



City Council Meeting Agenda

Monday, August 3, 2020 - 7:00 PM
Cologne Community Center, 1211 Village Parkway

VIRTUAL MEETING URL: <https://us02web.zoom.us/j/4240249600>

To access the meeting through your telephone, dial (312) 626-6799 and enter meeting ID #424 0249 600

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

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. July 20, 2020 City Council Minutes
- b. August 3, 2020 Check Summary Register
- c. August 4, 2020 Payroll Summary
- d. 2020 Q1 and Q2 CFD Payroll Summary

6. COUNCIL BUSINESS

- a. Derek Jensen, 218 Lake Street West Interim Use Permit Application
 - i. Collaborative Planning Memo
 - ii. Planning Commission Variance Resolution
 - iii. Resolution 20-17 Approving IUP Application
- b. Critical Water Emergency Ordinance

7. BOARD REPORTS

8. ANNOUNCEMENTS

9. ITEMS REMOVED FROM THE CONSENT AGENDA

10. ADJOURN

CALENDAR OF EVENTS/MEETINGS

August 17	Monday	7:00PM City Council Meeting
September 7	Monday	Labor Day - City Offices Closed
September 8	Tuesday	6:00PM Planning Commission Meeting
September 8	Tuesday	7:00PM City Council Meeting



City Council Meeting Minutes

Monday, July 20, 2020 - 7:00 PM
Cologne Community Center, 1211 Village Parkway

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1. CALL MEETING TO ORDER & ROLL CALL

Mayor Lein called the meeting to order at 7:00 PM. Councilmembers Kells and Szaroletta were present via Zoom. Councilmembers Bruss and Lenzen were absent. Also present via Zoom were City Administrator – Jesse Dickson and City Clerk – Michelle Morrison.

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

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

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. **July 6, 2020 City Council Minutes**
- b. **July 20, 2020 Check Summary Register**
- c. **July 21, 2020 Payroll Summary**
- d. **2020 Street & Utility Project Pay Request #2**

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

6. COUNCIL BUSINESS

7. BOARD REPORTS

- a. **June Sheriff's Report**

8. ANNOUNCEMENTS

Administrator Dickson informed the Council that Police coverage may be increasing to 1 FTE in the next contract with Carver County and that work is still being done on the cleaning up a blight issue at a City residence.

9. ITEMS REMOVED FROM THE CONSENT AGENDA

10. ADJOURN

Motion by Councilmember Kells to adjourn at 7:04 PM, second by Councilmember Szaroletta. Motion carried unanimously.

Respectfully Submitted:

Attest:

