

**CITY OF MARINE ON ST. CROIX CITY COUNCIL MEETING**  
**Thursday, September 14, 2023**

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

Citizens: Glen Mills, Scott Spisak, Ryan Goodman, Nathan Moe, Mike Isensee, Paul Paladie, Isaiaha Bu, John Goodfellow, Dana Anderson, Ross Higgins, Matt Anderson, Larry Roden, Annie Minich, Jim Maher, Cheryl Johnson, Anne Reich, Tom Warth, Rosie Peters, Jeremy Morris, Paul Creager, Gwen Roden, Heather Morris, Calyssa Hall, Roger Lyle, Jeff Comins, Emily Blake, Eric Doyle.

Approval of the Agenda –

*Nyenhuis moved and Ward seconded to approve the agenda as amended. All in favor, motion passed.*

*Nyenhuis yes*

*Anderson yes*

*Pardun yes*

*Ward yes*

*Miller yes*

*All in favor, motion passed*

Citizens Considerations –

Washington County Sheriff's Department – Commander Tim Harris was in attendance to address the Council and discuss options for directed patrol. The County does provide contracted services, both joint contracts and individual contracts. Washington County will also contract with a City for additional patrols as requested. In those cases, the City would be billed for overtime costs, patrol car, etc. Commander Harris noted an uptick in mental health cases, which has been taking up some of the Counties additional resources.

Ward noted her request for extra patrol was for a targeted time in the summer on Fridays – Sunday. She also questioned the cost to partner with Scandia. Scandia currently pays roughly \$180,000 per year for a full time deputy. Anderson questioned if there is a contractual overtime option for cities. That is an option and if the City is interested, commander Harris could get the City those overtime and straight time costs so the City can decide if it is something they would like to pursue. Nyenhuis believes it is the City's responsibility to keep this option in mind each year around budget time. Miller clarified that in the past, Marine has requested extra directed patrol without a contract, which seemed to be beneficial for traffic calming. The Council thanked Commander Harris and all of Washington County Sheriffs for everything they do for residents.

Paul Paladie, 401 Holmes St, questioned what are the expectations from extra patrol. Nyenhuis encouraged residents to provide comments and feedback on this issue and the Council will define specific expectations at a later date.

Planning Commission –Chairman Spisak reviewed the August meeting. The Planners are continuing with the reformatting and updating of the code. The Commission is considering a

December meeting to help move things along. A meeting was held with the DNR and City Attorney to discuss substandard structures. Discussion was continue on the smaller lot size discussion this fall.

Public Safety – Miller reported he has spoken with two May Township Commissioners regarding the fire contract renewal, and has also reviewed the Scandia and Stillwater contracts. They hope to have a meeting within the next two weeks to begin work on the contract renewal.

Chief Mills reported there were 7 calls last month. Fire Prevention week is coming up. Former Mayor and firefighter, Dennis Leger, recently passed away.

Anderson reported a few residents had questions the City’s emergency plan in response to the Maui fires. Anderson presented a power point presentation differentiating the Lahaina fires with the potential for a catastrophic fire here. He reviewed the City’s response resources and preparedness resources available to citizens. The City will post this information on the City website as well.

Roads – Isiah Bubany reported the crack fill and seal project is complete. Fahrner has also completed the micro surfacing project and the final payment request will be presented in October.

*Pardun moved and Anderson seconded to approve the Contractor payment #3 to Pearson Bros, Inc. in the amount of \$3,191.25 for services provided for the 2023 Crack fill and seal coat.*

*Nyenhuis yes*

*Anderson yes*

*Pardun yes*

*Ward yes*

*Miller yes*

*All in favor, motion passed*

*Pardun moved and Anderson seconded to approve the Contractor payment request #1 to Fahrner Asphalt Sealers in the amount of \$89,108.34 for the Broadway Street Micro Surfacing.*

*Nyenhuis yes*

*Anderson yes*

*Pardun yes*

*Ward yes*

*Miller yes*

*All in favor, motion passed*

Personnel – No report.

Parks & Rec – Mike Isensee was in attendance to discuss several items, the first being the completion of the Mill Stream survey. The Watershed District as part of the 2023 Improvement Plan, is the restoration of the Mill Stream. The first part of this plan was to survey and grade five segments of the Mill Stream. Segments 1,3 and 5 were identified as being in good to excellent health, and segments 2 and 4 had degrading conditions. A full base survey was then created on segment 2 and the Watershed would like to work with the City on the development of a charette. This would involve the Watershed hosting a public input event to gather feedback from residents on the desired future for the Mill Stream in Burris Park. Nyenhuis would like to see the survey

results posted on the website and in the newsletter in order to get citizens this information.

Mike Isensee also reported that the Watershed is in the process of updating their watershed rules. As part of this process, the Lower St. Croix Partnership offers grant assistance to communities interested in updating their stormwater ordinances to align more with the Watershed rules. Mr. Isensee met with the Planning Commission Chair, City Clerk and planning consultant to discuss this process. The outcome of that discussion was that the City would like to know a little more information prior to moving forward with the grant in October.

