

**TUESDAY, AUGUST 25, 2015, 6:30 PM, COLD SPRING JOINT MEETING OF THE CITY COUNCIL AND  
PLANNING COMMISSION MEETING MINUTES**

Mayor Robert R. Thelen called the meeting to order at 6:30 p.m. The following members were found to be present: Mayor Robert R. Thelen and Council Members Fran Ramler, Jan Dingmann, Dave Heinen and Jayme Knapp. Planning Commission Members present: Rick Bohannon, Ann Harren. Absent: Kelly Warren. Others present: Kris Dockendorf, Rusty Fifield, Jessica Green, Dan Steil, Lee Molitor, Doug Larson, Bill Foss, Theresa Dockendorf, Mark Dockendorf, Elaine Dockendorf, Betty Theis, Roger Theis, Jessica Soldner, Dan Soldner, Chad Middendorf, Mike Guggenberger, Dean Miller, Jesse Schwartz, Nancy Swanson, Tim Swanson, Ryan Schaefer, Bethanne Holthaus, Richard Decker, Alan Beniek, Linda Vonlital Beniek, Sandra Goenner, Lynn Schurman, Chuck Krebsbach, Ted Krebsbach, Elroy Theis, Frank Rajkowski, Kari Weber, Rena Weber, Maddie Kleve, Ray Kleve, Heidi Stalboerger, Sue Kadlec, Nina Dold, Duane Willenbring, Jeff Griffith, Math Miller, Richard Tomlinson, Kyle Krueger, Mary Krueger, Jim Terhaar, Mary Terhaar, Dave Terhaar, Lon Negen, Mary Kern, Lola Vogel, Dave Vogel, Bob Torborg, Steve Piehl, Ralph Schlangen, Wayne Torborg, Josh Worm, Jim Kraemer, Dan Weber, Chris Boucher and Angie Mueller.

**OPEN PUBLIC FORUM**

Rod Pauser requested that either a stop sign or a no thru street sign be considered in the area of 17<sup>th</sup> Avenue South at the intersection of 3<sup>rd</sup> Street South.

**APPROVAL OF THE AGENDA**

MOTION WAS MADE BY KNAPP, SECONDED BY HEINEN, TO APPROVE THE AGENDA OF THE AUGUST 25, 2015 CITY COUNCIL MEETING. MOTION PASSED 5-0.

**CONSENT AGENDA**

A. Minutes – August 11, 2015

MOTION WAS MADE BY DINGMANN, SECONDED BY KNAPP, TO APPROVE THE MINUTES OF THE AUGUST 11, 2015 CITY COUNCIL MEETING AS PRESENTED. MOTION PASSED 5-0.

B. SCADA System Repairs

MOTION WAS MADE BY DINGMANN, SECONDED BY KNAPP, TO APPROVE REPAIRS TO BE MADE TO THE PLC WITHIN THE SCADA SYSTEM; FURTHERMORE, FOR THE REPAIRS TO BE MADE BY IN-CONTROL AT A COST OF \$5,996.70, FURTHERMORE, TO BE PAID FOR OUT OF LINE ITEM 14-70-72-6313. MOTION PASSED 5-0.

C. Approval of Part-Time Police Officer

MOTION WAS MADE BY DINGMANN, SECONDED BY KNAPP, TO APPROVE HIRING RYAN SCHAEFER FOR THE POSITION OF PART-TIME POLICE OFFICER AT AN HOURLY PAY RATE OF \$17.67, WHICH IS THE FIRST STEP OF THE PART-TIME POLICE OFFICER PAY SCALE WITH THE ONLY BENEFIT BEING THE CURRENT PART-TIME CLOTHING ALLOWANCE OF \$30.00 PER CALENDAR QUARTER IF THE EMPLOYEE WORKS 36 OR MORE HOURS DURING THAT QUARTER. MOTION PASSED 5-0.