Michelle M Morrison, City Clerk

Matt Lein, Mayor

CITY OF COLOGNE

07/29/20 5:24 PM

Page 1

***Check Summary Register©**

Batch: 080320CR

Name	Check Date	Check Amt	
10100 Checking			
25447 AFLAC	8/3/2020	\$212.70	Employee Insurance
25448 ANDYS LAWN & SNOW	8/3/2020	\$187.03	Monthly Lawn Service
25449 BOLTON & MENK, INC	8/3/2020	\$68,776.82	Hwy 284 Retaining Wall
25450 CAR-CO INC	8/3/2020	\$43.34	CFD
25451 CARVER COUNTY	8/3/2020	\$419.82	PW Signs
25452 CARVER COUNTY BROADBAND	8/3/2020	\$2,428.59	Jan, Feb. Apr, Jun, Jul
25453 CENTERPOINT ENERGY	8/3/2020	\$105.91	107 John Ave
25454 COMMERCIAL AIR PRODUCTS, I	8/3/2020	\$406.42	Blade Assembly
25455 COOLING SYSTEM SERVICES, L	8/3/2020	\$694.74	CFD 91 Blazer
25456 DIRECTV	8/3/2020	\$216.91	Satellite Radio
25457 DRESSEN TRANSPORT INC.	8/3/2020	\$220.00	PW Hauling
25458 ECM PUBLISHERS, INC.	8/3/2020	\$26.46	Filing Notice
25459 GEAR WASH	8/3/2020	\$947.05	CFD Uniforms
25460 GILBERT MECHANICAL CONTRA	8/3/2020	\$1,409.00	Semi Annual HVAC Preventitive
25461 HACH COMPANY	8/3/2020	\$1,713.91	PW DRB200 Reactor
25462 HAWKINS, INC	8/3/2020	\$4,889.31	PW Chemicals
25463 LEAGUE OF MINNESOTA CITIES	8/3/2020	\$4,102.00	Workers Comp
25464 LOFFLER-131511	8/3/2020	\$35.28	July Copy Expense
25465 MINI BIFF INC	8/3/2020	\$278.91	Glad Days
25466 MINNESOTA RURAL WATER AS	8/3/2020	\$150.00	ME Hydrant Training
25468 MN VALLEY ELECTRIC COOPER	8/3/2020	\$95.36	2140 Village Pky
25469 MN VALLEY TESTING LABS	8/3/2020	\$157.00	Water Analysis
25470 NCPERS GROUP LIFE INS	8/3/2020	\$96.00	August Empl Life Ins
25471 NEWS & TIMES	8/3/2020	\$48.95	Annual Subscription
25472 OVERLINE & SONS, INC.	8/3/2020	\$1,340.00	Vactor services
25473 PITNEY BOWES	8/3/2020	\$80.74	Postage Ink
25474 PRO HYDRO-TESTING LLC	8/3/2020	\$112.00	CFD Testing SCBA Cylinders
25475 QUALITY PROPANE	8/3/2020	\$628.14	Magnesium Application
25476 RANDYS SANITATION INC	8/3/2020	\$512.44	Public Works
25477 SECURITY BANK	8/3/2020	\$8,581.44	Interest on Equipment Certificates
25478 TAFT STETTINIUS & HOLLISTER	8/3/2020	\$12,500.00	2020 Bond Services
25479 VIKING AUTOMATIC SPRINKLER	8/3/2020	\$790.00	CFC Replace Sprinkler Head and Reset
25480 XCEL ENERGY	8/3/2020	\$6,831.91	PW Maintenance Bldg
	Total Checks	\$119,038.18	

FILTER: ((([Act Year]='2020' and [period] in (8))) and (Source in ('080320CR')))

CITY OF COLOGNE

***Check Detail Register©**

Batch: 080320CR

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
10100 Checking					
25447	08/03/20	AFLAC			
E 101-41400-130		Employer Paid Ins (GENE	\$41.52		Employee Insurance
G 101-21705		Aflac	\$129.66		Employee Insurance
E 602-49450-130		Employer Paid Ins (GENE	\$20.76		Employee Insurance
E 601-49400-130		Employer Paid Ins (GENE	\$20.76		Employee Insurance
		Total	\$212.70		
25448	08/03/20	ANDYS LAWN & SNOW			
E 101-41400-312		Contractual Services	\$187.03	4328	Monthly Lawn Service
		Total	\$187.03		
25449	08/03/20	BOLTON & MENK, INC			
E 101-41700-303		Engineering Fees	\$20,411.00	0253989	Hwy 284 Retaining Wall
E 101-41700-303		Engineering Fees	\$400.00	0253990	Misc Engineering
E 101-43100-303		Engineering Fees	\$47,163.82	0253991	Street and Utility Reconstruction
E 101-41700-303		Engineering Fees	\$343.00	0253992	Village at Cologne 17th
E 101-41700-303		Engineering Fees	\$128.00	0253993	Village at Cologne North
E 101-41700-303		Engineering Fees	\$331.00	0253994	Winklers Crossing 3rd Addn
		Total	\$68,776.82		
25450	08/03/20	CAR-CO INC			
E 101-42230-404		Repairs/Maint Machinery/	\$43.34	583301	CFD
		Total	\$43.34		
25451	08/03/20	CARVER COUNTY			
E 101-43100-210		Operating Supplies (GEN	\$419.82	PW5333	PW Signs
		Total	\$419.82		
25452	08/03/20	CARVER COUNTY BROADBAND NETWORK			
E 101-45100-320		Communications (GENER	\$200.00		Jan, Feb. Apr, Jun, Jul
E 601-49400-320		Communications (GENER	\$400.00		Jan, Feb. Apr, Jun, Jul
E 601-49400-320		Communications (GENER	\$200.00	2429	Annual Maintenance Fee
E 101-43100-320		Communications (GENER	\$1,085.20	2443,2463,25	Jan, Feb. Apr, Jun, Jul
E 101-43100-320		Communications (GENER	\$183.39	2533	May
E 101-42210-320		Communications (GENER	\$40.00	2533	May
E 101-45100-320		Communications (GENER	\$40.00	2533	May
E 601-49400-320		Communications (GENER	\$80.00	2533	May
E 101-42210-320		Communications (GENER	\$200.00	2553,2576	Jan, Feb. Apr, Jun, Jul
		Total	\$2,428.59		
25453	08/03/20	CENTERPOINT ENERGY			
E 101-45200-383		Gas Utilities	\$31.53		107 John Ave
E 101-43100-383		Gas Utilities	\$17.06		306 Playhouse
E 101-43100-383		Gas Utilities	\$26.27		304 Louis St
E 101-42210-383		Gas Utilities	\$31.05		110 Louis St
		Total	\$105.91		
25454	08/03/20	COMMERCIAL AIR PRODUCTS, INC			
E 602-49450-401		Repairs/Maint Buildings	\$406.42	2807	Blade Assembly