Hollow RFP Update – Ward reported Stantec has agreed to work with the City on the Hollow grant and a walk through was completed with herself, Kristina Smitten, Eileen Hunter and a Stantec representative. Ward has suggested holding a public hearing on October 12, prior to the City Council meeting. The RFP will be sent out September 20<sup>th</sup>, with a review and discussion in October and approval in November. Nyenhuis wanted to bring attention that all documents in relation to agreement, grants, etc. be addressed to the City and not another agency that may also be involved.

*Ward moved to set a public hearing for discussion on the Hollow grant on October 12<sup>th</sup>, 2023 at 6:00pm.*

*Nyenhuis yes*

*Anderson yes*

*Pardun yes*

*Ward yes*

*Miller yes*

*All in favor, motion passed*

Gateway Trail Update – Nathan Moe was in attendance on behalf of the DNR Parks and Trails to discuss gateway trail updates. Conversations have been continuing with property owners to the south of Scandia in hopes of connecting the trail through Marine. Discussions have taken place regarding changing the location of the trail from the far west side over to the east side on property currently owned by Tom Warth. That property contains a street and utility easement between Mr. Warth and the City. There is also a small rectangular piece of property at the end of Out lot E in which there is a question of ownership. This issue would need to be resolved prior to moving forward with any trail re-location. Utilizing this property would then create a connection to the south of the property as well. Mr. Moe noted there are also preliminary internal discussions regarding the potential of continuing the horse trail through William O'Brien and into Scandia.

Miller worked with Mr. Moe's predecessor to put a joint powers agreement in place with the City. Miller questioned if the Park has begun work on their overall master plan, particularly the Anson property. Mr. Moe stated he has not heard that William O'Brien has that plan completed. Miller noted that until the master plan is complete, there really is no movement that can be done. In previous discussions, the south end of the trail in Marine was to be placed on the south end of the hollow, follow the east side of the Matsumoto property and then follow into the far west side of the 40 acres by the maintenance building. Miller noted that this new plan will bisect several roads and relocate the trail through the Anson property. Miller questioned what has changed since then. Mr. Moe stated at the time the Matsumoto's were not interested in allowing an

additional easement on their property for the Gateway purpose and Mr. Warth was the only property willing to give the easement. Miller noted that previous conversations addressed the concern of added pressure to the City's current trails.

Scott Spisak noted that the Planning Commission has never been involved in these discussions and he would like to see them included in the planning in the future. He also noted there he was not aware of these plans as a Jackson Meadow resident. Mayor Nyenhuis suggested the DNR consider reaching out to the Jackson Meadow Homeowners Association to bring them up to speed.

Discussion was also held on the City having first right of refusal of the Warth property and that the Council should consider additional uses for that property.

Cemetery – The phase one survey has been complete and a few issues that need to be addressed by Council will be done in October.

Water/Wastewater Systems – No report.

City Properties – Pardun presented an agreement with NAC for maintenance of the HVAC system. This will help to remove some burden from City staff. Nyenhuis noted the agreement is shown as with the Marine Village School and this should be changed to the City of Marine on St. Croix.

*Pardun moved to enter into a customer support agreement with NAC mechanical from September 1, 2023 through August 31, 2028 as presented.*

*Nyenhuis yes*

*Anderson yes*

*Pardun yes*

*Ward yes*

*Miller yes*

*All in favor, motion passed*

Cell Tower Update - Anderson reported he and Council member Pardun are working on a few last minute negotiations on the cell tower lease and plan on presenting a draft lease at the October meeting.

Community Events – Nyenhuis has had discussions with the community events committee and one item brought up was the potential need for an updated sound system. The City does own some audio equipment however he questioned if that equipment is adequate for current and future needs. He is not going to be recommending any proposal at this time but welcomes feedback from the Council.

EDA – No report.

Citizen Committee Reports–

Forest Advisory – Ward reported on a ReLeaf community grant opportunity. This grant will be administered 100% through Washington County and will cover inoculation of EAB, tree planting and removal. The Council consensus was to move forward with the application.

Consent Calendar – Nyenhuis moved and Miller seconded to approve the Minutes of 8/10/23, 8/23/23, Treasurer’s Report of 8/23, List of Bills for 8/10/23 with the addition of \$466.13 to Neuman truck service, Zoning Administrators Report, Public Works Maintenance Report, Planning Commission Minutes and \$100 and \$250 donations for the Log Cabin Restoration, William O’Brien hunting permit exemption.

*Nyenhuis yes*

*Anderson yes*

*Pardun yes*

*Ward yes*

*Miller yes*

*All in favor, motion passed*

Old/New Business – Nyenhuis moved and Ward seconded to authorize the City Clerk to work with the City Attorney on a letter to Christian and Annie Minich to declare their intent to complete the work specified by the City at the August meeting.

