

CITY OF MARINE ON ST. CROIX CITY COUNCIL MEETING

Thursday, July 11, 2024

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

Citizens: Glen Mills, Ross Higgins, Mark and Dana Miller, Kyle Tennis, Gwen Roden, Scott Spisak, Daniel Christians, Larry Roden, Isiah Bubany, Curt Moe, Jeremy Chiachi, Jeanne Davis, Paul Paladie, Zach Ramberg, Tim Casey, Julie Warren, Mike Tibbetts, Rosie Peters, Sharon Looney - Zoom attendees -Dorothy Detz,Kirsten Vadheim, Jennifer Johnson, Roger Lyle, Rachel Hoffman, Chris Mowery, Jen Cress, Todd Mestad, Heather Logelin, Jim Maher, Lynn Bjorkman, Stacia Rivers, Emma Murphy, Bella Helke, Mary Fernstrum, Joel Blake, Jake White, Annie Minich, Bayard Godsave, Jennifer Henry, Vanessa Errickson, Alison Johnson, Ava Johnson, Shelly Schenfeld, Kelli Carlson Milton, Ken Young, Jim Gansl, Kelly Bertelsen, Dan Bertelsen.

Approval of the Agenda – Miller moved and Anderson seconded to accept the agenda as drafted. All in favor, motion passed.

Citizens Considerations –

Gayle Knutson – Marla Projector Proposal – Ms. Knutson reported Marla is working to get bids to replace the projector upstairs. The new screen would be mounted on the ceiling, and the speaker system would be replaced as well. The Restoration Society has given their okay to move forward. The project will hopefully be funded completely through grants. The Council consensus was to continue to move forward with the project.

Michael Tibbetts – Violation Letter – Mr. Tibbetts was in attendance to address a letter he received from the City regarding wood being stored on a portion of Broadway St, which is City property. Mr. Tibbetts stated he has approximately 50 cords of material, which would be extremely difficult to remove within the 15 day timeline that was given by the City. He is requesting to leave the firewood on the property until it is sold, which could be a year or more. The remaining unprocessed wood will be moved onto Tom Warth's property. If after a year, whatever wood is unsold, he would give to the City. Mayor Nyenhuis explained that many people are not aware of the location of City right aways. As he has had the wood there for several years, he believes grace could be given for the removal. Anderson believes a grace period is more than fair, however he does have a concern that sales would happen on City property. He believes that a year or more is unreasonable, however thinks 2-3 months would be fair. Pardun agrees with Anderson and believes 3 months is a reasonable timeline. Miller is concerned that the wood is being used for income but would agree to a 3 month timeline. Ward would like to see the unprocessed removed within 30 days and would suggest 4-5 months for the remaining wood. Mr. Tibbetts explained that it will take at least a year for the wood to properly dry in order to sell. The Council believes that November 1st would be a reasonable date for all wood to be removed.

Anderson moved and Miller seconded to grant Mr. Tibbetts a deadline of November 1st, 2024 to have all the wood on City property and right away removed. All in favor, motion passed.

Brookside Bar and Grill Liquor License Amendment – Mayor Nyenhuis reviewed a little of the background of previous meetings held with the Brookside and explained that the Council will discuss the issue first, and then allow the Brookside to speak as well. He also stated that there is no question that the liquor license must be amended per State Statute. Anderson requested to hear from the Brookside prior to Council discussion. Ross Higgins and Dan Christiansen, Brookside Attorney, requested to respond to the letter posted by Council member Anderson included in the packet. Mr. Christiansen began by stating he does not believe that the license needs to be amended due to the approved license being a combination license rather than individual on sale and off sale licenses. The off sale license application stated the description of the premises is “first floor of the building and outdoor seating: He believes that since the City has used two different license applications for one combination license, then what was included in the off sale license application should apply for the combination license as a whole. He also does not believe that the addition of seating on the lawn is considered an expansion and therefore no CUP would be required. Mr. Higgins addressed many points in Council member Anderson’s letter included in the Council packet and believes that many of those are false. Mr. Higgins stated he has heard from several people that alcohol has historically been consumed on the grassy area, and therefore is not new. He does not believe that the addition of posts for umbrellas and updating the chairs constitutes an expansion, nor does the offering of valet service to the church parking lot. He is requesting the Council consider the proposal put forth by the Brookside after the workshop, which included a cap on the number of chairs in softscape area and the authorization of the Brookside to continue to serve on the grassy area.