CITY OF COLOGNE

***Check Detail Register©**

Batch: 080320CR

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$406.42		
25455	08/03/20	COOLING SYSTEM SERVICES, LLC			
E 101-42230-404		Repairs/Maint Machinery/	\$694.74	47135	CFD 91 Blazer
Total			\$694.74		
25456	08/03/20	DIRECTV			
E 101-45100-433		Dues and Subscriptions	\$216.91		Satellite Radio
Total			\$216.91		
25457	08/03/20	DRESSEN TRANSPORT INC.			
E 101-43100-312		Contractual Services	\$220.00	143114	PW Hauling
Total			\$220.00		
25458	08/03/20	ECM PUBLISHERS, INC.			
E 101-41400-350		Print/Publications (GENE	\$26.46	785440	Filing Notice
Total			\$26.46		
25459	08/03/20	GEAR WASH			
E 101-42230-312		Contractual Services	\$947.05	16675	CFD Uniforms
Total			\$947.05		
25460	08/03/20	GILBERT MECHANICAL CONTRACTOR			
E 101-45100-401		Repairs/Maint Buildings	\$1,409.00	195024	Semi Annual HVAC Preventitive
Total			\$1,409.00		
25461	08/03/20	HACH COMPANY			
E 602-49450-210		Operating Supplies (GEN	\$1,713.91	12042154	PW DRB200 Reactor
Total			\$1,713.91		
25462	08/03/20	HAWKINS, INC			
E 602-49450-216		Chemicals and Chem Pro	\$3,605.70	4758531	PW Chemicals
E 601-49400-216		Chemicals and Chem Pro	\$1,283.61	4758532	PW Chemicals
Total			\$4,889.31		
25463	08/03/20	LEAGUE OF MINNESOTA CITIES			
E 101-43100-151		Worker s Comp Insurance	\$902.00	1002630-3	Workers Comp
E 101-45200-151		Worker s Comp Insurance	\$287.00	1002630-3	Workers Comp
E 602-49450-151		Worker s Comp Insurance	\$656.00	1002630-3	Workers Comp
E 601-49400-151		Worker s Comp Insurance	\$615.00	1002630-3	Workers Comp
E 101-41400-151		Worker s Comp Insurance	\$205.00	1002630-3	Workers Comp
E 101-42200-151		Worker s Comp Insurance	\$1,437.00	1002630-3	Workers Comp
Total			\$4,102.00		
25464	08/03/20	LOFFLER-131511			
E 101-41400-404		Repairs/Maint Machinery/	\$35.28	3470999	July Copy Expense
Total			\$35.28		
25465	08/03/20	MINI BIFF INC			
E 101-45200-310		Other Professional Servic	\$278.91	116483	Glad Days
Total			\$278.91		

