



## City Council Meeting Agenda

Monday, December 2, 2019 - 7:00 PM

Cologne Community Center, 1211 Village Parkway

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### Vision Statement

*The City of Cologne is a vibrant small town that respects its heritage, embraces its future and offers a high quality of life for all who live, work and visit our community.*

Mayor: Matt Lein

Councilmember: Carol Szaroletta

Councilmember: Sarah Bruss

Councilmember: Rachel Lenzen

Councilmember: Nathan Kells

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**NOTE: AGENDA ITEMS ARE APPROXIMATE AND SUBJECT TO CHANGE ACCORDING TO LENGTH OF DISCUSSION. TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE ARRIVE AT 7:00 PM.**

- 1. CALL MEETING TO ORDER & ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADOPT AGENDA**
- 4. VISITOR'S PRESENTATIONS, PETITIONS, CORRESPONDENCE**
- 5. ADOPT CONSENT AGENDA**

Items listed below are considered routine and non-controversial by the Council. There will be no separate discussion of these items unless requested by a Councilmember, Staff or Citizen. If removed, the item will be discussed at the end of the regular agenda.

- a. November 18, 2019 Minutes**
- b. November 26, 2019 Payroll Summary**
- c. December 2, 2019 Check Summary**

**6. COUNCIL BUSINESS**

- a. **307 Pleasant St E Variance Denial Appeal**
  - i. **Collaborative Planning Memo**
  - ii. **Resolution 19-21 Approving/Denying Variance Denial Appeal**
- b. **Community Center Gym Use**
- c. **City Council Budget Workshop December 16 6:00PM**

**7. BOARD REPORT**

**8. ANNOUNCEMENTS**

**9. ITEMS REMOVED FROM THE CONSENT AGENDA**

**10. ADJOURN**

**CALENDAR OF EVENTS/MEETINGS**

December 14	Saturday	Cologne Lions Christmas in the Park
December 16	Monday	7:00PM City Council Meeting
December 24	Tuesday	City Offices Closed
December 25	Wednesday	City Offices Closed



## City Council Meeting Minutes

Monday, November 18, 2019 - 7:00 PM  
Cologne Community Center, 1211 Village Parkway

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### Vision Statement

*The City of Cologne is a vibrant small town that respects its heritage, embraces its future and offers a high quality of life for all who live, work and visit our community.*

Mayor: Matt Lein  
Councilmember: Carol Szaroletta  
Councilmember: Sarah Bruss  
Councilmember: Rachel Lenzen  
Councilmember: Nathan Kells

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**NOTE: AGENDA ITEMS ARE APPROXIMATE AND SUBJECT TO CHANGE ACCORDING TO LENGTH OF DISCUSSION. TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE ARRIVE AT 7:00 PM.**

### **1. CALL MEETING TO ORDER & ROLL CALL**

Mayor Lein called the meeting to order at 7:00 PM. Councilmembers Bruss, Kells, Lenzen and Szaroletta were present. Also present: City Administrator – Jesse Dickson, City Clerk – Michelle Morrison and City Planner - Cindy Nash of Collaborative Planning.

### **2. PLEDGE OF ALLEGIANCE**

### **3. ADOPT AGENDA**

Motion by Councilmember Bruss to adopt the agenda, second by Councilmember Lenzen. Motion carried unanimously.

### **4. VISITOR'S PRESENTATIONS, PETITIONS, CORRESPONDENCE**

Fire Chief Nick Joos came before the council to provide an update. The new fire fighters have completed the first two phases of fire training and will be doing their

medical training this winter. The department was looking forward to the auto extraction training that was occurring on Tuesday, November 19 with the City Councilmembers as victims in the autos.

## **5. ADOPT CONSENT AGENDA**

Items listed below are considered routine and non-controversial by the Council. There will be no separate discussion of these items unless requested by a Councilmember, Staff or Citizen. If removed, the item will be discussed at the end of the regular agenda.

- a. November 4, 2019 Minutes**
- b. November 12, 2019 Payroll Summary**
- c. November 18, 2019 Check Summary**
- d. Cologne Lions Liquor Permit 12-14-2019**
- e. Pheasants Forever Gambling Permit 2-22-2020**

Motion by Councilmember Kells to adopt the consent agenda, second by Councilmember Szaroletta. Motion carried unanimously.

## **6. COUNCIL BUSINESS**

### **a. PUBLIC HEARING: Unpaid Utilities**

Motion by Councilmember Bruss to open the Public Hearing at 7:02 PM, second by Councilmember Lenzen. Motion carried unanimously. Mayor Lein asked if anyone at the meeting wished to speak. There being no one, a motion was made by Councilmember Kells, second by Councilmember Bruss to close the hearing at 7:04 PM. Motion carried unanimously.

### **b. Resolution 19-20 Adopting and Certifying Liens of Delinquent Utilities**

Motion by Councilmember Bruss to adopt Resolution 19-20 Certifying Liens of Delinquent Utilities, second by Councilmember Szaroletta. Motion carried unanimously.