Councilmember Anderson stated he, nor does he believe any other Council member, have an adversarial feeling toward the Brookside nor do they not want the Brookside to succeed. His position on this issue was based heavily on the opinion of the City Clerk and City Attorney. He stated that many of the points Mr. Higgins raised should have been discussed during the workshop and would be great points as part of a Conditional Use Permit application. Council member Anderson read a statement into the record (included).

Pardun visited the Brookside and saw the hardscape and believes that most of their business takes place on those areas and agrees with Councilmember Anderson’s motion. He also strongly suggests the Brookside move forward with a request for a Conditional Use Permit which would then allow all citizens of Marine to voice their opinion.

Miller believes the City has always been a partner of all businesses in town, and stated the Brookside would not survive without the use of City facilities, including the use of City streets for all of their parking and use of City property as a location to keep their dumpsters. Miller also noted that the need for fencing and barriers occurred due to illegal alcohol consumption on City property. In terms of public safety and parking, there was an issue several weeks back where a resident on Judd Street drowned, and if that incident had happened just a couple of hours earlier, emergency vehicles would not have been able to access that residence due to the parking issues.

In terms of the CUP, during discussions in previous meetings with the Brookside, it was stated that whether it was the space that was being expanded or the seating, it was considered an expansion either way and a CUP would be required. This doesn’t mean the City is saying no, it is simply saying that proper procedures need to be followed.

Ward believes that all Councilmembers agree that the Brookside is a needed and successful business. However, there are many issues to consider in terms of the businesses expanding, which include public safety and parking. Conditional Use Permits are in place to help both the City and

the business find a balance with those issues discussed.

Nyenhuis agrees that the City could look at how they license businesses in the future. He states he knows that service and/or consumption has historically occurred on the grassy area. He also believes there is a gray area in State Statute as to what it means to be adjoined to the building. He stated it is unfair, however realistic to tie the parking issues directly to the Brookside's business. The population is increasing drastically in this area, and understands that this issue of parking is something that will continue to be addressed moving forward. Nyenhuis agrees that CUP process gives Marine residents a way to voice their opinion. He stated he has been illuminated by the Brookside Councils opinion on the licensing process, and would like the City Attorney to address prior to a motion. Miller stated that a motion cannot be pulled once a second has been made. Anderson appreciates all comments from Council, however believes that the City Attorney has weighed in on the liquor license throughout this process and believes the Council is in a position to move forward. Miller and Anderson called the question.

Anderson moved and Miller seconded to amend Brookside Bar and Grill's on sale liquor license in order to comply with State Statute as follows: Sale and consumption area to include the interior first floor bar and restaurant dining area and exterior patio hardscape dining area existing as of July 11, 2024 described as the patio, deck and fire pit areas as depicted on the last season patio seating capacity overlay submitted by the Brookside on April 10, 2024 and as provided to Council on July 11, 2024.

Pardun yes

Anderson yes

Ward yes

Miller yes

Nyenhuis no

Motion passed.

Mayor Nyenhuis called a recess at 8:00pm and called the meeting back to order at 8:04pm.

Planning Commission – Chairman Spisak reported on the June meeting. There are two Conditional Use Permits the commission is recommending approval for. The Cannabis issue was discussed. The State has released a model ordinance for cannabis sales, and the planner is working on map to show areas 1,000 ft from the school. Public comments will be received at the August meeting. There are also two Comprehensive plan amendments, one relating to protections for historic, substandard riverway buildings and the second for modifying and correcting the future land use map.

Miller moved and Anderson seconded to approve case 240625-01 for 146 Kingfisher Lane as presented.

