

CITY OF MARINE ON ST. CROIX CITY COUNCIL MEETING

Thursday, October 14, 2021

The meeting was called to order by Mayor Nyenhuis at 7:00pm. Nyenhuis, Pardun, Anderson, Ward, Roden present.

Citizens Present: Mary Skamser, Jim Shaver, Andy Creager, Kitsi Vadheim, John Goodfellow, Glen Mills, Cecily Harris, Dana Anderson, Dennis Reynolds, Tommy Boesel, Rob Powell; Zoom: Curt Moe, Dan Malmgren, Dorothy Deetz, Cheryl Johnson, Jason Crotty, Leslie MacKenzie, Jim Maher (MarLa), Mary Burke, Todd Mestad, Andy Powell

Approval of the Agenda – *Pardun moved and Roden seconded to amend the agenda to include “application process” under the Planning Commission agenda item.*

*Roden - yes
Anderson - yes
Pardun -yes
Ward -yes
Nyenhuis -yes*

Agenda approved as amended.

Citizens Considerations

Jim Shaver and Andy Creager – Mr. Shaver and Mr. Creager were in attendance to request a waiver of the Village Hall rental fee. They intend to host a fundraiser at the Village Hall on New Year’s Eve. Funds would go to fireworks, fire department, and possibly the Restoration Society. In the past they have raised \$800 - \$900 per year. Christie Forcea was unable to attend on behalf of the Brookside, but Creager and Shaver confirmed that Brookside would handle alcohol sales at the event. Mayor Nyenhuis asked who would carry liability insurance. Shaver and Creager said the Brookside would.

Ward moved and Roden seconded to waive the hall rental fee for the New Year’s Eve party. Pardun added friendly amendment that the event would be held December 31st, 2021.

*Anderson - yes
Pardun -yes
Roden - yes
Ward -yes
Nyenhuis -yes*

All in favor, motion passed.

Roden moved and Pardun seconded to approve a one-day liquor license for the Brookside Bar and Grill on December 31st, 2021.

Anderson - yes

Pardun -yes

Roden - yes

Ward -yes

Nyenhuis -yes

All in favor, motion passed.

Win Miller – Mr. Miller was in attendance via Zoom to report that the Minnesota Department of Education approved the Marine Village School’s application. They are now applying for a program grant of \$200,000 per year for three years. The first year would be their preoperational year, and they would use the funds for hiring, enrollment marketing, and computer equipment. The second and third years it would be for equipment. Board Member Susan Loomis resigned, feeling her work was complete. The group is grateful for her time and effort, and is now looking for a new member. They are also considering expanding to a seven-person board. They are actively fundraising, with a goal of \$50,000. They’re currently looking for people to pledge \$25,000, which will be used as matching funds to drive contributions. They will also host a Halloween party at the school from 3-6 pm., October 31. Councilman Anderson requested that staff share event details on the city’s website.

Planning Commission

September Meeting Update

Assistant Clerk Suzanne Dammann updated the Council on the September meeting. 1. Pre-application meeting regarding the possibility of a variance at 760 Judd, to build an accessory structure on a lot without a principal structure. The property is comprised of two lots that cannot be combined because an alley is platted between them. The commission advised asking the council to vacate the alley. 2. A public hearing was set for October 26th for a variance request at 360 Robert St. to build on a substandard lot. 3. The commission had a pre-application for a conditional use permit for a bathroom in an accessory structure at 871 Judd.

Approval of Wireless Ordinance

Anderson noted this ordinance was three years in the making, and expressed appreciation for the work of current and previous council members, the citizen Communications Infrastructure Committee, and the Planning Commission for their thoughtful work on the ordinance. He said the primary benefit of the ordinance would be for public safety, with secondary benefits for greater cellular connection in general.

Anderson moved and Pardun seconded to adopt, by title and summary, Resolution 211014-01, Ordinance 159, An ordinance amending the Zoning Ordinance Section 408 by repealing Ordinance 105, Wireless Communication Antennas and Towers, and enacting a new Section 408, Wireless Communication Towers.

Anderson - yes

Pardun -yes

Roden - yes

Ward -yes
Nyenhuis -yes

All in favor, motion passed.