### **c. PUBLIC HEARING: 307 Pleasant St E Variance Denial Appeal**

Motion by Councilmember Kells to open the Public Hearing at 7:05 PM, second by Councilmember Bruss. Motion carried unanimously. Mayor Lein asked if anyone in the audience wanted to speak. James Meuwissen, owner of the property at 307 Pleasant St E, who filed for the appeal of his variance denial spoke. He shared with the Council that he had obtained signatures of support for his shed from 37 neighbors, only 1 individual did not sign. He also stated that the existing shed on his property would be taken down if the new shed was approved, that the new shed would have the same siding as on his home and also same roof. Bernie Shambour and Paula Stephens also spoke in support of the shed. Councilmember Bruss made a motion to close the hearing at 7:18 PM, second by Councilmember Lenzen. Motion carried unanimously.

**d. 307 Pleasant St E Variance Denial Appeal**

Mayor Lein then opened discussion with the Councilmembers on the appeal. City Planner, Cindy Nash was asked for input on her memo from October 4, 2019 in which she provided an overview of the variance request. She discussed the three questions that need to be considered when evaluating a variance request. 1.) Is the request a reasonable use of the land not permitted by the Zoning Ordinance? 2.) Is the plight of the landowner due to circumstances unique to the property not created by the landowner? And 3.) Will the variance, if granted, alter the essential character of the locality? Discussion was had on the current zoning ordinance and the possibility of changing it. The need for a new survey of the property was discussed to verify the side yard setback of at least 10 feet. The consensus of the Council was to direct Ms. Nash to develop a resolution for Council consideration that addresses findings on the questions to be considered, and also includes conditions that must be met to approve the variance which would include, matching siding and roof, removal of existing shed and a survey to verify setbacks are met. Motion by Councilmember Szaroletta to table the Appeal for discussion at the December 2, 2019 Council meeting, second by Councilmember Lenzen. Motion carried unanimously. Mr. Meuwissen asked if he needed to get his yard surveyed, Ms. Nash replied it would be required prior to a building permit being issued so if he wanted to start that process he could.

**7. BOARD REPORT**

**a. October Sheriff Report**

**8. ANNOUNCEMENTS**

Councilmember Bruss shared an email that she had received from a parent that belongs to a group of families that home school their children. The group of approximately 20 students rents the gym at the community center and was asking if a discounted rate could be developed for their use. The Mayor indicated that the Council reviews the fee schedule annually in December to set rates for the next year and would consider the request through that process.

**9. ITEMS REMOVED FROM THE CONSENT AGENDA**

**10. ADJOURN**

Motion by Councilmember Bruss to adjourn the meeting at 8:15 PM, second by Councilmember Szaroletta. Motion carried unanimously,

**CALENDAR OF EVENTS/MEETINGS**

December 2	Monday	6:00PM Planning Commission Meeting
December 2	Monday	7:00PM City Council Meeting

December 14  
December 16

Saturday  
Monday

Cologne Lions Christmas in the Park  
7:00PM City Council Meeting

Respectfully Submitted,

Attest:

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Michelle M Morrison, City Clerk

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Matt Lein, Mayor

**City of Cologne Payroll**

**26-Nov-19**

Employee		EFT	\$ 9,855.16	November 26, 2019 Payroll
IRS	389	EFT	\$ 4,265.21	November 26, 2019 Payroll
MN Department of Revenue	390	EFT	\$ 763.07	November 26, 2019 Payroll
PERA	391	EFT	\$ 2,118.02	November 26, 2019 Payroll
		<b>Total</b>	\$ 17,001.46	

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**\*Check Summary Register©**

