

**CITY OF COHASSET
PLANNING COMMISSION MINUTES
305 NORTHWEST FIRST AVENUE, COHASSET, MINNESOTA
WEDNESDAY, MAY 1, 2019 – 6:00 P.M.**

1. **Call Meeting to Order:** Chair Steve Brown called the meeting to order at 6:08 p.m.
2. **Roll Call**
 - a. **Voting Members Present:** Steve Brown, Josh Casper, Johnnie Fulton, Leslie Kleveter, Steve Lavalier, Steve Otto, and Gary Wheelock
 - b. **Absent with Notice:** None
 - c. **Ex-Officio Members Present:** Zoning Officer Greg Tuttle, Security Officer Dean Scherf, and City Council Liaisons Mary Flinck and Jason Tabaka
 - d. **Others Present:** Kate Miller Lavalier, Kelly Morris, Jeanne Belknap, Kory Cease, Greg Hopkins, Patty Thielen, John Danielson, Scott Belknap, Terry LaValle, Nathan Bennett, Nadine Hopkins, Dana Borchardt, Hans and Kristin Kaldahl, Terri Radovich, Tom and Deb Page

3. **Review and Approve the Agenda**
 - a. **Additions:** None
 - b. **Deletions:** None

A motion was made by Wheelock/Casper to approve the agenda as amended. Voting in favor: Brown, Casper, Fulton, Lavalier, Kleveter, Otto, and Wheelock; Voting against: None; Absent: None; Motion carried.

4. **Resident Input:** None
5. **Review and Approve Planning Commission Minutes of February 6, 2019:** *A motion was made by Fulton/Lavalier to approve the February 6, 2019 Planning Commission minutes as written. Voting in favor: Brown, Casper, Fulton, Lavalier, Kleveter, Otto, and Wheelock; Voting against: None; Absent: None; Motion carried.*
6. **6:05 Public Hearing** to make recommendation to City Council to consider amending Ordinance Number 48 – Parking Regulations by adding a new section regarding parking on sidewalks.

Chair Steve Brown opened the public hearing and Zoning Officer Greg Tuttle summarized the proposed amendment to Ordinance Number 48 – Parking Regulations by deleting Section 1.02 and adding the Section 1.03 OTHER PARKING RESTRICTIONS as follows: No person shall stop, stand or park a vehicle upon the sidewalks of the City.

After discussion, a motion was made by Wheelock/Fulton to recommend the proposed amendment to the Cohasset City Council as outlined above plus delete section 1.02 LIMITED PARKING: No person shall stop, stand or park a vehicle upon the public

streets of the City where official signs are erected limiting the parking time thereon, for a period of time in excess of the time as designated by the official sign and in Section 1.01 NO PARKING WHERE POSTED: change “upon the public streets of the City” to “within the City limits”. Voting in favor: Brown, Casper, Fulton, Lavalier, Kleveter, Otto, and Wheelock; Voting against: None; Absent: None; Motion carried.

7. **Public Hearing Number Two** to make a recommendation to City Council to consider amending Ordinance #1 – Control of Dogs, Cats and other Animals Section 13 Animals and City Parks/Cemetery regarding the prohibition of dogs on mountain bike trails.

Chair Steve Brown explained the procedure for the public hearing and Zoning Officer Greg Tuttle reviewed the informational packet including the proposed changes to the Ordinance. A question/answer session was held and clarifications were made.

Chair Steve Brown called for anyone in favor of the proposed ordinance number one amendment to come forward:

Terry Radovich, 35873 Drumbeater Road, Cohasset, MN stated she is in favor of dogs on a six foot leash on the mountain bike trails and believes the trail should be multi-use.

Brown called twice more for anyone in favor to come forward. There was no response.

Brown called for anyone opposed to dogs on a six foot leash on the mountain bike trails to come forward.

Scott Belknap, 34610 Chisholm Trail, Cohasset, MN stated that many people hike and walk their dogs on the trail and a user survey was not done. He runs his dogs twice a day year round and is opposed to dogs on a six foot leash on the mountain bike trails.

Tuttle reminded Mr. Belknap that the Animal Control Ordinance already has a leash law and applies city-wide including the trails on state land. Belknap was concerned that the bike trail is encroaching on haul roads.

