

RESOLUTION NO. 2024_0206
A RESOLUTION ACCEPTING A DONATION TO THE
COTTONWOOD AMBULANCE SERVICE

WHEREAS, the City of Cottonwood is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts.

WHEREAS, *Dean & Jeanette Boerboom* have offered to contribute the amount of *Four Hundred Dollars* to the Cottonwood Ambulance Service.

WHEREAS, the terms or conditions apply to the donations, if any, are as follows; *no conditions apply*.

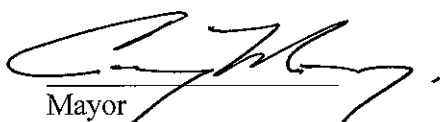
WHEREAS, all such donations have been contributed to the city for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donations offered.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD, MINNESOTA AS FOLLOWS:


1. The donations described above are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.
2. The city clerk is hereby directed to issue receipts to each donor acknowledging the city's receipt of the donor's donation.

Passed by the City Council of Cottonwood, Minnesota this sixth day of February 2024.


Mayor

Attested:

SEAL


City Clerk

RESOLUTION NO. 2024_0206A
A RESOLUTION ADOPTING THE NEW PERSONNEL
POLICY FOR THE CITY OF COTTONWOOD

WHEREAS, the City of Cottonwood is authorized to amend the personnel policy from time to time to maintain compliance with employment laws, pay equity, and state requirements.

WHEREAS, the new personnel policy is presented here in for adoption.

WHEREAS, the City Council finds that it is appropriate to approve the personnel policy.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD, MINNESOTA AS FOLLOWS:

1. The Personnel Policy of the City of Cottonwood is hereby adopted.
2. The Personnel Policy shall take effect from the date of passage.

Passed by the City Council of Cottonwood, Minnesota this sixth day of February 2024.


Mayor

Attested:


City Clerk

SEAL

RESOLUTION NO. 2024_0206B
A RESOLUTION APPOINTING ELECTION JUDGES FOR THE
STATE PRESIDENTIAL NOMINATION PRIMARY

WHEREAS, the State Presidential Nomination Primary will be held on the fifth of March 2024;
and

WHEREAS, Minnesota Statute 2014, section 204B.21, subdivision 2, requires election judges
for precincts within municipalities to be appointed by the governing body of the municipality;
and

WHEREAS, the following residents of Minnesota have agreed to serve as election judges and
meet the training criteria as established by Minnesota Rule 8240.1300 and 8215.0600; and


WHEREAS, the following judges shall be eligible for to serve as a City of Cottonwood election
judge upon completion of the trainings established by Minnesota Rule 8240.1300 and
8215.0600; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
COTTONWOOD, MINNESOTA AS FOLLOWS:

1. Teather Bliss, Amy Louwagie, Beth Collins, Melanie Olsen, Sue Morton, Krista Listul, Janel Kuester, Patti Ebnet, Shannon Geihl, Evonne Nilges, Kyle Jarcho, Richard Cobbs, and Lenore Cobbs are to be appointed as election judges for the State Presidential Nomination Primary
2. Certified election clerk shall be City Clerk Administrator, Teather Bliss.
3. The appointments come with an understanding that amendments may be necessary to the appointments in order to fill vacancies and meet party splits.
4. Judges shall be paid an hourly wage of \$15.00 per hour during election trainings and time served as judges.


Passed by the City Council of Cottonwood, Minnesota this sixth day of February 2024.

SEAL



Mayor

Attested:



City Clerk-Administrator

RESOLUTION NO. 2024_0206C
A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR
APPROVAL FOR VARIANCE APPLICATION OF JON SCHMIDT

FACTS

1. Jon Schmidt is the owner of three parcels of land (22-106010-0, 22-106016-0, 22-106017-0) in Cottonwood, Minnesota and,
2. The subject property is legally described as; *Lots 9-11 of Block 2 and Lots 6-10 of Block 3 in the Arneson & Olson 1st Addition* and,
3. Jon Schmidt has applied to the city for a variance at the above parcels of land for the rezoning from residential to commercial as described in the included Exhibits.
4. The proposal would vary from the Official Zoning Map in that it would change the zoning of the property from Residential to Commercial.
5. Following a public hearing on the application, the City Council of the City of Cottonwood reviewed the requested variance at its meeting on February 6, 2024.
6. On February 6, 2024 the City Council of the City of Cottonwood approved the variance.

APPLICABLE LAW

7. Minnesota Statute Section 462.357, subdivision 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.
8. City Zoning Map requires the property to be utilized in a residential manner.