Batch: 12-02-19CR

Name	Check Date	Check Amt	
<b>10100 Checking</b>			
24740 AFLAC	12/2/2019	\$212.70	Dec Employee Insurance
24741 AMERICAN ENVIRONMENTAL LL	12/2/2019	\$1,140.00	PW Vacuum debris from lagoon
24742 BOWAR, GREG	12/2/2019	\$70.00	Deposit Refund
24743 CENTERPOINT ENERGY	12/2/2019	\$324.17	107 John Ave
24744 COPPERHEAD INNOVATIONS	12/2/2019	\$1,003.37	PW Magnetic Locator
24745 DIRECTV	12/2/2019	\$199.88	Satellite Radio
24746 EGGERS, AMANDA	12/2/2019	\$44.00	Open Gym Sub
24747 HOLIDAY FLEET	12/2/2019	\$361.46	PW Fuel
24748 HOLIDAY FLEET	12/2/2019	\$230.90	CFD Fuel
24749 HYDRO KLEAN, LLC	12/2/2019	\$3,351.60	Final Pay Request 2019 CIPP Project
24750 JLR GARAGE DOOR SERVICE	12/2/2019	\$248.82	PW Door Repairs
24751 JOSTAN SERVICES, INC.	12/2/2019	\$1,906.73	City Hall/CCC Cleaning
24752 LAMBERGER, APRYL	12/2/2019	\$50.00	Deposit Refund
24753 LEAGUE OF MINNESOTA CITIES	12/2/2019	\$55.00	2019 Regional Meeting J. Dickson
24754 MELCHERT, HUBERT,SJODIN, P	12/2/2019	\$547.50	CFD Offensive Behavior Training
24755 MN DEPT OF HEALTH	12/2/2019	\$1,132.00	4th Qtr Fees
24756 MN VALLEY ELECTRIC COOPER	12/2/2019	\$132.19	2043 Village Pky Light
24757 MN VALLEY TESTING LABS	12/2/2019	\$139.00	Analysis
24758 NCPERS GROUP LIFE INS	12/2/2019	\$96.00	Dec Employee Group Life
24759 NIHCA	12/2/2019	\$399.00	Annual Processing Fee CFC
24760 PRO IRRIGATION	12/2/2019	\$450.00	Winterization
24761 RANDYS SANITATION INC	12/2/2019	\$606.15	Cologne Lions Park
24762 REINKE, JODI	12/2/2019	\$50.00	Deposit Refund
24763 THEIN WELL COMPANY INC.	12/2/2019	\$195.00	Annual Inspections
24764 TWIN CITIES & WESTERN RAILR	12/2/2019	\$321.66	Annual Permit Renewal
24765 UNITED FARMERS COOPERATIV	12/2/2019	\$10.58	CFD
24766 VERIZON WIRELESS	12/2/2019	\$178.05	CFD
24767 VISA	12/2/2019	\$3,221.30	CFD Supplies
24768 XCEL ENERGY	12/2/2019	\$4,343.35	WWTP
24769 XTREME ELECTRICAL INC	12/2/2019	\$465.00	Street Light Repairs
	<b>Total Checks</b>	<b>\$21,485.41</b>	

Clerk Treasurer

Date

FILTER: ([[Act Year]='2019' and [period] in (12))) and (Source in ('12-02-19CR'))



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## Payments

Current Period: December 2019

**Payment Batch 12-02-19CR \$21,485.41**

Refer	0	<u>AMERICAN ENVIRONMENTAL LLC</u>	<u>Ck# 024741 12/2/2019</u>		
Cash Payment	E	602-49450-312 Contractual Services	PW Vacuum debris from lagoon		\$1,140.00
Invoice	1587	11/14/2019			
Transaction Date	11/22/2019	Due 0	Checking	10100	<b>Total \$1,140.00</b>
Refer	0	<u>AFLAC</u>	<u>Ck# 024740 12/2/2019</u>		
Cash Payment	E	101-41400-130 Employer Paid Ins (GEN	Dec Employee Insurance		\$41.52
Invoice	286336	11/14/2019			
Cash Payment	G	101-21705 Aflac	Dec Employee Insurance		\$129.66
Invoice	286336	11/14/2019			
Cash Payment	E	602-49450-130 Employer Paid Ins (GEN	Dec Employee Insurance		\$20.76
Invoice	286336	11/14/2019			
Cash Payment	E	601-49400-130 Employer Paid Ins (GEN	Dec Employee Insurance		\$20.76
Invoice	286336	11/14/2019			
Transaction Date	11/22/2019	Due 0	Checking	10100	<b>Total \$212.70</b>
Refer	0	<u>BOWAR, GREG</u>	<u>Ck# 024742 12/2/2019</u>		
Cash Payment	G	101-22000 Deposits	Deposit Refund		\$50.00
Invoice					
Cash Payment	R	101-00000-34793 Gym Fees/Rentals	Cancelled one day of rental		\$20.00
Invoice					
Transaction Date	11/22/2019	Due 0	Checking	10100	<b>Total \$70.00</b>
Refer	0	<u>CENTERPOINT ENERGY</u>	<u>Ck# 024743 12/2/2019</u>		
Cash Payment	E	101-45200-383 Gas Utilities	107 John Ave		\$60.21
Invoice					
Cash Payment	E	101-43100-383 Gas Utilities	306 Playhouse		\$15.00
Invoice					
Cash Payment	E	101-43100-383 Gas Utilities	304 Louis St		\$139.60
Invoice					
Cash Payment	E	101-42210-383 Gas Utilities	110 Louis St		\$109.36
Invoice					
Transaction Date	11/22/2019	Due 0	Checking	10100	<b>Total \$324.17</b>
Refer	0	<u>COPPERHEAD INNOVATIONS</u>	<u>Ck# 024744 12/2/2019</u>		
Cash Payment	E	601-49400-210 Operating Supplies (GE	PW Magnetic Locator		\$1,003.37
Invoice	11963				
Transaction Date	11/22/2019	Due 0	Checking	10100	<b>Total \$1,003.37</b>
Refer	0	<u>DIRECTV</u>	<u>Ck# 024745 12/2/2019</u>		
Cash Payment	E	101-45100-433 Dues and Subscriptions	Satellite Radio		\$199.88
Invoice					
Transaction Date	11/22/2019	Due 0	Checking	10100	<b>Total \$199.88</b>
Refer	0	<u>HYDRO KLEAN, LLC</u>	<u>Ck# 024749 12/2/2019</u>		
Cash Payment	E	602-49450-312 Contractual Services	Final Pay Request 2019 CIPP Project		\$3,351.60
Invoice					
Transaction Date	11/22/2019	Due 0	Checking	10100	<b>Total \$3,351.60</b>
Refer	0	<u>JLR GARAGE DOOR SERVICE</u>	<u>Ck# 024750 12/2/2019</u>		
Cash Payment	E	101-43100-401 Repairs/Maint Buildings	PW Door Repairs		\$248.82
Invoice					

