



City Council Meeting Agenda

Monday December 5, 2022 7:00 PM
Cologne Community Center, 1211 Village Parkway

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. November 21, 2022 City Council Minutes
- b. December 5, 2022 Check Summary Register
- c. December 6, 2022 Payroll Summary
- d. Cologne Lions Gambling Permit 1-20-23
- e. Cologne Lions Temp Liquor Permit 1-20-23

6. COUNCIL BUSINESS

- a. **PUBLIC HEARING: 310 Park Street E Variance Denial Appeal**
- b. **310 Park Street E Variance Denial Appeal**
 - i. **310 Park St E Variance Denial Appeal Application**
 - ii. **Collaborative Planning C.C. Memo 12-1-22**
 - iii. **Collaborative Planning P.C. Memo 11-1-22**
 - iv. **November 7, 2022 Planning Commission Minutes**
 - v. **Resolution 22-31 Denying Appeal 310 Park St E**
- c. **Letter of Intent – Lion’s Park Purchase Agreement**

7. BOARD REPORTS

- a. **2023 Annual Appointments**
- b. **Wednesday December 7th 5:30PM Cologne Transportation
Study Open House – Cologne Academy Cafeteria**

8. ANNOUNCEMENTS

9. ITEMS REMOVED FROM THE CONSENT AGENDA

10. ADJOURN

CALENDAR OF EVENTS/MEETINGS

December 7	Wednesday	5:30PM Transpo Study Open House
December 19	Monday	7:00PM City Council Meeting
December 26 th	Monday	Christmas Day Observed – Offices Closed



City Council Meeting Minutes

Monday November 21, 2022 7:00 PM
Cologne Community Center, 1211 Village Parkway

Vision Statement

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1. CALL MEETING TO ORDER & ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Motion by Councilmember Szaroletta to adopt the agenda, second by Councilmember Lenzen. Motion carried 3-0.

4. VISITOR'S PRESENTATIONS, PETITIONS, CORRESPONDENCE

a. Mark Metz, Carver County Attorney: 2023 Prosecution Contract Presentation

Carver County Attorney Mark Metz provided the Council an update on the activities in the attorney's office at the county and reviewed the 2023 Prosecution Contract.

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 7, 2022 City Council Minutes**
- b. November 17, 2022 Special Meeting Minutes**
- c. November 21, 2022 Check Summary Register**
- d. November 22, 2022 Payroll Summary**
- e. November 8, 2022 Payroll Summary**
- f. 2023 Prosecution Contract**
- g. Resolution 22-27 Accepting Donation**
- h. Resolution 22-29 Ordering Preparation of Report on Improvements**

Motion by Councilmember Lenzen to adopt the consent agenda, second by Councilmember Szaroletta. Motion carried 3-0.

6. COUNCIL BUSINESS

- a. PUBLIC HEARING: Proposed Assessment of Delinquent Utility Bills**

Motion by Councilmember Szaroletta to open the public hearing, second by Councilmember Lenzen. Motion carried 3-0. Mayor Lein asked if anyone in attendance wanted to speak, there being no one Councilmember Szaroletta made a motion to close the public hearing, second by Councilmember Lenzen. Motion carried 3-0.

- b. Resolution 22-30 Certifying Liens of Delinquent Utilities**

Motion by Councilmember Lenzen to approve Resolution 22-30 Certifying Liens of Delinquent Utilities, second by Councilmember Szaroletta. Motion carried 3-0.

- c. Cologne Hollanders Fritz Field Improvements Proposal**
 - i. Improvements Concept**
 - ii. Draft Project Cost Estimate**

Jason Kuerschner from the Cologne Hollanders discussed insurance limits, Wi-Fi at Fritz Field, liquor license laws and a draft concept of future improvements at the facility. Discussion was had about a partnership with the city and potential next steps. Mark Eggers discussed quotes he had received for a floating aluminum fence at the facility. Administrator Dickson will review the quotes and present his recommendation at the next city council meeting.

7. BOARD REPORTS

- a. October 2022 Sheriff Report**

8. ANNOUNCEMENTS

9. ITEMS REMOVED FROM THE CONSENT AGENDA

10. ADJOURN

Motion by Councilmember Szaroletta to adjourn at 8:10PM, second by Councilmember Lenzen. Motion carried 3-0.

Respectfully Submitted:

Attest:

Michelle Morrison

City Clerk

Matt Lein

Mayor

CITY OF COLOGNE

11/30/22 3:17 PM

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***Check Summary Register©**

Batch: 120522CR

	Name	Check Date	Check Amt	
10100	Checking			
27765	MARK ANDERSON	12/5/2022	\$120.00	Event Security - November 19, 2022
27766	BUESGENS FARMS	12/5/2022	\$4,840.00	Biosolids Hauling
27767	CENTERPOINT	12/5/2022	\$423.77	107 John Ave
27768	TOM CLABO	12/5/2022	\$120.00	Event Security November 19, 2022
27769	COLOGNE FIREMENS RELIEF AS	12/5/2022	\$56,000.00	City Contribution to Relief Pension
27770	DOOR POWER SALES & SERVIC	12/5/2022	\$727.00	Service Call Shop Doors
27771	DWK CLEAN WATER SERVICES,	12/5/2022	\$1,080.00	WWTP Monthly Water Testing - Nov
27772	ECM PUBLISHERS, INC.	12/5/2022	\$36.45	Publish Public Hearing Dec 5 Variance Appeals
27773	HAWKINS, INC	12/5/2022	\$60.00	Chlorine Cylinder
27774	SHAYLA HAYES	12/5/2022	\$50.00	Deposit Refund
27775	GLORIA HERRERA	12/5/2022	\$940.00	Deposit Refund
27776	CONNIE HOEN	12/5/2022	\$50.00	Deposit Refund
27777	JOSTAN SERVICES, INC.	12/5/2022	\$1,191.00	CCC Cleaning - NOV
27778	MELCHERT, HUBERT,SJODIN, PL	12/5/2022	\$5,612.10	Offensive Behavior Training CFD
27779	MID COUNTY CO-OP	12/5/2022	\$1,503.00	Winter Diesel
27780	MN DEPT OF HEALTH	12/5/2022	\$1,730.00	Quarterly Service Connection Fee Q4
27781	MN VALLEY ELECTRIC COOPER	12/5/2022	\$117.45	2140 N Village Parkway
27782	N & J SERVICES	12/5/2022	\$1,110.00	CCC - Event Cleaning
27783	NCPERS Group Life Ins	12/5/2022	\$96.00	Employee Life Insurance - January
27784	NUVERA COMMUNICATIONS INC	12/5/2022	\$128.72	Fitness Center Cable TV - December
27785	RITEWAY	12/5/2022	\$235.40	Laser Checks
27786	RON SCHEUBLE	12/5/2022	\$50.00	Deposit Refund
27787	SECURITY CARD MEMBER SERV	12/5/2022	\$1,477.97	CFC Gym Wipes
27788	DARLENE SIEGLE	12/5/2022	\$100.00	Deposit Refund
27789	TRAFFIC LOGIX CORP	12/5/2022	\$425.00	Batteries
27790	WACONIA COMFORT	12/5/2022	\$19,539.00	Furnace - A/C System Louis Hall
27791	XCEL ENERGY	12/5/2022	\$7,814.57	PW Maintenance Bldg
Total Checks			\$105,577.43	