Request for Proposals: Cell Tower

Pardun reported that the document is in draft form, and the city attorney is reviewing it now. To keep the process moving forward, he is seeking council consensus to authorize City Clerk Lynette Peterson and himself to release the RFP. Once the city attorney is done, council members would have a chance to review and send comments to the clerk, with revisions by the city attorney if needed. They are hoping to issue the RFP November 1, with proposals due December 1. This would put the council in a position to approve the project assignment at their December 9 meeting.

Anderson moved to conditionally approve the RFP contingent upon review by the city attorney. Pardun added a friendly amendment to authorize Pardun and Clerk Peterson to release the RFP per the timelines stated. Roden seconded.

Anderson - yes
Pardun -yes
Roden - yes
Ward -yes
Nyenhuis -yes

All in favor, motion passed.

Set Zoning Code Public Hearing

Nyenhuis moved and Roden seconded to set a public hearing to adopt the Zoning Code Amendments for Wednesday, November 10th at 7 pm.

Anderson - yes
Pardun -yes
Roden - yes
Ward -yes
Nyenhuis -yes

All in favor, motion passed.

Wetland Buffer Requirement Discussion

Ward asked the Council and Planning Commission to strongly consider two additions to the list of future updates to the Zoning Ordinance. 1. An analysis of the process, checklist and expectations an applicant will encounter when applying for a variance or conditional use permit. 2. Development and establishment of a wetland buffer ordinance. The city relies on the watershed district for most water-related zoning regulations. Ward described the city's wetland ordinance, Section 405.6, as "woefully inadequate" with no mention of buffers. Buffer regulations are triggered only when a property owner proposes a subdivision. Ward suggested looking to May Township for model regulations.

Roden said she was on the Planning Commission when they had to adopt the new regulations from the watershed district into the code and comp plan. They did a lot of work with the watershed to protect the water systems and individualize the regulations for Marine on St. Croix. At that point it felt like the city had very secure protection for any new development near water systems, whether streams or underground. Marine has water systems everywhere. Roden added that the watershed district is updating their regulations, which will likely require revisions to Marine's zoning code, and she'd like to hold off on changes until the city sees those.

Ward answered that she has been talking with Mike Isensee, administrator of the Carnelian-Marine-St. Croix Watershed District, and they have a mutual understanding that Marine's protections are not strong enough. Anderson returned to Ward's mention of May Township's regulations. Ward said Isensee had pointed out that language, and suggested the Planning Commission could use that language as a jumping off point. Anderson noted that the commission would need to balance that with the need to provide affordable single-family housing in Marine. Resident John Goodfellow asked the council to recall that he brought this issue forward in March and April. He said it's clear there's a disconnect between the watershed and the city, and noted that he'd written letters using the Rosabell subdivision as a case study. Nyenhuis noted they would need input from the PC to decide whether this could fit into their workplan.

Consensus from council for commission to work on development and establishment of a wetland buffer ordinance, but council is not setting the level of priority.

Planning Commission Member Application Process

Pardun moved and Roden seconded to approve the Planning Commission Applicant Process as follows: The commission will choose applicants to interview; interviews will be conducted by commissioners and at least one council member; the interview team would make recommendations to council regarding an appointment.

Anderson added a friendly amendment to include the zoning administrator (city clerk) in the interview process. Pardun accepted the amendment.

Ward would like to see all applicants interviewed. Roden noted that the PC is most qualified to see how different skill sets can fit together. Anderson said if the application is complete, there should probably be a presumption of an interview. Pardun agreed.

Anderson - yes

Pardun -yes

Roden - yes

Ward -yes

Nyenhuis -yes

All in favor, motion passed.

Council Reports

Public Safety – Chief Malmgren reported the street dance went well in spite of rain. For 2022 they'll go back to the third Saturday in June. Trucks will be going in for annual maintenance in the next month.

Anderson said City Code requires an annual meeting for the Public Safety Department to discuss business. It should be scheduled in November, but doesn't need to be held in November. He will initiate scheduling that.

Anderson added that a bicyclist had been struck by a vehicle while passing through Marine during a sports event. He would like to make sure Marine is covered for liability in the case of unfortunate events like this. He has experience rewriting ordinances and standard operating procedures for the City of St. Paul and its police department. Right now Marine has an outdoor entertainment ordinance, but not anything codified that covers events, especially those just passing through. He will continue to study special events and permitting on public property with the goal of adding that to the code. Anderson gave an early draft to Pardun for a roads perspective, and will share with others when it's closer to being ready. Pardun agreed that it's important to take a look at this, especially for liability concerns.