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## Payments

Current Period: December 2019

Transaction Date	11/22/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$248.82</b>
Refer	0 <u>JOSTAN SERVICES, INC.</u>					
Cash Payment	E 101-45100-401 Repairs/Maint Buildings		City Hall/CCC Cleaning			\$964.69
	Invoice					
Cash Payment	E 101-42210-401 Repairs/Maint Buildings		Louis Hall Cleaning			\$405.56
	Invoice					
Cash Payment	E 101-45100-223 Building Repair Supplies		Suplies/Tissue/Paper Towels/Garbage Bags			\$536.48
	Invoice					
Transaction Date	11/22/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$1,906.73</b>
Refer	0 <u>EGGERS, AMANDA</u>					
Cash Payment	E 101-45100-101 Wages and Salaries		Open Gym Sub			\$44.00
	Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$44.00</b>
Refer	0 <u>HOLIDAY FLEET</u>					
Cash Payment	E 101-42230-212 Motor Fuels		CFD Fuel			\$230.90
	Invoice					
Cash Payment	E 101-43100-212 Motor Fuels		PW Fuel			\$361.46
	Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$592.36</b>
Refer	0 <u>LAMBERGER, APRYL</u>					
Cash Payment	G 101-22000 Deposits		Deposit Refund			\$50.00
	Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$50.00</b>
Refer	0 <u>LEAGUE OF MINNESOTA CITIES</u>					
Cash Payment	E 101-41400-331 Travel/Education Expens		2019 Regional Meeting J. Dickson			\$55.00
	Invoice 311933					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$55.00</b>
Refer	0 <u>MN DEPT OF HEALTH</u>					
Cash Payment	E 601-49440-433 Dues and Subscriptions		4th Qtr Fees			\$1,132.00
	Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$1,132.00</b>
Refer	0 <u>MELCHERT, HUBERT,SJODIN, PLL</u>					
Cash Payment	E 101-41600-304 Legal Fees		CFD Offensive Behavior Training			\$547.50
	Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$547.50</b>
Refer	0 <u>MN VALLEY ELECTRIC COOPERA</u>					
Cash Payment	E 101-43160-381 Electric Utilities		2043 Village Pky Light			\$62.89
	Invoice					
Cash Payment	E 602-49470-381 Electric Utilities		2140 N Village Pky			\$69.30
	Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$132.19</b>
Refer	0 <u>MN VALLEY TESTING LABS</u>					
Cash Payment	E 602-49450-311 Analysis		Analysis			\$139.00
	Invoice 1005426					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$139.00</b>

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## Payments

Current Period: December 2019

Refer	0	<u>NCPERS GROUP LIFE INS</u>	<u>Ck# 024758 12/2/2019</u>		
Cash Payment	E	101-41400-130 Employer Paid Ins (GEN	Dec Employee Group Life		\$48.00
Invoice					
Cash Payment	E	601-49400-130 Employer Paid Ins (GEN	Dec Employee Group Life		\$16.00
Invoice					
Cash Payment	E	602-49450-130 Employer Paid Ins (GEN	Dec Employee Group Life		\$16.00
Invoice					
Cash Payment	E	101-43100-130 Employer Paid Ins (GEN	Dec Employee Group Life		\$16.00
Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b> \$96.00
Refer	0	<u>NIHCA</u>	<u>Ck# 024759 12/2/2019</u>		
Cash Payment	E	101-45100-312 Contractual Services	Annual Processing Fee CFC		\$399.00
Invoice		103237			
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b> \$399.00
Refer	0	<u>PRO IRRIGATION</u>	<u>Ck# 024760 12/2/2019</u>		
Cash Payment	E	101-45200-430 Miscellaneous (GENERA	Winterization		\$450.00
Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b> \$450.00
Refer	0	<u>RANDYS SANITATION INC</u>	<u>Ck# 024761 12/2/2019</u>		
Cash Payment	E	101-45200-384 Refuse/Garbage Dispos	Cologne Lions Park		\$113.92
Invoice					
Cash Payment	E	101-45100-384 Refuse/Garbage Dispos	CCC		\$199.42
Invoice					
Cash Payment	E	101-41940-384 Refuse/Garbage Dispos	Public Works		\$178.89
Invoice					
Cash Payment	E	101-42210-384 Refuse/Garbage Dispos	CFD		\$113.92
Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b> \$606.15
Refer	0	<u>REINKE, JODI</u>	<u>Ck# 024762 12/2/2019</u>		
Cash Payment	G	101-22000 Deposits	Deposit Refund		\$50.00
Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b> \$50.00
Refer	0	<u>TWIN CITIES &amp; WESTERN RAILRO</u>	<u>Ck# 024764 12/2/2019</u>		
Cash Payment	E	101-43100-312 Contractual Services	Annual Permit Renewal		\$321.66
Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b> \$321.66
Refer	0	<u>THEIN WELL COMPANY INC.</u>	<u>Ck# 024763 12/2/2019</u>		
Cash Payment	E	601-49400-312 Contractual Services	Annual Inspections		\$195.00
Invoice		6822			
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b> \$195.00
Refer	0	<u>UNITED FARMERS COOPERATIVE</u>	<u>Ck# 024765 12/2/2019</u>		
Cash Payment	E	101-42230-404 Repairs/Maint Machinery	CFD		\$10.58
Invoice					
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b> \$10.58
Refer	0	<u>VERIZON WIRELESS</u>	<u>Ck# 024766 12/2/2019</u>		