Clerk Treasurer

Date

FILTER: ((([Act Year]='2022' and [period] in (12))) and (Source in ('120522CR')))

CITY OF COLOGNE

11/30/22 3:19 PM

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***Check Detail Register©**

Batch: 120522CR

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
10100 Checking					
27765	12/05/22	MARK ANDERSON			
E 101-45100-312		Contractual Services	\$120.00		Event Security - November 19, 2022
		Total	\$120.00		
27766	12/05/22	BUESGENS FARMS			
E 602-49450-312		Contractual Services	\$4,840.00		Biosolids Hauling
		Total	\$4,840.00		
27767	12/05/22	CENTERPOINT			
E 101-45200-383		Gas Utilities	\$99.42		107 John Ave
E 101-43100-383		Gas Utilities	\$16.80		306 Playhouse
E 101-43100-383		Gas Utilities	\$173.26		304 Louis St
E 101-42210-383		Gas Utilities	\$134.29		110 Louis St
		Total	\$423.77		
27768	12/05/22	TOM CLABO			
E 101-45100-312		Contractual Services	\$120.00		Event Security November 19, 2022
		Total	\$120.00		
27769	12/05/22	COLOGNE FIREMENS RELIEF ASSN			
E 101-42200-437		City Contribution to CFDR	\$56,000.00		City Contribution to Relief Pension
		Total	\$56,000.00		
27770	12/05/22	DOOR POWER SALES & SERVICE			
E 101-43100-401		Repairs/Maint Buildings	\$727.00	21879	Service Call Shop Doors
		Total	\$727.00		
27771	12/05/22	DWK CLEAN WATER SERVICES, LLC			
E 602-49450-312		Contractual Services	\$1,080.00		WWTP Monthly Water Testing - Nov
		Total	\$1,080.00		
27772	12/05/22	ECM PUBLISHERS, INC.			
E 101-41400-350		Print/Publications (GENE	\$36.45	920852	Publish Public Hearing Dec 5 Variance Appeals
		Total	\$36.45		
27773	12/05/22	HAWKINS, INC			
E 602-49450-216		Chemicals and Chem Pro	\$50.00	6336646	Chlorine and Sulfur Dioxide Cylinders
E 601-49400-216		Chemicals and Chem Pro	\$10.00	6337434	Chlorine Cylinder
		Total	\$60.00		
27774	12/05/22	SHAYLA HAYES			
G 101-22000		Deposits	\$50.00		Deposit Refund
		Total	\$50.00		
27775	12/05/22	GLORIA HERRERA			
G 101-22000		Deposits	\$940.00		Deposit Refund
		Total	\$940.00		
27776	12/05/22	CONNIE HOEN			
G 101-22000		Deposits	\$50.00		Deposit Refund

CITY OF COLOGNE

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***Check Detail Register©**

Batch: 120522CR

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$50.00		
27777	12/05/22	JOSTAN SERVICES, INC.			
E 101-45100-401		Repairs/Maint Buildings	\$1,191.00	8632	CCC Cleaning - NOV
Total			\$1,191.00		
27778	12/05/22	MELCHERT, HUBERT,SJODIN, PLLP			
E 101-41600-304		Legal Fees	\$810.00	164674	Lions Park
E 101-41600-304		Legal Fees	\$67.50	164678	Winkler Crossing
E 101-41600-304		Legal Fees	\$3,112.20	164679	Misc Legal
E 101-41600-304		Legal Fees	\$546.00	164680	Offensive Behavior Training CFD
E 101-41600-304		Legal Fees	\$93.60	164681	Nuisance Property - 113 Paul Ave N
E 101-41600-304		Legal Fees	\$982.80	164682	Gas Franchise
Total			\$5,612.10		
27779	12/05/22	MID COUNTY CO-OP			
E 101-43100-212		Motor Fuels	\$1,503.00	65890	Winter Diesel
Total			\$1,503.00		
27780	12/05/22	MN DEPT OF HEALTH			
E 601-49440-433		Dues and Subscriptions	\$1,730.00		Quarterly Service Connection Fee Q4
Total			\$1,730.00		
27781	12/05/22	MN VALLEY ELECTRIC COOPERATIVE			
E 602-49470-381		Electric Utilities	\$61.35		2140 N Village Parkway
E 101-43160-381		Electric Utilities	\$56.10		2043 Village Parkway Light
Total			\$117.45		
27782	12/05/22	N & J SERVICES			
E 101-45100-300		Professional Svcs (GENE	\$1,110.00	210	CCC - Event Cleaning
Total			\$1,110.00		
27783	12/05/22	NCPERS Group Life Ins			
E 101-41400-130		Employer Paid Ins (GENE	\$48.00		Employee Life Insurance - January
E 601-49400-130		Employer Paid Ins (GENE	\$16.00		Employee Life Insurance - January
E 602-49450-130		Employer Paid Ins (GENE	\$16.00		Employee Life Insurance - January
E 101-43100-130		Employer Paid Ins (GENE	\$16.00		Employee Life Insurance - January
Total			\$96.00		
27784	12/05/22	NUVERA COMMUNICATIONS INC			
E 101-45100-433		Dues and Subscriptions	\$128.72		Fitness Center Cable TV - December
Total			\$128.72		
27785	12/05/22	RITEWAY			
E 101-41400-200		Office Supplies (GENERA	\$235.40	33559	Laser Checks
Total			\$235.40		
27786	12/05/22	RON SCHEUBLE			
G 101-22000		Deposits	\$50.00		Deposit Refund
Total			\$50.00		
27787	12/05/22	SECURITY CARD MEMBER SERVICE			

