

CITY OF MARINE ON ST. CROIX CITY COUNCIL MEETING

Thursday, August 11, 2022

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

Citizens Present: Michael Towers, Kimberly Kokx, Win Miller, Dan Malmgren, Larry Roden, Doris Petrie, John Goodfellow, Kitzie Vadheim, Scott Spisak, Glen Mills, Mary Burke, Mike Tibbetts, Charlie Borden, Deb Ryun, Mary Larry Whitaker, Nancy Lindblom, Valorie Dowell, Ron Mitchell, Jim Maher, Julie Warren, Tod Mestad, Dorothy Deetz, Nealy Corcoran, Ron Mitchell, Ryan Goodman, Ann Reich, John Fogelberg, Dana Vannen, Larry Martin.

Approval of the Agenda-Anderson moved and Ward seconded to approve the agenda as drafted. All in favor, motion passed.

Citizens Considerations -

Win Miller/Dr. Kimberly Kokx - Win Miller introduced Dr. Kim Kokx as the new principle to the Marine Village School. There are currently 29 students enrolled with 3 staff members. Dr. Kokx discussed an upcoming "sneak a peek" day which will allow potential students to experience a shortened school day. This will take place on September 6th. The State Fire Marshall completed the inspection today, which went very well. Pardun noted the harm that losing the school caused the community and he believes the Marine Village School will help to bring that back. Ward stated she spoke with someone who saw the outreach at Lumberjack Days in Stillwater who has since enrolled his two children, so she believes the outreach is working.

Deb Ryun - Deb Ryun was in attendance from the Wild River Conservancy to request a hall rental waiver or reduction. They will be holding an event to celebrate their 50th anniversary on October 12th from 6pm-9pm. The event will be free to the public. Anderson noted that there were Marine residents that had recently presented a request for a rental waiver that was turned down, so a precedent has been set due to the need of caring of the hall. Ward questioned the reason for the request. Ms. Ryun noted there is no income being raised for this event and it is being used for community education. Nyenhuis agreed with the need to caring for the hall and also for keeping with precedent but would be in favor of a reduction rather than a waiver. After further discussion, no action was taken.

Mike Tibbetts - Mr. Tibbetts was in attendance to discuss the Broadway St. micro surfacing. He stated there was a group that had met earlier in the year to discuss the need for Broadway to be repaired or replaced. At that time, a number of \$650,000 was given for a complete replacement from County Rd 4 to the Jackson Meadow entrance. Pardun stated the cost was not that high. Mr. Tibbetts questioned if it is the lack of a crown that is causing the deterioration of the road. Pardun noted that the lack of crown does contribute to ponding, which does contribute to deterioration. Mr. Tibbetts measured several of the roads around town, and believes that Broadway has more of a crown than most of the roads around the City. He is questioning what the micro surfacing will do and if that road will need to still be replaced in 5-7 years. He also believes the City has spent far too much money on the roads in general and that the money spent on repairs and replacement

of the roads would be better spent elsewhere. Nyenhuis believes the Council has heard his concerns. Mr. Tibbetts stated he feels like the Council has heard him, however often ignores what he has to say. Nyenhuis suggested he stay for the portion of the meeting in which the micro surfacing is discussed.

Planning Commission - Chairman Spisak reported on the public hearing held on July 26th for the cell tower variance. The Commission took public comment, and has recommended approval of the variance and CUP. Clarification was made as to whether the discussion was held before or after the motion. The City Attorney stated that would be at the discretion of the Council. Mayor Nyenhuis believes the motion should come first and then discussion. Councilmember Anderson read a prepared statement. Ward believes this is one of the City's most substantive and long-term decisions. She thanked the Infrastructure Committee, Council member Pardun, the Planning Commission and the residents. Pardun echoed Council member Anderson and Wards comments and believes this has been a difficult lift for the Council and Planning Commission. He also has heard the concerns of citizens and understands the citizens who are unhappy about this decision. Nyenhuis stated he was involved in an incident on the St. Croix with an adolescent and remembers the desperation of trying to contact emergency personnel. Mayor Nyenhuis also read a prepared statement.