**CITY OF COLOGNE**  
**Payments**

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**Current Period: December 2019**

<b>Cash Payment</b>	E 101-42230-320 Communications (GENE	CFD				<b>\$178.05</b>
Invoice						
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$178.05</b>
Refer	0	VISA		Ck# 024767	12/2/2019	
<b>Cash Payment</b>	E 101-42200-430 Miscellaneous (GENERA	CFD Supplies				<b>\$104.11</b>
Invoice						
<b>Cash Payment</b>	E 101-43100-430 Miscellaneous (GENERA	CFD Finance Charge				<b>\$24.39</b>
Invoice						
<b>Cash Payment</b>	E 101-42220-208 Training and Instruction	CFD Chief's Conference Duluth				<b>\$3,092.80</b>
Invoice						
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$3,221.30</b>
Refer	0	XCEL ENERGY		Ck# 024768	12/2/2019	
<b>Cash Payment</b>	E 602-49450-381 Electric Utilities	WWTP				<b>\$1,959.57</b>
Invoice						
<b>Cash Payment</b>	E 602-49470-381 Electric Utilities	Lift Stations				<b>\$766.62</b>
Invoice						
<b>Cash Payment</b>	E 101-43100-381 Electric Utilities	PW				<b>\$118.52</b>
Invoice						
<b>Cash Payment</b>	E 601-49400-381 Electric Utilities	Wells				<b>\$104.65</b>
Invoice						
<b>Cash Payment</b>	E 101-45200-381 Electric Utilities	Lions Park				<b>\$99.63</b>
Invoice						
<b>Cash Payment</b>	E 101-41940-381 Electric Utilities	PW Maintenance Bldg				<b>\$12.27</b>
Invoice						
<b>Cash Payment</b>	E 101-42210-381 Electric Utilities	Louis Hall				<b>\$132.73</b>
Invoice						
<b>Cash Payment</b>	E 101-43160-381 Electric Utilities	Street Lights				<b>\$1,149.36</b>
Invoice						
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$4,343.35</b>
Refer	2	XTREME ELECTRICAL INC		Ck# 024769	12/2/2019	
<b>Cash Payment</b>	E 101-43100-312 Contractual Services	Street Light Repairs				<b>\$465.00</b>
Invoice						
Transaction Date	11/26/2019	Due 0	Checking	10100	<b>Total</b>	<b>\$465.00</b>

**Fund Summary**

	10100 Checking
602 SEWER FUND	\$7,462.85
601 WATER FUND	\$2,471.78
101 GENERAL FUND	\$11,550.78
	<b>\$21,485.41</b>

Pre-Written Checks	\$21,485.41
Checks to be Generated by the Computer	\$0.00
Total	<b>\$21,485.41</b>

# Collaborative Planning, LLC

## Memorandum

To: City Council  
From: Cindy Nash, AICP, EDFP  
Date: November 25, 2019  
Subject: Variance – 307 Pleasant Street East

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The City received a variance application for review and consideration, that was denied by the Board of Adjustments and Appeals. The property owner appealed the decision to the City Council. Additional information regarding the proposed variance came to light both during the City Council meeting of November 18, 2019. As a result, this memo is updated to reflect the new information provided to the City.

### Overview of Request



The subject property is a lot of record in Sauter's Second Addition consisting of approximately .48 acres (20,908 square feet). A variance request is being made to permit the construction of an accessory building exceeding the size permitted by ordinance. A copy of the application is attached. Note that the drawing of the home and accessory buildings provided by the applicant is not to scale. No certificate of survey, architecture or floor plan for the accessory building was provided for review. On the figure to the left, the blue box represents what an approximately 900 square foot building size would be in relation to the size of this property.

The property is zoned R-1 Single Family Detached. The property currently contains a home with a 3-car attached garage and an existing accessory shed consisting of approximately 300 square feet. The applicant is proposing to construct a new accessory structure consisting of approximately 900 square feet (30 feet by 30 feet) to the rear of the home for a

total of approximately 1200 square feet of detached accessory buildings if the existing detached accessory structure were not removed. The applicant stated at the November 18<sup>th</sup> Council meeting that the existing approximately 300 square foot shed would be demolished. In addition, the 900 square foot building was portrayed at the Council meeting as a garage rather than a new shed, and would require a means to access it.