Pardun yes

Miller yes

Ward yes

Anderson yes

Nyenhuis abstained

Motion passed.

Miller moved and Pardun seconded to approve case 240625-02 for 18247 St. Croix Trail North as presented. All in favor, motion passed.

Pardun moved and Miller seconded to approve Resolution 071124-02 approving an amendment to the City of Marine on St. Croix Comprehensive Plan to modify and correct the future land use map. All in favor, motion passed.

Pardun moved and Miller seconded to approve Resolution 071124-0 approving an amendment to the City of Marine on St. Croix 2040 comprehensive plan to add protections for historic, substandard riverway buildings. All in favor motion passed.

Public Safety – Chief Mills reported a grant of \$1500 was received from the Lions Club for a new thermal imager.

Fundraising Discussion – Mayor Nyenhuis noted there have been discussions around the street dance and when it used to fall on the same night as the July 3th fireworks. That changed when the event got too large for the community to handle, and the City is no longer hosting fireworks on July 3rd. Chief Mills also noted that the band has already been booked for the 2025 and 2026 Street dances. Mayor Nyenhuis would like to revisit at a later date.

Roads – Isiah Bubany reviewed the engineering report. The week of July 22, the crack fill and seal project will begin.

The drainfield control structure replacement project bids came back. Only one bid was received from Midwest Sewer Services in the amount of \$82,250.

Pardun moved and Anderson seconded to award Midwest Service the 2024 drainfield control structure project with the base amount of \$77,500 and alternate two in the amount of \$4750 for a total of \$82,250. All in favor, motion passed.

Miller has looked into restriping the downtown area. After discussing with the engineer, if the City allows the striping to go away, the downtown will lose approximately 10 parking spots. Miller is looking for consensus from Council to move forward. Nyenhuis would like to see a cost for the long term but does not believe we need to do the striping in the short term. Pardun would look to the engineer for his recommendation in August.

Personnel – No report.

Parks & Rec –No report.

Cemetery – Nyenhuis reported they are working to try to schedule a second, more in depth scan the area prior to selling those additional lots.

Water/Wastewater – No report .

City Properties – Pardun reported on the Village Hall balcony. The structure was rotted and needs

to be completely replaced. The spindles are not a standard size and therefore needs to be specially made. The wood that will be used is African mahogany due to the hardness and will last longer than pine. Nyenhuis noted that Mike Tibbetts has scraps of clear Redwood from Arcola Mills and may have enough to use for this project. He encouraged a conversation with Mr. Tibbetts prior to moving forward.

Pardun moved and Miller seconded to have the City pay G & S Construction \$5053 toward the total cost of \$12,553 for the railing with the Restoration Society paying the balance of \$7500. All in favor, motion passed.

Community Events – July 4th was a success.

EDA – No report.

Forest Advisory – No report.

Mill Site Committee – Nyenhuis reviewed the timeline of the Mill Site property. The advisory committee was formed in 2023 for the purpose of looking at that property and coming up with ideas for uses of the property. The committee members have been in discussion with the Historical Society about a potential transfer of a parcel located on the south end of the property for \$1 to the City of Marine. The committee understands that this would need to be sent to the Planning Commission for review prior to any movement by the Council. Anderson is concerned that the charter for the committee has not come forth to Council with what are those potential uses for the property are and doesn't understand why the City would purchase property without having an idea of what to do with it. Nyenhuis believes local control of that property is important and that combined with the low purchase price is a benefit to the City. Anderson questioned if there was an end date for the offer when it was presented. Nyenhuis stated there is no indication that the Historical Society has an end date for this offer.

Pardun agrees with Councilmember Anderson and believes the committee should follow through with the charge prior to moving forward with a purchase. The Council was very thoughtful on putting that committee charge together and thinks it should be followed. He also believes that there is a good relationship between the City and the Historical Society, and the offer is not going to go away. Miller agrees on following the process outlined in the charge. Nyenhuis noted the committee felt there were two tracks for moving forward. The first is to look at the limitations and understand its potential and make that a public meeting or the City could look for planning services to help the City better understand the potential of the property.