**2015 CSAH 2 RECONSTRUCTION PROJECT**

Mayor Thelen opened the Improvement Hearing at 6:37 p.m. City Engineer Brian Lintgen provided information on the CSAH 2 Improvement Project and Kris Dockendorf provided information on the assessment process. The following individuals spoke during the comments portion of the hearing.

1. Bill Foss – 201 Red River Avenue North, stated that streetscaping should not be assessed to the residential property owners on the project, it should be paid by the entire City, stated there were too many street lights proposed, concerned about the Brewery trucks turning out onto Red River Avenue and the winter conditions on the granite bandings in the sidewalks.
2. Chuck Krebsbach – 209 9<sup>th</sup> Avenue North, stated his concern of the impact the assessments will have on the City's tax rate. Dockendorf explained that if the project is assessed according to the current assessment policy, a house with a value of \$200,000 would have a tax increase of 5.81% , which would equate to an increase of \$116.28. He also commented that the streetscaping amenities are too much and recommended trimming those items down.
3. Nina Dold – 101 Red River Avenue North, stated that the properties to the east of her should be cleaned up, she commented about the drainage during downpours onto her property. Lintgen explained that the drainage pipe is undersized now and that it will be addressed with the project. She also commented about semi-trucks being lost looking for the Brewery and concerned about them turning from 1<sup>st</sup> Street South onto Red River Avenue North. She stated that all of the City should pay for the streetscaping not just the property owners on the project.
4. Duane Willenbring – 25153 Co Rd 139, stated he was representing the Rocori Trail Construction Board and stated that they are not a taxing authority and do not currently have funds to pay for their assessment.

5. Ted Krebsbach – 110 River Oaks Drive, stated his concern about the streetscaping, the maintenance costs associated with shoveling snow around the benches.
  6. Rena Weber commented that it will be difficult to justify the benefit of the streetscaping to the residential properties. She inquired why there wasn't an assessment for the Mayor's personal property. Lintgen explained that by following the assessment policy, the Mayor's property would only be assessed for the short side, which is 2<sup>nd</sup> Street North and isn't part of the improvement project. She also inquired about the City's bond rating which she was informed is A3.
  7. Pete Dockendorf – 530 2<sup>nd</sup> St S, speaking on behalf of his mother, Elaine Dockendorf – 105 Red River Avenue North, commented that half of his mother's assessment amount is strictly for the streetscaping, inquired about snow plowing technique since the road would be narrowed, inquired about seeing the private line televising, cautioned that whatever is done with assessments for this project should be followed for the improvement project in 2017 on Main Street.
  8. Jess Schwartz – 411 Red River Ave N, inquired whether the alley behind his house will remain, and was told it will. Inquired about replacing private lines during construction.
  9. Curt Sauer – 15 Red River Ave N, commented that the streetscaping will beautify the entire City and that all properties in the City should be assessed for it.
  10. Dan Soldner – 214 Red River Ave N, stated that the proposed streetscaping was over the top but that something should be done, that the cost of the streetscaping should be spread throughout the City, stated that for his proposed assessment over 40% of it was streetscaping costs, inquired what is wrong with the sidewalk, Lintgen explained that during sewer and water replacement the sidewalks will be lost and need to be redone. He also inquired about the overhead electric lines being buried.
  11. Beth Holthaus – 109 Red River Ave N, stated that streetscaping is an overall good idea but it's over the top, that there is not that much value added to her property with the improvements that would justify the assessment, stated that not just the property owners should pay for the improvements since it is a very busy road.
  12. Lynn Schurman - 308 Main Street, owner of Cold Spring Bakery and Schurman Retail Building, stated that a large part of the streetscaping cost is just the streetlights. Lintgen explained the total cost of streetscaping is \$1.1 million, of which \$368,000 are streetlights cost. She also stated she was in favor of the project, that it will be good for downtown and to consider a different assessment split such as 80/20, also stated that other projects going on will increase the City's tax base and that the increase to taxes would then fluctuate.
  13. Jim Kraemer – 402 Red River Ave N, stated he was in favor of the project but the amenities for streetscaping should be paid throughout the City.
  14. Mike Guggenberger, Avon stated he is a contractor that does streetscape improvements and that the improvement will bring in new revenue and will keep the downtown a vital area, he stated that no matter what type of surface is put down for sidewalks it will need to be maintained but there should be no issue clearing snow from the planned surfaces.
  15. Wayne Torborg, stated that beautification can be seen as the debate of the chicken or the egg, which comes first, he stated that businesses are needed in the downtown area and that there needs to be a balance of the best use of money for the amenities.
  16. Sandra Goenner – 112 Red River Ave N, commented about the telephone pole and if it would stay if a streetlight is also proposed on her property.
  17. Ray Kleve – 302 Red River Ave N, inquired whether the manhole would be replaced in the alley near his property, he was informed that it would be replaced as part of the project.
- Mayor Thelen called three times for further testimony, after hearing none he closed the Improvement Hearing at 8:09 p.m. The Council agreed that they would refer the comments about the assessments and streetscaping improvements back to the Downtown Development Committee and Planning Commission to discuss. The Council agreed that different assessment scenarios should be considered and discussed.