CONCLUSIONS OF LAW

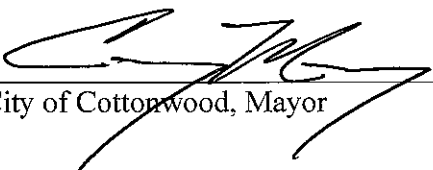
1. Harmony with the purposes and intent of the ordinance does not apply as the city does not have an ordinance specific to variances.
2. The property owner's reason of request is based on the current commercial operations that take place on the lots.

3. The property owner does propose to use the property in a reasonable manner because the rezone will allow for the owner to continue operating in the same manner.
4. The uniqueness of the property is based on the location of the railroad to the west and thick wooded areas to the east and north.
5. The variance will maintain the essential character of the locality because a barrier of trees will remain, and additional commercial construction will fit with the existing commercial.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD, MINNESOTA AS FOLLOWS:

The application to issue a variance to rezone parcels 22-106010-0, 22-106016-0, 22-106017-0 owned by Jon Schmidt is hereby approved.

Passed by the City Council of Cottonwood, Minnesota this sixth day of February 2024.



City of Cottonwood, Mayor

Attested:



City of Cottonwood, City Administrator



RESOLUTION 2024_0206D
A RESOLUTION ASSIGNING ADDRESSES WITHIN THE
CORPORATE CITY LIMITS OF COTTONWOOD, MINNESOTA

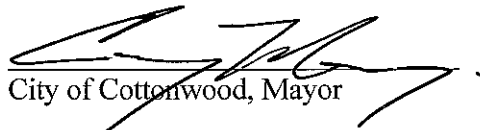
WHEREAS, parcels 22-106010-0 and 22-106017-0 are located within the corporate city limits of Cottonwood, Minnesota and

WHEREAS, the City Council has the authority to determine house numbers within the City pursuant to Minnesota Statute §412.221, subdivision 18.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD, MINNESOTA AS FOLLOWS:

1. Parcel 22-106010-0 shall be assigned the address, 425 Old Highway 17 S
2. Parcel 22-106017-0 shall be assigned the address, 525 Old Highway 17 S

Passed by the City Council of Cottonwood, Minnesota this sixth day of February 2024.


City of Cottonwood, Mayor


City of Cottonwood, City Administrator

SEAL

RESOLUTION NO. 2024_0220
A RESOLUTION ORDERING THE REPAIR OR RAZING OF A HAZARDOUS
BUILDINGS LOCATED AT 90 WEST VERMILLION STREET

WHEREAS, Joseph Rains, a single person (hereinafter, "owner"), owns real property located at 90 West Vermillion Street in the City of Cottonwood, having the following legal description:

Lots Eleven (11) and Twelve (12), Block Three (3), Arneson & Olson's First Addition to the City of Cottonwood, Lyon County, Minnesota.

(hereinafter "property")

WHEREAS, a vacant, unoccupied home and garage are located on the property (hereinafter "buildings");

WHEREAS, due to conditions of the buildings, the City of Cottonwood obtained an administrative search warrant signed by Lyon County District Court Judge Michelle Dietrich to enter and inspect the buildings;

WHEREAS, City officials, including City Administrator Teather Bliss, Cottonwood Fire Chief Dale Louwagie, and Structural Engineer Jason Graham entered and inspected the buildings pursuant to the administrative search warrant;

WHEREAS, the following conditions are present in the building:

1. The home and garage are abandoned and vacant.
2. Southwest Health and Human Services Public Health Agency has declared the home uninhabitable and a public nuisance due to its unsanitary conditions, including but not limited to the emission of sewer odors from inside the home.
3. Excessive rodent infestation is present in the home's walls.
4. Large holes are present in the home's exterior foundation.
5. Water damage and rot are present in the garage's foundation.
6. The home lacks proper siding and roofing materials, which has caused water to enter the home's substructure.
7. Visible wood rotting is present near the home's foundation.
8. Openings are present in the home's ceiling.
9. The load bearing wall inside the home does not meet structural code requirements.
10. Windows in the upstairs bedrooms are too small and do not comply with fire code regulations.
11. Pieces of plywood cover windows in the upstairs bedrooms, which constitute a fire hazard.