Section 153.016 of the Cologne Code of Ordinances limits detached accessory structures to a maximum of 200 square feet. An exception is provided in the case of properties in the Downtown Overlay District (which this property is within) when the property only has a single-car garage or when the property does not have an existing detached or attached accessory structure (which does not apply) whereby the aggregate total of detached accessory structures then shall not exceed 1000 square feet. This exception serves to provide older homes that do not have a garage with the opportunity to construct a garage.

Applicable ordinance and design requirements related to an accessory structure in this zoning district are the following:

<b>Requirement</b>	<b>Does the proposal meet it?</b>	<b>Notes</b>
Does the property have only a single-car garage?	No, the property has an attached 3-car garage	Does not meet the exception requirements to have more than 200 feet of accessory space in Section 153.016
Not more than 200 square feet of accessory building	Proposal is for 900 square feet, which is over 4 times greater than amount allowed under ordinance.	
Accessory structure with permanent foundation must meet setback requirements of the principal structure	Cannot review without a Certificate of Survey being provided by the applicant.	
Detached accessory structures in excess of 150 square feet shall be compatible with the principal structure in appearance, architectural style and building materials.	Verbal response provided by applicant at November 18 <sup>th</sup> Council meeting, but no plans for the building have been provided. These would be required before moving forward with a building permit.	
A determination shall be made during site plan review whether a	During the November 18 <sup>th</sup> meeting, it was stated that the applicant would be driving down the west side property line to access	1. There would need to be sufficient width on the side of the home to keep the

<p>new or realigned driveway to the accessory structure is necessary and appropriate.</p>	<p>the garage.</p> <p>1.The west property line is subject to a drainage and utility easement that is being used for stormwater purposes and contains a 12” diameter culvert that is 6’ deep. The City does not permit improvements within or the use of easements in a manner that may cause harm to the City’s improvements or use of those easements.</p> <p>2. There must be sufficient room shown on a survey to access the garage without entering onto the property of others.</p>	<p>“driveway” to the accessory building a reasonable distance from the home and outside of the drainage and utility easement.</p> <p>2. A review of the aerial photography for this property suggests that there will not be sufficient room on the west side of the property to accommodate a driveway and the easement. There may also not be sufficient room on the east side of the home, but there may be more room there without the constraint of the easement.</p>
<p>Building height may not exceed 20 feet.</p>	<p>Cannot be determined without reviewing building plans which were not submitted.</p>	
<p>Removal of existing accessory structure is necessary</p>	<p>Applicant stated that they would not plan to remove the existing accessory structure until the new one is installed. This can be an enforcement issue to compel the removal of the original structure.</p>	
<p>Lot coverage may not exceed 25%</p>	<p>This would need to be verified with a survey. The property is approximately 20,908 square feet, which would allow approximately 5,227 square feet of impervious surfaces. Imprecise measurements on aerial photos suggest that the combined home, driveway and proposed building may be approaching that limit.</p>	

**Staff Recommendation**

The variance was applied for related to having more square feet of accessory building (900 square feet vs. 200 square feet) without supporting documentation that verifies that other ordinance requirements can be met. Given that further review of the situation indicates that a number of these other requirements may not be possible to meet, staff does not recommend adopting a resolution until at



least a certificate of survey can be provided for review. In particular, there appears to be difficulty with this proposal, as supplemented verbally by the applicant at the November 18<sup>th</sup> City Council meeting, being able to meet requirements related to impervious surface coverage, side yard setbacks, and maintaining a driveway area outside of the City easement or neighboring properties.

If the City Council determines it should approve the request for a 900 square foot accessory building even though it is not possible to know if the proposal can meet the remaining city requirements, it is suggested that the following conditions be added to the approval:

1. No building permit shall be issued until a Certificate of Survey prepared by a licensed professional is provided for the review and approval of City staff. If the Certificate of Survey is approved, the accessory building shall be constructed in substantial conformance with those approved plans. No improvements other than those shown on the Certificate of Survey are permitted.
2. No grading or land disturbing activities are permitted to occur within the existing easement on the property, nor may the easement be utilized for driveway purposes.
3. The existing accessory building shall be removed prior to the issuance of a building permit. *(NOTE: if this is not acceptable then suggest increasing amount of escrow in Condition #4 to compel the property owner to remove it following the construction of the new building).*
4. Prior to the issuance of a building permit an escrow of \$\_\_\_\_\_ shall be provided to the City to ensure compliance with the conditions of this variance and may be used by the City as it determines necessary to complete any conditions of the variance or to restore or mitigate any damage to the easement area caused by the construction on the site. Following completion of the project and conditions in a manner determined satisfactory by the City Engineer, any remaining escrow balance shall be returned to the applicant without interest.
5. The Certificate of Survey to be submitted shall comply with all ordinance requirements including but not limited to setbacks, height, impervious surface coverage. The only variance granted is to permit an accessory structure of not to exceed 900 square feet.
6. Building plans shall be submitted that document compliance of the new building with relation to the maximum building height of 20 feet as well as ensuring that the exterior design of the garage is compatible with the existing home in relation to roof and siding materials, roof pitch, and other design characteristics.
7. The variance shall expire if these conditions are not met and a building permit is not received for the property by \_\_\_\_\_.



