

## **WEDNESDAY, SEPTEMBER 25, 2024 COLD SPRING CITY COUNCIL MEETING MINUTES**

The meeting was called to order by Mayor Dave Heinen at 4:00 p.m. The following City Council members were found to be present: Mayor Dave Heinen and Council Members Mike Fall, Ryan Hennen, Fran Ramler and Doug Schmitz. Others present: Kris Dockendorf, Jon Stueve, Sam Butler, Dan Weber, David Barsody, Brittany Walter, Tom Walter, Grant Dossetto, Nate Bell, Gary Trout, Eli Sankey, Trevor Prophiet, Marlene Dingmann, Patty Czech, Scott Rogge, Gretchen Rogge, Korey Bellmont, Jessica Green and Joe Jelovnik.

### **APPROVAL OF THE AGENDA**

MOTION WAS MADE BY HENNEN, SECONDED BY SCHMITZ, TO APPROVE THE AGENDA OF THE SEPTEMBER 25, 2024 CITY COUNCIL MEETING AS PRESENTED. MOTION PASSED 5-0.

### **CONSENT AGENDA**

A. Minutes – September 11, 2024 Regular Meeting

B. Appoint Carol Murray as an Election Judge for the November 5, 2024 General Election

MOTION WAS MADE BY FALL, SECONDED BY SCHMITZ, TO APPROVE THE CONSENT AGENDA AS PRESENTED. MOTION PASSED 5-0.

### **RESOLUTION NO. 2024-35 AUTHORIZING THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2024A**

Jessica Green from Northland Securities presented the results of the bond sale held earlier in the day. She stated that the proceeds are going to be used to fund the construction and the bond costs for the new Fire Hall. She stated the City was able to get an A rating with a stable outlook. She stated that the interest rate on the bonds fell from 4.38% to 4.14 % which will result in a savings of approximately \$760,000, or approximately \$30,000 each year.

MOTION WAS MADE BY RAMLER, SECONDED BY HENNEN, TO ADOPT RESOLUTION NO. 2024-35, A RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$8,405,000 GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2024A. MOTION PASSED 5-0.

### **COLD SPRING FIRE AND RESCUE PROJECT**

Nate Bell and Gary Trout from Donlar Construction were present to discuss the final contracts for the new Fire Hall. Bell explained that after verifying the bids there were a few that had gone up, resulting in approximately \$25,463 increase from the previous total, but was still under the original estimates by approximately \$105,000. MOTION WAS MADE BY RAMLER, SECONDED BY FALL, TO APPROVE RESOLUTION NO. 2024-27, A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS FOR THE COLD SPRING FIRE AND RESCUE PROJECT, AND TO AUTHORIZE THE CITY ADMINISTRATOR TO SIGN THE CONTRACTS ON BEHALF OF THE CITY. MOTION PASSED 5-0.

### **LOT CONSOLIDATION REQUEST**

Residents Brittany and Tom Walter explained their request to consolidate two lots that they own in Blue Heron Heights 4<sup>th</sup> Addition. They explained that their house was built on one lot, and then they purchased the vacant lot next to them also, and would now like to consolidate the two lots into one.

MOTION WAS MADE BY HENNEN, SECONDED BY SCHMITZ, TO APPROVE RESOLUTION NO. 2024-29, A RESOLUTION APPROVING A LOT CONSOLIDATION AT THE REQUEST OF BRITTANY AND TOM WALTER, OWNER OF TWO LOTS IN BLUE HERON HEIGHTS 4<sup>TH</sup> ADDITION. MOTION PASSED 5-0

### **PUBLIC HEARING FOR EASEMENT VACATIONS**

Mayor Heinen opened the public hearing at 5:15 p.m. The Walters explained that there are drainage and utility easements between the two lots that they own and they would like to vacate those due to consolidating those two lots. Mayor Heinen called three times for those wishing to speak. Hearing and seeing none he closed the public hearing at 5:16 p.m.

MOTION WAS MADE BY HENNEN, SECONDED BY RAMLER, TO APPROVE RESOLUTION NO. 2024-34, A RESOLUTION VACATING DRAINAGE AND UTILITY EASEMENTS BETWEEN LOTS 1 AND 2, BLOCK 1, BLUE HERON HEIGHTS 4<sup>TH</sup> ADDITION. MOTION PASSED 5-0.