#### **PLANNING COMMISSION MEETING CALLED TO ORDER**

At 8:14 p.m. Planning Commission Chairman Rick Bohannon called the Planning Commission meeting to order.

#### **PUBLIC HEARING ON PARKING VARIANCE FOR THE WENNER RETAIL COMMONS**

Chairman Rick Bohannon opened the hearing at 8:14 p.m. Reggie Fraley from Alpha Development explained he is representing The Wenner Company in their request for a variance for the parking requirements at the 216 Red River Avenue South property. He explained that the property is zoned C-3 Highway Commercial and they are proposing to build a new two-story building on property containing a hardware store and convenience store, which will require 131 parking stalls. He explained that they would be providing 94 stalls on the same site of the building. Lon Negen commented that perhaps other options should be explored, that there is no hardship, and that traffic flow should be considered along with making sure there are no other parking issues. Bohannon called three times for further testimony, after hearing none he closed the hearing at 8:54 p.m. Since there were also other requests for this same property on the agenda and to keep the business in the correct order the Planning Commission discussed tabling the discussion.

MOTION WAS MADE BY BOHANNON, SECONDED BY HEINEN, TO TABLE THE VARIANCE REQUEST. MOTION PASSED 4-0.

**PUBLIC HEARING ON STREET VACATION FOR THE WENNER RETAIL COMMONS**

Chairman Rick Bohannon opened the public hearing for the street vacation at 9:10 p.m. Reggie Fraley explained the request for a vacation of a portion of 5<sup>th</sup> Avenue South right-of-way located south of 2<sup>nd</sup> Street South, and a portion of 2<sup>nd</sup> Street South right-of-way located west of Red River Avenue South. He stated that half of the vacated street would go to Weners and the other half to Mary Kern as they are the adjacent property owners. Bohannon stated that 5<sup>th</sup> Avenue is a dead-end street and that it will never cross over the trail or connect to the highway, nor would MnDOT be likely to approve another access to the highway. After some discussion Fraley explained that he would be withdrawing the vacation request for the tri-angle piece of property which is a portion of 2<sup>nd</sup> Street South right-of-way located west of Red River Avenue South and will instead revisit it at a later date. Chairman Bohannon called three times for comment, after seeing none he closed the hearing at 9:21 p.m.

MOTION WAS MADE BY HEINEN, SECONDED BY HARREN, TO APPROVE RESOLUTION PC2015-05 AND RECOMMEND TO THE CITY COUNCIL TO APPROVE THE STREET VACATION FOR THE PORTION OF FIFTH AVENUE SOUTH OUTLINED IN RESOLUTION PC2015-05. MOTION PASSED 4-0.

