

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

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

Citizens Present: Gwen Roden, Dale Stull, Max Hollerbach, Suzanne Schlichting, Greg Johnson, Dave Denn, Bill Miller, Charles Arnason, Tom Warth, Carly McDowell, Marina Getchell, Chelsea Dicker, Julia LaMone, Jason/Kelly Bailey, Andy/Karen Kramer, Gerry Mroska.

Public Hearing – Liquor Ordinance Amendment – Mayor Mills opened the Public Hearing at 7:01pm for the purpose of discussing a request for a wine and beer license by Jason and Kelly Bailey. Mayor Mills then recessed the Public Hearing at 7:02 to discuss a proposed amendment to the liquor ordinance.

Liquor Ordinance Amendment – Clerk Peterson reviewed the amendment to the Liquor Ordinance approved at the February meeting, which allowed one additional license to be granted at the discretion of the City Council. Since that meeting, it was brought to the attention of the City that the Department of Alcohol and Gambling requires a separate license for on sale wine and 3.2% liquor. Historically the City of Marine has granted these as one license, which was also the intent was the ordinance was amended to allow one additional license. The City Attorney has proposed a second amendment to that ordinance clarifying that an on sale wine and a 3.2% liquor license be considered one license for the purpose of our ordinance.

Marker moved and Lammi seconded to approve Ordinance 140, Resolution No. 2010-0311 revising the current liquor ordinance as presented. Motion passed unanimously.

Mayor Mills re-opened the Public Hearing at 7:04 to consider the request by Jason and Kelly Bailey.

Mr. Bailey began by thanking the Council for their time and effort throughout this process, then reviewed his plans to open a Neapolitan restaurant at the corner of the Lumberyard Shops. If his request for the wine and beer license is approved, Mr. Bailey is hoping to be open somewhere between May 1st and May 15th. Myers questioned whether the seating capacity of 25 people would be met with indoor seating or a combination of indoor and outdoor. Mr. Bailey advised the inside would seat 36 people with additional seating outdoors. This establishment will require inspections by both the State and City, which will address these issues. Benson questioned the hours of operation. Mr. Bailey plans on being open Wednesday through Sunday. Discussion was held regarding the proposed changes for the outside of building. Myers was concerned that the historic feel to the building be maintained and suggested Mr. Bailey meet with a representative from the Restoration Society to review the plans.

Marker noted that he has concerns about the viability of this venture, however that building has been empty for a long time and believes it would be nice to have something there and therefore

supports the business and wishes Mr. Bailey luck.

Marker moved and Lammi seconded to grant the requested beer and wine license to Mr. Bailey. Motion passed unanimously.

Mayor Mills closed the public hearing at 7:18pm.

Citizens Considerations

Larry Whitaker Request – Mr. Whitaker, 625 Pine Cone Trail, submitted a letter containing three issues he would like the City to address. The first is a request to vacate a platted alley which runs north and south along the west end of his property. Mayor Mills noted that the City has a long standing policy of not vacating streets or alleys, and sees no reason for an exception in this case. After further discussion, the Council voted to deny the alley vacation request.

The second issue involves a request to clarify what happens to the property after a vacation occurs. A survey provided by Mr. Whitaker shows a public highway which was vacated in 1982, however there is nothing documented as to who now owns the property. Clerk Peterson advised historically the vacated piece has been split evenly between the abutting property owners. In this case, that would give the Whitaker's the eastern 33 feet of that street. Myers stated he was not comfortable making this decision without further research. Bill Miller, resident and former Council member, noted that current policy is not to vacate streets or alleys, therefore this policy would only apply to past vacations. After further discussion, the Council agreed to verify the policy that any property involved in a vacation is split evenly between the abutting property owners.

The third issue concerns the easement obtained by the City during the Pine Cone Sewer Extension. Landmark Surveying discovered that the utility easements obtained during the sewer project have not yet been recorded with Washington County. Clerk Peterson checked with the City Attorney, and it seems there was some information required from the property owners which had not been obtained. The Attorney working on this issue is not longer with the firm, and after conversations with Dave Snyder, someone has since been assigned to get this issue resolved.

Lammi moved and Myers seconded to formally deny the alley vacation request by Mr. Whitaker. Motion passed unanimously.

Mayor Mills moved and Marker seconded to set the policy that in the event of a street/alley vacation, that the property is split 50/50 to each abutting property owner. Motion passed unanimously.

Encroachment Agreement Request – The property at 601 Pine Cone Trail has recently gone into foreclosure and has a new prospective buyer. However, a review of the property has shown that the garage was built both on the City alley and on the property belonging to the neighbor on the

north. The garage was constructed in 2001, and the plans were presented to the City and Planning Commission prior to construction, however the City did not require a survey at the time to verify property lines. The title company is now requiring this issue to be rectified prior to the sale of the property. Clerk Peterson advised in situation's similar to this in the past the City has granted the property owner an encroachment agreement. Myers believes the City should have a separate easement granted around the perimeter of the garage for access to the alley as part of the encroachment agreement. The proposed encroachment agreement is a boilerplate agreement drafted by the City Attorney, and the City has not required an additional easement in the past. Discussion was held regarding whether an additional easement should be required and what impact it may have on past precedence. Clerk Peterson will contact the City Attorney to discuss.

