

CITY OF MARINE ON ST. CROIX CITY COUNCIL MEETING
Thursday, April 13, 2023

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

Citizens: Scott Spisak, Glen Mills, Mike Isensee, Jim Maher, John Waugh, John Goodfellow Liz Kelly, Dorothy Deetz, Anna Hagstrom, Rosie Peters, Win Miller, Ryan Goodman, Mary Burke, Mark Kraske, Jennifer Henry, Jeff Comins.

Approval of the Agenda - *Ward requested to add an agenda item addressing mountain biking on trails under parks and recreation and Pardun requested to add an item addressing the recent storm damage under public safety. Miller moved and Anderson seconded to approve the agenda as amended. All in favor, motion passed.*

Public Hearing - Additional Liquor License Consideration

Mayor Nyenhuis opened the public hearing at 7:02pm for the purpose of considering a request by Anna Hagstrom to add a secondary discretionary liquor license. Ms. Hagstrom owns Anna's Bistro and currently hold the only discretionary license available for the combination on sale/off sale. She would like a Sunday On Sale license as well, which is currently held by the Brookside Bar and Grill. Clerk Peterson advised the only way for the City to add a Sunday On Sale is, per State Statute, is to either hold a special election or put it on the General ballot in 2024. In order to hold a special election, a petition must be submitted with the number of signatures equal to 20% of the total votes cast in the 2022 election. There was a question of whether Ms. Hagstrom could obtain a wine license in place of her combination on sale/off sale. That is an option, however if she were to give up her on sale/off sale then she would not be able to hold her caterer's permit. Anderson would like to see if there is a way to amend the code to allow for Ms. Hagstrom' s request.

John Goodfellow, 825 Pine Cone Trail, commented that he considered the license fee too high and would like see the cost of the license adjusted for the size of a business. Anderson noted this public hearing is for the consideration of an additional liquor license and not the fee schedule. Ms. Hagstrom would like to see the fee decreased in order to make her smaller business is more equitable. Anderson sees this a different situation that maybe a reduction in the fee is due to the circumstance of her not being able to sell on Sundays and may warrant an additional conversation on that topic.

Mayor Nyenhuis closed the public hearing at 7:14pm.

Citizens Considerations -

Restoration Society - Jane Powell and Lorelee DiLorenzo were in attendance on behalf of the Restoration Society to request authorization to move forward on a landscape plan for the Gazebo and landscaping right around it. This project would be fully funded by the Restoration Society. The Council was very supportive of the idea, however would like to see the plan prior to moving forward. Nyenhuis questioned who would handle the continued maintenance of the plantings after the work is complete. The plan would include low maintenance plants, however it may be a

collaboration between the City and volunteers. Nyenhuis would like to see a volunteer effort for the maintenance. Miller thanked the Restoration Society for having the hall painted and the new book shelf in the lobby.

Brookside Bar and Grill - Rosie Peters was in attendance on behalf of the Brookside to address questions and concerns from the Council for special event permit applications that were recently submitted. Anderson noted that there was a time increase on the permit application from previous years. It has always been 3pm-7pm however the current permit lists 2pm-7pm. Ms. Peters stated the plan is for the music to play from 2pm-6pm however there has been times when the band has gone over. Ms. Peters stated the band will be done by 6pm. There have also been issues with patrons parking in the fire lane in front of the fire hall. This year, Anderson stated any vehicles parked in the fire lane will be towed. There have also been complaints regarding patrons using City property and bank property and many times bringing alcoholic beverages with them. Ms. Peters agreed. Pardun had concerns of the permit stating 6pm but believes the City should approve something a little later if the Brookside thinks there may be an occasion when they may go over the time. There was discussion on a request for the City to provide a handicap porta potty for a musician playing in June. There is a handicap porta potty by the Village Hall that is accessible.

Planning Commission - Chairman Spisak reported on the March meeting. The DNR has responded to the Commission's comments and the planner is currently reviewing. The Commission has noted that the code revisions have been going on for many years and still has no resolution. There have also been issues that have come up since the review that were not caught initially. The Planner has agreed to do a full review of the code for approximately \$1,000. This money is already budgeted for and therefore the Commission has requested the Planner move forward with the review. The next topics for review will be solar and lot size requirements in the SFU district.