**PUBLIC HEARING ON PRELIMINARY PLAT FOR THE WENNER RETAIL COMMONS**

Chairman Rick Bohannon opened the public hearing at 9:23 p.m. Fraley presented the preliminary plat and Brian Lintgen explained several comments that were outlined in his memo which was provided and attached to the proposed resolution. The Planning Commission stated their desire that the future vacation of 2<sup>nd</sup> Street South, which may take place at a later date, should be added or subtracted from the preliminary and final plats before the mylar plans are signed by the City. Bohannon called three times for comment, after hearing none he closed the hearing at 9:36 p.m.

MOTION WAS MADE BY HEINEN, SECONDED BY DINGMANN, TO APPROVE RESOLUTION PC2015-06 AND RECOMMEND TO THE CITY COUNCIL TO APPROVE THE PRELIMINARY PLAT KNOWN AS WENNER RETAIL COMMONS BY ADOPTION OF RESOLUTION PC2015-06, CONTINGENT ON THE OUTLOT B SHOWN ON THE PLAT BE LABELED AS 2<sup>ND</sup> STREET SOUTH AND DEDICATED AS SUCH AS A ROAD THOROUGHFARE, ALSO THAT THE FUTURE OUTLOT A IS DEDICATED TO THE CITY AS EITHER OUTLOT OR PARK. MOTION PASSED 4-0.

**PARKING VARIANCE FOR THE WENNER RETAIL COMMONS**

MOTION WAS MADE BY DINGMANN, SECONDED BY HARREN, TO APPROVE RESOLUTION PC2015-04, A RESOLUTION RECOMMENDING APPROVAL OF A PARKING VARIANCE FOR THE WENNER COMPANY FOR THE PROPERTY LOCATED AT 215 RED RIVER AVENUE SOUTH AS SHOWN IN EXHIBIT A ALTERNATE 2, WHICH WOULD PROVIDE 94 PARKING STALLS. MOTION PASSED 4-0.

**WENNER REDEVELOPMENT PRELIMINARY PLAT**

The Council clarified that it was their understanding that as part of the Planning Commission’s approval of the preliminary plat that Outlot A be dedicated as parkland to the City and that would be considered their full payment in lieu of the parkland dedication fee which was estimated to be approximately \$17,000.

MOTION WAS MADE BY KNAPP, SECONDED BY HEINEN, TO ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE RESOLUTION 2015-17, A RESOLUTION APPROVING THE PRELIMINARY PLAT OF THE REPLAT TO BE KNOWN AS WENNER RETAIL COMMONS WITH THE SAME CONTINGENCIES AS MENTIONED IN THE PLANNING COMMISSION RECOMMENDATION. MOTION PASSED 5-0.

**WENNER REDEVELOPMENT FINAL PLAT**

MOTION WAS MADE BY HEINEN, SECONDED BY DINGMANN, TO APPROVE RESOLUTION PC2015-07 AND RECOMMEND TO THE CITY COUNCIL TO APPROVE THE FINAL PLAT KNOWN AS WENNER RETAIL COMMONS BY ADOPTION OF RESOLUTION PC2015-07, WITH THE SAME CONTINGENCIES AS MENTIONED IN THE PRELIMINARY PLAT APPROVAL. MOTION PASSED 4-0.

**WENNER REDEVELOPMENT FINAL PLAT**

MOTION WAS MADE BY KNAPP, SECONDED BY HEINEN, TO ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE RESOLUTION 2015-18, A RESOLUTION APPROVING THE FINAL PLAT OF THE REPLAT TO BE KNOWN AS WENNER RETAIL COMMONS, WITH THE SAME CONTINGENCIES AS MENTIONED IN THE PLANNING COMMISSIONS RECOMMENDATION. MOTION PASSED 5-0.