CITY OF COLOGNE

***Check Detail Register©**

Batch: 080320CR

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
25466	08/03/20	MINNESOTA RURAL WATER ASSOC			
E 601-49400-208		Training and Instruction	\$150.00		ME Hydrant Training
		Total	\$150.00		
25468	08/03/20	MN VALLEY ELECTRIC COOPERATIVE			
E 602-49470-381		Electric Utilities	\$58.83		2140 Village Pky
E 101-43160-381		Electric Utilities	\$36.53		Village Pky Light
E 601-49400-381		Electric Utilities	\$0.00		
E 101-43160-381		Electric Utilities	\$0.00		
		Total	\$95.36		
25469	08/03/20	MN VALLEY TESTING LABS			
E 602-49450-311		Analysis	\$157.00	1041475	Water Analysis
		Total	\$157.00		
25470	08/03/20	NCPERS Group Life Ins			
E 101-41400-130		Employer Paid Ins (GENE	\$48.00		August Empl Life Ins
E 601-49400-130		Employer Paid Ins (GENE	\$16.00		August Empl Life Ins
E 602-49450-130		Employer Paid Ins (GENE	\$16.00		August Empl Life Ins
E 101-43100-130		Employer Paid Ins (GENE	\$16.00		August Empl Life Ins
		Total	\$96.00		
25471	08/03/20	NEWS & TIMES			
E 101-41400-433		Dues and Subscriptions	\$48.95		Annual Subscription
		Total	\$48.95		
25472	08/03/20	OVERLINE & SONS, INC.			
E 602-49570-312		Contractual Services	\$1,340.00	882	Vactor services
		Total	\$1,340.00		
25473	08/03/20	PITNEY BOWES			
E 101-41400-200		Office Supplies (GENERA	\$80.74	1016067273	Postage Ink
		Total	\$80.74		
25474	08/03/20	PRO HYDRO-TESTING LLC			
E 101-42230-312		Contractual Services	\$112.00	103500	CFD Testing SCBA Cylinders
		Total	\$112.00		
25475	08/03/20	QUALITY PROPANE			
E 101-43100-312		Contractual Services	\$628.14	026190	Magnesium Application
		Total	\$628.14		
25476	08/03/20	RANDYS SANITATION INC			
E 101-45200-384		Refuse/Garbage Disposal	\$143.80	221250	Lions Park
E 101-45100-384		Refuse/Garbage Disposal	\$83.97	221251	City Hall
E 101-42210-384		Refuse/Garbage Disposal	\$110.75	221253	Fire Hall
E 101-41940-384		Refuse/Garbage Disposal	\$173.92	228498	Public Works
		Total	\$512.44		
25477	08/03/20	SECURITY BANK			
E 301-47000-610		Interest	\$1,984.44	403630	Interest on Equipment Certificates

CITY OF COLOGNE

***Check Detail Register©**

Batch: 080320CR

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 301-47000-610		Interest	\$3,132.00	403631	Interest on Equipment Certificates
E 301-47000-610		Interest	\$3,465.00	403631	Interest on Equipment Certificates
		Total	\$8,581.44		
25478	08/03/20	TAFT STETTINIUS & HOLLISTER			
E 101-41400-312		Contractual Services	\$12,500.00		2020 Bond Services
		Total	\$12,500.00		
25479	08/03/20	VIKING AUTOMATIC SPRINKLER CO.			
E 101-45100-401		Repairs/Maint Buildings	\$790.00	1025-F12173	CFC Replace Sprinkler Head and Reset
		Total	\$790.00		
25480	08/03/20	XCEL ENERGY			
E 101-41940-381		Electric Utilities	\$12.50		PW Maintenance Bldg
E 101-42210-381		Electric Utilities	\$290.29		Louis Hall
E 101-43100-381		Electric Utilities	\$119.94		PW Facility
E 101-43160-381		Electric Utilities	\$1,241.86		Street Light
E 101-45200-381		Electric Utilities	\$115.91		Lions Park - Night Watch
E 601-49400-381		Electric Utilities	\$396.21		Wells
E 602-49450-381		Electric Utilities	\$3,666.54		WWTP
E 602-49470-381		Electric Utilities	\$988.66		Lift Stations
E 101-45100-381		Electric Utilities	\$0.00		
		Total	\$6,831.91		
		10100 Checking	\$119,038.18		

Fund Summary

10100 Checking

101 GENERAL FUND	\$94,665.34
301 GENERAL DEBT SERVICE	\$8,581.44
601 WATER FUND	\$3,161.58
602 SEWER FUND	\$12,629.82
	\$119,038.18

**City of Cologne Payroll
4-Aug-20**

Employee		EFT	\$ 12,046.75	August 4, 2020 Payroll
IRS	541	EFT	\$ 4,172.77	August 4, 2020 Payroll
MN Department of Revenue	542	EFT	\$ 694.33	August 4, 2020 Payroll
PERA	543	EFT	\$ 2,154.34	August 4, 2020 Payroll
		Total	\$ 19,068.19	

City of Cologne Fire Department Payroll
7/27/2020 Quarter 1 and 2

Employee		EFT	\$27,336.46	July 27, 2020 Payroll
IRS	552E	EFT	\$ 4,866.24	July 27, 2020 Payroll
MN Department of Revenue	553E	EFT	\$ 143.92	July 27, 2020 Payroll
		Total	\$32,346.62	

Collaborative Planning, LLC

Memorandum

To: Planning Commission
From: Cindy Nash, AICP, EDFP
Date: August 3, 2020
Subject: 218 Lake Street West – Interim Use Permit and Variance

The City has received an interim use permit and variance application for review and consideration.

