

## **CITY OF MARINE ON ST. CROIX CITY COUNCIL MEETING**

Thursday, February 13, 2025

The meeting was called to order by Acting Mayor Anderson at 7:00pm. Ward, Miller and Goodfellow present. Nyenhuis absent.

Citizens: Kitsi Vadheim, David Snyder, Isiah Bubany, Dan Willenbring, Larry Roden, Kristina Smitten, Gayle Knutson, Dorothy Deetz, Mary Burke, Bill Smitten, Annie Minnich, Mike Tibbitts, Tod Mestad, Lynn Bjorkman, Christi Schmidt, Joshua Rutherford, Jeff Comins, Jake White, Curt Moe.

Approval of the Agenda – Goodfellow requested to move the FAC item under the Zoning Violation Hearing, Ward requested to pull the Brookside summary from the agenda, and the Engineer Service agreement will be moved from the consent calendar to the Engineers report under Roads. Acting Mayor Anderson moved for unanimous consent.

Citizens Considerations – Dan Willenbring was in attendance to give an update on the Marine Village School. There were enough interested students for the kindergarten class that a lottery was required to keep the class size to 25. A grant was received from the DNR, which was used for field trips, etc. Another grant was applied for through the DNR for the school forest. This grant opportunity has been approved by the school board and will be presented to the Multi-generational committee in February and then to the City Council in March. The grant application is due in April, and therefore the school would like to submit a draft land management agreement to the Council in March. In order to accomplish this, Mr. Willenbring is requesting to work with the City Attorney and City Administrator to review the application and obtain any necessary information in advance of the March meeting. If the Council approves the grant request, there would be a JPA or land management agreement that would be required between the City and school. The Council consensus was to allow Mr. Willenbring to work with the City Administrator and Attorney to on the draft land management plan.

Violation Hearing – 17977 St. Croix Trail N - Acting Mayor Anderson opened the violation hearing at 7:10pm for 17977 St. Croix trail. It was noted that the homeowner, Joshua Rutherford, was not in attendance physically however was in attendance remotely.

David Snyder, City Attorney, summarized the violation regarding the keeping of unpermitted unauthorized storage containers at 17977 St. Croix Trail N. correspondence was sent to the homeowner requesting voluntary correction and elimination of those units, which are currently in the front yard between the road and the house. The property owner responded and declined the City's invitation for voluntary correction of these conditions and therefore Staff has placed the matter before Council with the request that the Council take time to hear the report from staff and from the homeowner, should he decided to comment. City Staff is recommending the City Council finds a violation exists and be upheld and to give the property owner an opportunity to speak.

City Administrator Peterson stated an email was received from the homeowner on February 11<sup>th</sup>, 2025. Acting Mayor Anderson requested unanimous consent to enter the email into the record without further comment. With no objection from Council, the email will be entered into the official record.

Council member Miller stated he has read the information and understands everything clearly. Goodfellow is of the same opinion and believes staff has laid out the information very clearly. Ward and Anderson have no additional comments. Acting Mayor Anderson did note that Mayor Nyenhuis was absent from this meeting, which will most likely play into his motion later in the hearing.

Mr. Joshua Rutherford was online and stated he does have storage containers however they are being used to store agricultural equipment and believes the violation is absurd. Anderson questioned what type of equipment is being stored in the containers. Mr. Rutherford stated there are a variety of items such as pots, mixing tanks for making compost tea and tractor attachments. Anderson questioned if there was a reason that those items could not be stored in the barn located on his property. Mr. Rutherford stated the barn is not set up for storing that type of equipment as the basement is too short and the upstairs is set up for gatherings, such as birthday parties for his children. Mr. Rutherford stated he does plan on adding vegetative plantings for screening in the spring. He said he had planned on screening these earlier; however his situation is bleak as he has not been able to work and therefore could not afford to get screening. Acting Mayor Anderson questioned what type of screening he would be using. Mr. Rutherford plans on adding 6 ft arborvitae on the west and north side of the containers. Mr. Rutherford stated he has received many complaints from the neighbor to the north and therefore will make sure there is screening there. Anderson questioned if there is enough space between the containers and the northern property line to plant screening. Mr. Rutherford stated there is approximately 20 feet. Goodfellow questioned if those containers are temporary or permanent. Mr. Rutherford stated he had never planned on removing those containers however they may be relocated at some point. He stated all he wants to do is plant a 100 x 30 ft garden and questioned by he is being singled out, as there are other people in town that store items on their property and he is feeling bullied. Anderson believes the Council is not singling anyone out. He stated there are three very large commercial shipping containers that are in violation of the City's zoning rules. Anderson stated the Council has been given a set of facts, and if those facts were presented for any other property in town, they would be having the same discussion. Anderson stated that if Mr. Rutherford believes there are violations elsewhere in town, then he is welcome to discuss that with City Staff or the Planning Commission. Mr. Rutherford stated those containers will eventually be used for agriculture, which is an allowed use, however there is currently a moratorium on agriculture and therefore he is using them to store agricultural equipment in the interim. He also stated that the City will find themselves in a precarious situation if they continue to say using those storage containers is a zoning violation.

