

**CITY OF MARINE ON ST. CROIX CITY COUNCIL MEETING**  
**Thursday, May 8, 2025**

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

Citizens: Glen Mills, Isiah Bubany, Gwen/Larry, Kristina Smitten, Sue Logan, Jason Hartman, Liz Kelly, Nels Peterson, Megan Kavanagh, Mike Zajac, Ross Higgins, Jeremy Chacich, Scott Spisak, Gene, Jake White, Rita . Kevin Magnuson, Dave Snyder, Julie Warren, Bill Ries, Bill Smitten, Tammy Newcomb, Jaime Souza, Olivia Rutherford, Joshua Rutherford, Anna Hagstrom, Rita Trapp, Larry Martin, Roger Lyle, Mary Vogel, Annie Minich, Lisa White, Christi Schmitt

Approval of the Agenda – Goodfellow requested to add IT to Clerks and Mayors notes, Ward requested to remove the fireworks ordinance. Nyenhuis moved and Miller seconded to approve the agenda as amended. All in favor, motion passed.

**Citizens Considerations –**

**Kevin Magnuson** – Mr. Magnuson, Washington County Attorney, was in attendance to introduce himself and review the roles of his office. There are approximately 60 people who work in the Washington County criminal division. Mr. Magnuson reviewed the crime rate within the County, stating that biggest increase in crime has involved the fleeing of criminals. The County also has a human trafficking task force, which targets high risk juveniles. Goodfellow questioned how the City can get some teeth with local enforcement and asked if the County might come back at a later date to address those kinds of issues. Mr. Magnuson would be happy to attend a future meeting.

**Mike Zajac and Megan Kavanagh** – Mr. Zajac and Ms. Kavanagh were in attendance to request approval for a combination on sale/off sale liquor license for their new business. There is a liquor license available since the closure of Anna’s Bistro. The background check request has been submitted to Washington County and is waiting a response.

*Goodfellow moved and Ward seconded to approve the on sale/off sale combination for 11 Judd Street, with the inclusion of the deck (see seating chart attached) contingent upon receipt of the background check and approval by the State of MN. All in favor, motion passed.*

**Garbage Proposal** – Mayor Nyenhuis reviewed the discussion from last month. The City has received comments from three businesses, two requesting to remain with Waste Management and one who would like to change to Gene’s Disposal. Goodfellow noted that there is a significant difference between the residential and commercial. The commercial would increase substantially. Goodfellow noted the data provided by Staff showing the number of complaint calls per week for missed pickups by Waste Management seems very low. Clerk Peterson noted that data shows the missed streets per week, however, does not account for the number of phone calls the office receives from the various residents on each of those streets. The Council discussed splitting the contracts between the two companies, awarding the commercial contract to Waste Management and the residential to Gene’s. Miller is not in favor of the idea of multiple companies. After further discussion, the Council decided to split the companies between the commercial and residential.

*Nyenhuis moved to award the residential contract for garbage and recycling services to Gene's Disposal and Commercial services to Waste Management for three years beginning January 1<sup>st</sup>, 2026. All in favor, motion passed.*

17977 St. Croix Tr N – Mayor Nyenhuis opened the appeal hearing for 17977 St. Croix Trail N, for Joshua and Olivia Rutherford. City Attorney, Dave Snyder, reviewed the issue of the property violation of the keeping of four commercial storage containers in the front of their property. The Council's previous decision was to sustain that violation and the property owner then requested an appeal of that decision. The property owner has also made four to five data practices requests of the City, which staff are making reasonable efforts to respond to those requests and furnish those documents to the property owner. A staff report was presented to Council identifying three violations on the property, along with the recommendation that the appeal be declined and the ruling be sustained.

Mr. Snyder addressed the Council stating that they are in the position of adjudication and it is important that they hear all of the evidence, ask any questions they feel are relevant and that they give the property owners an opportunity to present their case. The City and its staff report has identified three violations: The first being the storing of four accessory/ storage structures in the front yard between the road and the principal structure. The second is a violation of total square footage of accessory buildings. There are currently four or five accessory structures that were previously existing on the property, and the addition of the storage containers adds an additional approximately 640 sq to that total. The third violation is for setbacks. Mr. Snyder advised the Council that after hearing from the property owners, they will have several options to consider in terms of a decision. He advised the Council should make their decision based on the facts and ordinances as they see them.