**SPECIAL USE PERMIT – MCDONALD’S USA, LLC**

Eli Sankey and Trevor Prophiet representatives of McDonald’s USA, presented the request for a Special Use Permit to allow for a drive-through at 200 3<sup>rd</sup> Street South in the C-2 Fringe Commercial District. They explained that since the Hardees building was constructed in 1989 there has been a drive-through on the property, although their new building will propose the drive-through be shifted more to the east. They explained that they planned to construct a 3,900 square foot building which would have two drive-through lanes that merge into one before the order window. They explained the drive-through would have space for 14 vehicles and will have four waiting stalls after the order pick-up windows. They stated there will be three total windows, one for collecting payment and the two others for order pick-up. They explained the stacking and queues along with a rendering of the proposed building and lot layout. They stated a vinyl fence is planned for the west and south sides of the property along with landscaping trees. They stated that there will be 34 parking stalls on the property which is more than the standard required by the zoning ordinance. They also stated that a pedestrian access to the sidewalk will be added on the north side of the property. They explained that the franchisee sets the hours of the store, that it could be open 24 if there is a customer need for it.

MOTION WAS MADE BY SCHMITZ, SECONDED BY HENNEN, TO APPROVE RESOLUTION NO. 2024-30, A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW FOR A DRIVE-THROUGH IN THE C-2 FRINGE COMMERCIAL DISTRICT. MOTION PASSED 5-0.

**LOT CONSOLIDATION REQUEST – MCDONALD’S USA LLC**

Eli Sankey and Trevor Prophiet explained that in order to clean up the title on their end they are requesting a lot consolidation. It was explained that according to Stearns County records the property is still a single parcel but to make it clear they are requesting approval of the consolidation.

MOTION WAS MADE BY HENNEN, SECONDED BY SCHMITZ, TO APPROVE RESOLUTION NO. 2024-31, A RESOLUTION APPROVING OF A LOT CONSOLIDATION AT THE REQUEST OF MCDONALD’S USA, LLC, OWNER OF PROPERTY IN THE TOWNSITE OF COLD SPRING. MOTION PASSED 5-0.

**ORDINANCE NO. 415 – AN ORDINANCE AMENDING THE ZONING ORDINANCE PERTAINING TO RESIDENTIAL UNITS**

Dockendorf explained that there was contradicting language in the zoning ordinance with regard to residential units in commercial districts. She stated that the change would clean up the language and make it a special use permit for all. She stated that the Planning Commission had discussed and approved the proposed ordinance.

MOTION WAS MADE BY FALL, SECONDED BY HENNEN, TO APPROVE ORDINANCE NO. 415 AMENDING THE ZONING ORDINANCE PERTAINING TO RESIDENTIAL UNITS IN COMMERCIAL DISTRICTS. MOTION PASSED 5-0.

**ADOPT PRELIMINARY LEVY – RESOLUTION NO. 2024-33**

Dockendorf explained that the increase in the levy rate was brought down to 10.45%. Councilor Schmitz stated he felt that they could have done better at the budget meeting to make that increase less. Councilor Fall stated that last year the Council should have kept the rate higher instead of reducing it then. Mayor Heinen, Councilors Ramler and Hennen stated they felt like a lot of thought had gone into the decisions made during the budgeting process and they felt they did their best.

MOTION WAS MADE BY HENNEN, SECONDED BY FALL, TO APPROVE RESOLUTION NO. 2024-33, A RESOLUTION ADOPTING THE PRELIMINARY 2025 TAX LEVY, COLLECTIBLE IN 2025. MOTION PASSED 4-1. ROLL CALL VOTE, AYES – HEINEN, HENNEN, FALL AND RAMLER, NAYES – SCHMITZ.

## **FIRE DEPARTMENT REPORT**

Chief Weber explained that they had 40 calls so far in September, bringing their total calls for the year to 539. He estimated that if this pace is kept up they will likely see 650 calls this year. He stated his concern for member burn out and expressed the need for more members especially those that would be in town during the day. He explained that they would be advertising for openings on the department and that Fire Prevention Week would be coming in October with an Open House being planned.