Public Safety- Chief Mills was in attendance to report that red flags warnings are up for burning. Total calls in March were 7 with 6 to date in April. The fire truck has major repairs on the controllers. The appreciation dinner will be April 30th at Dunrovin. Nyenhuis would like to see the City begin billing for fire calls again. The issue in the past was getting payments. Discussion was also held on upcoming negotiations for the fire contract which is up in December.

Pardun reported on a meeting by Washington County on the recent storm damage throughout the County. They are collecting estimates by all cities within the County for the cleanup of tree damage on city streets and the clearing of residents' debris that have been brought to the compost pile. NWI has given the City two quotes, one for the city street clean up and one for the cemetery. If the overall damage County wide exceeds \$599,000, then there will be state funding and if the damage exceeds one million, then it qualifies for federal funding. The City's estimates were \$64,518 of which the grant would pay \$48,300 and the City would cover the balance. Pardun believes the cleanup needs to happen regardless of whether the grant comes through and would like authorization from the Council for NWI to begin the cleanup at a not to exceed agreement.

John Goodfellow stated that our tree ordinance has standards for tree pruning and cleanup and is happy to help with any of this. Nyenhuis questioned if it is worth the City going out for bids given the number. Pardun noted the number is under the threshold for having to go out for bid and this contractor has done work for the City in the past and is reputable. The money would come from the General Fund and would not affect any budget line items. Nyenhuis complimented Washington

County on their quick action putting this together. Anderson requested any further communication from Washington County Emergency Management be directed to him. Dorothy Deetz questioned if there is tree damage on City right of ways as part of the storm damage, will those be included. Public Works has done an inventory and will mark any trees that will be removed as part of the cleanup.

Ward moved and Anderson seconded to accept and move forward with the Emergency St01m Damage grant in partnership with Washington County

Roads - Ryan Goodman reviewed the Engineers report. Goodman has been in discussions with MnDOT on the Highway 95 speed sign relocated and is waiting for comment.

There were two bids received for the micro surfacing project with Fahrner coming in with the low bid at \$72,279.10. Nyenhuis questioned how the pitting that is deeper than the 3/8ths filling included in the bid is handled. Public works will do a patching ahead of the micro surfacing.

Pardun moved and Anderson seconded to accept the bid from Fahrner for the 2023 micro milling in the amount of \$72,279.10. All in favor, motion passed.

Three bids were received for the crack filling and seal coat with the lowest bid from Pearson Bros. at \$50,750. The bid came in approximately \$30,000 under budget so the Council does have the option of expanding the areas for crack filling.

Pardun moved and Anderson seconded to approve the bid for the crack fill and seal coat project from Pearson Bros. in the amount of \$50,750. All in favor, motion passed.

Personnel- No report.

Parks & Rec - Ward reminded the public that all mountain bikers should not be using the city trails with wetlands until the areas dry out due to the damage it causes.

Mike Isensee was in attendance on behalf of the Carnelian-Marine Watershed District to discuss the Oak Street stormwater basin project. There will be two bio retention basins constructed at the end of Oak street. This will reduce the phosphorus into the river by approximately two pounds and 85% of the cost will be paid for by Lower St. Croix Partnership grants. The Watershed District has reached out to the surrounding neighbors with the details and to answer any of their questions. The project will begin after road restrictions are lifted and should only take one week to complete. There should not be much disturbance for City streets but there will be a question as to whether the street should be temporary closed during the time construction is occurring and reopened in the evening.

The next project will be regarding a street sweeping plan to help reduce phosphorus and will be working with the City on that plan.

Anderson presented a proposed landscape plan for the Village Center and downtown parks to be used as a guiding document for the future. The hope is to partner with MnDOT and the Scandia Marine Lions for funding. Anderson is looking for feedback from the Council on the plan.

Pardun believes its fine to have a vision, but the same questions apply as they have in the past like how will it be paid for, who will maintain it and what is the timeline. Ward stated this would be a collaboration with the Watershed, MnDOT and other entities and nothing is set in stone at this point, as it is more of a vision for the future. Miller is concerned that in the past, these types of vision documents begin as a planning document and over time become a solid plan which is what happened with the Village Center concept plan. Ward stated that is not the case with this proposal.