Mayor Nyenhuis requested to hear from the property owner prior to making their decision. Olivia Rutherford stated this issue began on December 19<sup>th</sup> when they received a letter from the City stating they were in violation of an exterior storage ordinance. They responded in January stating they were being used for agricultural use. The City responded they were not deemed agricultural and then requested the Building Inspector be allowed to inspect the contents of those containers and the barn, which they did not consent to. The City then held a hearing in February, which Mr. Rutherford was in attendance. At that time, the City included additional violations to their claim. That hearing was continued until March due to lack of a full City Council present. Neither Mr. nor Mrs. Rutherford could be in attendance at the March meeting. The Rutherfords do not believe that the storage containers are considered accessory structures. They stated that there is an exemption in City code for accessory structures used for agricultural purposes, which they stated their containers are used for the storage of agricultural equipment. They also stated that the multiple accessory structures on the property were in existence prior to their purchasing of the property and so to have the City state that the addition of 640 sq ft is of accessory structures now the issue is ludicrous. She stated they agree they could be sited for an exterior storage violation at which point they would have the option of proving they are for agriculture or they can choose to screen them. Dave Snyder clarified that the initial claim by the property owner was that the four commercial storage containers were agriculture and used to store agricultural equipment. The City did not request a search of those containers, it requested an opportunity for the building official to visit the site to see the storage containers and their contents, which was refused. Mr. Snyder also noted that the claim was that the four storage containers were agricultural however it is viewed by Staff

that if the container of which the claimed agricultural equipment rendered the container agricultural, then any container would be permissible and any structure would be permissible just because it was claimed to contain agricultural equipment. The recommendation of City staff is that viewpoint not be taken. As to the claim of the screening, that would not change the essential nature of the containers. In response to the property owner not being able to be in attendance at the March meeting, the City had contacted the property owner multiple times prior to any hearing on the matter and repeatedly requested elimination of the storage containers, which were refused.

Mr. Rutherford claimed that the letters from City staff state the containers are storage and ask that they be removed or screened and he accused Mr. Snyder of lying, stating that he is changing the script to use other rules that do not pertain. He stated that the other accessory structures on the property were there prior to them purchasing the property. Mr. Snyder replied that the fact that those additional accessory structures were there previously is not an excuse to continue to compound the addition of additional accessory structures. In addition, as a professional matter, that nobody who has been involved in this matter has escaped accusations of lying, of falsehoods, conflicts of interest or other attacks by this property owner. He stated that this is a statutory and land use matter and he encouraged the property owner, whether in regards to City Staff or decision makers, to the merits of the matter.

Mayor Nyenhuis then requested comments from the City Council. Goodfellow noted that he questioned the applicant in a previous meeting whether these storage containers were temporary or permanent, and the applicant stated they are permanent. He believes that statement is significant. Goodfellow also noted that these structures are out in front of the home, very close to the property line and the road which are a violation of City ordinance. He is sympathetic to the Rutherfords however does not see a situation in which the containers can remain without being a violation.

Nyenhuis noted that the applicant previously stated the barn could not be used for the storage due to the barn being used for family events, which he believes is a choice and is not a hardship or grounds for allowing additional containers. In addition, the containers are in violation of the front yard ordinance.

Miller agreed with Council member Goodfellow and stated the staff recommendation is laid out clearly and the question would be enforcement option. Mr. Snyder noted that an earlier correspondence with the property owner was that he would “see you in court”, which is a threat of litigation. The recommendation would be that enforcement be addressed in closed executive session, however the hope is the property owner would comply with the order to remove those containers on their own within the stated timeline.

Mayor Nyenhuis offered last comments to the Rutherfords prior to asking the Council for a decision. Olivia Rutherford reiterated that they are frustrated that additional violations have continued to be brought forth and they are coming to the conclusion that they may have to hire an attorney to pursue this matter. They have offered to provide a list and pictures of the agricultural items in the containers. She stated the barn is not useable or functional for agricultural purposes.

Mr. Snyder reiterated that claim of storing of agricultural equipment inside a container does not render the actual container agricultural. There is also nothing in the record that illustrates that

shows what is in the containers and a request for a voluntary observation of the containers by the building official was declined.

Nyenhuis sees nothing in the discussion that would be worthy of amending the recommendation by Staff as drafted. Goodfellow questioned if 30 days is reasonable in the order. Miller suggested that be a discussion with legal Council at a later time.