**DECISION ON ROUND-ABOUT PROPERTY**

Bohannon explained that the Planning Commission had discussed the property located at 408 5<sup>th</sup> Ave N, owned by Kevin Janssen, and the County’s inquiry in whether the City would be interested in selling the property after the round-about was built. Staff reported that since the proposed lot after taking would leave only 13 feet from the structure to the property line and that utility companies have indicated it would be difficult to work in such a small area. Harren stated that the house should be taken down

and that it is an aesthetics issue that should not be skimped on for this reconstruction project. The other members were in support of keeping the house and selling it at a reduced rate as recommended by a realtor.

MOTION WAS MADE BY DINGMANN, SECONDED BY HEINEN, TO RECOMMEND THAT THE CITY COUNCIL NOTIFY STEARNS COUNTY TO KEEP THE PROPERTY ON SITE AND SELL IT AS IT IS. MOTION PASSED 3-1. HARREN OPPOSED.

**ADJOURN PLANNING COMMISSION MEETING**

MOTION WAS MADE BY BOHANNON, SECONDED BY HEINEN, TO ADJOURN THE PLANNING COMMISSION MEETING AT 10:17 P.M. MOTION PASSED 4-0.

**JEFF & KRISTY GRIFFITH VARIANCE REQUEST – 110 GRANITE COURT**

Councilor Dingmann explained that the owners of the new dental clinic being constructed in Granite Landing are requesting a variance to construct a second monument sign, so that they can have a sign in the cul-de-sac area of their lot to identify the entrance to their property. She explained that the Planning Commission had discussed the variance and recommended approval.

MOTION WAS MADE BY KNAPP, SECONDED BY HEINEN, TO ADOPT RESOLUTION 2015-14, A RESOLUTION APPROVING A VARIANCE PERTAINING TO THE ALLOWANCE OF TWO MONUMENT SIGNS IN THE C-1 COMMERCIAL DISTRICT. MOTION PASSED 4-0. MAYOR THELEN ABSTAINED DUE TO GRIFFITH’S PURCHASING THE DENTAL PRACTICE FROM HIS WIFE, AND NOW THEIR MOVING THEIR PRACTICE OUT TO GRANITE LANDING.

**AMEND DEFINITION OF SUPERSTORES – ORDINANCE NO. 339**

Dockendorf explained the Zoning Ordinance amendment to change the definition of a retail superstore from a primary tenant that exceeds 35,000 square feet in size, to instead be a primary tenant that exceeds 50,000 square feet in size. She stated that the change will still achieve the same purpose of restricting where a “big box” store can be located.

MOTION WAS MADE BY KNAPP, SECONDED BY DINGMANN, TO ADOPT ORDINANCE NO. 339, AN ORDINANCE AMENDING SECTION 4, SUBDIVISION 6, (E), (26b) OF THE ZONING ORDINANCE OF COLD SPRING PERTAINING TO LAND USE DESCRIPTIONS. MOTION PASSED 5-0.

**MINOR SUBDIVISION & REATTACHMENT – RESOLUTION NO. 2015-12**

Dockendorf explained that The Wenner Company is purchasing the remaining pieces of land that were owned by Burlington Northern Santa Fe after they sold their other property to the Rocori Trail Construction Board for the creation of the Rocori Trail.

MOTION WAS MADE BY KNAPP, SECONDED BY DINGMANN, TO APPROVE RESOLUTION NO. 2015-12, A RESOLUTION CREATING A MINOR SUBDIVISION AND REATTACHMENT AT THE REQUEST OF THE WENNER COMPANY FOR BURLINGTON NORTHER SANTA FE RAILWAY (BNSF), OWNER OF PROPERTY IN BLOCKS 28, 40, 41, AND 42 IN TOWNSITE OF COLD SPRING. MOTION PASSED 5-0.

**WENNER RETAIL COMMONS PARKING VARIANCE**

MOTION WAS MADE BY DINGMANN, SECONDED BY KNAPP, TO ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE RESOLUTION 2015-15, A RESOLUTION APPROVING THE PARKING VARIANCE FOR WENNER RETAIL COMMONS. MOTION PASSED 5-0.