## **REQUESTS FOR NOISE MITIGATION PROJECTS**

Patty Czech, who was joined by Marlene Dingmann, presented a request for noise mitigation projects on Czech's property. Czech presented the quotes she obtained for replacement of her front living room window at \$6,000 and trees at a cost of \$9,600. Both also expressed their frustration with noise and garbage flying around their properties from semi-trucks on Co Rd 2. Discussion led to reviewing the subdivision agreement with Cold Spring Brewing Company for enforcement of these issues. The Council also discussed their desire for additional quotes for the mitigation projects being requested by Czech. They requested she obtain at least two more estimates due to the quotes presented now being public, and to return to a future Council meeting.

## **CITY HALL & THRIFTY WHITE PARKING LOT**

Gretchen and Scott Rogge explained that two years ago they were in a lawsuit involving ADA compliance with the entrance to their Thrifty White building from the shared parking lot. Rogge explained that a settlement agreement had been signed, that included a bid from Kraemer Trucking and Excavating for \$27,000 which Thrifty had agreed to pay their proportionate share. Kraemer's had stated they would honor their bid amount since time had run out last year to complete the project. Rogge stated she got engineered plans for their ramp and landing from Schultz Engineering. When starting the project she was advised that she needed to get a building permit for the work being done, she did so, and the building inspector signed off on the ramp. She stated the original concrete contractor that she had lined up did not work out and she instead hired a different concrete contractor who installed foam but has now heard from Kraemer Trucking and Excavating that they do not want the foam there and that it should be tore out before putting the asphalt in, which would then bring them out of compliance with building code. She expressed her frustration with the entire process and stated she did all the things that she was told to do to be in compliance, yet Kraemer won't proceed. She stated that the Building Code contradicts the engineered drawings and that the October 6<sup>th</sup> deadline is looming. After extensive discussion on the events that occurred, the Council directed City staff to work with Kraemers to determine a solution to get them to do the work. Rogge also stated that when the City re-did the parking lot in 2022, the City should have had it done to ADA requirements. Stueve explained that a catch basin was replaced in 2022 in the parking lot and then repaved, no engineering was done. Councilor Hennen stated it seems that a trickle down of things changing during the entire project contributed to the current situation. The Council agreed that in the future that engineering plans should be done and competitive bidding should be considered too.

**MOTION WAS MADE BY FALL, SECONDED BY HENNEN, THAT PROVIDED IT WORKS OUT WITH THE ELEVATIONS, AND REMAINS WITHIN BUILDING CODE, TO ADD SIX INCHES OF REINFORCED CONCRETE ON TOP OF THE FOAM, AT THE ADDED EXPENSE TO THE CITY.  
MOTION PASSED 5-0.**

Rogge also stated she wanted to be reimbursed for her attorney and engineering fees. The Council agreed that her request for fee reimbursement would be a legal matter that would get referred to the City Attorney, and directed Rogge to submit her receipts and request letter to staff.

At 6:50 p.m. the Council took a brief recess.

## **SPARTAN FIELDS AGREEMENT**

Sam Butler from Stantec explained that the developer would like to do grading and tree clearing on his property this winter. Butler stated typically a preliminary and final plat gets approved along with a developer agreement before allowing dirt being moved. Butler stated that the agreement and platting would be worked on during the winter too, and in the meanwhile Stantec would provide construction services and help get a geo

technical testing firm lined up for material testing along with permits. Dockendorf stated that the City Attorney had wrote the agreement and Bellmont had already paid for the cost of those legal fees. MOTION WAS MADE BY SCHMITZ, SECONDED BY FALL, TO APPROVE AN AGREEMENT WITH SPARTAN FIELDS, LLC. AUTHORIZING PRELIMINARY SITE PREPARATIONS OF THE FUTURE SITE OF SPARTAN FIELDS RESIDENTIAL SUBDIVISION, AND AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN THE AGREEMENT. MOTION PASSED 5-0.