Anderson moved and Ward seconded the approval of Planning Case 052322-01, approving a Conditional Use Permit and Variance for a monopole tower and wireless antennae facility per the findings as read and attached.

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

All in favor, motion passed unanimously.

The Planning also considered a Conditional Use Permit for Charlie Borden at 990 Rosabell St. The CUP is for a driveway longer than 200 ft in length.

Ward moved and Pardun seconded to approve Planning Case 072622-01, a CUP for driveway access at 990 Rosabell St, Charlie Borden as presented. All in favor, motion passed.

Consultant Update - Commissioner Spisak reported six firms had submitted proposals and have been interviewed. After consideration, the Commission is recommending HKGI out of Minneapolis as the new consultant and approve staff to enter into an agreement with their firm.

Anderson moved and Ward seconded to approve Minneapolis firm HKGI as the consultant and authorize staff to enter into the agreement. All in favor, motion passed.

Public Safety - Chief Malmgren advised there are two new members that need approval. The Streetdance proceeds were approximately \$7500. A grant was received for SCBA's in the amount

of \$5,000.

Anderson moved and Nyenhuis seconded to approve two new members to the Marine Fire Department, Sarah Godsave and Arik Howie-Petroske for a one-year probationary period. All in favor, motion passed.

Roads - Ryan Goodman reviewed his engineers report.

Micro Surfacing Project - One bid was received for the micro surfacing on Broadway Street in the amount of \$91,750.60. Pardun gave some background on the previous discussions on how to find a way to repair Broadway that is feasible and would buy approximately seven years before it needs a full pavement replacement. The price is to have the project done this year, and there is a possibility the price could go down next year, but there is no guarantee. Nyenhuis does not like the bid and believes it is much higher than what he anticipated it would be. He also questioned if there are any warranties on this product after the first plowing season. The last time Broadway was done, a slurry seal was put down and it was a disaster. Micro surfacing is a completely different product and is currently used on highways, runways, and city street. There are no warranties on any material outside of a reconstruction. Mike Tibbetts questioned if the material looks very shiny and crystalized. Ryan Goodman believes that look typically comes from a standard overlay and not micro surfacing. Pardun also believes the Council should wait and see where prices are at next year. If the City waits, Farhner stated they would also be able to bid this project as well. Pardun also clarified that putting this project off until next year would not change the overall budget numbers discussed at the workshop.

Scott Spisak believes this winter will be more devastating to that road than last, and he questioned if the road would be patched in the meantime. Pardun doesn't believe it would be wise to spend \$15,000 to patch this year just to spend a large amount of money to micro surface next year. No action was taken on moving forward with the project for 2022.

Personnel - No report.

Parks & Rec - Anderson noted that the City Code addresses permissible firearms in the SFR and SCRR districts and bow hunting is permitted in the SFU and SCUR districts and encourages residents to utilize those permits.

Cemetery - Nyenhuis will be talking with the DNR later this month to discuss the land across from the cemetery.

Water Systems - Pardun presented an amendment to Chapter 19 of the City Code.

Pardun moved and Anderson seconded to approve Resolution 2022081122-01, Ordinance No. 163 amending Chapter 19 of the Marine on St. Croix City Code. All in favor, motion passed.

Pardun moved and Anderson seconded to approve Resolution 2022081122-02, allowing for Ordinance 163 to be published by Title and Summary. All in favor, motion passed.

Pardun moved to set the public hearing to discuss the septic turnover vacations for September 8¹¹, 1,

2022 at 7:05pm. All in favor, motion passed.

John Goodfellow and Nancy Lindblom, residents, questioned when the City will be completing the water tests for the 11 homes as required by the Resolution passed in 1983. Pardun noted those tests will be done next week. Anderson stated he appreciates the feedback from residents, however the proper time to be asking these questions would be under Citizen considerations.

