addressed by many members of the public.

Mayor Allen stated that the issue would be addressed in the New Business Section of the meeting.

**Planning & Zoning:**

Paul stated that the Planning & Zoning Commission would not meet, this week the City Attorney is on vacation and has not finished with the Ordinances so their was no reason to meet, there where no new applications or business.

**Unfinished Business:**

The new mandated street signs where discussed. The road commissioner, Clyde Brodt will fill out the order form and get it back to Barb before the 15<sup>th</sup> of July. Janis made the motion to approve the order, Barb seconded. The motion carried.

### **Open Forum**

The Manhattan Beach noise issue was addressed again, with pros and con's to the Lodge being stated by the public. Tax revenue to the City of Manhattan Beach was also addressed by the public with questions being asked, and answered by Mayor Allen.

Janis made a motion to recess the meeting for 10 minutes, Barb seconded. The motion carried.

Mayor Allen called the meeting back to order at 8pm.

### **New Business:**

The Mayor asked that the City Attorney review Liquor Ordinance No. 1.08 Premises Licensed. He has some concerns over insurance companies not insuring liquor licensees regarding MN Statue 340A.410 Subd. 7 titled "License Limited to Space Specified". The Cities Ordinance now does not have that wording and may have to be changed. Janis made the motion to have the City Attorney review it, Marlene seconded. The motion carried.

Manhattan Beach Lodge noise complaints. Mayor Allen was asked to an informational meeting held by Tom Peterson (Property owner in Manhattan Beach and Crosslake) about the noise complaints received from property owners in the City of Crosslake that live by Manhattan Beach Lodge. Mayor Allen has received E mails, sheriff reports, and other reports about the noise complaints. Steve Rowe from the Crosslake City Council told this Council about the decibel readings he took from different properties in both cities inside and outside of homes on July 3<sup>rd</sup>. These readings were taken in a residential area. Around 9:30pm in Peterson's driveway the readings were 68. At the boat launch at Trout Lake, read 73. Steve got a call from Jeff Lande asking him to come over and listen to the music, Steve called it ear splitting, and the reading outside his home at 10 feet from the property line at 11:30pm read 85 inside the home it read 83. These levels excessively exceeded the levels in the Ordinance. Clyde Brodt asked if the fire works were also measured. Steve told him yes they were 55 to 60 in his back yard and when he was at Petersons when the band stopped it was 65. Steve said even when the fire works stopped it was high. The Mayor asked that the City Attorney review the reports and if she finds a violation of Sec. 6 Subd. 4 Nuisance standards of the City Ordinance, that the City Council of the City of Manhattan Beach authorize the attorney to proceed with abatement to remedy the violation. Marlene made the motion to authorize the Attorney to investigate, Janis seconded. The motion carried. Clyde Brodt did not approve. Special or Outdoor Events, Paul read the Nuisance Standards Ordinance and then the proposed language of this Special or Outdoor Events ordinance for review if the City Attorney approves this then the City move forward with the Public Hearing to approve the proposed Ordinance. Marlene made the motion for the attorney to review the draft and upon her approval set the date for the public hearing as soon as possible. Janis seconded. Four votes in favor and one objection. The motion carried.

The Mayor asked that Liquor Ordinance be amended to include Sec. 1.91 “prohibited noises” be sent to the City Attorney for review and approval, then a public hearing. Marlene made the motion to send it to the Attorney and proceed with the attorney’s approval with the public hearing. There were two council members for the motion and three against. Janis stated that sec. B Outdoor live music that not to exceed decibel levels stated in the Nuisance Standards. Barb agreed. Janis made the motion to send the amendment to the amended ordinance to the Attorney for approval. Barb seconded. The Motion passed with two objections and three approvals. Janis made the motion to send it to the city attorney for review and then back for a public hearing. Barb seconded. The motion carried.

**Open Forum**

The decibel reading for commercial property was asked, answered 60. Residential reading is 55. The explanation given for dealing with commercial property right next to residential is the property line; you go over the property line it changes.

With no further business, Barb made the motion to adjourn the meeting, Clyde seconded. The meeting was adjourned at 9:12 pm.

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Barb Hanson/Wannebo  
Clerk/treasurer

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Council Member/Mayor