WHEREAS, the owner has abandoned the buildings and moved to South Dakota;

WHEREAS, the owner has not returned to the buildings since at least September 1, 2023;

WHEREAS, the buildings are open to rodents and vermin;

WHEREAS, the buildings are open to the weather and are subject to additional water infiltration to the foundations and further deterioration;

WHEREAS, the buildings are inadequately maintained, are dilapidated, are psychically damaged, are unsanitary, are abandoned, and are structurally defective;

WHEREAS, the conditions of the buildings are more fully documented in the Structural Assessment Report completed by Jason Graham, Structural Project Engineer, of Bolton & Menk, Inc., a copy of which is attached to this Resolution as Exhibit A, and in an affidavit completed by Cottonwood Fire Chief Dale Louwagie, a copy of which is attached to this Resolution as Exhibit B;

WHEREAS, Paul E. Stoneberg and Joanne B. Stoneberg, Trustees of the Paul E. Stoneberg Trust Agreement, are lienholders on the property, as reflected by a mortgage dated March 31, 2020, recorded in the Office of the Lyon County Recorder's Office on April 6, 2020, as document number 220476;

WHEREAS, there are no other lienholders, occupants, or owners of record of the property;

WHEREAS, notice was provided to the owner and lienholders that the City Council would be considering declaring the buildings hazardous and that the owner and lienholders could appear and address the council with any information or evidence they may have;

WHEREAS, pursuant to Minn. Stat. 463.15, subd. 3, the City Council has determined that the buildings on the property are "hazardous buildings";


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD, AS FOLLOWS:

1. Pursuant to Minn. Stat. 463.15 and 463.21, the council orders Joseph Rains, a single person, the owner of the hazardous buildings, to make the following corrections or repairs to the home and garage located at the property at 90 West Vermillion Street in the City of Cottonwood:
 1. Occupy the buildings.
 2. Bring the buildings into compliance with Southwest Health and Human Services Public Health Abatement Order- making the buildings habitable.
 3. Remove and exterminate all rodent infestation inside the buildings.

4. Repair the exterior holes to the home's exterior foundation.
 5. Repair the water damage and rot in the garage's foundation.
 6. Install proper siding and roofing materials to prevent water from infiltrating the interiors of the buildings and rotting the buildings' foundations.
 7. Repair any holes in the buildings' ceilings.
 8. Repair or replace the load bearing wall inside the home to comply with structural code requirements.
 9. Install windows in the upstairs bedrooms that comply with fire code requirements.
 10. Remove the pieces of plywood that cover windows in the upstairs bedrooms and install windows that comply with fire code requirements.
2. That the above-listed repairs listed must all be made within thirty (30) days after the order is served upon the property owner. The repairs must be completed in compliance with all applicable codes and regulations, pursuant to proper permits from the city.
 3. That if repairs are not made within the time provided in paragraph 2, the home and garage on the property are ordered to be razed, the foundations filled, and the property left free of debris, in compliance with all applicable codes and regulations, pursuant to proper permits from the city. This must be completed within thirty (30) days after the initial time period provided in paragraph 2 has expired.
 4. That a motion for summary enforcement of the order will be made to the District Court of Lyon County in which the hazardous building or property is situated unless corrective action is taken, or unless an answer is filed within the time specified in Minn. Stat. 463.18, which is 20 days.
 5. That in accordance with Minn. Stat. 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within thirty (30) days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.
 6. That if the city must take actions to enforce this order, all enforcement costs will either be specially assessed against the property and collected in accordance with Minn. Stat. 463.22, 463.161, and 463.21 or a judgment will be obtained against the owner for all costs incurred by the city to enforce this order.
 7. That the city attorney is authorized to direct this order to be personally served upon Joseph Rains, Paul E. Stoneberg, and Joanne B. Stoneberg, and in the event that any one of these persons cannot be found, to publish notice pursuant Minn. Stat. 463.17, subd. 2.
 8. That the city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. 463.15 to 463.261.

Dated this 20 day of February, 2024.

SIGNED BY:


Corey Moseng (Feb 26, 2024 10:33 CST)

Corey Moseng, Mayor



Teather Bliss, City Administrator






Resolution 2024_0220 Order to Raze

Final Audit Report

2024-02-26

Created:	2024-02-26
By:	city of cottonwood (teather@cityofcottonwoodmn.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAArw7SvJ1G8_BBWi7HJGBSIGFHmwQ9UaQ

"Resolution 2024_0220 Order to Raze" History

-  Document created by city of cottonwood (teather@cityofcottonwoodmn.gov)
2024-02-26 - 4:27:47 PM GMT- IP address: 97.95.78.64
-  Document emailed to Corey Moseng (corey.moseng@gmail.com) for signature
2024-02-26 - 4:27:51 PM GMT
-  Email viewed by Corey Moseng (corey.moseng@gmail.com)
2024-02-26 - 4:32:17 PM GMT- IP address: 165.225.10.155
-  Document e-signed by Corey Moseng (corey.moseng@gmail.com)
Signature Date: 2024-02-26 - 4:33:23 PM GMT - Time Source: server- IP address: 165.225.10.149
-  Agreement completed.
2024-02-26 - 4:33:23 PM GMT



Adobe Acrobat Sign

RESOLUTION NO. 2024_0220A
RESOLUTION DESIGNATING NO PARKING ON THE WEST SIDE OF WEST
FOURTH STREET SOUTH

WHEREAS, Chapter 71 of the Cottonwood City Code allows the City Council to designate certain streets or portions of streets as no parking zones.