**APPROVE STREET VACATIONS**

MOTION WAS MADE BY KNAPP, SECONDED BY DINGMANN, TO APPROVE RESOLUTION 2015-16, A RESOLUTION APPROVING VACATING A PORTION OF FIFTH AVENUE SOUTH, LOCATED SOUTH OF SECOND STREET SOUTH. MOTION PASSED 5-0.

**DISCUSS NOISE ORDINANCE**

Jacqueline Sundholm was present and restated her issue with the River Oaks Golf Course operating their lawn mowing equipment prior to the time allowed in City Ordinance. Math Miller and Dean Miller, owners of River Oaks Golf Course, explained their position of needing to be able to groom the course before 7 a.m. on the weekdays and 9 a.m. on the weekends.

MOTION WAS MADE BY DINGMANN, SECONDED BY RAMLER, TO APPROVE ORDINANCE NO. 341, WHICH MAKES LAWN MAINTENANCE EQUIPMENT FOR COMMERCIAL GOLF COURSES AND ALL CITY OWNED EQUIPMENT EXEMPT FROM NOISE ORDINANCE SECTION 900:32. MOTION PASSED 3-2. HEINEN AND KNAPP OPPOSED.

**STREETS AND PARKS UPDATE**

**A. Sealcoat/Crackseal**

MOTION WAS MADE BY RAMLER, SECONDED BY HEINEN, TO APPROVE THE ADDITIONAL CRACKSEAL AND SEALCOAT PROJECTS AT AN ADDITIONAL COST OF \$13,126, FOR FOGGING SEALCOAT ROCK, AIR PATCH OIL AND STRIPING MAIN STREET, FURTHERMORE, TO BE PAID FOR FROM LINE ITEM 11-50-51-6611. MOTION PASSED 5-0.

**CITY ENGINEER REPORT**

**A. Updates**

Lintgen explained that the sidewalk on 3<sup>rd</sup> Avenue, north of Teals Market, is now complete and that the sidewalk along 2<sup>nd</sup> Avenue is nearing completion.

**B. Wetland Delineation**

Lintgen explained that as the City gets closer on drilling a new well, wetlands need to be identified on the property as the wells will need to be located outside of the wetland area.

MOTION WAS MADE BY RAMLER, SECONDED BY KNAPP, TO AUTHORIZE STANTEC TO PERFORM A WETLAND DELINEATION NEAR GREYSTONE ROAD AT A COST OF \$3,456, FURTHERMORE, TO BE PAID FOR OUT OF LINE ITEM 13-70-71-6215. MOTION PASSED 5-0.

**C. Other**

Lintgen explained that Stickney Hill Dairy is building in Rockville and that the wastewater from Rockville is sent to Cold Spring and is treated at the plant. He stated that the City of Rockville and Stickney Hill Dairy have signed a SIU setting the parameters of their wastewater use. He stated that the additional wastewater contribution will still fall within the limits of the City's agreement with Rockville and that our treatment plant will still be able to handle those levels.

**DISCUSS SOLAR FARM**

It was briefly explained that the City of St. Joseph is working to buy into the solar farm being constructed in Wakefield Township. The Council agreed that they would like to also explore this option and requested staff to provide information on this possibility.

**LIST OF BILLS AND ADDITIONS**

MOTION WAS MADE BY RAMLER, SECONDED BY HEINEN, TO REVIEW AND ACCEPT THE PAYMENT OF THE ACCOUNTS PAYABLE ACCORDING TO THE LIST TOTALING \$567,919.68 AND SUPPLEMENTAL LIST TOTALING \$12,715.80 PRESENTED BY CITY STAFF. MOTION PASSED 5-0.

**ADJOURN**

MOTION WAS MADE BY DINGMANN, SECONDED BY KNAPP, TO ADJOURN AT 11:03 P.M., SEEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL. MOTION PASSED 5-0.

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Robert R. Thelen, Mayor

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Kris Dockendorf, Acting City Administrator

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Rick Bohannon, Planning Commission Chairman