City Properties - No report.

Holidays/Events - Roden advised the community picnic will be held on August 27th.

EDA - No report.

Citizen Committee Reports-

Green Step Cities - No report.

Trails, Open Space - No report.

Forest Advisory - Ward reported on the EAB resident outreach. There have been 14 trees that have been chosen to be inoculated in the downtown parks and the school. There will be approximately 120 Ash Trees that will be inoculated in public right of ways. Ward presented four questions relating to the Ash tree futures and presented a recommendation to task the Forest Advisory committee to come up with this plan by year's end.

Roden noted that the inoculation of these trees is perpetual, and the residents who have agreed to be part of this adopt a tree program will most likely not be around for the life of the tree. When Dutch Elm hit, the City of St. Paul opted to plant a variety of trees in order to prevent this deforestation from another disease and believes the City should consider this as well as the plan is developed.

The consensus of the Council was for the Forest Advisory to move forward with creating a plan.

Consent Calendar - *Nyenhuis moved and Anderson seconded to approve the Minutes of 7/14/22, 7/25/22, Treasurer's Report of 6/22, List of Bills for 8/11/22, Zoning Administrators Report, Public Works Maintenance Report and Planning Commission Minutes.*

Old/New Business -

The proposed 2023 budget Meeting will be held on August 23, 2022 at 5:30pm.

Christ Lutheran Church Proclamation - Mayor Nyenhuis read a presented proclamation for Christ Lutheran Church to declare Sunday, September 18, 2022 as Christ Lutheran Day for the City of Marine on St. Croix.

Marine/Scandia Lions project - The Lions club has recycled 500,000 lbs of plastic and has turned that recycled material into a bench. They are proposing to gift this bench to the City. A suggestion was made to place at the school yard.

Nyenhuis moved to accept the gift of a recycled plastic bench from the Scandia Marine Lions and for staff to send a thank you card signed by all Council members. All in favor, motion passed.

STR Ordinance Amendment -Anderson moved and Roden seconded to adopt Ordinance 2022-164, amending Chapter 30 short term rental ordinance to establish violations applicable to occupants and transient guests of unlicensed short-term rental. All in favor, motion passed.

Capstone Project Update - Steering committee will consist of Mayor Nyenhuis, Councilmember Pardun, Ed Sanderson, Kristina Smitten and Scott Spisak.

Fee Schedule - Anderson presented an updated proposed fee schedule. He would like to strike the movie permit for now. Pardun questioned athletic event- that would not include items like baseball practices. The City Clerk also noted that any hall rental increases should also be run by the Restoration Society and she is waiting to touch base with the President. Anderson suggested holding off on approval until the September meeting.

Anderson noted the Cable Franchise will be up for renewal in February of 2023 and suggested the Communications Infrastructure Committee be reformed to help with the renewal.

Mayor Notes/Clerk's Report - Nyenhuis reported the church will be scheduling a school forest clean up day in the near future.

Nyenhuis moved and Pardun seconded to close the meeting as permitted by the attorney-client privilege, MN Statutes Section 13D.05, subdivision 3(b) to discuss the pending litigation entitled John P Norusis vs. City of Marine on St. Croix, Court file No 82-CV-20-3974. All in favor, motion passed.

Nyenhuis moved and Roden seconded to reopen the regular Council meeting at 9:39pm. All in favor, motion passed.

City Attorney stated the Council met in executive session pursuant to MN State Statute 13B.05 Sub. 4 to discuss pending litigation in the matter of John Norusis vs. the City of Marine on St. Croix at which no action was taken. Those in attendance were Council members Anderson, Pardun, Ward, Roden and Nyenhuis along with City Clerk Lynette Peterson, Assistant City Clerk Suzanne Dammann along with himself, City Attorney and Paul Reuvers, City Attorney.

Adjournment - Nyenhuis moved and Ward seconded to adjourn at 9:40pm. All in favor, motion passed.

Minutes taken by Lynette Peterson, City Clerk