WHEREAS, motorist visibility has been limited upon exiting the parking lot of West Prairie Apartment Complex and St. Mary's Catholic Church on West Fourth Street South due to vehicles being parked next to or inside the entrance of said parking areas and said limited visibility poses a traffic safety concern.

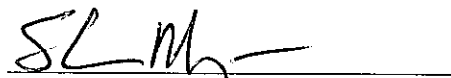
WHEREAS, the Cottonwood City Council wishes to mitigate said safety concern.

NOW THEREFORE, BE IT RESOLVED BY THE COTTONWOOD CITY COUNCIL, that:

1. No parking shall be allowed within twenty (20) feet to the south of the parking lot entrance.
2. No parking shall be allowed within fifty (50) feet to the north of the parking lot entrance.
3. "No Parking" sign shall be erected on the north side of the no parking zone.
4. Curbs shall be painted yellow along each no parking zone.

Passed by the City Council of Cottonwood, Minnesota this twentieth day of February 2024


Clerk- Administrator


Mayor

SEAL

RESOLUTION NO. 2024_0220B
RESOLUTION REJECTING BIDS AND AUTHORIZING BOLTON & MENK TO
AID IN THE PROJECT PLANNING AND SPECIFICATIONS AND ORDERING
THE ADVERTISEMENT THROUGH SEALED BIDS TO MEET COMPETITIVE
BIDDING REQUIREMENTS.

WHEREAS, pursuant to requesting bids for the renovation of the former dental building at 177 West Main Street into the new Cottonwood Government Building, bids were received in which the building would be renovated to house council chambers and the administration of the City.

WHEREAS, bids were received and tabulated for a total project cost that would exceed the competitive bidding law requirement in obtaining two or more bids and the City of Cottonwood Purchasing Policy Section V. 1D Purchases exceeding \$150,000.00.


WHEREAS, the City has an obligation to comply with competitive bidding laws under Minnesota Statute 471.345, Subdivision 3 and its own internal policies that require the formal solicitation of sealed bids.

NOW THEREFORE, BE IT RESOLVED BY THE COTTONWOOD CITY COUNCIL, that:

1. The City Council hereby rejects all bids received.
2. Bolton & Menk shall aid in the project planning and specifications of the project.
3. The project shall go through the sealed bidding process once plans and specifications are approved by the City Council.

Passed by the City Council of Cottonwood, Minnesota this twentieth day of February 2024


~~Clerk- Administrator~~ Mayor


~~Mayor~~ Clerk-Admin

SEAL

RESOLUTION NO. 2024_0220D
RESOLUTION APPLYING FOR THE DEPARTMENT OF NATURAL
RESOURCES FOR FUNDING OF THE CW REISHUS PARK IMPROVEMENT
PROJECT

BE IT RESOLVED that City of Cottonwood act as legal sponsor for the project contained in the Outdoor Recreation Grant application to be submitted on April, 01, 2024 and that the City Administrator is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of City of Cottonwood.

BE IT FURTHER RESOLVED that the applicant maintains an adequate Conflict of Interest Policy and, throughout the term of the contract, will monitor and report any actual or potential conflicts of interest to the State, upon discovery.

BE IT FURTHER RESOLVED that City of Cottonwood has the legal authority to apply for financial assistance, and it has the financial capability to meet the match requirement (if any) and ensure adequate construction, operation, maintenance, and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that City of Cottonwood has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the Cost Breakdown section on this application.

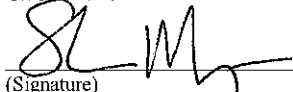
BE IT FURTHER RESOLVED that City of Cottonwood has or will acquire fee title or permanent easement over all the land described in the boundary map or recreational site plan included in the application.

BE IT FURTHER RESOLVED that, upon approval of its application by the State, City of Cottonwood may enter into an agreement with the State for the above-referenced project, and that City of Cottonwood certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.

NOW, THEREFORE BE IT RESOLVED that the City Administrator is hereby authorized to execute such agreements as necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City Council of Cottonwood on February 20, 2024.

SIGNED:


(Signature)

Mayor 2/20/24
(Title) (Date)

WITNESSED:


(Signature)

City Administrator 2/20/24
(Title) (Date)