Overview of Request

The subject property is a parcel of record consisting of approximately .82 acres. The property is zoned C-2 Central Business District.

An interim use permit is requested in order to permit a masonry construction trade business or showroom. A proposed site plan has been provided.

No outside storage is shown on the site plan. The applicant has stated that on the concrete pad on the north side of the building he may be interested in placing racking to hold vehicle attachments such as a snowplow blade and bobcat bucket. As no outside storage is currently shown on the site plan, he would need to apply for an amendment to the IUP at a later date and provide screening of the outside storage.

Business and employee vehicles may be parked on the cement and gravel parking areas shown on the plan. The applicant indicated that he currently has three employees driving three trucks with trailers for the business but is desiring to be able to increase the number of employees and associated vehicles in the future.

The applicant may also desire to construct an addition to the building in the future. Any additions will require amendments to the site plan and the Interim Use Permit.



The site plan identifies an existing building (no expansion proposed), concrete driveway, gravel parking area, and open space/yard. The existing gravel parking area is proposed to be reduced in size as shown on the site plan. Portions of the site plan do not indicate what they will be, and the proposed conditions then require that those areas that are not building, driveway, or gravel must be either grass or other landscaping.

The property is located in the shoreland overlay district, which permits a maximum amount of impervious surface of 25%. The applicant is proposing to improve the current site situation by removing some of the gravel parking area. The variance is required to be reviewed by the DNR, and comments will be provided when available.

In 2004, the property was the subject of an application for an interim use permit and variance. The applications were ultimately denied after the property owner indicated that he was not inclined to continue the review process. Since that time, various changes have been made to the property without completing site plan review. As a result, the site is not in conformance with zoning ordinance requirements.

Evaluation of Variance Request

In evaluating variance requests, the following questions should be considered:

1. Is the request a reasonable use of the land not permitted by the Zoning Ordinance?
Staff Note: The use will be contained within the building and is a reasonable use of the land in a commercial district.

2. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?
Staff Note: The situation is created by the landowner. The additional impervious surface was added since 2004 and did not receive site plan approval or a variance from the impervious surface requirements of the shoreland district.

3. Will the variance, if granted, alter the essential character of the locality?
Staff Note: The variance will not alter the essential character of the locality. The applicant is proposing to reduce the amount of impervious surface from existing conditions, and also will not have outside storage on the site.

Recommendation on the Variance

The proposed impervious surface is an improvement on the existing condition. It is difficult for a commercial site, particularly within a downtown area to be limited to 25% impervious.

Recommendation on Interim Use Permit

It is recommended that the Interim Use Permit be approved, subject to the following conditions:

1. The only use permitted for the Subject Property is masonry construction trade business or showroom. No other use of the property is permitted except those as permitted in the Cologne Zoning Ordinance as amended from time to time.
2. Hours of operation shall not be earlier than 6:30 a.m. and later than 6:00 p.m. Monday through Friday. Saturday hours shall not be earlier than 8:00 a.m. nor later than 2:00 p.m. No operating hours on Sundays or legal holidays are permitted.
3. No outside storage is permitted. All operations and storage of parts and materials shall be conducted within the building shown on the site plan. Outside storage does not include employee and business vehicles, but would include parts, attachments, inoperable vehicles, equipment, materials or any other items that are not affixed to the ground.
4. Customer, employee and company vehicles may be parked outside the building either on the cement driveway in front of the building or on the gravel area on the east side of the building. Not more than 10 company vehicles may be permitted to be parked outside. A company vehicle can be a truck, trailer, dump truck, etc. A truck with trailer attached counts as 2 company vehicles.
5. The site must be maintained in compliance with the Site Plan prepared by Premier Land Surveying, LLC and dated July 9, 2020. Areas that are not specified as being either building, concrete driveway, or gravel shall consist of grass, trees, bushes or other landscaping. The Site Plan may not be amended unless a new Site Plan is approved in conformance with city ordinances.
6. The use and site shall be in compliance with all requirements of the zoning ordinance, as amended from time to time.
7. The use and site shall maintain compliance with all noise and nuisance related ordinances of the City Code, as may be amended from time to time.
8. The use and site shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and documented to the City.
9. Disposal and handling of all waste and hazardous materials shall be done in conformance with law.
10. A lapse of one year during which the premises are not used for the purposes provided for in this permit shall cause the permit to expire and be of no further consequence.
11. This Interim Use Permit shall terminate on August 4, 2025. If this type of use is still eligible to be permitted as an interim use under city ordinances

