

CITY OF MARINE ON ST. CROIX CITY COUNCIL MEETING

Thursday, May 9, 2024

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

Citizens: Glen Mills, Dave Snyder, Joshua Rutherford, Scott Spisak, John Goodfellow, Larry Roden, Peter McDonough, Fred Remund, Josh Rutherford, Ross Higgins, Kristina Smitten, Tom Warth, Curt Moe, Tod Mestad, Kitzie Vadheim, Jeff Comins, Mary and Larry Whitaker, Anne Minnich.

Approval of the Agenda – Pardun requested to remove the cell tower CUP, Anderson would like to add the Anson property under Parks and Rec, Ward would like to pull the Mill site update and Clerk Peterson requested to move the draft moratoriums to the front of the agenda, after Citizens Considerations.

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

Citizens Considerations – Cannabis and Agriculture moratoriums. City Attorney Dave Snyder stated that there is an amendment to the cannabis and agricultural building moratorium passed in March and in addition, a new proposed moratorium on agricultural uses in river districts. These moratoriums are based upon the upcoming legalization of cannabis growing and sales beginning in 2025. At or around the same time as these moratoriums were being contemplated, there was contact from an individual who proposed a plan and ultimately did become a citizen of Marine who expressed interest in pursuing ventures in connection with both cannabis and hemp. These moratoriums will allow the City to undertake a study of these issues. After conversations with the City Planner, the second moratorium was drafted to allow the City to study agricultural uses in the river district. Mr. Snyder noted that the resident who was previously mentioned had contacted the City and expressed concerns that he may want to engage in one or more of these activities however does not want to be a target of some ordinance or have this issue focused on him. Mr. Snyder spoke with this individual and noted that he has previous experience with these topics and suggested that the City consider inviting him to participate in the process.

Nyenhuis stated the tool the City has in order to engage in active conversation is the moratorium however that does involve another issue that either the Council or Planning Commission would be tasked with, and he would like to hear if this is something the Commission is able to take on. Currently the State is still working on the regulations for cannabis, however Mr. Snyder believes the State will leave the zoning piece to the cities. Anderson noted that the cannabis regulation was passed without any regulatory guidelines and that put a large burden on cities. He also noted that some regulations in the river district are outside of city control. He would also like to see how property use can help to support the local family.

Ward questioned why the time periods are different. The cannabis law becomes effective January of 2025 so that creates a shorter timeline for having the study complete and creating an ordinance. Pardun believes that the moratorium is fair and wise for the city to take time to see what the citizens want. He also noted that the topic of agriculture regulations in the river district has been previously discussed during the zoning amendment meetings as well.

Joshua Rutherford, 17997 St. Croix Trail N, recently purchased this property and has a high interest

in the topic of growing cannabis and hemp. He has had a recreational license for cannabis for over ten years. He is also involved in regenerative vegetables. He believes the City is confusing the cannabis issue with hemp. Hemp is currently legal in Minnesota, and he has applied for a growing license with the State. Mr. Rutherford would like to be a part of the process of studying these issues. Nyenhuis explained the moratorium is a good framework to move forward and engage the full community and reiterated that all property east of Highway 95 is subject to many different regulations due to being located in the river district.

Dave Snyder noted that both moratoriums have an exemption clause that would allow for uses that are currently permitted by law, then the moratorium will not interfere with those uses. This clause is included in the amended cannabis moratorium, however the Council requested that the same language also be added to the proposed agricultural moratorium.

Anderson moved and Ward seconded to approve Resolution 031424-01, Ordinance No. 178 with the amendment to add the three points under section 5 of Resolution 031424-02 and Resolution 031424-02, Ordinance No. 179 as presented.

All in favor, motion passed.

Planning Commission – Chairman Spisak reported on the April meeting. A public hearing was held for a CUP for an 8 ft. fence at 1410 Quant. There was a pre-application for a driveway on St. Croix Trail and also for the Brookside Bar and Grill for an outdoor dining CUP. The City Planner has looked into the riverway issue with the rebuilding of substandard structures. The two options to pursue would be an amendment to the Comprehensive Plan and a legislative change as well. The cost of that work will consume the remaining budget for the consultant.

HKGI has also submitted a draft solar ordinance, however the Planning Commission had made that a secondary task.