*Nyenhuis yes*

*Anderson yes*

*Pardun yes*

*Ward yes*

*Miller yes*

*All in favor, motion passed*

Maximum levy approval – Nyenhuis moved and Pardun seconded to approve the maximum levy of \$1,034,627.27 which represents a 5.9% increase over 2023.

*Nyenhuis yes*

*Anderson yes*

*Pardun yes*

*Ward yes*

*Miller yes*

*All in favor, motion passed*

Special Event Permit Insurance – Anderson reviewed the special event permit ordinance and the definition of an outdoor event. There have been several events that have been permitted under this ordinance, however there has been an increase in requests for ticketed concerts on residential property and this has raised a concern about commercial events occurring in a residential district. Currently the ordinance does not address a continuing ongoing commercial use in a residential property. The City Attorney has suggested the option of amending the ordinance to allow a certain number of commercial events in a residential district. The Attorney has also suggested and drafted a temporary moratorium for the purpose of allowing the Council and staff to review the ordinance and consider any changes for a maximum of 180 days.

Nyenhuis is concerned that the proposed moratorium came in last minute and he is not in favor of passing the moratorium at this time without citizen input. He also is concerned that there may

be residents who might want to do a one-time event over the holiday season and believes this moratorium is over bearing. Anderson noted that initially these events were presented as one-time events but now are becoming more frequent. He believes this moratorium was a suggestion by the City Attorney and he trusts that opinion. Anderson also noted that the action by Council can be completed earlier than the 180-day maximum stated in the moratorium.

Pardun questioned if Council action is needed on the third permit request submitted by the Morris's. Anderson stated that permit request will be evaluated by the public safety committee and no action is need by Council at this time. Pardun reviewed a discussion was held in August regarding the request by the Morris's and at that time they stated they would only be holding the two events. Now that there is a request for a third, he believes this issue does warrant discussion and is in favor of the resolution. He also respects the mayor's position and is willing to postpone the resolution for another month. Clerk Peterson pointed out that the third permit request from the Morris's is for inside the barn, which our ordinance does not address. Anderson believes that is another reason this issue needs to be addressed. Miller asked to hear from Jeremy Morris at to their future plans.

Jeremy Morris reiterated they do not have a formal plan for a business for their events. They do have interested in having multiple shows, however were waiting to see how the first two events went prior to scheduling a third. He is also looking for guidance from the Council to help with their plans moving forward. He would like the barn to be considered a shared space with the community, whether it be for concerts, art events, etc. Nyenhuis noted that property is not zoned commercial, which is what is driving this conversation however it is zoned community.

Dana Anderson, believes the residents should have more advanced notice of agenda items in order to give them time to digest the issues prior to the meeting. She also believes that there are ordinances which address commercial use in a residential district and therefore does not believe the moratorium needs to prohibit all uses for that period of time. There seems to be less of a concern about outdoor events and more concern with indoor events and suggested the moratorium reflect that.

Paul Paladie, believes moving the moratorium to next month is the correct action. He believes less is more when it comes to government and he believes that the people of Marine do a good job monitoring themselves.

Calyssa Hall, wanted to clarify that most often ticket sales are just to cover the event costs and not necessarily profiting as a commercial use. She is in favor of art within the community and believes that should be taken into consideration.

Anderson also stated that the Zoning Code will need to be reviewed as well for home-based businesses.

Nyenhuis closed this discussion until the October meeting.

#### Piano Reimbursement Repair –

Mary Ellen Thompson held a memorial service for Butch Thompson in August. As part of this event, she brought in someone to tune the piano in the upstairs of the Village Hall. This person noted some repairs that were needed as well and Mrs. Thompson authorized those repairs to be completed. She is now requesting reimbursement for those repairs in the amount of \$120.

Pardun believes that neither piano housed upstairs of the Village Hall is worth keeping however given that it was for Butch Thompson he would like to see the City pay for the repairs.

Anderson does not believe the City should be paying for a repair expense for something that the City was not aware of nor authorized prior to. He clarified that his decision for making this

recommendation is based on ethics and not personal preference.

Miller would like to state for the record that this is an exception given it was for Butch Thompson and not the norm. After further discussion,

*Nyenhuis moved and Pardun seconded to approve the repair reimbursement to Mary Ellen Thompson in the amount of \$120.*

*Pardun Yes*

*Nyenhuis Yes*

*Anderson Nay*

*Ward Nay*

*Miller Yes*

*With a 3-2 vote, the motion passed.*

Dumpster Enclosure Inquiry – Miller questioned the status of the dumpster project, who was in charge of this project and if there is a plan moving forward. Nyenhuis noted this was his project and he would like Council member Miller to join him in the effort to move forward. Miller agreed.

Mayor Notes/Clerk's Report – None

Adjournment – *Pardun moved and Anderson seconded to adjourn at 9:09pm. All in favor, motion passed.*

Minutes taken by Lynette Peterson, City Clerk