*Nyenhuis moved and Ward seconded that based upon all of the records and testimony and reports submitted in connection herewith, the Council finds that the four shipping containers are violative of, without limitation, City Ordinances §502.2 (3) (A)(I) and § 502.2 (3)(B) (IV). They are to be removed by the property owner within thirty (30) days of the date of this Order. If they are not removed, the City shall take all steps necessary, including formal steps, to accomplish their removal from the property and to seek all costs incurred in doing so from the property owner. A copy of this Order shall be mailed to the owner at the property location which shall be good and proper service for all purposes.*

*Goodfellow aye*

*Miller aye*

*Ward aye*

*Nyenhuis aye*

*All in favor, motion passed.*

Planning Commission - Kristina Smitten reported on the April meeting. There were three public hearings on the agenda. The applicant from 375 Judd Street formally withdrew their application. A public hearing was held for 360 Robert Street, and another hearing was held to review the agricultural amendments to the city and zoning codes. Ward thanked Ms. Trapp and the planning commission for doing such a clear summary and recommendation on the agricultural amendments. She questioned the regulation of signs for produce stands and how it affects residents on a dead end or cul de sac where the public cannot see the sign. Ms. Trapp stated that stipulation was not added and was part of the previous code. She stated there are options for discussion in the future. Ward also thanked Ms. Smitten for her thoughtful consideration of noise and lighting regarding to green houses.

Rita Trapp briefly reviewed the amendments being recommended for the agricultural use changes for the zoning ordinance and city code. There was clarity provided for various definitions and changes made to green houses, manure and livestock, and seasonal produce stands. The issue of bees was set aside for the time being.

Goodfellow questioned if supplemental electric heaters would be allowed in a passive greenhouse. Smitten stated the code allows for heaters and lighting powered by solar, however not mechanical.

*Miller moved and Ward seconded to approve Ordinance 187 regulating chickens within the City of Marine on St. Croix. All in favor, motion passed.*

*Miller moved and Ward seconded to approve Ordinance 188 regulating agriculture uses within the City of Marine on St. Croix. All in favor, motion passed.*

*Miller moved and Ward seconded to approve Resolution 250508-02, adopting Title and Summary to Ordinance 188, Regulating Agriculture Uses. All in favor, motion passed.*

*Ward moved and Miller seconded to accept planning cases 20250429-01 and 20250429-02, to approve two variances, one for minimum lot area and the other to allow a detached accessory structure to be located nearer the front property line for 360 Robert Street. All in favor, motion passed.*

Mayor Nyenhuis recessed the meeting at 8:37pm.

Mayor Nyenhuis call the meeting back to order at 8:50pm.

Public Safety – Chief Mills reviewed the public safety report. There were nine calls last month. He requested approval of a new probationary member, Amy Clark. Miller thanked the chief for his service,

*Nyenhuis moved and Miller seconded to accept Amy Clark as a probationary member of the department. All in favor, motion passed.*

Public Safety Plan – The Council held a workshop to review the draft plan and were able to produce a final document. Miller noted this document is a working document and the Council will be accepting public comment. Nyenhuis thanked Charlie Anderson for his work on the creation of the document.

*Miller moved and Goodfellow seconded to approve the Summer Public Safety Plan as presented. All in favor, motion passed.*

Ward noted that the City will be holding a public input session to discuss music, traffic and public safety. This meeting is also for Marine residents exclusively. This meeting will be held on Thursday, March 22 at 6:00pm. If residents are unable to attend, comments will be accepted through the City office.

Roads – Isiah Bubany was in attendance to review the Engineers report. The second floodplain risk assessment meeting will be held next week. Construction on Elm, Fifth and Oak Streets has begun. The project is scheduled to be complete by June 6<sup>th</sup>. Goodfellow noted the project cost is just over half a million dollars and it is very impressive thus far. Nyenhuis questioned how the speed bumps are being handled. The speed bumps that were there originally will be replaced. The size will change slightly however.

Red Bridge Update – Goodfellow submitted a history of the Red Bridge, beginning in 1885. He noted that the upgrades made in 1985 included treated wood, which he believes is good news.

Personnel – No report.

