

CITY OF MARINE ON ST. CROIX CITY COUNCIL MEETING  
Thursday, February 11, 2010

The meeting was called to order by Mayor Mills at 7:00pm. Myers, Lammi, Benson and Marker present.

Citizens Present: Dorothy Mattson, Dale Stull, David Denn, Amy Dresch, Joe Paiement, Andy/Karen Kramer, Robin Brooksbank, Fred Hundt, Cindy Jepsen, Charles Arnason, Jason Bailey, Bill Ries, Kate Bergeron, Dan Willenbring.

Public Hearing – Liquor Ordinance Amendment – Mayor Mills opened the Public Hearing at 7:01pm for the purpose of discussing a proposed amendment to the Liquor Ordinance to allow a fifth license.

Clerk Peterson reviewed the draft ordinance amendment, which would increase the number of available licenses by one, at the discretion of the Council. This proposed amendment was generated through a request by Jason and Kelly Bailey for a Wine and Beer license.

Andy Kramer, Marine General Store owner, believes that an additional license would negatively impact the General Store's future development plans, and doesn't think the Council should support a third establishment which would serve liquor.

Cynthia Graham, who is preparing to open a new business at the Lumberyard Shops, believes that competition is good and that a new restaurant in Marine would help the community.

Wayne Belisle, owner of the Champps Restaurant chain, is backing Mr. Bailey's business plan, and explained that his restaurant idea is modeled after a pizza establishment in a rural Wisconsin town, which has proven to be very successful and believes the restaurant would be an asset to Marine.

Dave Snyder, City Attorney, explained the options in front of the Council, which either approve the approve, deny or table the proposed amendment. Mr. Snyder also believes that decision should be based upon what the Council believes is good for the community rather than the competition argument.

Benson questioned the merit of the request, and whether the Council's decision would be proactive or reactive. Marker questioned the history of how the City came to the current number of allowed licenses. Meister's received the on-sale, off-sale and Sunday on-sale back in the early 1970's, and the wine and beer license was added sometime around 2004. Marker believes having another license option is favorable to the City and gives the opportunity to assist with the creation of new viable businesses in the downtown area. Myers questioned the request in relation to the Comprehensive Plan. Dan Willenbring explained that the Comp. Plan drives the need for viability in the Village Center and suggested that allowing additional restaurants could be a broader way of achieving that goal.

Robin Brooksbank, resident, believes that competition is good, and suggested the Council create a Village Center committee to discuss options for creating a more viable downtown.

Gwen Roden questioned if the proposed ordinance would allow for an additional off sale license to be granted in the future. The Council explained that the way the proposed ordinance is worded, the request could be made for any one of the allowed licenses.

Marker also reminded the audience that the proposal in front of the Council is only to amend the current ordinance. There is no action being taken on Mr. Bailey's request for a Wine and Beer license.

*After further discussion: Lammi moved and Marker seconded to adopt Resolution No. 2010-0211-01 amending the current liquor ordinance. Lammi, Marker, Myers and Mills for, Benson against. Motion passes.*

Mayor Mills closed the public hearing at 7:45pm.

#### Citizens Considerations

Dorothy Mattson – Butternut Falls Sewer Connection Request – Ms. Mattson, along with her attorney Joe Paiement, was in attendance regarding Ms. Mattson's request to connect her lot at 10 Butternut Falls to the City septic system. Ted Fields, TKDA, submitted a written evaluation per the request of the City Council, on the condition of the City's drainfield. Mr. Fields stated that the system was designed to treat the wastewater from 204 ERU's, which is currently the number of ERU's operating on the system, however the flow amounts over the last several years have been measuring low. This is due to the current number of users per household, which could increase in the future causing those flow amounts to increase. Mr. Fields believes that in the current state of the system, the drainfield would need to be replaced in approximately thirteen years. The cost estimate for replacing the drainfield in today's dollars would be around \$950,000. Benson questioned the life expectancy of the system's infrastructure and the potential cost to replace. Jason Crotty stated the City still has options available for maintaining the various parts of the infrastructure and doesn't believe there is a concern for future replacement.

Dave Snyder suggested the Council formulate a systematic approach for future connections and respond to Ms. Mattson's request based upon requests handled in the past. Mayor Mills stated that the City has received requests from property owners in the past to connect, and unless those property owners had purchased a stub at the time the system went in, there have been no new construction requests granted. The City's current sewer ordinance also requires any lot requesting to connect to City sewer to have the ability to sustain an individual septic system, which Ms. Mattson has stated her lot cannot. Ms. Mattson advised her and her husband had requested to put in a system designed by the University of Minnesota in the 1970's, but was told by the City of Marine that they would not approve their request until a City wide plan was made for the wastewater system. The Mattson's then requested their lot be connected to the City system in the 1980's when the drainfield was installed, however the City told them only existing

homes would be allowed to connect at that time. Mr. Paiement also encouraged the Council to consider Ms. Mattson's request as an existing parcel, and use that consideration when making their decision.

Mayor Mills believes that all residents were given the option to either connect to the system at the time the drainfield was installed, or given the option to buy a stub, which would hold a place on the system for connection at a later date. Mattson's did not buy a stub. He advised the City could certainly review the Minutes from that time to see if there was record of the Mattson's request.

Robin Brooksbank, resident and formal Council member, noted that historically denied requests made to connect to the system for both new construction and existing structures.