CITY OF COLOGNE

11/30/22 3:19 PM

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*Check Detail Register©

Batch: 120522CR

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 101-45100-210		Operating Supplies (GEN	\$52.99		CFC Gym Wipes
E 101-41400-207		Computer Software/Hardw	\$54.73		Montly Adobe Subscription
E 101-41410-200		Office Supplies (GENERA	\$170.02		Election Worker Meals
E 101-45200-430		Miscellaneous (GENERAL	\$210.39		Anti Freeze, Filters Waders
E 101-43100-404		Repairs/Maint Machinery/	\$39.72		Battery
E 101-45200-430		Miscellaneous (GENERAL	\$329.70		Flags
E 601-49400-311		Analysis	\$17.35		Water Samples
E 101-45200-430		Miscellaneous (GENERAL	\$583.08		Park Supplies
E 101-41400-200		Office Supplies (GENERA	\$19.99		Calendars
		Total	\$1,477.97		
27788	12/05/22	DARLENE SIEGLE			
G 101-22000		Deposits	\$100.00		Deposit Refund
		Total	\$100.00		
27789	12/05/22	TRAFFIC LOGIX CORP			
E 101-43100-210		Operating Supplies (GEN	\$425.00	18659	Batteries
		Total	\$425.00		
27790	12/05/22	WACONIA COMFORT			
E 101-42230-500		Capital Outlay (GENERAL	\$19,539.00	1132022151	Furnace - A/C System Louis Hall
		Total	\$19,539.00		
27791	12/05/22	XCEL ENERGY			
E 101-41940-381		Electric Utilities	\$15.36		PW Maintenance Bldg
E 101-42210-381		Electric Utilities	\$376.59		Louis Hall
E 101-43100-381		Electric Utilities	\$213.39		PW Facility
E 101-43160-381		Electric Utilities	\$1,683.43		Street Light
E 101-45200-381		Electric Utilities	\$132.89		Lions Park Tennis Courts
E 601-49400-381		Electric Utilities	\$159.58		Water Tower and Wells
E 602-49450-381		Electric Utilities	\$4,524.83		WWTP
E 602-49470-381		Electric Utilities	\$708.50		Lift Stations
E 101-45100-381		Electric Utilities	\$0.00		Cologne Community Center
		Total	\$7,814.57		
		10100 Checking	\$105,577.43		

Fund Summary

10100 Checking

101 GENERAL FUND	\$92,363.82
601 WATER FUND	\$1,932.93
602 SEWER FUND	\$11,280.68
	\$105,577.43

Clerk Treasurer

Date

City of Cologne Payroll
6-Dec-22

Employee		EFT	\$ 11,810.77	December 6, 2022 Payroll
IRS	1072E	EFT	\$ 4,358.56	December 6, 2022 Payroll
MN Department of Revenue	1073E	EFT	\$ 754.23	December 6, 2022 Payroll
PERA	1074E	EFT	\$ 2,358.37	December 6, 2022 Payroll
Health Savings Account	1075-1077	EFT	\$ 1,580.42	December 6, 2022 Payroll
		Total	<u>\$ 20,862.35</u>	

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

- ☒ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- ☐ The application is denied.

Print City Name: City of Cologne

Signature of City Personnel:

Michelle M Morrison

Title: City Clerk Date: 12/5/2022

**The city or county must sign before
submitting application to the
Gambling Control Board.**

**COUNTY APPROVAL
for a gambling premises
located in a township**

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- ☐ The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: _____ Date: _____
(Signature must be CEO's signature; designee may not sign)

Print Name: _____

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- _____ a copy of your proof of nonprofit status; and
- _____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?

Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

An equal opportunity employer

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: COLOGNE LIONS CLUB Previous Gambling Permit Number: X-04136-22-040

Minnesota Tax ID Number, if any: X-04136-004 Federal Employer ID Number (FEIN), if any: 27-2388893

Mailing Address: PO Box 174

City: COLOGNE State: MN Zip: 55322 County: CARVER

Name of Chief Executive Officer (CEO): NATHAN KELLS

CEO Daytime Phone: 952-210-0070 CEO Email: Kells.nathan@umn.edu
(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): _____

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

- ☐ Fraternal ☐ Religious ☐ Veterans ☒ Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- ☐ **A current calendar year Certificate of Good Standing**
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103
Secretary of State website, phone numbers:
www.sos.state.mn.us
651-296-2803, or toll free 1-877-551-6767
- ☐ **IRS income tax exemption (501(c)) letter in your organization's name**
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- ☒ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): COLOGNE COMMUNITY CENTER

Physical Address (do not use P.O. box): 1211 VILLAGE PARKWAY

Check one:
☒ City: COLOGNE Zip: 55322 County: CARVER
☐ Township: _____ Zip: _____ County: _____

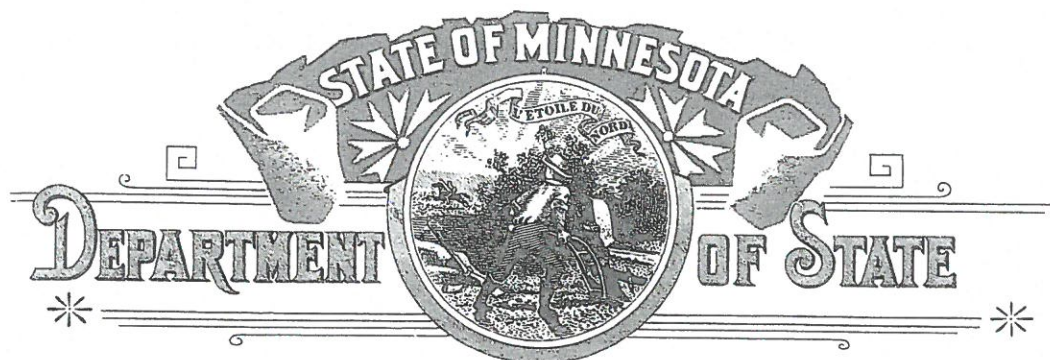
Date(s) of activity (for raffles, indicate the date of the drawing): 1/20/2023

Check each type of gambling activity that your organization will conduct:

- ☒ Bingo ☐ Paddlewheels ☒ Pull-Tabs ☐ Tipboards ☒ Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

L 0846



To All To Whom These Presents Shall Come, Greeting:

Whereas, Articles of Incorporation, duly signed and acknowledged under oath, have been recorded in the office of the Secretary of State, on the --17th-- day of June, A. D. 19 74 for the incorporation of

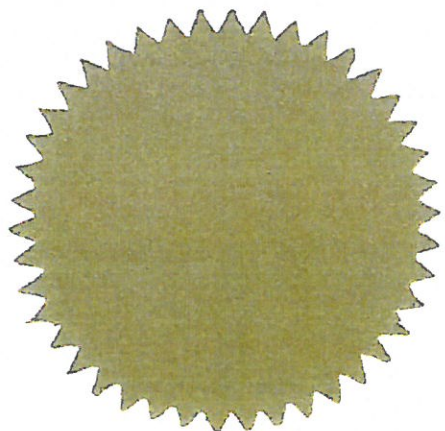
Cologne Lions Club

under and in accordance with the provisions of the Minnesota Nonprofit Corporation Act, Minnesota Statutes, Chapter 317;

Now, Therefore, I, Arlen I. Erdahl, Secretary of State of the State of Minnesota, by virtue of the powers and duties vested in me by law, do hereby certify that the said

Cologne Lions Club

is a legally organized Corporation under the laws of this State.



Witness my official signature hereunto subscribed and the Great Seal of the State of Minnesota hereunto affixed this --seventeenth-- day of June in the year of our Lord one thousand nine hundred and seventy-four

Arlen I. Erdahl
Secretary of State.



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
651-201-7507 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization <u>COLOGNE LIONS CLUB</u>		Date of organization <u>2-1-1974</u>	Tax exempt number <u>X-04136-12-004</u>
Organization Address (No PO Boxes) <u>PO BOX 174</u>	City <u>COLOGNE</u>	State <u>MN</u>	Zip Code <u>55322</u>
Name of person making application <u>BERNIE J SHAMBOUR</u>		Business phone <u>952-221-9727</u>	Home phone <u>952-466-5928</u>
Date(s) of event <u>1-20-2023</u>	Type of organization <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer <input checked="" type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input type="checkbox"/> Other non-profit		
Organization officer's name <u>NATHAN KELLS</u>	City <u>COLOGNE</u>	State <u>MN</u>	Zip Code <u>55322</u>
Organization officer's name <u>ANNA WICKENHAUSER</u>	City <u>COLOGNE</u>	State <u>MN</u>	Zip Code <u>55322</u>
Organization officer's name <u>HILARY WICKENHAUSER</u>	City <u>COLOGNE</u>	State <u>MN</u>	Zip Code <u>55322</u>

Location where permit will be used. If an outdoor area, describe.

COLOGNE COMMUNITY CENTER
1211 VILLAGE PARKWAY
COLOGNE MN 55322

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

N/A

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

<u>City of Cologne</u> City or County approving the license	<u>12-5-2022</u> Date Approved
<u>5500</u> Fee Amount	<u>1-20-2023</u> Permit Date
Event in conjunction with a community festival <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>MichelleM@CologneMN.com</u> City or County E-mail Address
<u>Michelle M Morrison</u> Current population of city	<u>Michelle M Morrison</u> Signature City Clerk or County Official
Please Print Name of City Clerk or County Official	

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event

No Temp Applications faxed or mailed. Only emailed.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

**PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY
PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY
CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US**



PO Box 120, 1211 Village Parkway
Cologne, MN 55322
(952) 466-2064
www.colognemn.com

Planning and Zoning Application Form

GENERAL REQUIREMENTS – Please read before completing the application.

The City will not begin processing an application that is incomplete. You will be notified within fifteen business days if your application is not complete. Applications deemed complete will be submitted to the City Planner for review. The City Planner will notify the applicant if additional information or modifications are necessary. The applicant is responsible for all information necessary to describe the land use/development request and may be required to submit additional information to fully explain the aspects unique to the request that may not appear on this application. Applicants are encouraged to review the applicable City Code (available at City Hall) related to their request.

Fees and escrow are due at the time an application is submitted (or the application will be considered incomplete). Fees and escrow are listed on the attached sheet. Please note that the applicant is responsible for all planning, legal, engineering, publication, notification, and other expenses related to the application.

Certain applications, such as variances and sign permits, require Planning Commission consideration. Please check with the City Clerk to determine if your application requires Planning Commission consideration. If so, your completed application must be submitted four weeks prior to a regularly scheduled planning commission meeting. Completed applications that are submitted within four weeks of a regularly scheduled planning commission meeting may be considered at the next regularly scheduled meeting if time constraints allow, otherwise they will be considered at the following regularly scheduled meeting.