**CITY OF COLOGNE  
CITY COUNCIL  
RESOLUTION NO. 19-21  
RESOLUTION APPROVING APPEAL OF VARIANCE DECISION BY THE BOARD OF  
APPEALS AND ADJUSTMENT FOR 307 PLEASANT STREET EAST**

**WHEREAS**, Mary and James Meuwissen (“Applicant”) are the applicant for an application related to property located at 307 Pleasant Street East; and

**WHEREAS**, the property is zoned R-1, Single Family Detached; and

**WHEREAS**, the Applicant had applied for a variance to permit the construction of an additional detached accessory structure consisting of approximately 900 square feet on the property; and

**WHEREAS**, the property currently has an attached accessory structure (2-car garage) and an approximately 300 square foot detached accessory structure; and

**WHEREAS**, the zoning ordinance does not permit detached accessory structures in excess of an aggregate total of 200 square feet within the R-1 zoning district; and

**WHEREAS**, Minnesota Statute Section 462.357, subd. 6 provides:

- a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
- b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. “Practical difficulties,” as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

**WHEREAS**, the public hearing was properly noticed and scheduled for October 7, 2019; and

**WHEREAS**, the application was reviewed by the Board of Appeals and Adjustment at its meeting on October 7, 2019; and

**WHEREAS**, the Board of Appeals and Adjustment made the following findings of fact at its meeting on October 7, 2019:

1. The proposed variance is not a reasonable use of the land. Section 153.016 of the City Code of Ordinances provides all homeowners with the opportunity to have a reasonable amount of accessory structure (typically garages and storage), which may be either attached or detached from the principal structure (home). The proposed request to construct an additional 900 square feet of detached accessory structure on a property that is small in size (.48 acres) and that already contains at least a 2-car garage that is attached to the home and an additional approximately 300 square feet of detached accessory structure is already in excess of the City ordinances.

2. The plight of the landowner is due to circumstances created by the landowner and are not unique to the property. The lot is a typical lot in the City and already has more accessory storage space than a typical lot.
3. The variance would alter the essential character of the locality. The homes in the neighborhood are typical single-family homes with a 2-car attached garage, and an occasional small storage shed in the back. In addition, the proposed accessory structure does not have a practical means of access given the size of the lots in the neighborhood and the close proximity of the home on the lot to the side lot lines preventing access from the street.

**WHEREAS**, the Board of Appeals and Adjustment adopted Resolution 19-03 denying the variance at its meeting on October 7, 2019; and

**WHEREAS**, the Applicant filed an appeal of the decision of the Board of Appeals and Adjustment as permitted Under Section 153.090 (C) of the City Code of Ordinances; and

**WHEREAS**, a public hearing before the City Council was scheduled for November 18, 2019;

**NOW, THEREFORE, BE IT RESOLVED**, the City Council makes the following findings:

1. The proposed variance is a reasonable use of the land. The applicant is storing items outside and is proposing to store them inside a building if allowed to construct the building.
2. The plight of the landowner is due to circumstances not created by the landowner and that are unique to the property. The rear of the lot abuts TH 212, allowing the occupants of the home to hear highway noise. One of the traffic turnarounds on TH 212 is also situated in a way that headlights can shine into the back windows of the home, which the shed would block. This situation is unique to this property.
3. The variance would alter the essential character of the locality. The homes in the immediate vicinity are typical single-family homes constructed in the 1970's and 1980's with a 2-car attached garage, and an occasional small storage shed in the back. The homes located approximately one block to the north are of an older vintage and style that frequently did not include an attached garage and as such where space has allowed some of these property owners have constructed a larger detached garage in compliance with the terms of the zoning ordinance. The newer portion of the neighborhood is accessed through this older portion of the community.

**BE IT FURTHER RESOLVED**, the City Council approves a variance to permit accessory buildings on the Subject Property not to exceed 900 square feet, subject to the following conditions:

1. No building permit shall be issued until a Certificate of Survey prepared by a licensed professional is provided for the review and approval of City staff. If the Certificate of Survey is approved, the accessory building shall be constructed in substantial conformance with

those approved plans. No improvements other than those shown on the Certificate of Survey are permitted.