Nathan Bennett, 24466 Hillcrest Drive, Cohasset, MN stated he is in agreement with Belknap. He felt the City is not enforcing ordinances regarding animal control and blight and we should not be making more rules unless there is some enforcement.

Security Officer Dean Scherf reported that the City does their best to enforce ordinances in regard to animal control and blight and gave examples. It was noted that enforcement efforts are usually complaint driven.

Tom Page, 34603 Rebel Beach Road, Cohasset, MN stated he feels it is a public safety issue for mountain bikers to be using a haul road. Page also asked if hunters would be required to have their hunting dogs on leashes. Page stated he has been using the trail for 28 years and has seen no conflict with multi-purpose use.

Patty Thielen, DNR Northeast Region Director, Grand Rapids, MN reported that the DNR land attorneys have determined that State lands are not subject to City ordinances. Zoning Officer Tuttle pointed out that item seven in the lease between the City of Cohasset and the DNR states: *Lessee shall comply with all laws affecting the premises including local ordinances and state regulations*. Thielen stated she will need to consult with the attorney again.

Jeannie Belknap, 64303 Chisholm Trail, Cohasset, MN questioned why City ordinances apply to state land. Tuttle again pointed out item seven in the lease.

Terry LaValle, 22571 Henderson Road, Cohasset, MN stated he owns property adjacent to the bike trail and he would like the City to consider a different point of view. The Cohasset he lives in is a warm and inviting Cohasset. It seems the City is legislating, enforcing and proposing ordinances against an issue that hasn't come up yet, which seems fairly aggressive and he's not sure if that's who we are in Cohasset. Lavalle encouraged the City to do some work on their current ordinances before creating new ones. The area has a lot to offer from a recreational stand point, scuba diving, bird watching, dog walking, etc. He has gone on record in the past as a supporter of the bike trail but urged the City not to set limits. He requested that the City Attorney review State Statue 347.22 which states a dog owner is 100% responsible for the actions of their dogs, (bodily injury or property damage) not the City.

Scott Belknap, 64303 Chisholm Trail, Cohasset, MN stated he contacted the DNR to obtain information regarding activities at the bike trail site and his questions were forwarded to Max Peters. He obtained the requested information from Peters and learned that the proposed trail is exclusively for the use of mountain bikes. The City has no plans to control or enforce usage on the haul roads or other lands not designated in the lease agreement. All areas outside of the leased portion will be managed by the DNR and if they wish to allow hiking, dog walking, etc., that is not the concern of the City. In closing, Belknap felt that "we can make this work" and since there are 500 plus acres, there is room for everyone. He suggested that an area be set aside exclusively for dog walkers (off-leash).

Zoning Officer Greg Tuttle stated that the area currently used for dog walking is not where the bike trail will be. If you are going to be on the mountain bike trail with a dog it must be on a six foot leash. If you're off the trail, you can have the dog on a 30 foot leash.

Kate Miller Lavalier, 26227 Clara Ave., Cohasset, MN asked for clarification regarding the land behind Portage Park known as the Wildlife Management Area (WMA). Tuttle explained that the ordinance specifies Portage Park (City owned land) and does not apply to the WMA. Lavalier proposed some signage at Portage Park to politely request that people remove their dogs waste from the trails since currently the trails are a mess. It was confirmed that the leash laws apply only to land within the City limits. Lavalier added that she would also like to see a dog friendly area within the City whereby a dog could run off leash.

Commissioner Gary Wheelock requested clarification as to whether the proposed amendment applies to residential areas or all of the City. Tuttle explained it already applies to the entire

City. Wheelock indicated the City should not expect to have resolution by the next City Council meeting and felt more work and discussion is needed.

After some informal discussion between the Commission and attendees, *a motion was made by Brown/Kleveter to table the issue and in the meantime research the legalities of enforcing City ordinances on State land. Voting in favor: Brown, Casper, Fulton, Lavalier, Kleveter, Otto, and Wheelock; Voting against: None; Absent: None; Motion carried.*

8. FYI

- a) **Comp Plan Update:** City Council approved the hire of JKL Engineering as consultants for the City of Cohasset Comp Plan Update.
- b) **Benson Bog Days 2019:** The Cohasset City Council approved a Special Event Permit for Benson Bog Days scheduled for June 21-23, 2019.

Chair Steve Brown adjourned the meeting at 8:00 p.m.

Submitted by Deputy Clerk Karen Blair
Approved: