

#### APRIL 2, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday April 2, 7 pm, in the Cottonwood Fire Hall with Shawn Myers, Mike Horner, Joel Dahl, and Corey Moseng present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Administrative Assistant Katie Ewing; and Sergeant. Steve Louwagie. Present from the community was Ryan Fromm, Ian Spaude, and Steve Alm. Council member not present Shannon Geihl.

Mayor Corey Moseng called the meeting to order and led in the Flag Pledge.

A motion by Shawn Myers to approve the meeting minutes from March 12, 2024. Second by Joel Dahl. Carried.

A motion led by Joel Dahl to approve meeting minutes from March 21, 2024. Second by Mike Horner. Carried.

Council reviewed the consent agenda consisting of Resolution 2024\_040A Ambulance Donation- Echo Township United Fund (\$190); Resolution 2024\_040B Ambulance Donation- Lavonne Stoks (\$150); Resolution 2024\_040C Fire Donation- Lavonne Stoks (\$150).

A motion by Mike Horner to approve the consent agenda. Second by Shawn Myers. Carried

A motion by Shawn Myers to close the regular council meeting. Seconded by Mike Horner. Carried.

A motion by Joel Dahl to open the public hearing. Seconded by Mike Horner. Carried at 7:05pm.

Bliss presented, application for a variance from Section 2306.2 of the Zoning Ordinance of the City of Cottonwood to permit construction on the lot at 55 Northwood Drive, an addition onto a primary structure that will exceed the allowed impervious surface within the shoreland of Cottonwood Lake. Per Section 2306.2, impervious surface coverage of lots must not exceed 25 percent of the lot area. With the construction of this addition with the dimensions provided, the impervious surface will be exceeded by 250 square feet. Project is being proposed by Ryan and Kayla Fromm.

Present from the community was Ian Spaude, asking about gutters on the addition.

No other comments or objections were presented.

A motion by Shawn to close the public hearing. Seconded by Joel Dahl. Carried.

A motion by Mike Horner to open the regular council meeting. Seconded by Joel Dahl. Carried at 7:17pm.

Steve Alm presented sculpture information to be placed at Veterans Park. Sculpture would be done in summer 2025. Alm would like a motion from the council to approve the proposed improvements to Veterans Park.

A motion by Shawn Myers to approve proposed improvements to the park. Seconded by Joel Dahl. Carried.

Alm also requested that the city budget \$10,000 in the 2025 budget to go towards the sculpture that is estimated to cost \$40,000-\$200,000. Alm stated that he would be asking the County to donate \$15,000. The council stated that they would take it into consideration when starting the 2025 budget planning.

The council also recommended that Alm talk to the Booster Club and the Cottonwood Area Community Foundation about funding opportunities.

Sergeant Louwagie presented the monthly incident report.

Allen Olsen presented information on public works that included Rubin working on WW Pond Project and the replacement of the air compressor that the county is splitting half the cost with.

Council reviewed the March meeting minutes of the Cottonwood Fire Department.

Council reviewed the March meeting minutes of the Cottonwood Ambulance Department.

Motion by Shawn Myers to approve special permit for alcohol for Shannon Geihl on April 5, 2024. Seconded by Joel Dahl. Carried.

Council reviewed the following resolution

**RESOLUTION NO. 2024\_0402D**

**A RESOLUTION APPROVING WATER SERVICE CONNECTION TO LINCOLN-PIPESTONE RURAL WATER SYSTEM AND THE PURCHASE OF 275,000 GALLONS PER DAY OF WATER CAPACITY**

WHEREAS, public hearings regarding the drinking water supply and treatment options were conducted on December 12, 2023 and March 12, 2024; and

WHEREAS, the City of Cottonwood has confirmed the need for improvements to its drinking water supply system; and

WHEREAS, the City of Cottonwood desires to enter into a contract with Lincoln-Pipestone Rural Water System to supply to the City of Cottonwood potable drinking water up to a capacity of 275,000 gallons per day; and

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

1. The City shall enter into a contract with Lincoln-Pipestone Rural Water System to provide a water service connection to supply potable drinking water to Cottonwood.
2. The capacity at which the City of Cottonwood shall be supplied will be at a daily capacity of 275,000 gallons.

Motion by Shawn Myers to approve Resolution 2024\_0402D. Seconded by Mike Horner. Carried.

Council reviewed the following resolution

#### RESOLUTION NO. 2024\_0402

#### A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR APPROVAL FOR VARIANCE APPLICATION OF RYAN & KAYLA FROMM AT 55 NORTHWOOD DRIVE

##### FACTS

1. Ryan & Kayla Fromm are the owners of a parcel of land located at 55 Northwood Drive, Cottonwood, Minnesota 56229; and,
2. The subject property is legally described as; Lots 5 & 6 Block 1 EX SE 30' Northwood Addition and,
3. Ryan & Kayla Fromm has applied to the city for a variance at 55 Northwood Drive for a 250 square foot deck addition.
4. The proposal would vary from Section 2306.2 of the Cottonwood Zoning Ordinance in that the total impervious surface allowed for the lot would exceed twenty five percent (25%).
5. Following a public hearing on the application, the City Council of the City of Cottonwood reviewed the requested variance at its meeting on April 2, 2024.
6. On April 2, 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 Ordinance 93-2 states that variances may only be granted in accordance with Minnesota Statutes, 462, as applicable, A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to

protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-around, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

#### 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. Consistency with the comprehensive plan does not apply because the property is designated residential and will continue to be utilized as residential.
3. The property owner does propose to use the property in a reasonable manner because the variance will allow for improvements to the property.
4. The unique circumstances surrounding the property is that the lot is located on the shore of Cottonwood Lake.
5. The variance will maintain the essential character of the locality because the addition will match the existing structure.

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

The application to issue a variance to allow Ryan & Kayla Fromm the construction of an accessory structure at 55 Northwood Drive that will exceed 25% impervious surface is hereby approved.

Motion by Shawn Myers to approve Resolution 2024\_0402. Seconded by Joel Dahl. Carried

Council reviewed building permit 2024\_2 for Ryan and Kayla Fromm.

A motion by Joel Dahl to approve building permit 2024\_2 with added requirements. Seconded by Shawn Myers. Carried.

- 50ft dogwoods &/or willow wattles on lower 3ft of riprap starting in SW corner.
- Use of native grasses & flowers within shoreline to help with runoff & to stabilize transition areas prone to washout.
- 16ft fall from house to water's edge. Development of a 250sqft rain garden on the back of the new addition that will catch downspouts and filter/slow down added runoff from exceeded impervious surface.
- On site visit with DNR, City, and Fill Hauler/Grading Contractor prior to construction
- Following of DNR Permit 2022-2325 and DNR letter dated March 29, 2024

Council reviewed building permit 2024\_3 for Josh and Sarah Anderson. A 7x 36 lean to/ roof extension on detached garage with concrete underneath.

A motion by Mike Horner for building permit 2024\_3. Seconded by Shawn Myers. Carried.

Council reviewed building permit 2024\_1 for Robert Moore. Extending his driveway 14x24.

A motion by Joel Dahl to approve building permit 2024\_1. Seconded by Mike Horner. Carried

Council requested a Cottonwood Street sign for the new post office.

Council reviewed the bills totaling \$19,283.68.

A motion by Joel Dahl to pay the bills. Seconded by Shawn Myers. Carried.

A motion by Shawn Myers to adjourn the city council meeting. Seconded by Joel Dahl. Carried at 8:01pm.