APPLICANT INFORMATION

Applicant(s) Scott Meuwissen

Property Owner(s) – (if different from applicant) _____

Property Street Address 310 park st. East
Cologne, MN 55322

Applicant Mailing Address (if different from property address)

Applicant Telephone (612) 202 - 5457 (day) (____) ____ - ____ (eve)

Applicant Fax No. (____) ____ - ____ E-mail _____

Applicant is: ☐ Owner ☐ Contractor ☐ Other _____

Type of Request(s):

☐ Site Plan Approval (Bldg permit may also be needed)

(Include Site Plan Review Requirements document)

☐ Variance

(Include Variance Addendum document)

☐ Building Alterations/Additions

(Bldg permit needed)

☒ Other Variance Denial appeal

☐ Zoning Ordinance Amendment

(Include Zoning Amendment Information document)

☐ Sign Permit

(Include Sign Permit Addendum document)

☐ Interim Use Permit

(Include Interim Use Permit Information document)

☐ Preliminary Plat ☐ Final Plat ☐ Lot Division/Combination

****Please attach a site plan showing existing and proposed features, including setbacks.****

Brief description of request _____

Has a similar request on the subject site or any part thereof been previously sought? _____

If yes, when? _____

Access to property _____

Project description and background (attach additional sheet(s) if necessary) _____

I agree that all fees incurred by the City resulting from the review of this request are my responsibility and I will pay them in a timely manner.

Signature of applicant(s) _____ Date _____

If Property Fee Owner is not the applicant, the Applicant must provide written authorization by Property Fee Owner in order to make application.

Signature of owner [Signature] Date 11-8-2022

*****FOR CITY USE ONLY*****

Appl. Fee & Escrow \$ _____ Amount Paid \$ _____ Date _____ Ck # _____

Completed Application Received on _____ by _____

Current Zoning ____ Existing Land Use ____ Proposed Land Use ____ PID 40- _____

Legal Description _____

Collaborative Planning, LLC

Memorandum

To: Honorable Mayor and Council
From: Cindy Nash, AICP, EDFP
Date: December 1, 2022
Subject: Appeal of Variance – 310 Park Street East

The City had received a variance application that was denied by the Board of Adjustment and Appeal at their November 7, 2022 meeting. The applicant then filed an appeal as allowed under City Code, which is scheduled for a hearing at the City Council on December 5th. The information contained in the packet is the information that was considered by the Board of Adjustment and Appeal at their meeting on November 7, 2022.

Analysis/Options

The City Council has two potential actions that it can make regarding the appeal. Each option and next step are explained below:

1. ***Deny the variance/appeal.*** A resolution has been prepared and is included in the packet for Council consideration that make the same findings made by the Board of Adjustment and Appeal and denies the variance. This resolution can be adopted at this meeting if the Council makes the same findings as the Board of Adjustment and Appeal.
2. ***Direct staff to prepare a resolution making findings for approval.*** If the Council should desire to make findings supporting the granting of a variance, then the appropriate action would be to direct staff to prepare a resolution for approval that would be brought to the December 19, 2022 Council meeting.

Collaborative Planning, LLC

Memorandum

To: Planning Commission
From: Cindy Nash, AICP, EDFP
Date: November 1, 2022
Subject: Variance – 310 Park Street East

The City has received a variance application for review and consideration. Two items for the proposed project are being requested for variances:

1. Permit the construction of an accessory building exceeding the size permitted by ordinance (1152 square feet instead of 200 square feet)
2. Impervious surface coverage of 33.4% in the shoreland overlay district (ordinance requirement is not more than 25%)

Overview of Request



The subject property is a lot of record in Adam Mohrbacher's Third Addition consisting of approximately .425 acres. 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. The architecture and floor plan for the accessory building was provided in the packet for consideration, and consists of a 36 x 32 garage.

The property is zoned R-1 Single Family Detached. The property currently contains a home with a minimum of a 2-car garage and 2 existing accessory sheds consisting of approximately 216 square feet. The property is approximately 700 feet from Lake Benton and is within the shoreland overlay. The applicant is proposing to construct an additional accessory structure consisting of approximately 1152 square feet (36 feet

by 32 feet) to the rear of the home. Per the survey, the existing storage sheds would be removed.

The applicant is also requesting to have an impervious surface coverage of 33.4% in the shoreland overlay area, when the maximum permitted is 25%. The survey depicts this as a decrease from the “existing” condition of impervious surface of 36.4%. This differs from the 2020 aerial photograph on the previous page which does not show “gravel” surfaces of 2,508 square feet in the rear yard. If that gravel area is deducted from the existing impervious calculation shown on the survey, then the existing impervious surface area is 22.8%. No variance was previously granted from the impervious limit to permit the gravel surfacing of the rear yard. Further, the property is within 700 feet of Lake Benton, which is an impaired body of water.

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 when the property has only a single car attached or detached garage, whereby then the aggregate total of detached accessory structures shall not exceed 1,000 square feet. This exception serves to provide older homes that do not have a garage with the opportunity to construct a garage.

Legal Background on Variances

Minnesota statutes on variances were amended in 2011 to reflect a “practical difficulties” standard, rather than the previously used “undue hardship” standard. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

This request is being evaluated based on the “practical difficulties” standard rather than the standard included in the Cologne Code of Ordinances.

Evaluation of Request

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

1. Is the request a reasonable use of the land?

Staff Note: 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 1,152 square feet of detached accessory structure on a property that is typical in size (.425 acres) and that already contains at least a 2-car garage that is attached to the home would be in excess of the City ordinances and significantly out of scale with the surrounding neighborhood. If allowed to be constructed, this would also require a variance from the impervious surface coverage limits for the garage and the surfacing of the driveway within the shoreland overlay of Lake Benton. Both variances are inconsistent with the purpose and intent of the City ordinances and are inconsistent with the Comprehensive Plan.

2. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

Staff Note: The plight of the landowner is due to circumstances created by the landowner and are not unique to the property. There is nothing unique about the property that prevents the Applicant from complying with City ordinances. The lot is typical of residential lots within the City. Here, the Applicant wants to construct an improvement that is not allowed under the zoning code. This is not an appropriate use of a variance. The property has an existing 2-car attached garage, which is more garage space than many lots in the Downtown Overlay District. The maximum impervious surface coverage may be lower than a residential city lot outside of the shoreland overlay, but that is not unique in Cologne; many residential properties within the City, perhaps 50% of them, are located within the shoreland overlay, including those in the locality of the Applicant.