## Parks & Rec –

Hollow Management Plan – Kristina Smitten submitted a draft final management plan for the Hollow. The woodland burn was completed today, so that will be updated in the plan. The grant will conclude June 30<sup>th</sup> so all final payments will be submitted to the Council for approval. Once those are paid, reimbursement will be requested from the DNR. Smitten showed before and after photos from the restoration. Ms. Smitten noted it is up to Council discretion as to whether or not to approve this document. Miller is not comfortable approving the document at this time as there are many budget items that will need to be addressed. Goodfellow does not believe this plan is forward thinking and is more of a report rather than a plan. He believes a forward-looking plan would address risks and threats and additional standards. He is also concerned about the overall budget. Miller believes there are other City properties that need to be considered as well, and those should be taken into consideration. He would also like to prioritize not only parts of the Hollow, but the other parts of the City that also need to be addressed. Nyenhuis believes this issue is worthy of a workshop prior to the August budget meeting. He would like to see the Council give the approval of this plan to be the report and the guiding document for any future conversations.

Goodfellow moved that this report be adopted this as a final report for the project that does include guidance but is not the forward looking plan.

Discussion was held on the verbiage of the motion. Goodfellow wants to ensure that if the plan as drafted is adopted, that the recommendations in the plan are not executed as the plan but remains recommendations only. Nyenhuis questioned if the grant requires the Council to submit an approved document or a recommendation. Smitten stated that the best scenario is that the Council approves the final document however either way if fine. She did remind the Council that this was a grant supported project and the guidance is DNR and a Landscape Ecologist recommendation and the City needs to honor that grant as it stands.

Goodfellow withdrew his original motion.

Goodfellow moved and Miller seconded that the Council accept the final report as presented with the congratulations of all of the hard work. All in favor, motion passed.

Watershed – Goodfellow noted there are seven names of people interested in the Mill Stream citizen committee. He will work on narrowing that number and will bring those forward in June.

Cemetery – Nyenhuis submitted a written report stating that the scanning has been complete and Subdivision A, Block 25 Lots 1-8 are cleared for sale. In addition, a new area was identified to create additional graves sites and the City is working with Landmark Surveying to get those surveyed and recorded. These will be identified as Subdivision AA, Block 26, Lots 1-4, Block 27 Lots 1-4 and Block 28 Lots 1-4.

Water/Wastewater Systems - Miller stated the seconded phase of the drainfield project is complete.

City Properties – Clerk Peterson reviewed the Village Hall project. The budget came in at \$6500 over budget. This overage was due to the IT upgrades that were not included in the original calculations. Goodfellow requested this project be discussed in detail prior to the budget meeting. Nyenhuis requested his concerns be summarized in a memo to Council.

EDA – Goodfellow has met with Mike Lammi and believes there are opportunities to improve the agreement between the City and school. He would like to schedule a workshop after the next school board meeting. Nyenhuis would rather schedule an EDA meeting prior to an upcoming Council meeting.

Forest Advisory – Jami Souza reported on Arbor Day at the Marine Village School and presented a power point showing photos of the event. The school received a grant to create a pollinator garden.

Multi-Generational Education Committee – No meeting in May.

Mill Site – Julie Warren reported on the recent activities at the Mill Site. There have been a few clean up days at the site, some involving Sentence to Serve. The paths have been restored with wood chips and there has been restoration work done on the ravine. There continues to be issues with the counter which they are working to resolve with MHS.

Community Events – No report.

Consent Calendar – Nyenhuis moved and Miller seconded the Minutes of 4/10/25, Treasurer's Report of 4/25, List of Bills for 5/8/25, Public Works Maintenance Report, Planning Commission Minutes.

Old/New Business – Nyenhuis moved and Miller seconded to adopt Resolution 050825-01 accepting the resignation of Charlie Anderson from the City Council. Discussion was held on how to move forward receiving applicants. The Council will post the position and accept letters of interest until the end of May and those applicants will be reviewed and a decision made at the June meeting.

Brookside Update – Ross Higgins presented a power point discussing the fence installation around the property. They will also be obtaining exterior attendee counts as requested by the public safety committee in order to more accurately complete the special event permits. Those counts will be taken three weekends in June and September during the time periods of 3:00pm and 5:00pm. Goodfellow suggested also taking a picture to assist in those count numbers. Currently the permits for May and June have been approved.

Mayor Notes/Clerk's Report – None

Adjournment – Miller moved and Goodfellow seconded to adjourn at 9:45pm. All in favor, motion passed.

Minutes taken by Lynette Peterson, City Clerk/Administrator