Lammi moved and Marker seconded to accept the agreement as presented and as boilerplated by previous encroachment agreements. Mayor Mills and Lammi for, Marker, Benson and Myers against. Motion failed.

Planning Commission - No February Meeting.

Committee Reports –

Jackson Meadow – Marker and Myers met with Jack Warren to discuss the potential takeover of the north and south wastewater systems. They feel it is in the best interest of the City to take over both systems if all goes well with the permitting process. EcoCheck is currently creating a mitigation plan for the north system, which the City Engineer will review prior to submission to the MPCA. Mayor Mills has many questions regarding the system itself, EchoCheck and the financial stability.

Public Safety – The Appreciation Dinner is scheduled for Sunday, April 11th at Kiwanis Scout Camp.

Roads– Lammi reported that the soil borings were done on Judd Street. TKDA has laid out options for re-doing Judd Street and plans to have an informational meeting within the next couple of weeks. One of the issues will be the historical bridge and how difficult those repairs may be. Myers questioned the possibility of closing off the south end of Judd and Highway 95. That may pose some issues with our Development Code and also public safety.

Personnel/Building Inspector – No Report.

Recreation – Myers reported that the trails committee is discussing the creation of a booklet containing various trails and historic points around the Village. The cost would be approximately \$4000 for 1000 copies. The General Store would be willing to sell the booklets for \$5 each, however there is a question as to who will fund the upfront costs. The Council thought the City could certainly help out, however it was suggested to also check with the Restoration Society to see if they would be interested in helping.

There will also be a meeting on April 1st at the May Town Hall to discuss the Gateway Trail progress.

Finance – The 2009 Financial Statement is complete and ready to be sent to the auditor.

Marker moved and Benson seconded to approve the 2009 Financial Statement. Motion passed unanimously.

Hall/Restoration – Mayor Mills suggested looking into creating another History of Marine video. Myers will discuss with the Restoration Society.

Cemetery – Gary Campbell submitted a letter questioning if the City would be interested in letting him give a cemetery tour to residents and visitors on Memorial Day. The Council thought this would be a great addition to Memorial Day and thanked Mr. Campbell for volunteering.

Riverway Rules – Mayor Mills noted that a bill has been proposed in the Senate as a response to the Hubbard vs. DNR case, however it is uncertain as to whether it will even get a hearing.

Village Center – Benson advised he would like to begin the process of researching how to standardize ERU's for commercial uses.

Wastewater and Water Systems – Flows have been up due to the recent rain and melting. Mayor Mills reported that a letter was received from the MPCA stating that the City is not eligible for project funding.

Consent Calendar – *Marker moved and Benson seconded to approve the Minutes of 2/11/10, Treasurer's Report dated 2/10, the List of Bills for 3/11/10, Zoning Administrator's Report, Planning Commission Minutes, and the February Maintenance Report. Motion passed unanimously.*

Old/New Business – A request was received by the Minneapolis YMCA to waive the hall rental fee for a fundraiser they are hosting on April 29th. The fundraiser will provide scholarships for Marine kids who cannot afford to go to summer camp.

Myers moved and Marker seconded to waive the hall rental fee for the YMCA fundraiser. Motion passed unanimously.

Summons of Complaint – The City has been served with a Summons of Complaint by Farmers Insurance and Phil Canova for damages as a result of a tree branch falling on his car by the post office in 2008. This issue has been turned over to the League of MN Cities.

Porta Potty Bids – The City has received two bids for porta potties for the 2010 season. The first bid is from Air Fresh for \$65/month plus tax. The second bid is from On Site Sanitation for \$60/month. The consensus of the Council was to stay with On Site.

800 MHZ – Chief Denn reported that Lower St. Croix Valley is lobbying to re-appropriate the cost of the 800 MHZ radios through County taxes rather than keep the burden on the individual cities, and would like the City to send a letter to the County Commissioners supporting Lower St. Croix Valley’s proposal.

Myers moved and Marker seconded that the City supports placing the 800 MHZ cost onto all property owners. Motion passed unanimously.

Board of Review – The meeting is scheduled for Tuesday, April 13th at 9:00am.

Scandia/Marine Lions Donation – The Lions will be donating a framed 3x5 flag, which was flown in Afghanistan, to hang upstairs of the Hall.

April Meeting – Due to a school function conflict, the April Council meeting will be moved to Thursday, April 15th at 7:00pm.

Mayor Notes/Clerk’s Report – None .

Adjournment –*Marker moved and Lammi seconded to adjourn at 8:55p.m. Motion passed unanimously.*

Minutes taken by Lynette Peterson, City Clerk