3. Will the variance, if granted, alter the essential character of the locality?

Staff Note: The variance will alter the essential character of the locality. The homes in the neighborhood are typical single-family homes with a 1- or 2-car attached garage, and an occasional small storage shed in the back yard. None of the properties on the Applicant's block, Park Street East, have both a 2-car attached as well as detached accessory garage structures. As proposed, the additional detached accessory structure is considerably larger than a typical accessory structure on a small urban single-family lot within the City. Even if the Applicant did not have an existing garage, the size of the proposed detached accessory structure is out of scale for the neighborhood, which would be larger than many of the principal residential structures in the surrounding area.

Recommendation

Staff recommends denial of the variance based on the findings above.

Planning Commission Meeting Minutes

Monday November 7, 2022 - 6:00 PM
Cologne Community Center, 1211 Village Parkway

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.

Chairperson: Bernie Shambour
Commissioner: Vickie Selness
Commissioner: Jenn Brewington
City Council Liaison: Carol Szaroletta
Commissioner: Kevin Fafinski

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 6:00 PM.

1. CALL MEETING TO ORDER & ROLL CALL

Chairperson Shambour called the meeting to order at 6:00PM with all Commissioners present. Also present were City Administrator - Jesse Dickson, City Clerk - Michelle Morrison, and City Planner Cindy Nash.

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Motion by Commissioner Brewington to adopt the agenda as presented, second by Commissioner Fafinski. Motion carried unanimously.

4. PLANNING COMMISSION BUSINESS

a. September 6, 2022 Planning Commission Meeting Minutes

Motion by Commissioner Szaroletta, to approve the September 6, 2022 Planning Commission Minutes, second by Commissioner Brewington. Motion carried unanimously.

b. PUBLIC HEARING: 310 Park Street Variances

- i. Variance for accessory structure exceeding 200 sq ft**
- ii. Variance for impervious surface coverage exceeding 25%**

Motion by Commissioner Brewington to open the public hearing for a variance for an accessory structure exceeding 200 ft and a variance for impervious surface coverage exceeding 25%, second by Commissioner Szaroletta. Motion carried unanimously.

City Planner Cindy Nash reviewed her memo describing the subject property and proposed structure, legal background on variances and evaluation of the variance request leading to her recommendation to deny the variance requests. Commissioners asked questions of the city planner and the property owner. Chair Shambour read a letter received from a neighboring property owner sharing concerns about the proposed structure and its impact on property values, another neighboring property owner in attendance shared his concerns over the proposed structure.

Chairperson Shambour asked if there were any other questions. There being none, Commissioner Brewington made a motion to close the public hearing, second by Commissioner Szaroletta. Motion carried unanimously.

c. 310 Park Street Variance Request

- i. Collaborative Planning Comment Memo**
- ii. Resolution 22-04 Denying Variance**

Motion by Commissioner Selness to Approve Resolution 22-04 Denying Variances for 310 Park Street East, second by Commissioner Brewington. Motion carried 3 – 1 with Commissioner Fafinski voting against and Chair Shambour abstaining.

5. BOARD REPORTS

6. ANNOUNCEMENTS

7. ADJOURN

Motion by Commissioner Brewington to adjourn at 6:30PM, second by Commissioner Szaroletta. Motion carried unanimously.

Respectfully Submitted:

Attest:

Michelle M Morrison, City Clerk

Bernie Shambour, Chairperson

**CITY OF COLOGNE
CITY COUNCIL
RESOLUTION NO. 22-31
RESOLUTION DENYING APPEAL OF VARIANCE DECISION BY THE BOARD OF
APPEALS AND ADJUSTMENT FOR 310 PARK STREET EAST**

WHEREAS, Scott and Halie Meuwissen (“Applicant”) is the applicant for an application related to property located at 310 Park Street East; and

WHEREAS, the property is zoned R-1, Single Family Detached and lies within the Shoreland Overlay, which limits impervious surface coverage to 25%; and

WHEREAS, the Applicant has applied for two variances to 1) permit the construction of a detached accessory structure consisting of approximately 1,152 square feet on the property and 2) permit impervious surface coverage of 33.4%; and

WHEREAS, the property currently has an attached accessory structure (2-car garage) and an approximately 216 square foot detached accessory structure(s); 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, the accessory structure proposed by the Applicant exceeds the maximum allowable size for an accessory structure in the R-1 zoning district; and

WHEREAS, the subject property is typical of residential lots in the City; and

WHEREAS, the subject property is approximately 700 feet from Lake Benton, which the Minnesota Pollution Control Agency has declared to be an impaired body of water; 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 November 7, 2022; and

WHEREAS, the application was reviewed by the Planning Commission and a public hearing was held during its meeting on November 7, 2022; and

WHEREAS, the Board of Appeals and Adjustment made the following findings at its meeting on November 7, 2022:

1. The above recitals and accompanying comment memo from Collaborative Planning, LLC are hereby incorporated as findings of fact.
2. 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 1,152 square feet of detached accessory structure on a property that is typical in size (.425 acres) and that already contains at least a 2-car garage that is attached to the home would be in excess of the City ordinances and significantly out of scale with the surrounding neighborhood. If allowed to be constructed, this would also require a variance from the impervious surface coverage limits for the garage and the surfacing of the driveway within the shoreland overlay of Lake Benton. Both variances are inconsistent with the purpose and intent of the City ordinances and are inconsistent with the Comprehensive Plan.
3. The plight of the landowner is due to circumstances created by the landowner and are not unique to the property. There is nothing unique about the property that prevents the Applicant from complying with City ordinances. The lot is typical of residential lots within the City. Here, the Applicant wants to construct an improvement that is not allowed under the zoning code. This is not an appropriate use of a variance. The property has an existing 2-car attached garage, which is more garage space than many lots in the Downtown Overlay District. The maximum impervious surface coverage may be lower than a residential city lot outside of the shoreland overlay, but that is not unique in Cologne; many residential properties within the City, perhaps 50% of them, are located within the shoreland overlay, including those in the locality of the Applicant.
4. The variance will alter the essential character of the locality. The homes in the neighborhood are typical single-family homes with a 1- or 2-car attached garage, and an occasional small storage shed in the back yard. None of the properties on the Applicant's block, Park Street East, have both a 2-car attached as well as a detached accessory garage structures. As proposed, the additional detached accessory structure is considerably larger than a typical accessory structure on a small urban single-family lot within the City. Even if the Applicant did not have an existing garage, the size of the proposed detached accessory structure is out of scale for the neighborhood, which would be larger than many of the principal residential structures in the surrounding area.