Lammi stated the City has a historical policy of not allowing new connections to the system for the reason that the City is at capacity. He also noted that the City is responsible for all upcoming issues with the system, and believes that the City needs to continue to maintain the current system based upon what has been done in the past and take a proactive approach to exploring and detailing the future plans of the system and funding options.

Discussion was held on potential grants and funding available for wastewater project, and the Council agreed that the City should begin to pursue funding options.

Marker noted that current policy of reasonably limiting access to the system is proving to be beneficial which TKDA's report confirms and does not see anything in that report that warrants changing that policy. He believes that Ms. Mattson's situation is difficult, however that it is in the best interest of the City to continue with the current policy.

*Marker moved and Lammi seconded to deny Ms. Mattson's request to connect to the City sewer system based upon the discussion and findings stated during this meeting. Motion passed unanimously.*

Lift Station Panel Resolution – TKDA has submitted proposed specifications for all new and replacement panels to be used on all lift stations in the future.

*Lammi moved and Benson seconded to approve Resolution No 021110-02 creating required specifications for all construction and installation of electrical control panels for any individual pump station connected to the City wastewater system. Motion passed unanimously.*

Other Citizen Considerations – Robin Brooksbank thanked the Council for getting the pedestrian crosswalk installed.

Planning Commission - Dan Willenbring reviewed the January meeting. The Commission is continuing to review the various zoning districts. The Riverway Rules committee is looking for future workshop ideas, if the Council has any suggestions. Jack Warren, Ron Brenner and Mike

Zajac are all up for renewal of their terms.

*Myers moved and Marker seconded to accept Jack Warren, Ron Brenner and Mike Zajac for an additional three year term on the Planning Commission. Motion passed unanimously.*

Amy Dresch – T-Mobile – Ms. Dresch was in attendance to discuss the proposed lease agreement between the City and T-Mobile. The site agreement has been signed and T-Mobile is currently putting together a site plan. The City Attorney and the City Council reviewed the proposed lease agreement, and the only question seemed to be the issue of whether or not future carriers would be allowed to lease space from T-Mobile or whether their request had to be presented to the City. Some cities allow the initial carrier to lease out their extra space to another carrier, and other cities prohibit the initial carrier from doing so. The consensus of the Council was to draft the lease agreement in a way which prohibit any additional carrier from using T-Mobile's ground space. Ms. Dresch noted that they are not yet ready to submit formal application, and that they are still waiting for the survey results to determine if a variance would be required.

Committee Reports –

Jackson Meadow – Myers reported that the City met with members of the Jackson Meadow Homeowners Association, Developer, EcoCheck and the MPCA to discuss the possibility of the City taking over the City. Discussion was also held regarding the process for re-permitting the current system.

Public Safety – Chief Denn presented proposed bi-law changes for the Relief Association. The changes consisted of minor verbage changes, including changes for distribution, meeting notifications requirements and an adding an additional authority to sign check.

*Lammi moved and Benson seconded to approve the proposed Relief Association bi-law changes. Motion passed unanimously.*

Pedestrian Crosswalk – The crosswalk lights should be installed by the Kiwanis Camp within the next two weeks.

Roads– The soil borings have been completed for Judd Street and the plan is to discuss those results at the March or April meeting.

Personnel/Building Inspector – Lammi reported that the City was contacted by the State of MN and was found to be out of compliance with the submitted pay equity report. In order to correct that, the pay rate for the assistant clerk position will need to increase by \$1.35/hour. If the City does not comply, the penalty is \$100/day.

*Lammi moved and Marker seconded to adjust the hourly pay for the assistant clerk to*

*\$13.26/hour. Motion passed unanimously.*

Recreation – The Trails Legacy Grant request was denied, however there is another round in March, which the City will apply for again.

Finance – Clerk Peterson hopes to have the 2009 Financial Report ready for the March meeting.

Hall/Restoration – The next Restoration Society event will be held on February 25<sup>th</sup> at 7:00pm.

Cemetery – Marker reviewed the task of trying to get an inventory of all the cemetery lots still available for purchase, and came up with approximately 200 remaining. Marker believes the City will need to address these space issues in the near future. There are two possibilities the City is looking into, one being the potential of obtaining additional property from Joan Grant and the other is adding a column burial to hold future cremations. Gwen Roden suggested the City consider dividing some of the remaining lots into quarters to help optimize space for cremations.

Riverway Rules – The City received notice that the MN Supreme Court has made a ruling that cities along the Lower St. Croix Riverway are no longer required to have variance requests certified by the DNR. This ruling comes in response to a lawsuit brought against the DNR by the Hubbard and the City of Lakeland.

Village Center – Benson noted that he is continuing to keep in contact with Pat Conley.

Wastewater and Water Systems – No Report.

Consent Calendar – *Marker moved and Benson seconded to approve the Minutes of 1/14/10, Treasurer's Report dated 1/10, the List of Bills for 2/11/10, Zoning Administrator's Report, Planning Commission Minutes, and the January Maintenance Report. Motion passed unanimously.*

Old/New Business – The Millstream Association will be holding a Chataqua event on March 18<sup>th</sup> at the Village Hall, and is requesting the Council waive the rental fee. Millstream Day is also scheduled for Sunday, May 23<sup>rd</sup>.

*Marker moved and Myers seconded to waive the rental fee for the Millstream Association for March 18, 2010. Motion passed unanimously.*

Mayor Notes/Clerk's Report – None .

Adjournment – *Marker moved and Myers seconded to adjourn at 9:22p.m. Motion passed unanimously.*

Minutes taken by Lynette Peterson, City Clerk