### **SPARTAN FIELDS ENGINEERING SERVICES**

MOTION WAS MADE BY HENNEN, SECONDED BY FALL, TO APPROVE THE PROPOSAL FROM STANTEC FOR CONSTRUCTION SERVICES FOR SPARTAN FIELDS FOR \$15,575, TO BE PAID FOR IN ADVANCE BY SPARTAN FIELDS. MOTION PASSED 5-0.

Bellmont gave a brief update on the status of the project. He stated that all of their title issues have now been cleared and an agreement is being worked out with the neighboring property on easements. He stated there has been a lot of interest in the development.

### **SAUK RIVER WATERSHED DISTRICT AGREEMENT**

Butler explained that they provided a civil design for the stormwater treatment at the new Fire Hall site. He stated that a stormwater and erosion permit are needed from the Sauk River Watershed District.

MOTION WAS MADE BY HENNEN, SECONDED BY SCHMITZ, TO APPROVE AN AGREEMENT WITH THE SAUK RIVER WATERSHED DISTRICT FOR STORMWATER TREATMENT AT THE SITE OF THE NEW FIRE STATION. MOTION PASSED 5-0.

### **PUBLIC WORKS DIRECTOR REPORT**

Stueve stated that the building permit has been issued for the Maintenance Shop. He stated that they plan to flush hydrants from Oct. 14-16<sup>th</sup>. He stated that boulevard tree removal and concrete replacement along the downtown area has started. He stated that the condition of Fireside Road is rough and that within five years it will likely need to be reconstructed.

### **CITY ENGINEER REPORT**

Butler stated that a pre-construction meeting was held today for the Backwash Tank project. He stated that for River Links 5<sup>th</sup> and 6<sup>th</sup> Addition all the utilities are complete, and they will be starting on the curb and gutter next week.

### **CITY ADMINISTRATOR REPORT**

#### **A. Braun Intertec Environmental Consulting Proposal**

Dockendorf explained that the environmental side will be done once concrete is poured.

MOTION WAS MADE BY RAMLER, SECONDED BY HENNEN, TO APPROVE HIRING BRAUN INTERTEC FOR ENVIRONMENTAL CONSULTING SERVICES IN IMPLEMENT THE RAP/CCP FOR THE FIRE DEPARTMENT SITE AT 109 MAIN ST AT A COST OF \$25,645. MOTION PASSED 5-0.

#### **B. Updates**

Dockendorf explained that a groundbreaking ceremony will be held on October 9, 2024 at 4 p.m. at the new Fire Hall. She stated that Wendell is planning on having a large sign on site during construction showing the final rendering. Lastly, she stated she would like to start advertising for one term on the Planning Commission and one term on the Park Board.

### **COMMISSION UPDATES**

#### **A. Planning Commission**

Councilor Hennen stated that all the zoning items discussed at the meeting were discussed at the Planning Commission meeting. He added that the public hearing for the revised Preliminary Plat for River Links was continued since there are additional items needed. Councilor Fall stated that he would still like to explore hiring a Zoning Administrator to take those job tasks off the City Administrator. Dockendorf stated that

Stantec has a planner on staff who is available on an as needed basis, and bills hourly. Dockendorf stated she would check into that option further and report back.

**B. EDA**

Councilor Schmitz stated they had a short meeting and visited Erika Hansen Photography.

**C. Park Board**

Mayor Heinen stated there was no meeting for the Park Board

**D. Rocori Trail**

Councilor Schmitz explained he did not attend the meeting due to a conflict, as the special meeting for the budget was at the same time.

**LIST OF BILLS AND ADDITIONS**

MOTION WAS MADE BY RAMLER, SECONDED BY HENNEN, TO REVIEW AND ACCEPT PAYMENT OF THE ACCOUNTS PAYABLE ACCORDING TO THE LIST TOTALING \$123,356.52 AND SUPPLEMENTAL LIST TOTALING \$131,196.19 AS PRESENTED BY CITY STAFF. MOTION PASSED 5-0.

**ADJOURN**

MOTION WAS MADE BY SCHMITZ, SECONDED BY HENNEN, TO ADJOURN AT 7:16 P.M., SEEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL. MOTION PASSED 5-0.

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Dave Heinen, Mayor

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Kris Dockendorf, City Administrator