WHEREAS, the Board of Appeals and Adjustment adopted Resolution 22-04 denying the variance at its meeting on November 7, 2022; 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 December 5, 2022; 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 1) permit an accessory building not to exceed 1,152 square feet and 2) permit impervious surface coverage of 33.4%.

Approved:

Matt Lein
Mayor

Attested:

Michelle Morrison
City Clerk

M/_____

Lein_____

Szaroletta_____

Bruss_____

S/_____

Kells_____

Lenzen_____

Cologne Lions Club

a Minnesota nonprofit corporation
PO Box 174
Cologne MN 55322

NON-BINDING (*EXCEPT AS SPECIFIED*) LETTER OF INTENT FOR SALE OF PROPERTY

Mayor Matt Lein
City of Cologne, Minnesota
c/o Jacob Saufley, Esq.
Melchert Hubert Sjodin, PLLP
121 West Main Street
Ste. 200
Waconia MN 55387
Via email: jsaufley@mhsllaw.com

Re: Seller's Interest in the Real Property Described in Attached Exhibit A and Commonly Known as "Lions Park" (the "**Real Property**").

Dear Mayor Lein:

By this letter, the Cologne Lions Club ("**Seller**") presents the manner by which it and the City of Cologne ("**Buyer**") agree Buyer may acquire the Real Property. The parties recognize the proposed transaction will require further work, including the negotiation, preparation, mutual approval, and full execution and delivery of a definitive agreement setting forth the terms and conditions of the proposed transaction (the "**Purchase Agreement**"); nevertheless, the parties execute this non-binding (*except as specified*) letter of intent (the "**LOI**") to memorialize their mutual desire to proceed in good faith to complete work required to negotiate and finalize the terms of a Purchase Agreement.

1. Property. Buyer will purchase from Seller all of Seller's interest in the Real Property. Simultaneously with the closing of the anticipated transaction for the Real Property, Seller will convey by quit-claim bill of sale to Buyer certain items of personal property currently located at the Real Property consisting of the picnic tables, memorial benches, monuments, and playground equipment (the "**Personal Property**"). The Real Property and the Personal Property may sometimes be collectively referred to in this LOI as the "**Property**").

2. Consideration. The purchase price for the Property will be nominal: (a) but must be sufficient to constitute adequate consideration under applicable law to form a legally binding contract; and (b) must include the obligation by Buyer to pay all costs, expenses, and fees of the proposed transaction but excluding Seller's tax advisor's fees and attorney's fees (the "**Purchase Price**").

3. Definitive Agreement. The transaction is subject to the future execution of a Purchase Agreement with terms satisfactory to Seller and Buyer, including:

A. Closing Date. The closing of the proposed transaction (the "**Closing**") will be on or before April 14, 2023, or such other date as may be agreed to in writing by the parties.

- B. Personal Property. The parties will identify, in one or more lists attached as exhibits to the Purchase Agreement, the items of Personal Property that will be transferred by Seller to Buyer, and the items of personal property that will be retained by Seller which as of the date hereof consist of all the items currently housed in the Lions Park shed on the Real Property (the “**Lions Club Property**”) (for the avoidance of doubt, the definitions of “Personal Property” and “Property” above exclude the Lions Club Property).
- C. Future Access, Scope of Use, and Improvements. The parties will achieve agreement regarding the terms of:
- 1) Seller’s continued use and enjoyment of the buildings and other amenities at the Real Property; and
 - 2) Seller’s continued ability to store Lions Club Property in buildings located on the Real Property and affixing to the items of Lions Club Property such labels as Seller deems appropriate to identify the items as Lions Club Property; and
 - 3) Future improvements to the Real Property.
- D. Transfer. At the Closing Seller shall provide Buyer with the aforementioned quit-claim bill of sale for the Personal Property, and a quit claim deed for the Real Property.
- E. Park Dedication. Naming the Real Property as “Lions Park” and dedicating it for public use as a city park. The Real Property thereafter shall be publicly identified as “Lions Park” until such time as there is no Lions Clubs International- (or its successor organization)- recognized Lions Club in Cologne, Minnesota. This provision shall survive the Closing.
- F. Closing Costs. Buyer shall be responsible for all closing costs, expenses, and fees (regardless whether any such costs are normally borne by sellers in such transactions) except for Seller’s tax advisor’s fees and attorney’s fees.
- G. Ancillary Closing Documents. Buyer has acquired, at its sole expense, an ALTA survey of the Real Property, as well as a title commitment. Buyer acknowledges Seller is unable to provide marketable title to the Real Property, and lacks the financial ability to resolve “exceptions” and produce “requirements” that may be identified in said survey and title commitment. Buyer shall provide the survey and title commitment to Seller, and the parties will work together in good faith to identify in the Purchase Agreement the actions and disclosures that Seller will undertake prior to the Closing as well as the documents that Seller will deliver at the Closing.
4. Legally Binding and Enforceable Provisions of this LOI. Notwithstanding this document’s identity as a Nonbinding Letter of Intent, the Seller and Buyer agree that the terms contained in this Paragraph No. 4 are binding and enforceable, and survive the term and termination of this LOI:
- A. Negotiations with Others. Until March 31, 2023, Seller will not offer the Real Property for sale or donation to others, nor entertain offers from any other person or entity.