near the time of expiration of this permit, the applicant may apply for a new interim use permit.

**CITY OF COLOGNE
PLANNING COMMISSION
RESOLUTION NO. 20-01
RESOLUTION APPROVING VARIANCE FOR 218 LAKE STREET WEST**

WHEREAS, Jensen Decorative Concrete, Inc. (“Applicant”) is the applicant for an application related to property located at 218 Lake Street West; and

WHEREAS, the property is zoned C-2 Central Business District; and

WHEREAS, the Applicant has applied for a variance related to the amount of impervious surface in the shoreland overlay district; and

WHEREAS, the property is an existing parcel containing a commercial building and parking lots in the downtown area; and

WHEREAS, the shoreland overlay district permits a maximum of 25% impervious surface coverage; and

WHEREAS, the Applicant is proposing a maximum of 52.1% impervious surface coverage, which is a decrease from 55.7% that exists on the site today; 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 August 3, 2020; and

WHEREAS, the application was reviewed by the Planning Commission at its meeting on August 3, 2020; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby make the following findings of fact:

1. The proposed variance is a reasonable use of the land. The site contains impervious surface today in excess of the 25% restriction and the Applicant is proposing to decrease the impervious surface on the property from the existing conditions. The site is zoned C-2 Central Business District and is within the original plat of the City. It is typical, particularly within older parcels of record, to have impervious surface that is in excess of the 25% requirement given the typical historical development of central business districts which may approach 100% impervious.

2. The plight of the landowner is due to circumstances created by the landowner but are not unique to the property. The lot is a typical property in the Central Business District
3. The variance would alter the essential character of the locality. The amount of impervious surface is in character with the Central Business District.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the application to issue a variance to permit the site to have impervious surface coverage not to exceed 52.1%.

Adopted by the Planning Commission of the City of Cologne, Minnesota, this 3rd day of August, 2020.

Larry Revering, Planning Commission Chair

ATTEST:

Michelle Morrison
City Clerk

M/ _____

Szaroletta _____

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**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 20-17**

**A RESOLUTION APPROVING AN INTERIM USE PERMIT FOR 218 LAKE
STREET WEST**

WHEREAS, the City of Cologne is a Minnesota Municipal Corporation, duly organized and authorized to conduct its affairs under the laws of the State of Minnesota; and

WHEREAS, Jensen Decorative Concrete, Inc, a Minnesota business corporation (the “Applicant”) is the proposed purchaser of certain real property located in the City of Cologne, State of Minnesota, located at 218 Lake Street West (the “Subject Property”); and

WHEREAS, the Planning Commission of the City did on August 3, 2020, conduct a public hearing in relation to the Applicant’s request for an interim use permit; and

WHEREAS, the Planning Commission of the City did on August 3, 2020 recommend approval of the interim use permit to the City Council; and

NOW, THEREFORE, BE IT RESOLVED the interim use permit is subject to the following conditions:

1. The only use permitted for the Subject Property is masonry construction trade business or showroom. No other use of the property is permitted except those as permitted in the Cologne Zoning Ordinance as amended from time to time.
2. Hours of operation shall not be earlier than 6:30 a.m. and later than 6:00 p.m. Monday through Friday. Saturday hours shall not be earlier than 8:00 a.m. nor later than 2:00 p.m. No operating hours on Sundays or legal holidays are permitted.
3. No outside storage is permitted. All operations and storage of parts and materials shall be conducted within the building shown on the site plan. Outside storage does not include employee and business vehicles, but would include parts, attachments, inoperable vehicles, equipment, materials or any other items that are not affixed to the ground.
4. Customer, employee and company vehicles may be parked outside the building either on the cement driveway in front of the building or on the gravel area on the east side of the building. Not more than 10 company vehicles may be permitted to be parked outside. A company vehicle can be a truck, trailer, dump truck, etc. A truck with trailer attached counts as 2 company vehicles.