Dave Snyder, City Attorney, noted that the opportunity tonight is for the property owner to offer facts or evidence to show claim that the violation does not exist. Mr. Snyder stated the claim by Mr. Rutherford is that the containers are, by definition, allowed as agricultural equipment because they store agricultural equipment. Mr. Snyder does not believe it has been proven that they do store agricultural equipment, however if it they did it does not render the three shipping containers agricultural or permitted by that fact alone. If that were the case, then that would mean that shipping containers could be allowed to be stored just about anywhere as long there was some tenuous claim that they contained agricultural equipment. Mr. Snyder also noted there is a barn on the property, but the claim is that the barn is not set up to store that type of equipment, however an 8 ft shipping container is. Staff's view is this is not a responsive position given the existence of the zoning. Inquiries have been made about screening, which reflects the City Council's general effort to see if there are opportunities for mitigation, however it is obvious that

screening alone will not cure the violation. If the central proposition is that these containers are there for agricultural nature themselves, that is inconsistent with staff's recommendation. Anderson stated that in the interest of allowing Mr. Rutherford the ability to either remediate the zoning violation or have further conversations with City staff, acknowledging that city staff have done an excellent job with analysis, along with the City Attorney in explaining the legalities of this issue.

*Anderson moved and Goodfellow seconded that the zoning violation be postponed to a definite time of no later than the date of March 13, 2025, the next scheduled City Council meeting in order that the entire Council may be present for the vote. Goodfellow, Miller, Ward and Anderson in favor, motion passed.*

FAC – Jessica Sahu Teli was in attendance on behalf of the Washington County Tree Steward program. The goal of this program is to empower citizens to care for trees in their community. The group will be meeting in April in Scandia, and she would like to be able to utilize Marine as part of their training program. The work that will be done as part of this program would be mulching, watering, staking, fertilizing, and pruning. Goodfellow believes this would be a great opportunity for Marine given the robust number of forest advisory volunteers in community and has agreed to help train as part of this program. Ward noted that the FAC is proposing an adopt a tree program, and this tree steward program would dovetail with this perfectly.

*Goodfellow moved and Ward seconded that the City of Marine participate in the Tree Steward Program sponsored by the Washington County Conservation District. All in favor, motion passed.*

Planning Commission – The new Planning Commission co-chairs Anna Hagstrom and Kristina Smitten have requested to begin submitting written reports unless an issue arises in which they are requested in person. Miller appreciated having the previous Chairman in person at the meetings to answer any questions the Council may have regarding the report and would like to request one of the Chairs be in attendance either in person or remotely. Kristina Smitten was in attendance remotely, and Anderson questioned if she had any comments about that suggestion. Ms. Smitten advised Anna Hagstrom is the Chair and there are no co-chairs. Therefore, she would like to discuss this request with the Chairman Hagstrom prior to commenting.