Pardun noted D and E on the charge, which asks for potential uses for the property. He believes these are things that can be brought forth without having specifics. He is also concerned with SHPO and what may be required by them with respect with that property. Ward noted that any savvy business person would acquire real estate if it makes sense and those questions listed in the charter will be addressed while the purchase is going through the legislative process.

Curt Moe noted that if the City purchases that property, it will continue to be maintained by the Mill Site committee as it currently is. He also noted that if Ben Leonard were to move on that the next person who comes in may not be willing to work the City in the same way. Anderson would like to revisit in August. In the meantime the committee will discuss with the Planning Commission to see what their timeline is in regards to reviewing the acquisition.

Julie Warren, committee member, understands that the Council is looking for more due diligence on the potential uses and stakeholder engagement with the community. She questioned the level of detail the Council is looking for. Whether that would be the committee doing the work, which could take several months or engage in an outside vendor to assist with that. There was also a question of whether the Comprehensive Plan addresses that site. Anderson would like to see the following items to be addressed by the committee:

1. An overall timeline
2. Use course of action
3. What a Public hearing would look like.
4. Effect with regulatory issues.

Tim Casey, committee member, believes there is an open window, and it should be taken. He believes the people are moving north and the City is eventually going to need additional facilities. He thinks the Council is being short sided by not taking advantage of this opportunity now. Scott Spisak, Planning Commission Chairman, stated Nyenhuis suggesting holding an open house prior to the August meeting to get a feel for what the public would like to see. Miller thanked the committee for their work on this project and looks forward to moving forward at the August meeting.

Multi-Generational Education Committee – Miller reported that the committee has an outline for a master plan for the property and would like to request permission from the Council to engage the Planner for a quote to assist with putting the overall plan together. The Consensus was to have the committee move forward. Anderson requested an update on the status of the current school. Miller stated there are currently 96 students and the recent fundraiser was very successful. The goal is to get to 145 students as quickly as possible, but is hoping to reach 110 for the 2025 school year.

Consent Calendar – Nyenhuis moved and Ward seconded to approve the Minutes of 6/13/24, Treasurer's Report of 6/24, List of Bills for 7/11/24, Public Works Maintenance Report, Planning Commission Minutes, Marine-Scandia Lions donation of \$1500, Resolution no. 071124-01. All in favor, motion passed.

Old/New Business – Dumpster Enclosure agreement. It was stated at the recent workshop that the dumpster enclosure proposal would not be considered until the encroachment agreement is signed by both parties. If the agreement is not signed by the deadline of August 8th, 2024, the Council will consider the next course of action at the August Council meeting.

Pardun moved and Miller seconded to accept the encroachment agreement between the City of Marine on St. Croix and the Brookside Hospitality with a timeline for signature by the Brookside by the August 8th, 2024 City Council meeting. All in favor, motion passed.

Pardun read the following statement in regard to the garage on the Brookside property: *I would like to address an issue that has been set aside as the Brookside Bar and the City has been determining its path forward regarding dumpsters on City property and renewing the liquor license. That is the garage that housed Marine's pumper, and will the City retain the right to the building? Most of the garage was gifted to the City by a previous owner to specifically house the*

historic pumper and through subsequent owners, the City retained possession as originally gifted. The current owners discovered that the paperwork finalizing the gift was not fully processed to Washington County, therefore the process is not complete.

The current owners of the Brookside Bar have said multiple times that they want to do the right thing. The former owner of the Brookside knows what the right thing would be, the folks who did the mural on the wall know what the right thing would be, the firefighters that volunteered their time to build it knows what the right thing would be, the citizens of Marine who donated money to fund the build know what the right thing would be and I know what the right thing would be. The question is what will the Brookside bar do with the garage. I'm looking to hearing that very soon.

Mayor Notes/Clerk's Report – None

Adjournment –Nyenhuis moved and Anderson seconded to adjourn at 9:36pm. All in favor motion passed.

Minutes taken by Lynette Peterson, City Clerk