- B. Effect of this LOI. With the exception of Paragraph No. 4, this LOI sets forth the intent of the parties only and is not binding on the parties. The parties understand that no party shall be bound to proceed with the transaction until a Purchase Agreement has been negotiated, approved, executed, and delivered by Buyer and Seller.
- C. Termination of Negotiations. This LOI may be terminated at any time by a writing signed by both parties and delivered to each respective party's legal counsel. After such termination is documented, the parties shall be bound only by the provisions in Paragraph No. 4.
- D. Governing Law; Forum; Venue. The laws of the State of Minnesota govern this LOI. The exclusive forum and venue for any legal proceedings arising in connection with this LOI shall be Carver County District Court.
- E. No Third-Party Beneficiaries. Nothing in this LOI is intended or shall be construed to confer upon any person or entity other than the Buyer and Seller, any rights or remedies under or by reason of this LOI.
- F. Expenses. Each of the parties hereto shall pay its own costs, expenses, and fees incurred in connection with the proposed transaction through the date of full execution and delivery of the Purchase Agreement.
- G. Execution and Counterparts. Each of Buyer and Seller agrees that .pdf signature on this LOI will be deemed an original for all purposes, and each waives the necessity of providing the original of such signature to bind the other party to this LOI. This LOI may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon and all of which shall together constitute one and the same instrument. This LOI becomes binding when one or more counterparts hereof, individually or taken together, bears the signatures of all of the parties reflected hereon as the signatories.

[Remainder of page intentionally blank – Signature page follows]

Signature page to Non-binding (except as specified) Letter of Intent for Sale of Property

If this letter sets forth your intent to proceed in good faith substantially in the manner outlined in this letter, please sign this letter and direct your counsel to transmit it to Seller's counsel. This letter of intent shall be of no force or effect if it is not fully executed and delivered by each party to the other by 5:00 p.m. CST on December 24, 2022.

Very truly yours,
Cologne Lions Club

By: _____
Jeff Thompson,
First Vice President

Accepted and agreed to as of _____, 2022

By: _____
Matt Lein, Mayor, City of Cologne

By: _____
Jesse Dickson, City Administrator, City of Cologne

Exhibit A to Letter of Intent

All of Seller's interest in the following parcels of Real Property, located in Carver County, Minnesota:

First Parcel: Lot 1, Block 1, LAKESIDE ADDITION, PID No. 40275001;

Second Parcel: Lot 2, Block 1, LAKESIDE ADDITION, PID No. 40275002;

Third Parcel: Outlot A, LAKESIDE ADDITION; except Part of OUTLOT A of the plat of LAKESIDE ADDITION, Carver County, Minnesota, according to the recorded plat thereof, being described as follows: Commencing at the northwest corner of Lot 1, Block 2, of said plat of LAKESIDE ADDITION; thence on a bearing of South 15 degrees 05 minutes 32 seconds West along the westerly line of said Lot 1 a distance of 161.00 feet to the southwesterly line of said Lot 1; thence South 49 degrees 04 minutes 01 seconds East along said southwesterly line 5.56 feet to the point of beginning of the tract to be described; thence South 15 degrees 05 minutes 32 seconds West 116.21 feet; thence South 66 degrees 44 minutes 51 seconds East 102.01 feet to the easterly line of said OUTLOT A; thence North 40 degrees 55 minutes 59 seconds East along said easterly line 73.61 feet to the southwesterly line of said Lot 1; thence North 49 degrees 04 minutes 01 seconds West along said southwesterly line 147.84 feet to the point of beginning, PID No. 402750191;

Fourth Parcel: All that part of the So. 17 chains 52½ links of the S½ of NW¼ of Section 13 Twp. 115 N. Rg. 25 W. of the 5th P.M. lying West and North of Highway #212 as the same is now located across said land and more particularly described as follows: Commencing at an iron monument in the West line of said Section 13 and North line of said Highway #212, 50 ft. from center line of said Highway, measured at right angles thereto, which iron monument is 440.2 ft. North from the W½ corner of Sec. 13, which is the place of beginning of this description; thence North along the West line of said Sec. 13 a distance of 716.5 ft. to an iron monument; which is the N.W. corner of the 17.52½ chains; thence East parallel with the South line of the SW¼ of Sec. 13 a distance of 785.8 ft. to an iron monument on the West line of said Highway #212 and 50 feet from the center line thereof; thence South 41° 15' West along the West line of said Highway #212 and 50 ft. from the center line thereof a distance of 438.3 ft. to a point of curve; thence on a curve to the right parallel to the center line of said Highway #212 and 50 feet therefrom a distance of 622.8 feet to the place of beginning, PID No. 40013330.

City of Cologne Appointments	2023	2022
Official Depositories		Old National, Security Bank, Citizens State Bank-NYA, 4M Fund
Official Newspaper		Norwood News & Times
Acting Mayor		Sarah Bruss
Watershed Representative		Carol Szaroletta
Parks & Streets		Matt Lein & Nathan Kells
Emergency Management Dir		Matt Lein
Planning Commission Liaison		Carol Szaroletta
Weed Inspector		Brian Vos
Health Clinic		Lakeview Clinic
Auditor		Abdo thru FY 2023
Building Inspector		Metro West Inspections
City Attorney		Melchert, Hubert, & Sjodin
City Planner		Collaborative Planning
City Engineer		Bolton & Menk
Fire Chief (Term end 12-31-22)		Nick Joos
1st Assistant Chief		Chad Vos
2nd Assistant Chief		Brian Loscheider
Personnel Committee		Rachel Lenzen & Sarah Bruss
Chairperson of Planning Commission - term ends 12/31/2023		Bernie Shambour
Vice Chairperson of Planning Commission - term ends 12/31/2023		Jenn Brewington
Cologne Fire Department Relief Association/Trustee		Matt Lein
Glad Days Committee Member		Sarah Bruss
Communities of Belonging Liason		Nathan Kells