Concluding the Public Safety report, Nyenhuis noted that the fire squad's presence at the folk school event was valued and helpful, and asked the chief to keep that on their calendar for next year.

Roads – Marcus Johnson of Bolton & Menk reported that roadwork is mostly complete. The contractor is working on the final punch list. The state has done its inspection and had minor comments that are being attended to. A change order (no cost) and request for payment 7 are on the agenda for approval tonight. After this, one more payment remains for the withheld 5%. He also noted that the CMSC Watershed District is accepting public comment on its floodplain risk assessment through October 15.

Change Order: Pardun reported that Bolton & Menk had accommodated the city's request to minimize vibrations during roadwork, and to keep roads mostly open while work was going on. Because they were able to plan ahead, it was a no-cost change.

Pardun moved and Roden seconded to approve Construction Contract Change Order No. 2 as recommended by the city engineer, noting that it is a no-charge change order.

Anderson - yes

Pardun -yes

Roden - yes

Ward -yes

Nyenhuis -yes

All in favor, motion passed.

Contractor Request for Payment No. 7:

Pardun moved and Roden seconded to approve the Contractor request for payment No. 7 in the amount of \$97,050.69

Anderson - yes

Pardun -yes
Roden - yes
Ward -yes
Nyenhuis -yes

All in favor, motion passed.

Regarding construction, Ward noted that the dumpster and porta potty on Parker Street remain exposed and create a poor first impression of Marine as people are driving by or into town. Pardun noted that Dorothy Deetz and the mayor were going to work on screening. Mayor Nyenhuis agreed that it was time to revive that conversation.

Anderson asked for an update on the divots. Pardun said the kickstand pads seem to be working. The city hasn't gotten complaints. There are a few new divots but not nearly as many as after the first lift. Public works will try to patch the new divots to prevent water from getting in and freezing. Anderson said it sounded like money well spent waiting on the second lift.

Personnel - Pardun introduced Rob Powell, who is new to public works after the departure of Jason Crotty.

Parks & Rec – Ward reported that she and the mayor had interviewed nine fabulous candidates for the Open Spaces committee and recommended the appointment of all. They represent a wide range in age, from 14 years to 82.

Ward moved and Anderson seconded the appointment of Harold Teasdale, Catherine Brekke, John Goodfellow, Clara Wicklund, Andy Powell, Stella Powell, Ann Hill, Mary Vogel, Tom Warth.

Anderson - yes
Pardun -yes
Roden - yes
Ward -yes
Nyenhuis -yes

All in favor, motion passed.

Cemetery – Mayor Nyenhuis noted that the cemetery looks well-kept and sales of vacant plots remain swift.

Water Systems – Pardun reported that the meetings being held with the residents about the future of city-managed on site systems are almost done. The next step is sending a letter announcing the sunset of those systems. The idea was pretty well received, but they found out that when the drain field was put in, the city agreed to do water testing nearby. The MPCA was slowly having the city close well sites because they weren't finding any problems, and told the public works staff at the time that MPCA did not require the resident well testing. Public works phased it out, not realizing there was a resolution in 1985 that the city would test for the life of the drain field plus two years. There was never a resolution from the city to stop doing the tests. Pardun and city staff are looking into what kinds of tests they did, and will plan on testing next summer.

Roden asked whether the city would need a resolution to discontinue the tests Pardun answered yes, that would be the next step, but he thinks the city needs to do more research and testing first. Anderson asked whether there is language to city responsibility pursuant to this kind of testing. Pardun said yes, whenever a municipality puts in a drain field there is a mitigation plan. It seems unlikely that there are problems, but the city needs to look further into it.

City Properties – Pardun talked about the possibility of using CARES funding to invest in ultraviolet light treatment of the water at the school, which is expected to cost about \$45,000 - \$50,000. When the city bought the building, they knew they would need to implement a mitigation plan, and that allowed them to negotiate a lower price on the property. Pardun noted that the well is also used for the sprinkler system, which could drive the treatment cost up to \$75,000. They will try to find a way to reduce that use to keep the cost of treatment lower.