Ward also reported there is a MnDOT reimbursement program up to \$8,000 for plantings within their right of way. Ward is requesting authorization to receive bids for plantings in those right of ways. The Council does not feel like this is the time to pursue bids.

Cemetery - Landmark Surveying has begun the work in the cemetery on phase one of the expansion work.

Water/Wastewater Systems - Mayor Nyenhuis complimented public works on keeping up during the storm.

City Properties - Ward reported that the Legacy grant application has been submitted. There are two grants each for \$5,000. One for the Village Hall and one for the museum for a maintenance plan. Awards will happen in June.

There will be a meeting in May to discuss lease negotiations for the cell tower.

The Midco franchise agreement is also in the process of negotiations and a representative from Midco will attend the May Council meeting to address the Council.

Nyenhuis questioned the furnace cleaning in the portable classroom. The Folk School will begin to occupy that space and Nyenhuis would like to have the conversation with them regarding paid utilities.

Holidays/Events - The Volunteer Fair was held on April 11th. Mayor Nyenhuis is looking for volunteers for the holidays events and encourages anyone interested to contact city staff.

EDA - No report.

Citizen Committee Reports-

Forest Advisory - Ward is proposing an amendment to Chapter 16, trees, of the City Code to incorporate nuisance trees and Ash Trees. This was done to help support the initiative of EAB removal and treatment. Pardun noted the Subdivision 2 was changed to have the forestry advisory committee appointed by the Mayor and approved by Council. In the past, and in Subdivision 2.4 has the committee appointed by the Council. The Council consensus was to change Subdivision 2 to be worded the same as 2.4.

Pardun also questioned the new designation for Heritage trees. Subdivision 8 states there will be a \$1,000 penalty and he questioned the amount. Anderson noted that amount identifies it as a

misdemeanor rather than a felony.

Ward moved and Anderson seconded to approve Resolution No. 220413-01, Ordinance No. 171 as amended. All in favor, motion passed.

Ward presented a presentation reviewing the current Emerald Ash Borer issue and the proposal moving forward to address this issue. The Forest Advisory has received a grant that can be used for removal and replacement. They have also applied for a \$3,000 grant from the Scandia Marine Lions for new replacement plantings in the downtown parks. There are approximately 80 ash trees within City right of way, and many additional trees outside of those right of ways that have not been inventoried. The focus for removal will be north of downtown between Third, Cherry, Second and Oak Streets. There are currently over 30 ash trees within the public right of way, however many of those are located on undeveloped streets which will not be addressed at this time. Ward reviewed the trees that the City will remove, and some of those may be removed as part of the storm damage removal as well. Miller requested all of this removal be communicated to the residents ahead of time. The cost estimate of removal is approximately \$7,000 and the replacement cost would be approximately \$2,500. Ward would also like to pursue a health tree team to plant, fence and care for the trees for three years. John Goodfellow suggested repurposing the wood for items such as a canoe/kayak rack, benches, etc. Mayor Nyenhuis does not believe now is the time to discuss how the wood will be used, etc. The money is already in the budget so the Council consensus was to move forward with the work. Ward believes that come budget time, there may be some large budget requests for the continued work. The City office will send a letter to the residents with the details.

Consent Calendar - *Pardun moved and Ward seconded to approve the Minutes of 3/9/23, 3/21/23, Treasurer's Report of 2/23, List of Bills for 4/13/23 with the addition of Shelter Tech for \$3120, Zoning Administrators Report, Public Works Maintenance Report, Planning Commission Minutes and Torte liability waiver. All in favor, motion passed.*

Old/New Business - Anderson moved and Miller seconded to approve the 2022 Audit and corresponding fund transfers. All in favor, motion passed.

Anderson moved and Miller seconded to approve Ordinance 170, an Interim ordinance prohibiting the sale, testing, manufacturing, and distribution of THC products. All in favor, motion passed.

Pardun noted the City has not been able to find a compost worker at the current rate of \$10/hr and he would like to raise the rate to \$20/hr. After further discussion the Council agreed.

Pardun moved and Miller seconded to increase the compost hourly pay to \$20/hr. All in favor, motion passed.

Mayor Notes/Clerk's Report-

Adjournment - *Nyenhuis moved and Miller seconded to adjourn at 9:23pm. All in favor, motion*

passed.

Minutes taken by Lynette Peterson, City Clerk