Chairman Spisak spoke to the moratorium assignment. He believes the Commission would be able to take on those issues, however this would require additional funding for assistance from the Planner. The Council was agreeable to make the budgetary requirement work.

Fence CUP 1410 Quant – Darrell Shaapveld was the applicant and unfortunately has passed away today. Due to the circumstances, the recommendation is to deny the CUP request.

Anderson moved and Pardun seconded to deny the CUP request for 1410 Quant Avenue. All in favor, motion passed.

Public Safety – Chief Mills submitted a written report for Council review.

Roads – Isiah Bubany reviewed the Engineering report. There was a site walk through for the 2025 street construction project. The highway 243 bridge construction has been pushed back a year. Ward questioned the street widening and questioned when the City would see preliminary plans on that. Isiah stated that will be different for each street and those details will not be available until design plans are drawn.

Anderson brought up the issue of placing temporary no parking signs along Oak, Third and Second Streets due to the anticipated additional traffic with the William O'Brien closure. He has presented a map of the locations for those signs, along with proposed language for that signage. The signage

would be in place from Memorial Day to Labor Day. Ward questioned if there has been dialog with the park as to where they are directing people. Anderson is not aware that the park is communicating with visitors at all. Ward would like Anderson to check with them to find out that answer. Nyenhuis questioned what temporary meant. Anderson stated the signs will be pulled after Labor Day and the Council will know later into the season whether it should be extended or not.

Anderson moved and Pardun seconded to institute the temporary no parking plan as stated. All in favor motion passed.

Pardun moved and Anderson seconded to award the 2024 crack fill and seal contract to Allied Blacktop Company in the amount of \$36,600. All in favor, motion passed.

Pardun moved and Anderson seconded to authorize Bolton Menk to obtain bid quotes for the 2024 drain field structural control project. All in favor, motion passed.

Personnel – No report.

Parks & Rec – Anderson stated the City had no notice of the Anson home and buildings being removed from property. The City Clerk sent the DNR a letter regarding documentation for the demolition, which has been received. He noted the frustration with the lack of communication with the DNR on many issues.

Vendor Application Proposal – Anderson presented a proposal for an application for a vendor wanting to sell products and/or farmers market downtown. The proposed fee would be \$25 and there is an option to ask for insurance, however that would not be required. The fee would also have the option to be waived by Council if the applicant is a resident of Washington County. Nyenhuis would like to amend the application to add an asterisk next to Certificate of Insurance.

Anderson moved and Ward seconded to approve the vendor application as amended. All in favor, motion passed.

MnDOT Landscape Design Overview – Ward presented a resolution to authorize the City to participate in the MnDOT Landscape partnership. This plan will allow for landscaping from the downtown area south to Berkey Street. There will be 82 trees of various species, along with protective fencing. The cost of this project will be \$8,000 and 100% reimbursed by MnDOT. Pardun would like to see the dumpster enclosure in place prior to having any trees planted in that area. There was a question of if the trees can be placed outside of MnDOT right of way. The requirement of this partnership is that the trees need to remain inside of their right of way.

Ward moved and Anderson seconded to approve 050924-03, authorizing the application and primary contact person for the MnDOT landscape partnership application. All in favor, motion passed.

Cemetery – No report.

Water/Wastewater Systems – No report.

City Properties – No report.

Multi-Generational Education Committee – Minutes submitted.

Forest Advisory –The group will be applying for the inventory grant, which is at no cost to the city. The gravel beds have been planted with tamaracks and 800 tamarack seedlings were handed out to the Marine Village School.

Community Events – Memorial Day is on schedule.

EDA – No report.

Mill Site Committee – No report.

Consent Calendar – *Nyenhuis moved, and Anderson seconded to approve the Minutes of 4/11/24, Treasurer's Report of 4/24, List of Bills for 5/9/24, Public Works Maintenance Report, Planning Commission Minutes, 2024 Updated Fee Schedule. All in favor, motion passed.*

Old/New Business – Anderson noted that comments have been received from residents regarding the Short-Term Rental ordinance, and therefore he is requesting the Council hold a workshop to review the comments and the ordinance. The Clerk will send out dates/times.

Mayor Notes/Clerk's Report – None.

Adjournment –*Nyenhuis moved, and Ward seconded to adjourn at 8:40pm. All in favor motion passed.*

Minutes taken by Lynette Peterson, City Clerk