Ward said she liked the idea, but would like more discussion of CARES funding, and requested adding CARES funding to the November agenda.

Holidays / Events

Roden reported that she's overseeing plans for the Enchanting Forest. Dorothy Deetz and others are putting together questions about 4th of July activities. Nyenhuis suggested getting all information together for the November meeting, because their findings could affect the budget.

EDA – No report

Citizen Committee Reports

Green Step Cities – Roden reported that GreenStep Cities has a meeting coming up.

Communication Infrastructure – Anderson reported that the committee has no plans to continue meeting as the cell tower process plays out, although they might meet to discuss the RFP process to gather input from subject matter experts on the committee. The only remaining charge Anderson has identified for the committee is improving internet connectivity and offerings for residents. He noted that many residents are happy with Midco, but they would like to explore options after the cell tower issue is complete. They hope to come back with recommendations for internet connectivity within a year.

Urban Forest – Ward reported that the group will have news on the grant soon. For now they're getting ready to tie ribbons around ash trees.

Consent Calendar

Pardun moved and Anderson seconded to approve the Minutes of 9/12/21, and 9/21/21 Treasurer's Report of 9/21, List of Bills for 10/14/21, Planning Commission Minutes, Zoning Administrators Report (none), Public Works Maintenance Report, William O'Brien Deer Stand Exemption, and Approval of School Election Judges: June Eagleton, Gail Coolidge, Mary Skamser, Diane Mills, Annie Moore.

Nyenhuis noted a couple items: Approval of the deer stand exemption during the annual deer hunt

at William O'Brien State Park, and approval of election judges for the school election November 2.

Anderson - yes

Pardun -yes

Roden - yes

Ward -yes

Nyenhuis -yes

All in favor, motion passed.

Old/New Business

Watershed District Draft Plan – Mike Isensee, administrator of the Carnelian-Marine-St. Croix Watershed District, presented a summary of the district's 10-year watershed plan. Through the plan, they hope to keep doing what has been working well, identify gaps and take new approaches to closing them. They have set specific goals so they'll know whether they've met them. In Marine, they will work to restore water quality of the Mill Stream. They'll be monitoring and have a couple projects in mind. Two-thirds of the 350 households that responded to their survey wanted greater enforcement of district rules, so the WD started a shoreland compliance advisory committee. Their plan is to increase communication and engagement, evaluating shoreland annually, better responsiveness to shoreland owners in helping them solve issues before they fix something in a way that violates district rules. The WD is hiring a second employee, a shoreland specialist, to help shoreland property owners with permitting, engagement and technical assistance in design. Ward suggested adding funding to the WD plan to measure, monitor and protect local groundwater and seep springs.

Ward moved and Anderson seconded to support the draft 10-year plan for the Carnelian-Marine-St. Croix Watershed District, with additions requesting that the board add funding to measure, monitor and protect local ground water and seep springs.

Anderson - yes

Pardun -yes

Roden - yes

Ward -yes

Nyenhuis -yes

All in favor, motion passed.

Airboat Update – Ward reported that there is a tip line on the city's website for residents to report air boats on the St. Croix River. Anderson added that it's illegal by federal law, not enforceable by the county sheriff's office or DNR. The National Park Service regulates wake and audio requirements. Anderson would like to make sure the city has those resources available for those rules, who enforces it, and how to report it. Ward added that the tip line goes to an office in Indiana, but the idea is to call the tip line so that they're aware that this is impacting Marine.

Long/Short Term Goals – Nyenhuis said the council plans on scheduling a workshop to review the list of goals. As yet, it is not scheduled.

Mayor Notes/Clerk's Report – Mayor Nyenhuis noted the City of Marine has made a commitment to support the Washington County Historical Society's new facility. They're preparing for the ribbon cutting October 15. He had a chance to visit and was impressed, and thinks it's an important investment that will benefit the river valley.

Adjournment

Mayor Nyenhuis moved and Ward seconded to adjourn at 8:43pm.

Anderson - yes

Pardun -yes

Roden - yes

Ward -yes

Nyenhuis -yes

All in favor, motion passed.

Minutes taken by Suzanne Dammann, Assistant City Clerk