

## CITY COUNCIL

7:00 P.M.

Monday, August 19, 2019

Present: Mayor Scott Johnson  
Dustin Goutermont  
Shane Hoff  
Carlene Perfetto

Excused: Richard DeRosier

Tim Costley – City Attorney  
Teri Cadeau - Lake County News Chronicle  
Pat Heinzen, Patrick Miller, Katherine Miller,  
Barry Braun, Jennifer Braun, Todd Rose,  
Christine Mallory, Chase Mallory

Mayor Johnson called the meeting to order at 7:00 p.m.

**Agenda** – Motion Hoff, second Perfetto to approve the agenda with the addition of Pat Heinzen and Aitkin Circle residents. MOTION CARRIED.

**Consent Agenda** – Motion Perfetto, second Goutermont to approve the minutes from the August 5, 2019 Regular Meeting. MOTION CARRIED.

### **Petitions, Requests and Communications**

**Pat and Bob Martinson** – Pat and Bob Martinson were not present at the City Council meeting.

**Pat Heinzen and Aitkin Circle residents regarding North Shore Adventure Park** – Aitkin Circle residents discussed their concerns in regards to North Shore Adventure Park. There are increased noise levels throughout the day and at times into the evening from business customers using the park, music being played at the park, ATV use by workers, dogs in parked cars barking, traffic from Highway 61 as well as from customers parking, and the onsite power plant that is used. Residents also report business customers who are parking in the Medical Clinic parking lot are littering on their properties as they are walking to and from the park. Some residents report being mistaken for park workers as the back of their personal property is in close proximity to the Park property and there is no barrier in place to define separation of residential properties from the park property. There is concern of possible injury due to ATV traffic along the ATV trail and the congestion of the Park. Residents report ATV speeds greater than the posted speed limit. Residents voiced their concerns that they were not notified that their property was for sale, had been sold, and a business was being constructed. Property owners and residents along Aitkin Circle have reached out to the property owner, Phil, early on with the concerns and Phil assured residents that a barrier such as a fence would be put in place to prevent the issues; however, a fence has not been constructed and residents no longer receive calls back from the property owner about the continued issues.

Planning and Zoning administrator Gary Thompson was called to the area to observe the issues. At the time of observation, Thompson reports the noise may be coming from North Shore Mining Company. Pat Miller, resident on Aitkin Circle, reports that she spoke with a staff member at North Shore Mining Company and Miller reported to the Council that North Shore Mining Company is not responsible for the noise that residents are hearing as they must abide by noise restrictions. Miller reported that a noise study is being done. Mayor Johnson reports that all City policies and codes were adhered to and residents did not need to be notified of the sale of the land or the construct of the North Shore Adventure Park business as special permitting was not needed for the project and the land is zoned business, not residential.

Residents are looking to the City Council to assist them in contacting the property owners and or business owners about the problems and possible solutions to the issues. Mayor Johnson let residents know that the Silver Bay Police Department should be called when problems arise, and assured residents that the complaints will be passed along.

Residents are questioning who would be responsible if an injury occurred while business customers are going to and from the park. City Attorney Costley cannot answer as there are many variables and Mayor Johnson as well as City Council members are not qualified to answer.

### **City Administrator**

**Home Use Occupation Permit – 27 Evans** – Mayor and Council members reviewed the Home Use Occupation application for 27 Evans to run the North Shore Journal at this location. The application is offered without any Planning and Zoning comments due to a lack of quorum. The City had received no verbal or written comments from the public. The Planning and Zoning Commission is recommending the approval of the application. Motion Perfetto, second Hoff to approve the Home Use Occupation Permit at 27 Evans. MOTION CARRIED.

**Sexual Investigation Policy** – Mayor and Council members reviewed the policy that Chief of Police Kochendorfer is requesting adopting. The policy would become effective October 1, 2019. City Attorney Costley has reviewed the policy and has no changes. It is recommended that the Sexual Investigation Policy be adopted. Motion Perfetto, second Goutermont to adopt the Sexual Investigation Policy. MOTION CARRIED.

**Marina Seasonal Slip Refund Policy and 2020 Rates** – Mayor and Council members reviewed the policy which included an increase rate of \$2 per foot and a 90 percent refund instead of the current 100 percent refund. The changes were approved by the DNR and are offered for approval. Motion Goutermont, second Hoff to approve the Marina Seasonal Slip Refund Policy and 2020 Rates. MOTION CARRIED.

**Airport Hangar Lease Termination** – Tom Setter has requested to vacate his hangar in August. Motion Hoff, second Goutermont to accept the request to vacate airport hangar. MOTION CARRIED.

**Chief of Police Training** – Chief of Police Kochendorfer is required to take training in order to maintain his Taser Instructor license. The training is November 19<sup>th</sup> and 20<sup>th</sup> in

Red Wing and was previously set up through the Red Wing Police Department and they are willing to honor this at no cost to the City. The only costs that the City will be responsible for is normal meals and mileage reimbursement. Motion Goutermont, second Hoff to send Chief Kochendorfer to training. MOTION CARRIED.

### **City Attorney**

**Code Amendment/Policy for Habitual Offenders** - City Attorney Costley would like to have input on how Council members would like to handle habitual offenders of City Code Section 550. City Attorney Costley asked Council members if they are interested in the City Attorney drafting documents for a code amendment for habitual offenders in regards to property cleaning. Council members are in agreement for drafting of documents.

**Council, Board, and Commission Attendance Policy** - City Attorney Costley would like to have input on creating an Attendance Policy for Boards and Commissions. Council member Hoff presents speaking with members instead of having an attendance policy put in place. Mayor Johnson would like to see a draft policy.

### **OLD BUSINESS**

### **NEW BUSINESS**

**Library Board Resignation – Linda Sathre** - Linda Sathre emailed her letter of resignation from the Library Board. She has served our Library as a Board Member and volunteer for many years. Mayor, Council Members, and the City thank Linda for her services. Motion Perfetto, second Hoff to accept the resignation of Linda Sathre from the Library Board. MOTION CARRIED.

**Follow Up Discussion – Aitkin Circle** – City Attorney Costley reports the City did follow all laws, codes, and policies as it pertains to the sale of the property and the interactions with the public during the construct of the North Shore Adventure Park. Mayor Johnson spoke of the growing pains that the residents are going through with the business park and will look at doing things differently in the future. Goutermont would like more communication between residents and business owners about processes that will happen and processes that are currently happening. Hoff is concerned about residents not getting responses from the owners and question whether the wrong person or persons are being contacted. Mayor Johnson reports that Phil and Alice are not the business owners, they are only the land owners, but Mayor Johnson will talk to the manager of North Shore Adventure Park.

**Claims** – Motion Goutermont, second Perfetto to approve payment of \$374,525.08 in unpaid claims and \$91,022.61 in paid claims. MOTION CARRIED.

Motion Hoff, second Perfetto to adjourn at 8:01 p.m. MOTION CARRIED.



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Scott M Johnson, Mayor



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Lana Fralich, City Administrator