2. No grading or land disturbing activities are permitted to occur within the existing easement on the property, nor may the easement be utilized for driveway purposes.
3. The existing accessory building shall be removed prior to the issuance of a building permit.
4. Prior to the issuance of a building permit an escrow of \$\_\_\_\_\_ shall be provided to the City to ensure compliance with the conditions of this variance and may be used by the City as it determines necessary to complete any conditions of the variance or to restore or mitigate any damage to the easement area caused by the construction on the site. Following completion of the project and conditions in a manner determined satisfactory by the City Engineer, any remaining escrow balance shall be returned to the applicant without interest.
5. The Certificate of Survey to be submitted shall comply with all ordinance requirements including but not limited to setbacks, height, impervious surface coverage. The only variance granted is to permit an accessory structure of not to exceed 900 square feet.
6. Building plans shall be submitted that document compliance of the new building with relation to the maximum building height of 20 feet as well as ensuring that the exterior design of the garage is compatible with the existing home in relation to roof and siding materials, roof pitch, and other design characteristics.
7. The variance shall expire if these conditions are not met and a building permit is not received for the property by June 3, 2020.

Approved:

\_\_\_\_\_  
Matt Lein  
Mayor

Attested:

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Michelle Morrison  
City Clerk

M/\_\_\_\_\_

Lein\_\_\_\_\_

Szaroletta\_\_\_\_\_

Kells\_\_\_\_\_

S/\_\_\_\_\_

Bruss\_\_\_\_\_

Lenzen\_\_\_\_\_

**CITY OF COLOGNE  
CITY COUNCIL  
RESOLUTION NO. 19-21  
RESOLUTION DENYING APPEAL OF VARIANCE DECISION BY THE BOARD OF  
APPEALS AND ADJUSTMENT FOR 307 PLEASANT STREET EAST**

**WHEREAS**, Mary and James Meuwissen (“Applicant”) is the applicant for an application related to property located at 307 Pleasant Street East; and

**WHEREAS**, the property is zoned R-1, Single Family Detached; and

**WHEREAS**, the Applicant had applied for a variance to permit the construction of an additional detached accessory structure consisting of approximately 900 square feet on the property; and

**WHEREAS**, the property currently has an attached accessory structure (2-car garage) and an approximately 300 square foot detached accessory structure; and

**WHEREAS**, the zoning ordinance does not permit detached accessory structures in excess of an aggregate total of 200 square feet within the R-1 zoning district; and

**WHEREAS**, Minnesota Statute Section 462.357, subd. 6 provides:

- a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
- b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. “Practical difficulties,” as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

**WHEREAS**, the public hearing was properly noticed and scheduled for October 7, 2019; and

**WHEREAS**, the application was reviewed by the Board of Appeals and Adjustment at its meeting on October 7, 2019; and

**WHEREAS**, the Board of Appeals and Adjustment made the following findings of fact at its meeting on October 7, 2019:

1. The proposed variance is not a reasonable use of the land. Section 153.016 of the City Code of Ordinances provides all homeowners with the opportunity to have a reasonable amount of accessory structure (typically garages and storage), which may be either attached or detached from the principal structure (home). The proposed request to construct an additional 900 square feet of detached accessory structure on a property that is small in size (.48 acres) and that already contains at least a 2-car garage that is attached to the home and an additional approximately 300 square feet of detached accessory structure is already in excess of the City ordinances.

2. The plight of the landowner is due to circumstances created by the landowner and are not unique to the property. The lot is a typical lot in the City and already has more accessory storage space than a typical lot.
3. The variance would alter the essential character of the locality. The homes in the neighborhood are typical single-family homes with a 2-car attached garage, and an occasional small storage shed in the back. In addition, the proposed accessory structure does not have a practical means of access given the size of the lots in the neighborhood and the close proximity of the home on the lot to the side lot lines preventing access from the street.

**WHEREAS**, the Board of Appeals and Adjustment adopted Resolution 19-03 denying the variance at its meeting on October 7, 2019; and

**WHEREAS**, the Applicant filed an appeal of the decision of the Board of Appeals and Adjustment as permitted Under Section 153.090 (C) of the City Code of Ordinances; and

**WHEREAS**, a public hearing before the City Council was scheduled for November 18, 2019; and

**NOW, THEREFORE, BE IT RESOLVED**, the City Council concurs with the findings of the Board of Adjustment and Appeal; and hereby denies the appeal to issue a variance to permit the use of an additional accessory building.

Approved:

\_\_\_\_\_  
 Matt Lein  
 Mayor

Attested:

\_\_\_\_\_  
 Michelle Morrison  
 City Clerk

M/\_\_\_\_\_

Lein\_\_\_\_\_

Szaroletta\_\_\_\_\_

Kells\_\_\_\_\_

S/\_\_\_\_\_

Bruss\_\_\_\_\_

Lenzen\_\_\_\_\_

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## MEMORANDUM

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**TO:** Mayor Matt Lein & City Council Members  
**FROM:** Jesse Dickson, City Administrator  
**SUBJECT:** Community Center Gym Use  
**DATE:** 11/26/2019

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**Background:**

Staff was directed at the November 18<sup>th</sup> City Council meeting to look into what the City had previously charged Cologne Academy for use of the gym during school hours. Staff found that there used to be a line item in the City's Fee Schedule for "Education 8:00am-3:00pm" during the school year.

The most recent rate was \$15/hr, as opposed to the normal rate of \$22.50/hr. There was also a cap of \$80.00 for any given day.

**Action Requested:**

Discuss and provide staff with direction