Public Safety – Chief Mills reported there were three fire calls last month. There are three probationary members, Shawn Otto, Kirsten App and Noah Brace as probationary members. Goodfellow questioned if Shawn Otto meets the distance limit required for members. Chief Mills noted he is right on the border and will be only a firefighter, not EMS. Ward commended Chief Mills on the 2024 annual report as it is extremely detailed and contains a lot of information. Anderson also stated there will be a meeting on March 6<sup>th</sup> for the public safety committee and the Fire Chief and Assistant Chief to discuss a variety of items. Miller requested consensus from the Council to hold a public hearing based on music and events and public safety in March. This public hearing would be held at the Village Hall and would allow for all residents to comment. Anderson stated the intent of the hearing for permitted events would allow the public to weigh in on the events and how it affects them and local businesses as well. Goodfellow requested the City not approve any special event permit until after this hearing

is held. Anderson noted the permits are considered by the public safety committee and approved by the Mayor, not the entire Council. Ward believes this is feasible, however believes there should still be a gathering with the community mid-season and end of season to evaluate how things are going. Anderson stated this hearing will be for special event permits specifically and not any other issues.

*Anderson requested unanimous consent for the 2024 annual report as published. No objections and therefore the report was unanimously approved.*

*Miller moved and Ward seconded to approve Noah Brace, Kerstin App and Shawn Otto as probationary members. All in favor, motion passed.*

Jackson Meadow ATV - Miller stated that a Jackson Meadow resident brought to his attention that after the trails had been groomed for skiing, someone with an ATV rode on those trails and damaged the trails. All trails within Marine prohibit motorized vehicles. If something like this happens, the Washington County Sheriffs department should be contacted for enforcement. The City had signs posted several years ago, and a resident removed those signs.

Goodfellow noted that there are many trails that cross over private parcels, and there is a question of enforcement of the trails. He is proposing the formation of a committee consisting of stakeholders to evaluate ongoing issues with the trails, such as the use of motorized vehicles, maintenance, etc. This would be a short term task force that represents the various types of land ownership and users. Acting Mayor Anderson stated this would require an official charge, and believes there are many more specifics required before creating this committee. He also believes Goodfellow should review the current code in order to see what restrictions and rules are already in place. Administrator Peterson suggested reviewing Chapter 29 of the City Code which addresses trails.

Roads – *Goodfellow moved and Miller seconded to accept the service agreement with Bolton Menk contingent upon City Attorney review. All in favor, motion passed.*

Isiah Bubany of Bolton & Menk reported that seven bids were received for the 2025 street improvement project. The low bid was from Valley Paving in the amount of \$511,219.69 with two alternates for a total of \$626,526.99. There is also a change order due to a typo, which will reduce the total project cost by \$46,946.30.

*Goodfellow moved and Miller seconded to award the bid to Valley Paving in amount of \$626,526.99. All in favor, motion passed.*

*Goodfellow moved and Miller seconded to accept change order number 1, resulting in a reduction of \$46,946.30 for a revised total bid amount of \$579,580.69. All in favor, motion passed.*

Personnel – No report.

Parks & Rec. – Goodfellow requested creating a task force to review trails.

Watershed – No report.

Cemetery – No report.

Water/Wastewater – No report.

City Properties – Miller reported that construction will be begin on February 20th. The contractor will be putting up a temporary wall to the construction area to restrict access.

Community Events – No report.

EDA – No report.

Forest Advisory – Goodfellow submitted a written report laying out the committees work plan.

Mill Site Committee – Ward stated a name has been chosen for the new Mill Site parcel. Rosie Peters has assisted in selecting this name which in Dakota means community. The name will be thiyóšpaye. The next step would be to hand this off to the MN Historical Society to pursue the next steps.

*Anderson requested for unanimous consent to accept the new plat name for the Mill Site property. There were no objections, motion passed.*

Multi-Generational Education – The committee will be meeting next week and will be working on a public engagement plan.

Consent Calendar – *Anderson requested unanimous consent on the consent calendar. No objection, motion passed.*

Old/New Business – Board of Review meeting will be April 1<sup>st</sup> at 9:00am.

City Administrator Peterson stated the current Waste Management contract expires in 2025 and is requesting the Council approve going out for bid, as there is one additional company interested.

*Anderson requested unanimous consent to allow the City Administrator to go out for garbage bids. No objections, motion passed.*

Mayor Notes/Administrators Report – None.

Adjournment – *Anderson adjourned the meeting through unanimous consent at 8:15pm.*

Minutes taken by Lynette Peterson, City Administrator.