5. The site must be maintained in compliance with the Site Plan prepared by Premier Land Surveying, LLC and dated July 9, 2020. Areas that are not specified as being either building, concrete driveway, or gravel shall consist of grass, trees, bushes or other landscaping. The Site Plan may not be amended unless a new Site Plan is approved in conformance with city ordinances.
6. The use and site shall be in compliance with all requirements of the zoning ordinance, as amended from time to time.
7. The use and site shall maintain compliance with all noise and nuisance related ordinances of the City Code, as may be amended from time to time.
8. The use and site shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and documented to the City.
9. Disposal and handling of all waste and hazardous materials shall be done in conformance with law.
10. A lapse of one year during which the premises are not used for the purposes provided for in this permit shall cause the permit to expire and be of no further consequence.
11. This Interim Use Permit shall terminate on August 4, 2025. If this type of use is still eligible to be permitted as an interim use under city ordinances near the time of expiration of this permit, the applicant may apply for a new interim use permit.

Adopted and approved by the City Council of the City of Cologne on a vote of ____ ayes and ____ nays effective on the 3rd day of August, 2020.

Approved:

 Matt Lein
 Mayor

Attested:

 Michelle Morrison
 City Clerk

M/ _____

Lein _____

Szaroletta _____

Kells _____

S/ _____

Bruss _____

Lenzen _____

ORDINANCE NO. 168

AN ORDINANCE REGULATING NONESSENTIAL WATER USAGE UPON CRITICAL WATER DEFICIENCY AS AUTHORIZED BY MINN. STAT. § 103G.291, SUBD. 1 AND 2.

The City Council of Cologne, Minnesota ordains:

SECTION 1. PURPOSE.

This ordinance establishes water conservation restrictions; and the plan will be in effect at any time the governor declares by executive order a critical water deficiency, pursuant to Minnesota Statutes section 103G.291.

SECTION 2. DEFINITIONS.

2.1 Clerk in statutory cities means the person assigned duties pursuant to Minn. Stat. § 412.151; or the city manager pursuant to Minn. Stat. § 412.601 – 412.751 or in charter cities as determined by city charter.

2.2 Department means the city water department.

2.3 Emergency means the declaration of a critical water deficiency by the governor.

2.4 Irrigation means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.

2.5 Notification to public means notification through local media, including interviews and issuance of news releases.

2.6 Public water supplier means the city or other entity that owns, manages, or operates a public water supply, as defined in Minn. Stat. § 144.382, subdivision 4.

2.7 Reclaimed water means water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.

2.8 Water recirculation system means any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

SECTION 3. APPLICATION.

3.1 This ordinance applies to all customers of public water suppliers who own or control water use on any premises.

3.2 No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this ordinance.

3.3 Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the governor.

SECTION 4. DECLARATION OF CRITICAL WATER DEFICIENCY.

Upon the declaration of a critical water deficiency by the governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the city council, or the official city bulletin board. The city shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.

SECTION 5. MANDATORY EMERGENCY WATER CONSERVATION MEASURES.

Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:

- (1) Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.
- (2) Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.
- (3) The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.
- (3) Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.
- (5) Operation of outdoor misting systems used to cool public areas is prohibited.
- (6) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.
- (7) The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.

SECTION 6. VARIANCES.

The City Clerk or their designee, is authorized to grant variances to this ordinance where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five (5) days of the decision by submitting a written appeal to the City Clerk. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

SECTION 7. VIOLATION.

7.1 Violations shall be determined and cited by the City Clerk or his/her designee. A violator may appeal the citation within five (5) days of its issuance by submitting a written appeal to the City. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.

7.2 Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and which shall describe the remedy and fines for future violations.

7.3 Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy. Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the City to pursue other legal remedies.

SECTION 8. ENFORCEMENT.

The City Clerk or his/her designee is authorized to designate city employees or law enforcement personnel to enforce the provisions of this ordinance.

SECTION 9. SEVERABILITY.

If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

SECTION 10. EFFECTIVE DATE.

This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of Cologne, Minnesota this 3rd day of August, 2020.

Mayor Matt Lein

Attested:

Michelle Morrison
City Clerk